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UN Conference on the Law of the Sea

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# **United Nations Conference on the Law of the Sea**

United Nations Convention on the Law of the Sea of 10 December 1982

## **Part VII HIGH SEAS**

### **Section 1. GENERAL PROVISIONS**

#### **Article 100**

Duty to co-operate in the repression of piracy All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

#### **Article 101**

Definition of piracy

Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

#### **Article 102**

Piracy by a warship, government ship or government aircraft whose crew has mutinied The acts of piracy, as defined in Article 101 , committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

#### **Article 103**

Definition of a pirate ship or aircraft A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in Article 101 . The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

#### **Article 104**

Retention or loss of the nationality of a pirate ship or aircraft A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

#### **Article 105**

Seizure of a pirate ship or aircraft

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

#### **Article 106**

Liability for seizure without adequate grounds Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

#### **Article 107**

Ships and aircraft which are entitled to seize on account of piracy A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

**Security Council**

Distr.: General  
2 June 2008

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**Resolution 1816 (2008)**

**Adopted by the Security Council at its 5902nd meeting on  
2 June 2008**

*The Security Council,*

*Recalling* its previous resolutions and the statements of its President concerning the situation in Somalia,

*Gravely concerned* by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation,

*Expressing* its concerns at the quarterly reports from the International Maritime Organization (IMO) since 2005, which provide evidence of continuing piracy and armed robbery in particular in the waters off the coast of Somalia,

*Affirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"), sets out the legal framework applicable to combating piracy and armed robbery, as well as other ocean activities,

*Reaffirming* the relevant provisions of international law with respect to the repression of piracy, including the Convention, and *recalling* that they provide guiding principles for cooperation to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state, including but not limited to boarding, searching, and seizing vessels engaged in or suspected of engaging in acts of piracy, and to apprehending persons engaged in such acts with a view to such persons being prosecuted,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Taking into account* the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia's territorial waters,

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\* Reissued for technical reasons.



*Deploing* the recent incidents of attacks upon and hijacking of vessels in the territorial waters and on the high seas off the coast of Somalia including attacks upon and hijackings of vessels operated by the World Food Program and numerous commercial vessels and the serious adverse impact of these attacks on the prompt, safe and effective delivery of food aid and other humanitarian assistance to the people of Somalia, and the grave dangers they pose to vessels, crews, passengers, and cargo,

*Noting* the letters to the Secretary-General from the Secretary-General of the IMO dated 5 July 2007 and 18 September 2007 regarding the piracy problems off the coast of Somalia and the IMO Assembly resolution A.1002 (25), which strongly urged Governments to increase their efforts to prevent and repress, within the provisions of international law, acts of piracy and armed robbery against vessels irrespective of where such acts occur, and *recalling* the joint communiqué of the IMO and the World Food Programme of 10 July 2007,

*Taking note of* the Secretary-General's letter of 9 November 2007 to the President of the Security Council reporting that the Transitional Federal Government of Somalia (TFG) needs and would welcome international assistance to address the problem,

*Taking further note of* the letter from the Permanent Representative of the Somali Republic to the United Nations to the President of the Security Council dated 27 February 2008, conveying the consent of the TFG to the Security Council for urgent assistance in securing the territorial and international waters off the coast of Somalia for the safe conduct of shipping and navigation,

*Determining* that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

*Acting under* Chapter VII of the Charter of the United Nations,

1. *Condemns and deplores* all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Urges* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery and, in this context, *encourages*, in particular, States interested in the use of commercial maritime routes off the coast of Somalia, to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the TFG;

3. *Urges* all States to cooperate with each other, with the IMO and, as appropriate, with the relevant regional organizations in connection with, and share information about, acts of piracy and armed robbery in the territorial waters and on the high seas off the coast of Somalia, and to render assistance to vessels threatened by or under attack by pirates or armed robbers, in accordance with relevant international law;

4. *Further urges* States to work in cooperation with interested organizations, including the IMO, to ensure that vessels entitled to fly their flag receive appropriate guidance and training on avoidance, evasion, and defensive techniques and to avoid the area whenever possible;

5. *Calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines;

6. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

7. *Decides* that for a period of six months from the date of this resolution, States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery;

8. *Requests* that cooperating states take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

9. *Affirms* that the authorization provided in this resolution applies only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member states under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that it shall not be considered as establishing customary international law, and affirms further that this authorization has been provided only following receipt of the letter from the Permanent Representative of the Somalia Republic to the United Nations to the President of the Security Council dated 27 February 2008 conveying the consent of the TFG;

10. *Calls upon* States to coordinate their actions with other participating States taken pursuant to paragraphs 5 and 7 above;

11. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators or piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

12. *Requests* States cooperating with the TFG to inform the Security Council within 3 months of the progress of actions undertaken in the exercise of the authority provided in paragraph 7 above;

13. *Requests* the Secretary-General to report to the Security Council within 5 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

14. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal states, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

15. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 7 above for additional periods upon the request of the TFG;

16. *Decides* to remain seized of the matter.

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**Security Council**

Distr.: General  
7 October 2008

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**Resolution 1838 (2008)**

**Adopted by the Security Council at its 5987th meeting, on  
7 October 2008**

*The Security Council,*

*Recalling* its resolutions 1814 (2008) and 1816 (2008),

*Gravely concerned* by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to fishing activities conducted in conformity with international law,

*Noting* with concern also that increasingly violent acts of piracy are carried out with heavier weaponry, in a larger area off the coast of Somalia, using long-range assets such as mother ships, and demonstrating more sophisticated organization and methods of attack,

*Reaffirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

*Commending* the contribution made by some States since November 2007 to protect the World Food Programme (“WFP”) maritime convoys, and, the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

*Noting* recent humanitarian reports that as many as three-and-a-half million Somalis will be dependent on humanitarian food aid by the end of the year, and that maritime contractors for the WFP will not deliver food aid to Somalia without naval warship escorts, *expressing its determination* to ensure long-term security of WFP deliveries to Somalia and *recalling* that it requested the Secretary-General in resolution 1814 (2008) to provide his support for efforts to protect WFP maritime convoys,





*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Taking note* of the letter dated 1 September 2008 of the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the Transitional Federal Government (“TFG”) to the Security Council for its assistance and expressing the TFG’s willingness to consider working with other States, as well as regional organizations, to provide advance notifications additional to those already provided, in accordance with paragraph 7 of resolution 1816 (2008), to combat piracy and armed robbery at sea off the coast of Somalia,

*Recalling* that in the statement of its President dated 4 September 2008 (S/PRST/2008/33) it welcomed the signing of a peace and reconciliation agreement in Djibouti and commended the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, for his ongoing efforts, and *emphasizing* the importance of promoting a comprehensive and lasting settlement in Somalia,

*Recalling also* that in the statement of its President dated 4 September (S/PRST/2008/33) it took note of the parties’ request in the Djibouti Agreement that the United Nations, within a period of 120 days, authorize and deploy an international stabilization force and *looking forward* to the Secretary-General’s report due 60 days from its passage, in particular a detailed and consolidated description of a feasible multinational force, as well as a detailed concept of operations for a feasible United Nations peacekeeping operation,

*Emphasizing* that peace and stability, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

*Determining* that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat against international peace and security in the region,

*Acting under Chapter VII of the Charter of the United Nations,*

1. *Reiterates that it condemns and deplores* all acts of piracy and armed robbery at sea against vessels off the coast of Somalia;

2. *Calls upon* States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention;

3. *Calls upon* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy;

4. *Urges* States that have the capacity to do so to cooperate with the TFG in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008);

5. *Urges* also States and regional organizations, in conformity with the provisions of resolution 1814 (2008), to continue to take action to protect the World

Food Programme maritime convoys, which is vital to bring humanitarian assistance to the affected populations in Somalia;

6. *Urges* States, as requested in particular by International Maritime Organization resolution (“IMO”) A-1002(25), to issue to ships entitled to fly their flag, as necessary, advice and guidance on appropriate precautionary measures to protect themselves from attack or actions to take if under attack or the threat of attack when sailing in waters off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 above;

8. *Affirms* that the provisions in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member States under international law, including any rights or obligations under the Convention, with respect to any situation, and *underscores* in particular that this resolution shall not be considered as establishing customary international law;

9. *Looks forward* to the report of the Secretary-General requested in paragraph 13 of resolution 1816 (2008) and *expresses* its intention to review the situation with respect to piracy and armed robbery at sea against vessels off the coast of Somalia with a view, in particular, upon the request of the TFG, to renewing the authority provided in paragraph 7 of resolution 1816 (2008) for an additional period;

10. *Decides* to remain seized of the matter.

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**Security Council**

Distr.: General  
2 December 2008

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**Resolution 1846 (2008)**

**Adopted by the Security Council at its 6026th meeting, on  
2 December 2008**

*The Security Council,*

*Recalling* its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008) and 1838 (2008),

*Continuing* to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Further reaffirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

*Taking into account* the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (“TFG”) to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia’s territorial waters,

*Taking note* of the requests from the TFG for international assistance to counter piracy off its coasts, including the 1 September 2008 letter from the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG’s willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, the 20 November 2008 letter conveying the request of the TFG that the provisions of resolution 1816 (2008) be renewed, and the 20 November request of the Permanent Representative of Somalia before the Security Council that the renewal be for an additional 12 months,

*Further taking note* of the letters from the TFG to the Secretary-General providing advance notification with respect to States cooperating with the TFG in



the fight against piracy and armed robbery at sea off the coast of Somalia and from other Member States to the Security Council to inform the Council of their actions, as requested in paragraphs 7 and 12 of resolution 1816 (2008), and encouraging those cooperating States, for which advance notification has been provided by the TFG to the Secretary-General, to continue their respective efforts,

*Expressing again* its determination to ensure the long-term security of World Food Programme (WFP) maritime deliveries to Somalia,

*Recalling* that in its resolution 1838 (2008) it commended the contribution made by some States since November 2007 to protect (WFP) maritime convoys, and the establishment by the European Union (EU) of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, as well as other international and national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

*Emphasizing* that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

*Welcoming* the signing of a peace and reconciliation Agreement (“the Djibouti Agreement”) between the TFG and the Alliance for the Re-Liberation of Somalia on 19 August 2008, as well as their signing of a joint ceasefire agreement on 26 October 2008, *noting* that the Djibouti Agreement calls for the United Nations to authorize and deploy an international stabilization force, and *further noting* the Secretary-General’s report on Somalia of 17 November 2008, including his recommendations in this regard,

*Commending* the key role played by the African Union Mission to Somalia (AMISOM) in facilitating delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that AMISOM has made towards the goal of establishing lasting peace and stability in Somalia, and *recognizing* specifically the important contributions of the Governments of Uganda and Burundi to Somalia,

*Welcoming* the organization of a ministerial meeting of the Security Council in December 2008 to examine ways to improve international coordination in the fight against piracy and armed robbery off the coast of Somalia and to ensure that the international community has the proper authorities and tools at its disposal to assist it in these efforts,

*Determining* that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Expresses* its concern over the finding contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy off the coast of Somalia;

3. *Welcomes* the efforts of the International Maritime Organization (“IMO”) to update its guidance and recommendations to the shipping industry and to Governments for preventing and suppressing piracy and armed robbery at sea and to provide this guidance as soon as practicable to all Member States and to the international shipping community operating off the coast of Somalia;

4. *Calls upon* States, in cooperation with the shipping industry, the insurance industry and the IMO, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion, and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;

5. *Further calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;

6. *Welcomes* initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization (NATO) to counter piracy off the Somalia coast, including by escorting vessels of the WFP, and in particular the decision by the EU on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, the IMO, the international shipping community, flag States, and the TFG;

8. *Requests* the Secretary-General to present to it a report, no later than three months after the adoption of this resolution, on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia;

9. *Calls upon* States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting such use;

10. *Decides* that for a period of 12 months from the date of this resolution States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea;

11. *Affirms* that the authorizations provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been provided only following the receipt of the 20 November letter conveying the consent of the TFG;

12. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

13. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 10 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

14. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. *Notes* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (“SUA Convention”) provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; *urges* States parties to the SUA Convention to fully implement their obligations under said Convention and cooperate with the Secretary-General and the IMO to build judicial capacity for the

successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

16. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above;

17. *Requests* the Secretary-General to report to the Security Council within 11 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

18. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 10 above for additional periods upon the request of the TFG;

20. *Decides* to remain seized of the matter.

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**Security Council**

Distr.: General  
16 December 2008

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**Resolution 1851 (2008)**

**Adopted by the Security Council at its 6046th meeting, on  
16 December 2008**

*The Security Council,*

*Recalling* its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), and 1846 (2008),

*Continuing* to be gravely concerned by the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of Somalia in the last six months, and by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, and *noting* that pirate attacks off the coast of Somalia have become more sophisticated and daring and have expanded in their geographic scope, notably evidenced by the hijacking of the M/V Sirius Star 500 nautical miles off the coast of Kenya and subsequent unsuccessful attempts well east of Tanzania,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

*Further reaffirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

*Again taking into account* the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol and secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

*Noting* the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 9 December 2008 from the President of Somalia requesting the international community to assist the TFG in taking all necessary measures to interdict those who use Somali territory and airspace to plan, facilitate or undertake acts of piracy and armed robbery at sea, and the 1 September 2008 letter from the President of Somalia to the Secretary-General of the UN expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other





States and regional organizations to combat piracy and armed robbery off the coast of Somalia,

*Welcoming* the launching of the EU operation Atalanta to combat piracy off the coast of Somalia and to protect vulnerable ships bound for Somalia, as well as the efforts by the North Atlantic Treaty Organization, and other States acting in a national capacity in cooperation with the TFG to suppress piracy off the coast of Somalia,

*Also welcoming* the recent initiatives of the Governments of Egypt, Kenya, and the Secretary-General's Special Representative for Somalia, and the United Nations Office on Drugs and Crime (UNODC) to achieve effective measures to remedy the causes, capabilities, and incidents of piracy and armed robbery off the coast of Somalia, and *emphasizing* the need for current and future counter-piracy operations to effectively coordinate their activities,

*Noting* with concern that the lack of capacity, domestic legislation, and clarity about how to dispose of pirates after their capture, has hindered more robust international action against the pirates off the coast of Somalia and in some cases led to pirates being released without facing justice, and *reiterating* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

*Welcoming* the report of the Monitoring Group on Somalia of 20 November 2008 (S/2008/769), and *noting* the role piracy may play in financing embargo violations by armed groups,

*Determining* that the incidents of piracy and armed robbery at sea in the waters off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in waters off the coast of Somalia;

2. *Calls* upon States, regional and international organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution, resolution 1846 (2008), and international law, by deploying naval vessels and military aircraft and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

3. *Invites* all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the TFG is obtained for the

exercise of third state jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the SUA Convention;

4. *Encourages* all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast; and *recalls* that future recommendations on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia are to be detailed in a report by the Secretary-General no later than three months after the adoption of resolution 1846;

5. *Further encourages* all states and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia, to increase regional capacity with assistance of UNODC to arrange effective shiprider agreements or arrangements consistent with UNCLOS and to implement the SUA Convention, the United Nations Convention against Transnational Organized Crime and other relevant instruments to which States in the region are party, in order to effectively investigate and prosecute piracy and armed robbery at sea offences;

6. In response to the letter from the TFG of 9 December 2008, *encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, *notes* the primary role of the TFG in rooting out piracy and armed robbery at sea, and *decides* that for a period of twelve months from the date of adoption of resolution 1846, States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG, provided, however, that any measures undertaken pursuant to the authority of this paragraph shall be undertaken consistent with applicable international humanitarian and human rights law;

7. *Calls on* Member States to assist the TFG, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

8. *Welcomes* the communiqué issued by the International Conference on Piracy around Somalia held in Nairobi, Kenya, on 11 December 2008 and *encourages* Member States to work to enhance the capacity of relevant states in the region to combat piracy, including judicial capacity;

9. *Notes* with concern the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy in waters off the coast of Somalia, and that the lack of enforcement of the arms embargo established by resolution 733 (1992) has permitted ready access to the arms and ammunition used by the pirates and driven in part the phenomenal growth in piracy;

10. *Affirms* that the authorization provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law, and *affirms further* that such authorizations have been provided only following the receipt of the 9 December 2008 letter conveying the consent of the TFG;

11. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 6 above;

12. *Urges* States in collaboration with the shipping and insurance industries, and the IMO to continue to develop avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in waters off the coast of Somalia, and *further urges* States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

13. *Decides* to remain seized of the matter.

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# **ATP 2(B), VOLUME I NAVAL COOPERATION AND GUIDANCE FOR SHIPPING (NCAGS) MANUAL**

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**PUBLICATION NOTICE**

**ROUTING**

1. Change 1 to ATP 2(B), Volume I, NAVAL COOPERATION AND GUIDANCE FOR SHIPPING (NCAGS) MANUAL, is available in the Navy Warfare Library. The effective date will be promulgated by the Commander, Navy Warfare Development Command, for U.S. Navy holders.
2. This multinational manual provides guidance and doctrine for the provision of NCAGS support throughout the spectrum of military operations.
3. Change 1 incorporates the recommendations and decisions of the 2006 NATO Shipping Working Group, including updated definitions and descriptions of terms required to conduct NCAGS operations and a new Tool 202, Conduct Convoy Operations. A glossary has been added, and editorial corrections have been made throughout.

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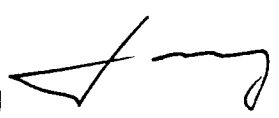
**NORTH ATLANTIC TREATY ORGANIZATION**

**NATO STANDARDIZATION AGENCY (NSA)**

**NATO LETTER OF PROMULGATION**

May 2004

1. ATP-2(B) VOLUME I – NAVAL CO-OPERATION AND GUIDANCE FOR SHIPPING MANUAL (NCAGS) is a NATO UNCLASSIFIED Publication. The agreement of nations to use this publication is recorded in STANAG 1040.
2. ATP-2(B) VOLUME I is effective on a date to be promulgated by the NSA. When made effective it shall supersede ATP-2(A) VOLUME I, which shall be destroyed in accordance with the local procedure for the destruction of documents.

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Director, NSA



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## RECORD OF RESERVATIONS

NATION	SPECIFIC RESERVATIONS
CAN	<p>A. Para 0102, Line 2: Delete "policy." Implementing NCAGS, a warfare discipline to support naval operations, not a policy.</p> <p>B. Para 0103, Line 2: Replace "supervision" with "naval supervision (control)." More accurate description of what is actually occurring. Naval Supervision of Shipping has not been defined yet in this document and thus the word "supervision" is entirely misleading and inaccurate.</p> <p>C. Para 0104.3, Line 3: Replace "supervision" with "naval supervision (control)." More accurate description of what is actually occurring. Naval Supervision of Shipping has not been defined yet in this document and thus the word "supervision" is entirely misleading and inaccurate.</p> <p>D. Para 0105.1.a. Replace with "<b>a. Naval Co-operation and Guidance for Shipping (NCAGS)</b>". The naval warfare discipline that provides the interface between military operations and merchant shipping. This interface involves the provision of military co-operation, guidance, advice, and assistance to, or naval supervision of, merchant shipping. The NCAGS capability is employed to enhance the safety of participating merchant ships in the operations area while supporting military objectives." Correct and complete description of the NCAGS capability.</p> <p>E. Glossary-3: Replace current definition of NCAGS with: "<b>Naval Co-operation and Guidance for Shipping (NCAGS)</b>". The naval warfare discipline that provides the interface between military operations and merchant shipping. This interface involves the provision of military co-operation, guidance, advice, and assistance to, or naval supervision of, merchant shipping. The NCAGS capability is employed to enhance the safety of participating merchant ships in the operations area while supporting military objectives." Correct and complete description of the NCAGS capability.</p>
GRC	The Aim, Mission, Capability and Shipping Data of NSC as described at ANNEX 3A, Page 3A-1 are arbitrary and obscure, as there are no TORS governing the operation of NSC.
TUR	The use of term "coastal waters" mentioned in Para. 11(a) (ANNEX 3F, Page 3F-4) is not acceptable, because this term is not included in international law.



**DEPARTMENT OF THE NAVY**  
NAVY WARFARE DEVELOPMENT COMMAND  
686 CUSHING ROAD  
NEWPORT RI 02841-1207

August 2004

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## CHAPTER 1

# Concept of Naval Cooperation and Guidance for Shipping

## 0101 Background

The Alliance's review of its policy for operations involving merchant shipping has led to the development of Naval Cooperation and Guidance for Shipping (NCAGS), with its associated tactics, techniques and procedures, to replace Naval Control of Shipping (NCS). MC 376/1 is the policy document establishing NCAGS which was developed by the NATO Shipping Working Group (NSWG).

## 0102 Purpose and Scope

The purpose of this multi-national manual is to describe the procedures and organisation required to implement NCAGS policy. It provides guidance and doctrine for the provision of NCAGS support throughout the spectrum of military operations. R

## 0103 Mission

To provide NCAGS support to military commanders and merchant shipping in peacetime, tension, crisis and conflict through cooperation, guidance, advice, assistance and, where necessary, supervision. Additionally, to provide military guidance, advice or assistance in respect of participating nations' global, maritime commercial interests to enhance the safety of merchant ships and to support military operations. R

## 0104 Concept of Operations

**1. Introduction.** Many maritime operations will either directly involve or have some impact on merchant shipping. Additionally, merchant shipping may impact upon the conduct of military operations. The NCAGS Organisation (NCAGSORG) will seek to develop and implement measures to facilitate the conduct of military activity at sea either involving, or in the presence of, merchant ships.

**2. Spectrum of Operations.** NCAGS provides military commanders with a series of tools capable of being progressively implemented as appropriate to the nature of any emerging situation. The size of the NCAGSORG and level of expertise required will be commensurate with the operation, as determined by the operational planning process. The NCAGSORG must be flexible and prepared to operate within a wide variety of command structures and operational environments. Figure 1-1 provides an illustration of the NCAGS response to meet emerging situations. The NCAGS response should be tailored to the scenario and coordinated with other warfare disciplines.

**3. Planning for NCAGS Operations.** NCAGS must be considered at all levels of planning (strategic, operational and tactical). NCAGS planning will focus on all aspects relating to merchant shipping such as the provision of guidance, picture compilation, surveillance, deconfliction or supervision. The military commander should aim to deliver a tailored, cost effective and executable NCAGS plan. This plan must conserve military resources and minimise the impact on merchant ships, thereby minimising negative economic consequences. R

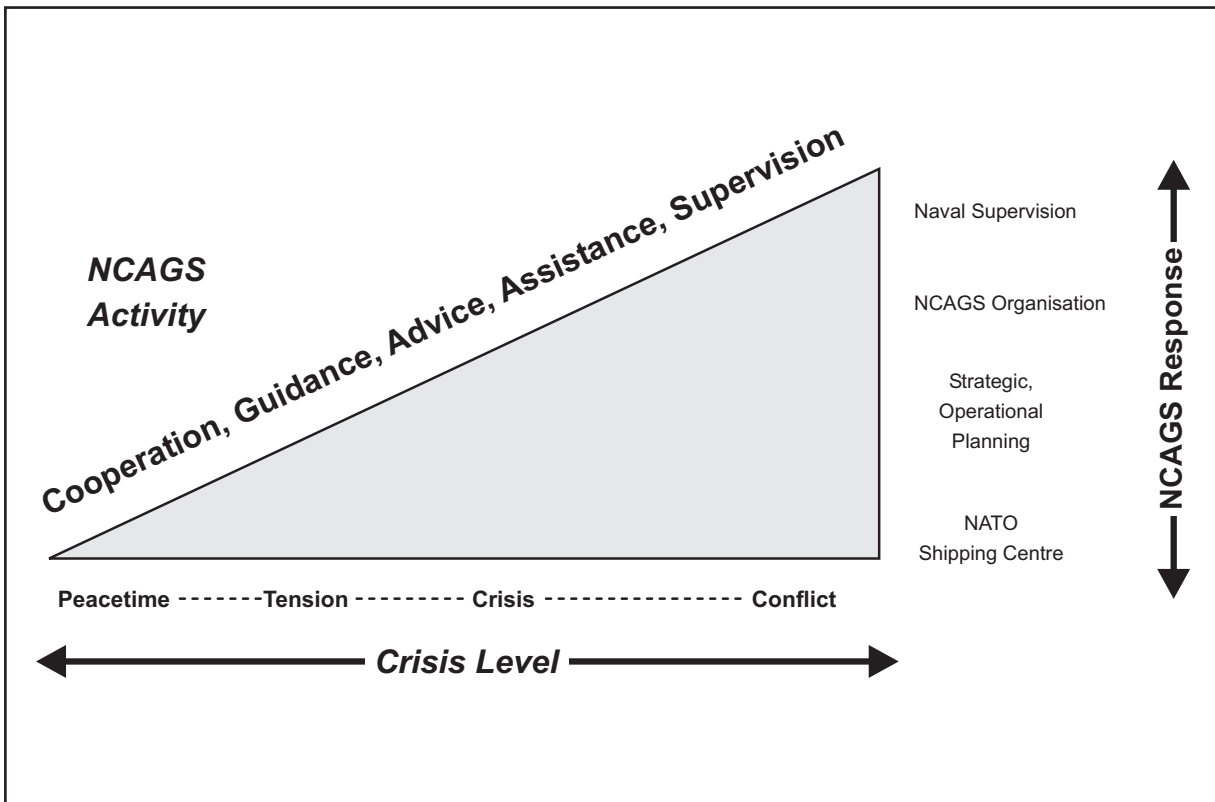


Figure 1-1. Naval Cooperation and Guidance for Shipping

### 0105 Definitions and Descriptions

1. The definitions and descriptions given below are not exhaustive, but include those required in order to conduct NCAGS operations:

R

**a. Naval Cooperation and Guidance For Shipping (NCAGS).** The provision of NATO military cooperation, guidance, advice, assistance and supervision to merchant shipping to enhance the safety of participating merchant ships and to support military operations.

**b. Participating Merchant Ship.** A merchant ship taking part in a naval cooperation and guidance for shipping operation.

**c. Designated Merchant Ship.** A merchant ship with a special status that may give it priority over other ships for higher level naval cooperation and guidance for shipping activities and, when it is placed under the naval supervision of merchant ships, compels it to comply with military orders. On request, the North Atlantic Council (NAC)/Defence Planning Committee (DPC) may allow non-NATO nations to nominate ships.

**d. Naval Supervision of Merchant Ships.** In NCAGS, the mandatory routing of merchant ships, control of their movements and/or convoy organization by naval authorities. Naval supervision of merchant ships is the ultimate response of NCAGS exercised by naval authorities and will be implemented only with NAC/DPC approval.

**e. Protection of Merchant Ships.** The employment of military forces or procedures to prevent or defend against offensive actions directed at merchant ships.

**f. Merchant Shipping.** In NCAGS, the complete commercial maritime industry, including the fishing industry. Its principal elements are listed in Annex 1A.

#### 0106 Elements of the Naval Cooperation and Guidance for Shipping Organisation

1. The NCAGSORG is flexible in order to meet the needs of the military commander and merchant shipping. It may comprise some or all of the following elements tailored to suit the situation depending on the level of NCAGS support that is to be provided.

**a. NATO Shipping Centre (NSC).** A permanent operational organisation based at MCC NORTHWOOD, tasked with establishing and maintaining links with the military, merchant shipping, NSAs and international maritime agencies. See Annex 3A.

**b. NCAGS Commander (NCAGS CDR).** The officer assigned to command the NCAGSORG. He will plan and execute NCAGS and promulgate the OPTASK NCAGS.

**c. Convoy Commodore.** A naval officer, or master of one of the ships in a convoy, designated to command the convoy, subject to the orders of the officer in tactical command. If no surface escort is present, he takes entire command.

**d. Staff Officer NCAGS (SO NCAGS).** An officer who augments military staffs at all levels to provide expertise and advice to the command on NCAGS matters as they affect the planning and execution of operations.

**e. NCAGS Unit.** A team of NCAGS personnel, deployed ashore or afloat to provide specific local NCAGS services including gathering local merchant shipping information, providing guidance to merchant ships and co-operating with and advising local merchant shipping.

**f. Shipping Cooperation Point (SCP).** A location where NCAGS staff gather and disseminate information on local merchant shipping and naval operations and provide the means to brief merchant ships on risks, routing and protective measures. NCAGS staff establish and maintain liaison with local and regional authorities, including port authorities, shipping agents, and local shipping companies and report ship movements to other elements of the NCAGS organisation. The location of SCPs will be at the discretion of the NCAGS CDR and can be ashore or afloat. See Tool 114 in Chapter 5.

**g. NCAGS Liaison Officer (NCAGS LO).** An officer deployed by the NCAGS CDR to provide liaison outside the direct military chain of command. For LOs deployed to merchant ships, their position on board does not affect the Master's responsibility for the safe navigation and safe handling of the ship. The NCAGS liaison officer makes military knowledge available to the Master to allow him to understand the naval and military requirements that are applicable. See Tool 116 in Chapter 5.

**h. NCAGS Rear Staff.** It will rarely be possible to locate all the necessary NCAGS Staff at the military commander's HQ, particularly if it is afloat. An NCAGS Rear Staff may therefore be established ashore in support of an embarked or remotely located NCAGS Staff.

#### 0107 Peacetime Planning for Merchant Shipping

1. The NATO Planning Board for Ocean Shipping (PBOS), which cooperates closely with both the NCAGSORG and merchant shipping under the guidance of the NATO Senior Civil Emergency Planning Committee (SCEPC), is responsible for developing and maintaining plans for civil shipping support to the Alliance in crisis and war, including planning for acquiring the civil shipping resources necessary to meet military lift. PBOS maintains a cadre of civil shipping experts from industry to support NATO crisis

management arrangements. PBOS also works closely with Partnership for Peace (PfP) nations. Each Allied nation is responsible for its own emergency planning for merchant ships including national control and direction during crisis.

#### **0108 Principal Benefits to the Military Commander**

1. NCAGS can provide the following principal benefits to the military commander:
  - a. More comprehensive picture of merchant activity in the maritime portion of the Common Operational Picture (COP) and/or Recognised Maritime Picture (RMP).
  - b. Deconfliction of merchant ships from military operations.
  - c. Improved safety and security of merchant ships in a crisis area.
  - d. Improved effectiveness in supporting Crisis Response Operations (CRO) and Maritime Interdiction Operations (MIO).
  - e. Better understanding of commercial constraints.
  - f. Improved counterterrorism capability.
  - g. More efficient and cost effective employment of military forces.
  - h. Improved counterpiracy capability.
  - i. More opportunities for training with merchant ships in both planned and unplanned exercises arranged with forces on passage (PASSEXes).

#### **0109 Principal Benefits to Merchant Shipping**

1. NCAGS can provide the following principal benefits to merchant shipping:
  - a. Improved safety and security in crisis areas.
  - b. Minimising disruptions to passages through areas where military operations are being conducted.
  - c. Maintenance of economic flow.
  - d. Quicker reaction to changing threats.
  - e. Better understanding of military constraints.
  - f. Potential for reducing war-risk premiums.
  - g. Minimising disruption to commercial schedules.
  - h. Improved support to counterterrorism.
  - i. Improved support to counterpiracy.

## ANNEX 1A

**Components of Merchant Shipping**

1. The following organisations, associations and agencies collectively form “Merchant Shipping.” This list is not exhaustive, neither are institutions in any particular order, but it serves to illustrate the wide community it encompasses.

- a. Classification Societies (e.g., Lloyd’s Register-Fairplay).
- b. Coast Guard.
- c. Customs & Excise.
- d. Federal Waterways Police.
- e. Immigration.
- f. International Maritime Organization.
- g. International Insurance and Reinsurance Organization.
- h. International Labour Organization.
- i. International Transport Worker Federation.
- j. State Harbour Police.
- k. Port Authority.
- l. Port Control.
- m. Harbour Master.
- n. Cargo Handling & Terminal Operators.
- o. Freight Forwarders.
- p. Surveyors and Cargo Agents.
- q. Port Railway Authority.
- r. Vessel Traffic System.
- s. Shipping Reporting Service.
- t. Shipping and Waterways Directorate.
- u. National Maritime Security & Welfare Association.
- v. Shipowner Association.



- w. Shipbuilders and Ship Repairers Association.
- x. Maritime Salvage and Rescue Association.
- y. Fishery Protection Directorate.
- z. Hydrographic and Oceanic Agencies.
- aa. Seaman's Enrollment Office.
- bb. National Register of Shipping.
- cc. International Register of Shipping (National Branch).
- dd. Shipbuilders and Dockyard Companies.
- ee. Ship Owners.
- ff. Ship Charterers and Operators.
- gg. Crewing Agents.
- hh. Ship Management Agencies.
- ii. Shipping Agents.
- jj. Port Agents.
- kk. Ship Brokers.
- ll. Ship Chandlers.
- mm. Ship Service Companies.
- nn. International Association of Classification Societies.
- oo. Maritime Labour Unions.

## CHAPTER 2

## Command and Control

**0201 Command Structure**

The NCAGS command structure and its place within the overall command structure will vary according to the objectives of an operation. This chapter provides guidance and considerations that should be taken into account when integrating NCAGS into the command structure for an operation.

**0202 Command Relationships**

1. Command responsibilities for NCAGS and their relationships are detailed below:

**a. Strategic and Operational Commanders.** The development of the Concept of Operations (CONOPS) by the Strategic Commander (SC) and the subsequent command estimate and development of the Operation Plan (OPLAN) by the Operational Commander, will determine the NCAGS requirement. The Operational Commander is also responsible for deciding the level of NCAGS support required, and establishing the Command and Control (C2) structure to implement it.

**b. NCAGS CDR.** When assigned, the NCAGS CDR is responsible for the activities of the NCAGSORG. The NCAGS CDR is to implement those tools best suited to fulfill the operational aims and objectives and any additional NCAGSORG requirements. He will promulgate the OPTASK NCAGS.

**0203 Factors Affecting the Requirement for NCAGS**

1. The nature of the operation will govern the size and type of NCAGS support provided. The mission requirements will dictate which branches within military staffs should be augmented by NCAGS personnel. Early consideration during the planning process must be given to the level of augmentation that may be required. The following factors should be addressed during planning in order to assess the level of NCAGS support required:

- a. The mission.
- b. The threat.
- c. Whether the presence of merchant ships will affect the operation.
- d. The geography, hydrography and environmental conditions in the area.
- e. The type and intensity of merchant ships in the area.
- f. The effect of merchant shipping activity on the operation.
- g. The effect of the operation on merchant shipping activity.
- h. The level and type of information to be sought from the merchant shipping community.
- i. The level and type of guidance, advice, and assistance to be provided to the merchant shipping community.

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## CHAPTER 3

## Naval Cooperation and Guidance for Shipping Operations

### 0301 Introduction

1. **Overview.** The NCAGSORG supports two distinct entities, the military commander and merchant shipping. It enables military operations and enhances the safety of merchant ships, while keeping mutual interference to a minimum.
2. **Capabilities.** The ability to establish contacts with the merchant shipping industry allows merchant ship information to be gathered and passed to the RMP for the COP. The NCAGSORG may also acquire a considerable amount of information useful in intelligence. Cooperation and dialogue with merchant shipping enables the organisation to support military commanders on all aspects of merchant shipping in their AOO. This assists the military commander in achieving his mission and managing available assets more effectively. Furthermore, the provision of guidance to merchant shipping may enable the NCAGS CDR to minimise disruption to military operations.
3. **Toolbox Concept.** NCAGS procedures provide a flexible response to operational requirements. The various tools available for implementation make up the NCAGS toolbox and are contained in Chapter 5. They are available for implementation at the operational and tactical levels. Naval Supervision of Merchant Ships involves complex legal issues and may only be implemented with the authorization of the NAC/DPC.
4. **Principal Capabilities.** The principal NCAGS capabilities are:
  - a. **Enhanced Safety of Merchant Ships.** NCAGS is the major source of information and advice to merchant shipping to enhance the safety of merchant ships during CRO and in major conflicts.
  - b. **Deconfliction.** NCAGS advises merchant ships to avoid, where possible, operational areas, and advises the military of areas of significant commercial activity in order to minimise any mutual interference.
  - c. **Civil/Military Interface.** The NCAGSORG is the main military source of expertise on merchant shipping. It provides a liaison between merchant shipping and the military and will establish reporting requirements.
  - d. **Picture Compilation.** The NCAGSORG is a major provider of merchant ship data to the RMP.
5. **Limitations.** The primary NCAGS limitations are:
  - a. **Information.** Security requirements will dictate what information is made available to merchant shipping. Information and guidance passed to merchant shipping must be brief, concise and not burden recipients with needless details. The commercial sensitivity of the information supplied by the merchant shipping community must be respected and protected.

**b. Military Asset Control.** Apart from its own personnel, the NCAGSORG does not control military assets but can provide a liaison between military assets and merchant ships.

**c. Safe Passage Responsibility.** Safe passage responsibility remains with the master except under Naval Supervision of Merchant Ships.

**d. Voluntary Participation.** The compliance of merchant ships cannot be assumed as their participation in NCAGS is purely voluntary.

**e. Qualifications.** The qualifications and language ability of individual masters can vary markedly. NCAGS units will have to ensure that the amount and detail of information passed to individual merchant vessels is sufficient and that the master fully comprehends the requirements. This may adversely affect the number of ships an NCAGS unit can cover.

### 0302 Responsibilities of Nations

Where necessary, the lead responsibility for the implementation of NCAGS in ports and locations will be as follows:

1. In NATO countries and their overseas territories — the nation concerned.
2. In all other countries and their overseas territories — one NATO nation is to assume responsibility on behalf of NATO, as agreed among members, for planning operations within friendly or neutral countries outside the NATO area in accordance with AAP 8.

### 0303 Action by Nations

**1. Nomination of Designated Ships.** Nations who wish to nominate ships as designated will supply the Military Commander, via their NSA or equivalent, with a list of ships and their International Maritime Organization (IMO) number. Designated ships include national ships, those from dependent territories, and named ships assessed as being of economic benefit to that nation.

**2. NCAGSORG.** Nations will establish this organisation by providing personnel and appropriate support, both ashore and afloat as deemed necessary. Nations are to keep under review and to exercise periodically the arrangements set out in this document and associated NCAGS publications.

**3. National Cooperation and Coordination.** Nations should ensure close cooperation and coordination between civil and military authorities and provide adequate communication facilities with merchant ships for emergency purposes. In particular, nations should encourage a close working arrangement between government, shipping companies, port authorities, other appropriate maritime organisations and the NSC. Arrangements should be made for the speedy interchange of vital information concerning movements of national shipping, harassment or hostile actions.

**4. Instructions to Masters of Merchant Ships.** To avoid confusion in a period of tension or crisis, or in the early days of conflict, clear advice should be issued in peacetime to masters of national participating and/or designated merchant ships. There must be no doubt of the action to be taken by masters and sources from which they may expect guidance or instructions. Such guidance and instructions are to be issued and updated regularly by nations.

**Note:** *A non-compliant or non-participating vessel may attract greater military attention in the area of operations.*

**5. Supply of Publications and Equipment to Merchant Ships.** When authorised, NATO publications and equipment may be distributed to NATO nations' participating merchant ships as

arranged by the appropriate authorities. NATO publications and equipment may not be issued to non-NATO merchant ships without the express permission of the Military Committee (MC).

### 0304 NCAGS Operations

#### 1. Crisis Response Operations (CROs)

a. CROs are multifunctional operations involving military forces, diplomatic and humanitarian agencies. They are designed to achieve humanitarian goals or a long term political settlement, and are conducted impartially in support of a United Nations (UN) or other international legal mandate. These include peacekeeping, peace enforcement, conflict prevention, peacemaking, peacebuilding and humanitarian operations. Maritime forces may play a role in all phases of these operations.

b. The NCAGS contribution to CRO will employ tools aimed at the deconfliction of naval and merchant ships in the AOO, the collection of information important to the effective utilization of military assets, input of merchant ship information for the RMP and intelligence. For details see Annex 3B.

c. In addition to supporting intelligence, operations and planning activities during CRO, the NCAGSORG would provide valuable information and assistance to the logistics organisations.

**2. Maritime Interdiction Operations (MIOs) Support.** MIOs are conducted to enforce sanctions against a nation or nations as part of a CRO. Under such circumstances, elements of the NCAGSORG may be integrated into the Maritime Component Commander (MCC) and/or MIO Commander (MIOC) staffs to provide advice on merchant shipping issues. This will provide the MIOC with a predictive element to the RMP, assisting in clearance of non-suspect ships. NCAGS, by providing intelligence support, will aid in locating and identifying SUS, Contacts of Interest (COI), and Critical Contacts of Interest (CCOI). This will assist the MIOC in utilising his assets effectively and to help minimise delays to merchant ships when passing through MIO areas.

**3. NCAGS In Shipping Risk Environments.** There will be occasions and areas where merchant ships may be at risk from harassment and/or attack. The nature of the assailant may range from pirates and terrorist groups to the military forces of belligerent nations or rogue states. NCAGS support and management may be employed as part of an operation to counter such threats.

**4. Surveillance.** Close liaison with the merchant shipping community will result in the collection of vast quantities of information which, when analyzed, will assist in creating an overall picture of commercial activity in a particular area. Military commanders have the ability to use NCAGS resources during surveillance operations. The primary benefit is the provision of merchant shipping information into the RMP and contributions to the intelligence picture. This includes locating and identifying SUS, COI, and CCOI for specific surveillance operations and for multi-agency law enforcement operations.

### 0305 NCAGS Procedures

1. The NCAGS procedures utilised in any particular operation will be determined by the requirements of the operation and will focus on the safety of merchant ships in the area. Details of the procedures below are in Chapter 5. They include:

**a. NCAGS Area.** A geographic area within which the NCAGS organisation conducts NCAGS activities. The objective of such an area is to enable co-operation between military commanders and merchant shipping. An NCAGS area is based on, or is the same as, the AOO. See Tool 102 in Chapter 5.

**b. Shipping Risk Area (SRA).** A geographic area of higher or specific risk to merchant ships. Guidance will be provided to participating merchant ships to help them understand the nature and extent of the risk in the area and, if applicable, to recommend specific routes through the area. An NCAGS area may contain one or more SRAs. See Tool 115 in Chapter 5.

**c. Communication Reporting Gates (CRGs).** A CRG is established to provide a position for merchant ships to call the NCAGSORG in order to establish initial contact or to update previous information. A CRG should be positioned in such a way that a minimum notice period of 36 hours is available to merchant ships to contact their owners/operators for onward passage instructions before reaching the AOO/NCAGS Area/SRA. The CRG will normally be represented as a line of latitude or longitude. For practical purposes a minimum distance of 600 nautical miles (nm) from the AOO or NCAGS Area should be observed. See Tool 103 in Chapter 5.

**d. Monitoring of Merchant Ship Movements.** The monitoring of merchant ship movements is critical to the maintenance of an accurate RMP. NCAGS personnel must make every effort to update the contact information as required by the OPTASK RMP or OPTASK COP. See Tool 109 in Chapter 5.

**e. Guidance to Merchant Ships.** Guidance will be provided to participating merchant ships to help them understand the nature and extent of the risk in the area. The guidance is purely voluntary and intended to allow merchant ships to determine their own voyage.

**f. Accompaniment.** NCAGS can recommend accompaniment, which is the coordinated passage through a specific area of increased risk by one or more merchant ships in company with military assets. Details will be promulgated via navigational warnings. Accompaniment takes place under a voluntary arrangement and does not imply direct protection by military assets. See Tool 118 in Chapter 5.

**g. Lead-through.** NCAGS can recommend and facilitate the organisation of lead-through operations for merchant ships. See Tool 121 in Chapter 5.

**h. Naval Supervision.** Naval supervision is a NAC/DPC decision to place certain merchant ships under military control in a defined AOO for a defined period of time.

The measures and procedures required to execute naval supervision in an AOO are implemented and managed by the appointed NATO military commander in accordance with the NAC/DPC guidance for that operation.

Merchant ships may be placed under naval supervision only by their flag state. Such ships are required to comply with the orders of the military commander, but the Master will always retain the responsibility for the safe navigation of the vessel. If such ships do not comply with military orders as required by their flag state, then they are fully responsible for any consequences of such action and will be dealt with in accordance with the laws of their flag state.

Individual ships not under naval supervision may participate in NCAGS operations when naval supervision is in force by submitting the appropriate *pro forma* to the military commander.

Individual ships not under naval supervision are free to navigate through the AOO subject to any restrictions identified in the NAC/DPC guidance for that operation.

**i. Convoys.** NCAGS can recommend to sail merchant ships in convoys. Convoys are only authorised under Naval Supervision of Merchant Ships. See Tool 202 in Chapter 5.



**j. Independent.** During Naval Supervision of Merchant Ships a merchant ship, not in a convoy, will be given a Sailing Instruction (SI) as appropriate. See Tool 201 in Chapter 5.

### 0306 Civil-Military Interface

**1. Information Exchange.** Responsibility within each Allied government for exercising national liaison and direction of its own merchant shipping is vested in their NSA. NSAs, including locations, are listed in AAP 8. However, Fishing Vessels may be administered by other national authorities. When tasked, the NCAGSORG will provide the appropriate national shipping administrations and organisations, as well as NSAs, with information on the current situation with regards to shipping. Similarly, the IMO and PBOS will be asked to indicate to nations their contact points for NCAGS information. Information should include what merchant ships can expect upon arrival in the operational area and how they can contact the NCAGSORG. This information should be passed to merchant ships through their shipping companies, in accordance with national procedures. NCAGS will also seek to liaise with civil authorities and merchant shipping as required to meet the overall aims of the operation. Participating merchant ships, as indicated by these organisations, will be specifically briefed and provided with guidance.

**2. Civil Emergency Planning for Merchant Shipping.** The NAC has established a number of Planning Boards and Committees to plan for the organisation and operation of a crisis situation and for making the best use of civil resources. The NATO SCEPC is responsible for developing and maintaining plans for shipping, air and surface transport resources to meet military lift requirements. It is responsible (among many others) for the PBOS and Planning Board for Inland Surface Transport (PBIST).

**3. Dispersal And Emergency Movement of Merchant Ships.** The procedures outlined are conducted in association with national authorities Civil Emergency Plans (CEP). On these occasions all ships, whether participating or not, will be involved. The NCAGSORG can be used to both assist and facilitate nations' CEPs.

**a. Dispersal.** Dispersal can be ordered in a port or area by military or national authorities as dictated by the threat level. This action will be carried out by Port Authorities with possible military assistance and is in accordance with Tool 119.

**b. Emergency Movement.** The purpose of emergency movement is to preserve ships and cargoes when attack is imminent. It consists of four elements, diversion, port evacuation, area evacuation and subsequent movements, which are all described in Tool 119. The majority of these movements are based on national CEPs although military commanders can order any element if the risk assessment is considered to be high.

#### **c. Immediately Vital Cargo (IVC)**

**(1) Definition.** A cargo already loaded, which the consignee country regards as immediately vital for the prosecution of the war or for national survival, notwithstanding the risk to the ship. If the cargo is carried in a ship of another nation, then that nation must agree to the delivery of the cargo. The use of this term is limited to the period of implementation of the shipping movement policy.

**(2) Declaration of IVCs.** National authorities must declare a ship as an IVC ship through their NSAs. For NCAGS purposes these ships then become Designated Ships IAW article 0105.

**(3) Routeing IVC Ships.** National authorities should coordinate the routeing of IVC ships with the naval commander concerned, which may be delegated to the NCAGSORG.



### 0307 Crisis Response Shipping

1. The purpose of CRS is to augment forces in an area of risk in order to enhance military capability. It permits a timely, tailored and reversible employment of forces that makes optimum use of available resources. In CRS, the term RE/RE covers reinforcement, resupply and retrograde ships. The conduct of reinforcement may require the use of a large number of merchant ships. CRS may include government-owned vessels such as U.S. Maritime Pre-positioning Ships (MPS), as well as strategic sealift assets, ships on military charter or Ships Taken Up From Trade (STUFT). The NCAGSORG will liaise with other warfare disciplines such as surface and amphibious warfare, and the logistics organisation to ensure that all aspects of RE/RE are considered in all levels of operations and planning.
2. When RE/RE shipping is under military direction and control, very little may be required from the NCAGSORG. However, when RE/RE is sailing independently NCAGS may provide direct liaison with the ship concerned for advice and information, positional report for RMP purposes, routeing advice and deployment of NCAGS LOs. NCAGS will also advise military commanders on all merchant shipping aspects of RE/RE.
3. For all practical purposes, the military commander may consider RE/RE to be designated, as it is possible that the merchant ships may not have been designated as part of the chartering process. See Tool 120 in Chapter 5.

### 0308 Fishing Vessels

1. The presence of fishing vessels in the military commander's AOO may complicate the tactical situation such that the he will wish to have some degree of oversight of them. Fishing grounds and access to them will be kept open whenever operational circumstances permit. The requirement to deconflict military and fishing operations may have a high priority.
2. The SO NCAGS will provide information concerning fishing in the AOO which will include the whereabouts of fishing grounds, numbers and types of fishing vessels, locations and type of fixed fishing gear, and any intelligence which may indicate use of those vessels as minelayers, intelligence gathers, etc., to the military commander. This information gathering may be delegated to the NSC or to other NCAGS staff by the SO NCAGS.
3. Fishing vessels may take part in the NCAGS operation voluntarily as Participating Ships, or they may be designated by nations in the same way as other merchant ships.
4. Details of Fishing Vessels in NCAGS Operations are in Annex 3E.

### 0309 Allied Worldwide Navigational Information System

1. **Aim and Concept.** The aim of Allied Worldwide Navigational Information System (AWNIS) is to provide a complete navigational safety information service for allied military commands and civil shipping during crisis or conflict. In concept, AWNIS will use those assets of military and civilian organisations that have maritime safety, navigational and routeing responsibilities, and combine them into a coherent organisation for use by allied commanders.
2. **Activation.** The decision to activate AWNIS depends on the threat to shipping from hostile action. As a general rule, if mine warfare (MW) forces are deployed or NCAGS is implemented, then AWNIS should be activated. AWNIS procedures may be used in a multinational scenario, and in this instance, the decision to activate AWNIS in a particular area or region will be made by the appropriate national authorities and/or military commander.

3. **Liaison with NCAGS.** AWNIS should be activated at the same time as the NCAGSORG to enable liaison for the maritime safety aspects of an operation to be promulgated in a timely manner. Within a defined NCAGS area, or the AOO, the NCAGS CDR or military commander may issue AWNIS procedures as appropriate.
4. **Unclassified Messages.** AWNIS uses the World Wide Navigational Warning System (WWNWS) for disseminating unclassified navigational information to the merchant marine. Commanders at sea should report all matters relating to Maritime Safety Information (MSI) through their chain of command to the relevant AWNIS authorities.
5. **Classified Information.** Military communications facilities are used for disseminating classified and/or sensitive navigational and routing information. The maritime military commander responsible for the area concerned controls navigational safety information.
6. **Navigational Warnings (NAVWARNs).** NCAGS elements are to be included as addressees in all appropriate navigational warnings.
7. **MIO.** NAVWARNs may be generated by AWNIS to inform merchant ships of the boarding procedures in a MIO. Liaison between the MIOC and NCAGS CDR can be further improved by nominating safe anchorages and ports as inspection and holding areas.

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## ANNEX 3A

**The NATO Shipping Centre****1. Aim:**

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The aim of the NSC is to provide the military capacity that allows improved information exchange on merchant shipping, and that facilitates increased voluntary cooperation between military commanders and commercial shipping operators.

**2. Mission:**

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a. The NSC is to collect and process merchant shipping factual and movement data, and is to develop an accurate shipping picture of relevant merchant ships in order to support the NCAGS CDR/military commander in the execution of his mission.

b. The NSC is to advise merchant shipping of potential risks and identify possible interference with maritime operations.

**3. Capability:**

R

a. Permanently established, the NSC will provide merchant shipping information to military commanders and the NCAGSORG.

b. The NSC is designed to provide information on two concurrent operations. In order to do so the NSC will collect and process merchant shipping data, and develop an accurate shipping picture of relevant merchant ships to enable the military commanders to execute their mission.

c. The NSC will be fully integrated in the headquarters command, control and communications structure.

d. The NSC can support both Article V and non-Article V operations.

e. The NSC will exchange merchant shipping data at the unclassified level, provide access to the database through classified and unclassified networks for authorised users and exchange data with elements of the NCAGSORG (when activated) using the NCAGS automatic data processing (ADP) system.

f. The NSC is designated as NATO's point of contact for merchant shipping and institutions, such as the NSAs, Ministries of Transport (MOTs) and other maritime authorities.

**4. Shipping Data:**

R

a. Information provided by the NSC on merchant ships consists of the static ship details and the dynamic ship data that vary with the voyage. This data is normally unclassified and is accessible to both national military and government departments of the contributing nations, either on an unclassified website or the RMP as appropriate.

b. The commercial sensitivity of the information supplied by the merchant shipping community will be respected and protected.

**5. Tasks:**

- a. When no NCAGS elements are activated, the NSC will:
  - (1) Collect and process merchant shipping data.
  - (2) Contribute to the shipping plot in the RMP if required.
  - (3) Advise military and civil authorities of potential risks to merchant shipping.
  - (4) Identify possible interference with maritime exercise areas.
  - (5) Maintain an internet site containing information on security related matters.
  - (6) Advise on augmentation and prepare for operations.
- b. On activation of NCAGS elements the NSC will support the following tasks:
  - (1) Smooth transition to the development of an accurate shipping plot within the RMP.
  - (2) Advise authorities and companies of risks. Identify possible interference with maritime operations and request their cooperation for the establishment of the shipping plot.
  - (3) Supply information on merchant shipping to military commanders and civil authorities.
  - (4) Maintain a database of available national and commercial information concerning maritime safety and security information.
  - (5) Provide information and warnings to merchant ships.
  - (6) Provide advice on shipping operations.
- c. When an NCAGSORG is activated the NSC will concentrate on the quality of the merchant ship data supplied, liaison with the merchant shipping community, and data exchange with participating organisations. The NSC will operate under the control of the NCAGS CDR.

## ANNEX 3B

## Naval Cooperation and Guidance for Shipping in Crisis Response Operations

### 1. Tasks:

**a. NCAGS Tasks in CRO.** The focus of much effort during a CRO is on the movement of reinforcement and resupply materials. This effort requires effective liaison with the merchant shipping industry. The SO NCAGS on the operational staff will liaise with other staff members regarding the effect of merchant ship activities on operational planning. In addition, this officer would provide valuable information to the logistics directorate of a joint staff (J-4) movements, and should liaise closely to support the movement of military supplies. This includes the coordination of shipping schedules for the transportation of goods, recommendations on types and availability of ships, as well as issues such as charter parties and traffic patterns. NCAGS tasks during a CRO in the AOO may include the following:

- (1) Provide a source of expertise regarding merchant ships and the commercial shipping industry. This includes the ability to analyze merchant ship trends and develop a risk analysis.
- (2) Facilitate merchant ship movements through the AOO by briefing merchant ship masters and port authorities, including sanitized/cleared hydrographic and pilotage updates.
- (3) Monitor infrastructure in ports of interest and inform on potential problems.
- (4) Deconflict merchant and naval ships through briefings to merchant ship masters.
- (5) Provide advice to the Task Force/Task Group (TF/TG) commander on merchant shipping.
- (6) Input data and help maintain the merchant ship component of the RMP by monitoring and maintaining a liaison with merchant shipping within or approaching the AOO.
- (7) Through liaison with intelligence staffs, evaluate information received to identify possible COIs, SUS and CCOIs, as well as information on important cargoes or other merchant ships of interest (such as liquefied natural gas carriers).
- (8) If tasked, liaise with non-governmental organisations regarding coordination of shipping movements.

**b. Level of Support.** The level of traffic, as well as the amount of information and evaluation required to develop and maintain the RMP, will determine the number of personnel required for the operation both at sea and ashore. The situation may call for NCAGS officers on the staff of the operational commander and may also require the establishment of SCPs in the primary ports or at chokepoints.

### 2. Command and Control (C2):

**a. Task Organisation.** The deployment of NCAGS assets within the military organisation will be dependent on the situation that led to the establishment of the operation and will be detailed in the appropriate mission specific OPGEN and OPTASK(s) as required.

**b. Organisation and Personnel.** The actual organisation structure will be mission dependent. NCAGS personnel can be utilised effectively at the strategic, operational and tactical levels. Depending on the operation, the maritime threat, the amount of traffic and the CRS requirements, it may be advisable to employ SO NCAGS on the intelligence and/or operational staffs, as well as deploying one or more SCP or NCAGS units ashore. This in-port presence provides the military commander with the capability to monitor port status and provide local liaison.

**3. Procedures:**

**a. NCAGS Procedures in a CRO.** The use of NCAGS procedures assists with the monitoring, coordination and deconfliction of shipping. This will improve the military commander's situational awareness and permit the tracking of CRS, as well as high-value units (HVUs) and COIs. Through liaison and contacts with the maritime industry, participating merchant ships can be tracked either by regular provision of position and intended movement (PIM) information or through automatic polling by electronic means.

**b. Civil-Military Interface.** NCAGS personnel will establish additional liaison with pilotage, vessel traffic services, national authorities, shipping agents, and owners and operators, to obtain information regarding commercial traffic within, and approaching the AOO.

**c. National Authorities.** When tasked, the NCAGSORG will provide national authorities with information on the current situation in the AOO, including what their national merchant ships can expect on arrival and how to contact military authorities if required. This information would be passed to merchant ships through their shipping companies, in accordance with national procedures.

## ANNEX 3C

## Naval Cooperation and Guidance for Shipping in Maritime Interdiction Operations

- 1. Introduction.** MIOs may be conducted to enforce sanctions against a nation or nations. Under such circumstances, elements of the NCAGSORG may be deployed to support the operation. These personnel are integrated into the Combined Joint Task Force (CJTF) to provide advice on commercial maritime issues at the strategic, operational and tactical levels. The use of these resources to provide advance information on merchant ships assists the MIOC in identifying SUS well in advance thereby saving valuable time and assets that would otherwise be used to clear non-suspect ships.
- 2. Objectives.** There are two primary focus areas that are provided by NCAGS support to MIO:
  - a. Assist with the compilation of the RMP in the AOO in order to decrease the time required to clear or board vessels.
  - b. Disseminate information to the merchant shipping community regarding MIO, encouraging merchant shipping deconfliction with the MIOC.
- 3. Tasks.** NCAGS personnel carry out the following tasks:
  - a. Input data and help maintain the merchant ship component of the RMP by monitoring and liaising with merchant ships within and approaching the AOO.
  - b. Provide updates on the movement of merchant ships in and around the AOO, including ships in port.
  - c. Monitor and update over-the-horizon (OTH) tracks for merchant ships, as well as collecting information from industry, civilian and other government sources. This provides a predictive element to the RMP with respect to merchant ships approaching and departing the AOO.
  - d. Through close liaison with intelligence staffs, evaluate information received to contribute to the process of identifying possible SUS, COI, and CCOI.
  - e. Through close liaison with shipping organisations, collate information including port of origin, destination, nature of cargo, configuration, superstructure, freeboard, accessibility, number of holds, crew complement, maximum speed and linguistic requirements for the MIOC.
  - f. Provide advice to the MCC and MIOC on all aspects of merchant shipping in the AOO, including deconfliction, and maritime industry issues.
  - g. Inform the shipping community of military intentions when appropriate.
- 4. Level of Support.** The level of traffic, as well as the amount of information and evaluation required to develop and maintain the RMP, will determine the number of personnel required for the operation both at sea and ashore. The situation may call for NCAGS officers on the staffs of the MIOC and/or the RMP authority. A very large AOO, with high traffic density, may require the establishment of NCAGS units in the primary ports or at a chokepoint, particularly if the level of traffic requires daily evaluations or pre-clearance of multiple ships. NCAGS personnel will be required to support the MIOC with a detailed and extensive database of shipping information.



## 5. Command and Control (C2):

**a. Task Organisation.** The focus of NCAGS activity will be on picture compilation, including filtering the merchant ship element and relaying relevant data as required by the military commander, and on the deconfliction of merchant shipping from military operations. The deployment of NCAGS assets to the operational commander will be dependent on the situation that led to the establishment of the operation and will be detailed in the appropriate mission specific OPGEN and OPTASKs.

**b. Organisation and Personnel.** NCAGS personnel will augment the existing MIO task organisation as part of the military commander and MIOC staffs. The organisation must be flexible enough to react to the requirements of the situation that have triggered the MIO. The volume of ships as well as the level of detail and evaluation required to develop and maintain the RMP, will determine the number of personnel required for the operation.

## 6. Procedures:

**a. NCAGS Procedures in MIO.** In order to monitor and update the movement of all merchant shipping in the AOO, NCAGS personnel inputting information to the RMP must obtain PIM information to maintain a track of relevant merchant ships as required by the operational commander. Tracks should be updated on a regular basis and at least every six hours. These merchant ship movements are then monitored and evaluated to ensure ships follow the intended route. Any deviations in ship movements are reported to the MIOC.

**b. Civil-Military Interface.** When NCAGS personnel are tasked to identify all merchant ships approaching the AOO, standard NCAGS procedures are applied. These procedures include establishing liaison with pilotage authorities, vessel traffic services, national authorities, shipping agents, and owners and operators to obtain information regarding merchant ship traffic approaching the AOO. The information required includes name, flag, IMO number, international radio callsign, ship type, nature of cargo, last port of call, date and time of departure, estimated time of arrival (ETA) to the AOO, next port of call and ETA, final destination and ETA, agent, present position, course and speed, name of owner and port of registry. The MIOC also requires detailed descriptions of these ships, including color schemes of superstructure and funnels, upright sequence (see "Merchant Marine Identification Guide - World" issued by U.S. ONI), flag and other characteristics to assist in visual identification by day or night, as well as to provide information for the boarding teams.

**c. National Authorities.** When tasked, the NCAGSORG will provide national authorities with information on the current situation in the AOO, including what their national merchant ships can expect on arrival, and how and when to contact the MIOC. This information would be passed to merchant ships through their shipping companies, in accordance with (IAW) national procedures.

**d. Pre-clearance.** If pre-clearance procedures are in effect, NCAGS personnel will make arrangements for the pre-clearance of merchant ships before they arrive at the AOO. Pre-clearing will take place at a nation's port of departure, or at a predetermined location established by the MIOC. Detailed descriptions of SUS/COI/CCOI would then be passed on to the MIOC to assist with identification and verification. Mobile, shore-based teams assist with pre-clearance by obtaining advance notification of vessel arrival or departure and cargo configuration, providing the master with MIO checkpoint procedures and by validating documents. In addition, personnel in ports can initiate and terminate tracks on the C2 system.

## ANNEX 3D

## Recognised Maritime Picture

**1. Purpose and Scope.** This annex provides NCAGS SOs with background information on the RMP. Its content is largely derived from existing RMP documentation, particularly EXTAC 619. Guidance on submitting data to the RMP is contained in Chapter 5, Tool 109.

**2. Definitions:**

**a. RMP.** The RMP is a non-real time geographic presentation of processed all-source contact and planning data, known at a given time, of surface, subsurface, amphibious and maritime air units, forces and operations in a designated area of interest (AOI), compiled by an assigned RMP manager. The RMP is in accordance with requirements from operational directives and tasking to support decision makers in the conduct of C2 of maritime forces and operations. The RMP is neither a tactical plot nor a real-time display.

**b. RMP Manager.** The RMP manager is a duty/responsibility of a SC assigned authority (for example: RC, CJTF, or TF) to control the RMP management process in accordance with SC directives. RMP managers have an overall responsibility for the RMP management process for a dedicated AOI. To prevent circular reporting of RMP data there should only be one RMP and one RMP manager for a specific geographic location.

**c. RMP Management Process.** The RMP management process is sequential, iterative and repetitive in nature. Understanding and executing this process is the most effective means of ensuring standardization and consistency among users involved in RMP management. This process ensures that the data is properly entered into the RMP track database. The RMP management process consists of four distinct elements:

**(1) Direction.** The SC should promulgate operational directives (OPDIR RMP) for normal (standing) and specific situations to the assigned RMP manager. The RMP managers shall specify and tailor the SC OPDIR RMP by promulgating their OPTASK RMP and SUPPLEMENTS as required to units and forces under NATO OPGON in their AOI.

**(2) Collection.** Data collection involves the accumulation of data reports from multiple sources in a variety of message and reporting formats.

**(3) Filtering.** RMP managers have the responsibility and capability to suppress that information which is not essential to immediate requirements based on specific data attributes. If properly used, filtering can also reduce operator task loading, thus improving RMP management without reducing the overall quality of the RMP. It is therefore essential that NCAGS SOs work closely with RMP managers to establish the filtering criteria for merchant ships. Ideally this should be reflected both in the OPTASK RMP as well as the OPTASK NCAGS. Points to consider when establishing filtering criteria include:

(a) Command requirement for level of merchant ship input in AOO.

(b) Track update and deletion frequency.

(c) Filtering parameters:

1. Responsibility for filtering process.

2. Flag.
3. Type of vessel.
4. Port of arrival/departure.
5. Intelligence requirements.
6. Geographical area.

**(4) Data Validation.** Data validation is the assessment of incoming filtered data against criteria, set to improve data quality, coupled with the necessary elimination of data that deviates from those standardized criteria (e.g., incomplete, excessively time late and unreliable data). The validation process involves identifying data of operational interest to the RMP manager. Originating data sources should be contacted if information submitted does not meet the validation criteria, or if additional data is required.

**(5) Evaluation.** Data evaluation involves assessing the reliability of the source and the credibility of the data against the existing track database. Reports that radically alter the “known data” on contact should be carefully scrutinized prior to assimilation into the database.

**(6) Fusion.** Data fusion is the process of merging evaluated and validated data into a single, coherent picture. The data fusion process includes merging duplicate tracks.

(a) Resolving ambiguous data on single tracks.

(b) Correlation of different reports (e.g., electronic intelligence (ELINT) and acoustic data) on a single track or identifying unknown tracks. Data fusion is performed by RMP managers only.

**d. RMP Data.** RMP data includes geographic, contact and planning data on friendly, neutral and adversary surface, subsurface, amphibious and maritime air forces based on information provided from a variety of sources.

**(1) Track Alert Criteria.** An important way to distinguish contacts is in terms of their interest and their significance to the RMP. The RMP manager is to assign the following alert-criteria to the RMP track data.

**(a) CCOI.** Critical contacts of interest, also called target tracks (TGT), are designated by the operational commanders and normally require more frequent reporting.

**(b) COI.** Contacts of interest, also called high interest tracks (HIT), are designated by the operational commanders.

**(c) SUS.** Suspect vessels should be applied to any track that requires further attention (e.g., identification, questioning, examination or boarding).

**(d) NSP.** Non-suspect tracks are tracks that were previously of interest and are no longer of operational concern.

**e. Evaluation and Validation Criteria.** The standard evaluation criteria for RMP track data are:

(1) **Area of Probability.** The contact's area of probability (AOP) expands with time based on the associated motion model. If the AOP expands to become unusable by decision makers, the contact should be removed from the database.

(2) **Source.**

(3) **Confidence Level.**

(4) **Time Late.** The difference between the time of the last contact report and current time. Track time late is relevant in relation to track deletion criteria as specified in OPTASK RMP.

**f. High Interest Track Broadcast (HIT B).** The HIT B is a high speed, high frequency (HF) transmission of selected RMP data. In order for the reception of the HIT B to be unencumbered by emission control (EMCON) the broadcast should preferably be a super-high/ultrahigh frequency (SHF/ UHF) satellite communications (SATCOM) transmission ashore for relay by land line to HF re-radiating stations to units unable to receive the RMP by other means. Instructions for the type of tracks, cycle rate and HF frequencies should be promulgated within the OPTASK RMP supplement.

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## ANNEX 3E

**Fishing Vessels in NCAGS Operations****1. Benefits of Cooperation:**

a. Many Allied as well as non-NATO fishing vessels may be operating both in and outside the AOO. Therefore, some form of military/civilian oversight over fishing vessels, both in transit and while actively engaged in fishing may be necessary for one or more of the following reasons:

- (1) To keep fishing vessels clear of NATO military sensitive areas such as submarine operating areas and “noise sensitive” areas where towed arrays of underwater listening devices may be employed.
- (2) To avoid areas where enemy forces may be deployed, including mined areas.
- (3) To maintain a plot, as far as practicable and convenient, of all fishing activity.
- (4) To ensure as far as is practical, that NATO’s fishing fleets continue to provide for national needs and with minimum disruption.

b. Benefits to the fishing community are:

- (1) Ensuring uninterrupted fishing for as long as possible.
- (2) Maintaining the information flow between the military and fishing authorities.
- (3) Enhancing safety in transit and at fishing grounds.
- (4) Limiting mutual interference between fishing and military activities.

**2. NCAGS Policy for Fishing Vessels:**

a. It is a national responsibility to determine the degree of direction and control over fishing vessels, and the degree of access permitted to Distant Water Fishing Vessels within their national fisheries waters or Exclusive Economic Zone (EEZ). This may be determined by complex legal agreements or historical fishing practice within national fisheries waters.

b. States exercise fishing jurisdiction within their national fisheries waters and exercise “flag state control” over their national flag vessels. Fishing activity is regulated by national licencing and through access agreements with other nations. Such agreements may be ongoing and subject to continual re-negotiation. It is essential, therefore, to maintain close cooperation between national administrations and NATO authorities. National instructions for the control of fishing vessels should take into account the operational requirements of the military commander. There is no legal obligation to do so unless emergency legislation is activated.

c. Emergency legislation may result from a national initiative or, at NATO’s request through the NAC/DPC. Flag-states should advise their vessels engaged in distant water fishing activities to cooperate with any NATO operation.

d. Beyond national fishery waters the degree of control over fishing vessels remains a national function. However, military commanders may influence this level of control in the AOO via NAC/DPC. This control is dependent upon the voluntary cooperation of fishing vessels.

e. The boundaries of national fisheries waters or EEZs are those declared or proclaimed by that nation. These limits will be accepted by other nations as long as they reflect accepted principles of international law and law of the sea.

### 3. National Responsibilities:

a. The authority for the control and monitoring for fishing vessel activity rests with the individual nations. This applies to all vessels within the nation's fisheries waters and for flagged vessels of that nation engaged in distant waters fishing outside NATO national fishing limits. Within their national fisheries waters, individual nations have jurisdiction over all vessels engaged in fishing, subject to any treaty or multinational fishing access agreements.

b. Within its fisheries waters, each nation will make the necessary arrangement to:

- (1) Prevent fishing in dangerous or militarily sensitive areas.
- (2) Facilitate the protection of fishing vessels.
- (3) Control fishing vessels within their fisheries waters.
- (4) Plan to provide instructions to vessels intending to participate in Distant Waters Fishing, in periods of crisis.
- (5) Keep fishing activity clear of nominated areas in the AOO as requested by the Military Commander.

**c. National Shipping Authority.** Briefing information for fishing vessels may be forwarded via NSAs and will be consistent with military requirements.

**d. NATO Jurisdiction.** In the absence of national emergency legislation, NATO military authorities have no formal jurisdiction over fishing vessels. Compliance with instructions passed through national authorities would be expected, however, even this control could be severely limited outside the NATO nation's fishery limits unless nations agree to designate them.

### 4. Military Commander's Options:

a. If a fishing vessel is taking part in an operation, the NCAGS CDR will have the ability to influence its operations through the participation and designation categories in the NCAGSORG.

R b. A fishing vessel designated by its flag-state should comply with naval orders. A non-participating fishing vessel or a participating vessel or designated fishing vessel which is non-compliant, may achieve SUS criteria within the RMP.

### 5. Monitoring Fishing Activity:

a. Fishing activity may be monitored. This would mainly entail information exchange between military commanders and national fishing authorities on expected fishing vessel activity in the AOO. If activated, this can be undertaken by the NSC, RCs' Shipping Centres, or other elements of the NCAGSORG as decided by the NACAGS CDR.

b. Fishing activity and military operations can be deconflicted by seeking voluntary cooperation, issuing relevant NAVWARNs, or issuing orders to designated fishing vessels.

## **6. Naval Supervision of Merchant Ships:**

a. If a fishing vessel's planned route is going to pass through or adjacent to declared sensitive areas, nations should ensure that this vessel is given a briefing provided by the NCAGSORG. Vessels may be re-routed and monitored to ensure their safe passage. Fishing vessels transiting through the AOO may be routed by the NCAGSORG either as independents or in groups as the operational situation and risk dictates.

b. National authorities may require that fishing activities utilize alternative fishing grounds. In this case they will do the following:

- (1) Determine the fishing requirement.
- (2) Select the desired fishing area.
- (3) Assign fishing vessels to the designated area and notify NATO military authorities of the relevant details to facilitate deconfliction.
- (4) Brief the responsible representative of national fishing authority on the military operational requirements.

c. As a matter of general policy, fishing grounds and access to them will be kept open whenever operational circumstances permit. If long transit times are required, national fishing authorities should give notice of their intentions as far in advance as is possible.

## **7. National Fishing Representative:**

### **a. Authority:**

(1) National Fishing Representatives will be nationally appointed. Since their authority derives from national legislation, the exact extent of this authority may differ between countries. However, they must be given sufficient powers over the fishing vessels and the personnel of their own nations to be able to effectively implement the orders of the military commander concerning the movement and the conduct of fishing vessels sailing in their group.

(2) When multinational fishing groups are formed, the nations concerned should make necessary arrangements among themselves so that authority vested in the Representative will apply to all vessels included in the group.

**b. Duties.** The National Fishing Representative will be responsible for communications with the national authorities, relaying information to and from the fishing vessels within his group and directing the general movements of the group. He may be required to round up stragglers, both en route and when the group is deployed on the distant fishing ground. The navigation and handling and fishing operations of each vessel are the responsibility of the individual master. The internal control and organisation of the fishing groups is a matter for national arrangements.

**c. Communication Facilities.** National authorities must have adequate communication facilities to enable them to communicate with fishing vessels as required by the military commander.



**8. Notification to Neutrals.** Military commanders should take the necessary steps to inform neutral nations, within the limits of security, of restrictions that might affect the operation of national fishing fleets. They should be invited to recommend to their fishing vessels to take part in the operation as participating ships.

## ANNEX 3F

# ROUTEING

1. **Responsibility for Establishing Routes.** The military commander is responsible for establishing and maintaining a system of routes when required in an operation.
2. **Routeing Authority.** The Routeing Authority is delegated to the NCAGS CDR, but he may also delegate this authority to select and allocate routes for a complete passage.
  - a. The NCAGS CDR is authorised to issue convoy routes which will include rendezvous, joiner and leaver positions. To achieve this, close coordination with relevant military commanders for the entire passage is required in order to provide the relevant information for promulgation.
  - b. The NCAGS CDR is authorised to route independents. The allocation of routes for independents may be delegated to SCPs when all tactical information is available.
3. **Sailing Authority.** The Sailing Authority is the authority responsible for the sailing of an independent or convoy along the prescribed routes shown below, and this can be delegated to a subordinate element. He may also be the Routeing Authority.
4. **Routeing Systems.** There are two established methods of routeing. These are:
  - a. **Standard Route.** In NCAGS, a preplanned single track, connecting positions within the main shipping route. Standard routes must be checked at regular intervals to ensure continuing validity for safety.
  - b. **Latitude and Longitude.** Non-predetermined routes which are issued by the Routeing Authority as required. These are of particular use in an emergency before standard routes are activated.
  - c. **Promulgation of Routes.** In normal circumstances the promulgation of routes would be restricted; therefore, the Routeing Authority is responsible for seeing that all who are concerned with the operation of a particular route hold the necessary information before the route is activated. Standard Routes are always classified at a minimum of Restricted.
5. **Designating a Selected Route:**
  - a. Details of the selected route or routes must be passed by the Sailing Authority to other naval authorities concerned and to the NCAGS authority responsible for issuing the orders and routeing instructions to the ships being sailed.
  - b. When a standard routeing is to be used, this information is passed by reference to the appropriate code name or reference number of the selected route which will be assigned by the NCAGS CDR.
  - c. For communication purposes, in all routeing systems, route positions are given **Letter Designators** by the Sailing Authority. To increase security, different letter designators are assigned for each sailing.

**6. Issuing Routeing Instructions to Merchant Ships:**

**a. General.** With the exception of ships in ocean convoys, routeing instructions to ships always take the form of a list of latitudes and longitudes of the route positions together with their two-letter designators. Under no circumstance is reference to be made to code words, reference position numbers, or route position numbers.

**b. Convoys.** Routeing instructions are passed only to the officer commanding (OC), the Convoy Commodore, and the Commanding Officers (COs) of Escorts. Vice and Rear Commodores receive copies of the route in a sealed envelope.

**7. General Routeing Guidelines.** The list below is a general guide to the “dos and don’ts” of routeing:

**a. Dos:**

- (1) All routes should be planned to provide the most economic diversion from ships’ planned passages whilst maintaining safety at all times.
- (2) All routes must be checked on a navigational chart before being promulgated.
- (3) Only the Routeing Authority can issue and amend routes.
- (4) Waypoints must not exceed 500 nm.
- (5) Routes must obey The Rules of the Road.
- (6) They must take into account merchant ship handling characteristics.
- (7) They must take into account meteorology, oceanography, the current tactical situation, current and future intelligence and AWNIS input for Maritime Safety Information issues.
- (8) Routes can only be uni-directional.
- (9) Each uni-directional route in the standard system must bear a codename and each waypoint given a two-letter designator.

**b. Don’ts:**

- (1) Routes must not go over land, and this must be checked before promulgation.
- (2) No NCAGS element can issue routes without approval from the Routeing Authority.
- (3) Send routes by unclassified means.
- (4) Issue routes without checking the current risk and tactical situation, which may require changing the waypoints.
- (5) Forget to check every part of the route for adequate water depth and tides for all ships likely to use it.
- (6) Forget merchant ships characteristics and manoeuvring capabilities.

**8. Letter Designators.** All waypoints are allocated two-letter designators, except for the final position, which is assigned a single letter. The following points should be noted:

- a. The first letter of the two-letter designator remains the same for any particular convoy or independent, except as explained in sub para (f) below.
- b. The second letter and the final single letter are given in alphabetical sequence, starting with any letter selected at random at the route position nearest the port of departure and continuing, in the direction in which the convoy or independent is travelling.
- c. The letters I and O are never used.
- d. A two-letter route position designator assigned to a main convoy or to a coastal convoy is not to be assigned as a designator to any of the route positions on a joiner or leaver route. Nor should the first letter of the main or coastal convoy designator be used as the first letter of the joiner or leaver designators.
- e. The rendezvous position of an ocean joiner convoy or independent with the main convoy and the break-off position from the main convoy of an ocean leaver convoy or independent are to be indicated by the letter designator of the main convoy route.
- f. When there are more than 24 route positions, the method of designating them must be modified. After the entire alphabet (less I and O) has been used for the second letter, the first letter is to change to the one following it in the alphabet, and the sequence continues. The following chart shows the assignment of two-letter route position designators for a route with 27 possible positions, beginning with JT:

Position	Designator	Position	Designator
1	JT	15	JH
2	JU	16	JJ
3	JV	17	JK
4	JW	18	JL
5	JX	19	JM
6	JY	20	JN
7	JZ	21	JP
8	JA	22	JQ
9	JB	23	JR
10	JC	24	JS
11	JD	25	KT
12	JE	26	KU
13	JF	27	V
14	JG		

**9. Standard Route System:**

**a. Establishing and Numbering of Standard Routes.** In the standard route plans, which set out the route positions of Standard Routes, the points on the track are numbered from North to South and from East to West. Route positions must be established in sufficient numbers to ensure that successive route positions are not more than 500 miles apart.

**b. Selecting and Reporting Standard Route Positions.** After considering all the factors involved such as AWNIS information, intelligence, weather, sonar conditions and so forth, the

Routeing Authority selects a route from those given in the predetermined plans. The Sailing Authority (if different) may establish intermediate route positions and will assign two-letter designators to all route positions. Geographic coordinates of any intermediate position established together with the two-letter designators allocated to every position on the route must be reported in the appropriate message.

- Example -

The table below shows Standard Route MAPLE. In sailing a vessel on independent passage from Liverpool, GBR, to New York, USA, the Routeing Authority selects Route MAPLE, positions 1 to 12 and sends this information in the appropriate message to the Sailing Authority.

The Sailing Authority allocates BK through W as the two-letter designators.

- The routeing authority consults the predetermined routeing publication and extracts the latitudes and longitudes for Route MAPLE, positions 1 to 12. These, together with the two-letter designators, are then put in the SI for the vessel, as shown below, without reference to the code name for the route or the route position numbers.

56.00 N	010.00 W	BK	47.00 N	045.00 W	BR
53.30 N	016.00 W	BL	45.00 N	050.00 W	BS
52.00 N	022.00 W	BM	44.00 N	054.00 W	BT
50.00 N	025.00 W	BN	43.00 N	057.30 W	BU
48.30 N	032.30 W	BP	41.00 N	062.00 W	BV
48.00 N	040.00 W	BQ	38.30 N	065.00 W	W

#### 10. Latitude and Longitude:

The Routeing Authority decides on a route from a chart, taking into account current information and intelligence. The latitudes and longitudes of the chosen route are then passed to the Sailing Authority in the appropriate message. The Sailing Authority assigns a two-letter designator to each latitude and longitude and then includes them in the appropriate message.

#### 11. Coastal Routeing:

R

**a. General.** Although routeing in coastal waters inside the 100 metre line follows the same general rules and employs the same methods as described above, there is seldom scope to offer widely differing routes for coastal voyages. In consequence, routeing is normally “as safe navigation permits” if there are no navigational dangers or minefields, or via messages promulgated via the “Q” message system and/or Standard Routes if hazards exist.

**b. Standard Coastal Routes.** In addition to “Q” messages, Standard Routes for sailing coastal shipping may be laid down by the military commander when movement of shipping is restricted because of the presence of navigational dangers.

**12. Combined Routeing System.** Routes may consist of a combination of any of the routeing systems described in previous paragraphs.

**a. The “Q” Message System.** Described in AHP-1, “Q” messages promulgate classified navigational information. Information contained in such messages that is required by merchant ships can only be released after the serial number and the date-time group of the message has been removed.

b. Routeing Authorities must consult all relevant “Q” messages, including “Q” messages covering those areas through which the route passes, when formulating a route.

**13. Terminal Area Routeing:**

a. Terminal Area Routeing applies to convoys or independents from the end of the ocean transit route to the port or anchorage of destination. These routes, which may be standard coastal routes, “Q” routes, or specially devised routes, are classified for security purposes in the same manner as the ocean route to which they apply.

b. Terminal Area Routeing is normally the responsibility of the Routeing Authority of the area from which the convoy or ships sails. However, when current information of the routes from the last position of the ocean route to the destination is not held, or is doubtful, this part of the route must be omitted, with the NCAGS element at the destination being informed of who will assume Routeing Authority from the last known position.

**14. Stragglers from Convoys:**

**a. General.** Each vessel in a convoy is to be provided with a sealed envelope containing instructions to follow in the event of them becoming a straggler as defined in ATP 2(B), Vol II.

**b. Contents.** The instructions to be followed by ocean stragglers are to be promulgated by the Sailing Authority of the main convoy. As a minimum, they are to contain the route to be followed, the communications to be kept, and whether or not a New Position Report should be made.

**c. Reporting the Movements of Stragglers from Convoys.** The Military Commander of the area in which a ship is declared a straggler shall promulgate information concerning the straggler. This will consist of the corrected position, the SOA, and revised information including ETA, as required. This information will go to other Military Commanders concerned, the NCAGS element at the immediate destination, ship’s NSA, and the NSA of the country in which the ship’s final destination lies.

**15. Messages Ordering Diversions and Destination Changes:**

**a. General.** All diversions ordered for a convoy or independent after sailing must make clear the entire route to be followed to the immediate destination. In diverting a convoy or independent, the NCAGS CDR on behalf of the military commander, orders the new route by a message addressed to the OC and Convoy Commodore and by a diversion message to the master of an independently routed ship.

**b. Diversion Message.** For alterations to the route of a ship or a convoy at sea, the ship or Convoy Commodore is to be given the new route by means of a DIVERSION MESSAGE as laid down in ATP 2(B), Vol II. The same diversion instructions must be sent to appropriate civil authorities by the MERCO DIVERTORD message. In addition to including a new ETA, straggler’s instructions should be included when applicable.

**c. Method of Amending the Route.** The DIVERSION MESSAGE and the appropriate military messages will give a new position or positions through which the ship or convoy is required to pass. New positions may be established by using bearings and distances from the lettered designators allocated to the positions given in the original messages. Two-letter designators must always be assigned to new route positions.

**16. Corrections to Positions and ETAs.** In order to assist the military commander, the NCAGS CDR responsible for making amendments to routes and the OC, Convoy Commodore if unescorted, or the master of an independently routed ship, will make a report when the electronic emission policy in force permits if:

**a. Ocean Passage.** Because of weather or other circumstances, his actual position differs by more than 50 miles ahead or astern, or is more than 15 miles to either side of the predetermined dead reckoning position.

**b. Coastal Passage.**

(1) Once in the area if it becomes evident that the actual time of arrival will be more than 4 hours earlier, or later, than the last ETA given. The OC controlling the port of immediate destination is to be informed, and onward instructions will be issued by the Sailing Authority.

(2) As instructed by the Sailing Authority.

**17. Routeing Liabilities.** Advice and routes may be given to masters provided it is made clear to the Master that the Allied, or coalition, governments accept no liability. As far as possible, ships must be routed clear of convoy routes and focal areas unless they are designated and are included in convoys.

## CHAPTER 4

# NCAGS Communications

### 0401 General

NCAGS, in common with most military disciplines, relies heavily on communications to effect command and control, pass data and disseminate information. This may be made more complex by the wide geographical dispersal of NCAGS elements and the need to utilize both military and commercial communication channels.

### 0402 Military and Non-Military Communications

The aim of NCAGS Communications is to provide channels that facilitate the passing of data and dissemination of information among military and non-military organisations. As operations expand, the detailed communications plan will become more complex. Figures 4-1 and 4-2 give an impression of the overall communications relationships for peacetime and CRO, respectively.

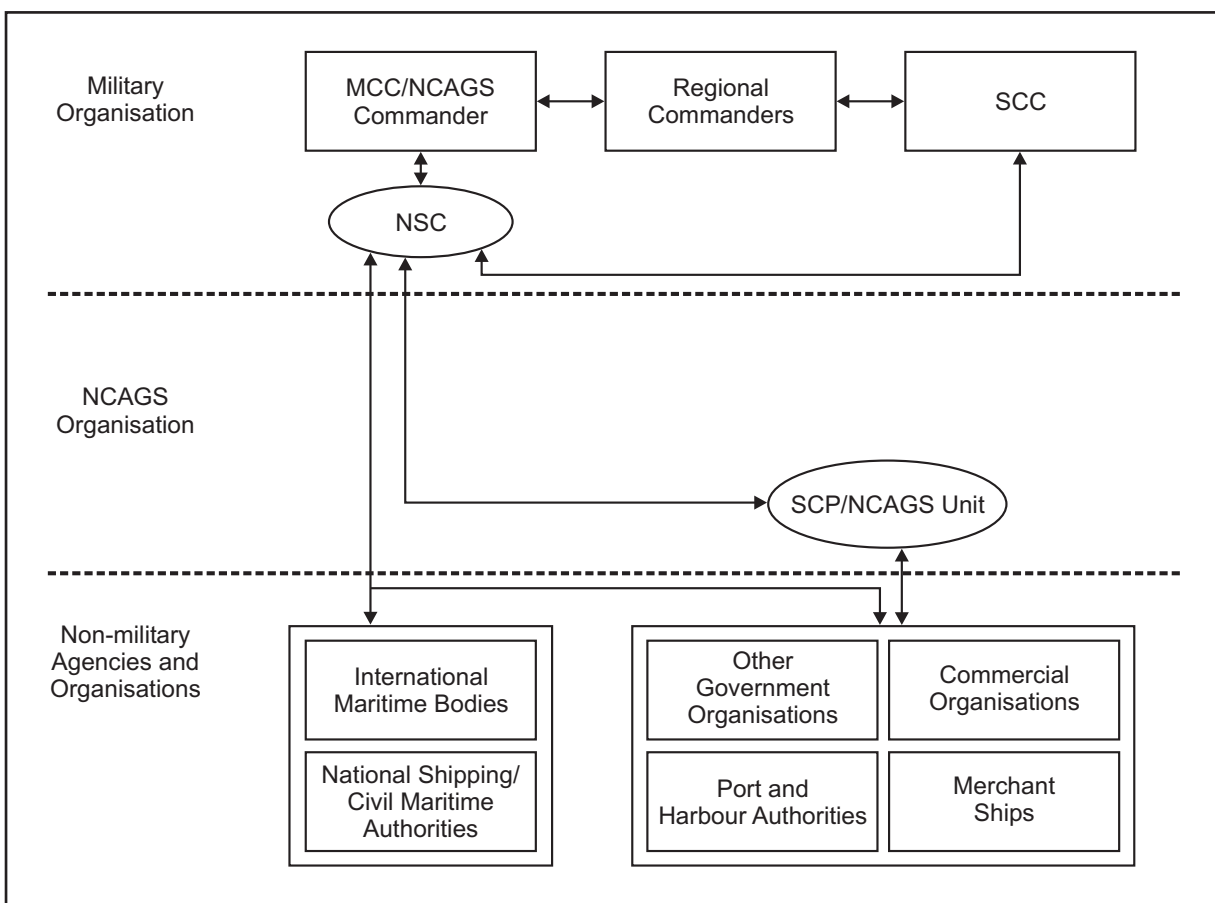


Figure 4-1. Impression of Peacetime and Tension Communications Within the NCAGS Organisation.



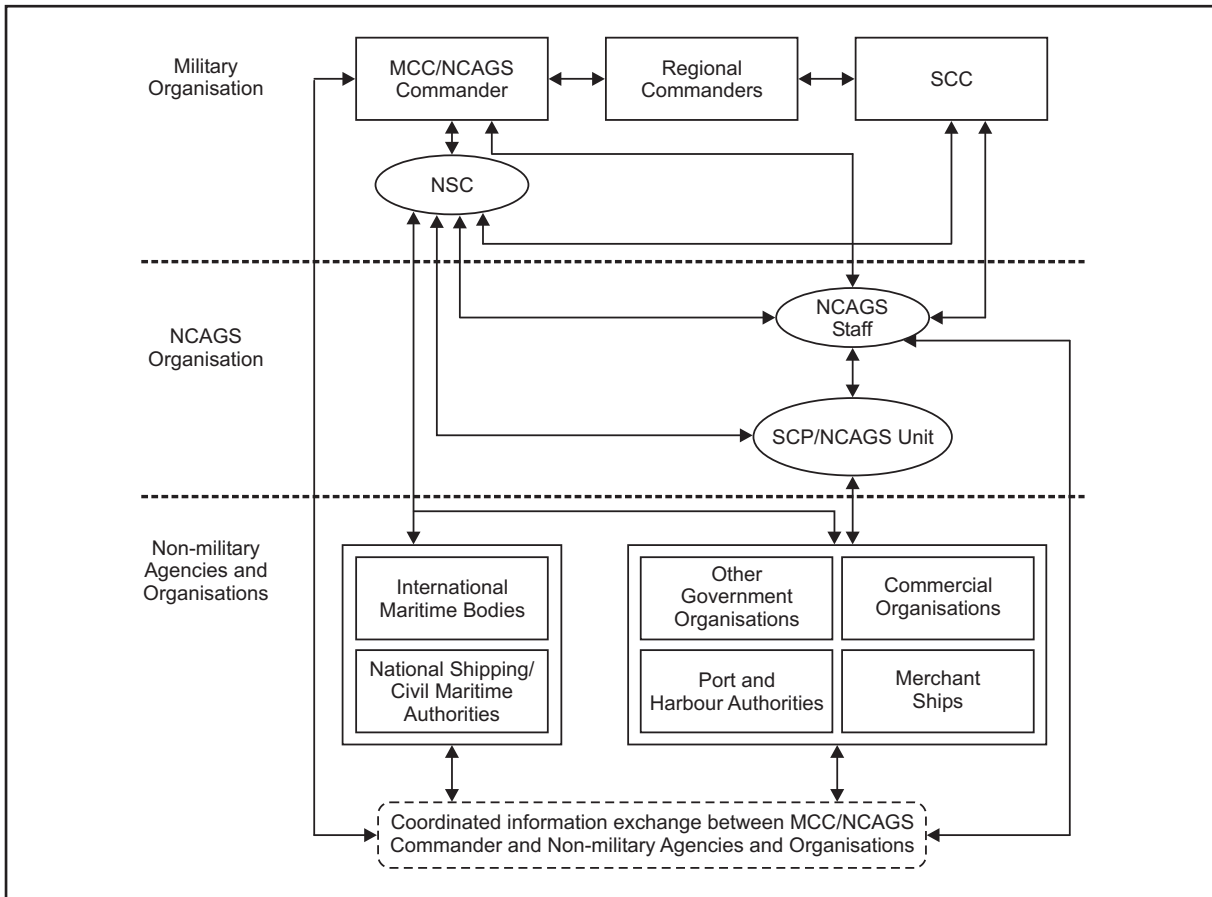


Figure 4-2. Impression of Crisis and Conflict Communications Within the NCAGS Organisation.

### 0403 Information Exchange Requirements

NCAGS military Information Exchange Requirements (IERs) are relatively simple in concept. These are being met by both conventional methods and increasingly technology based solutions. Conventional methods include signal messages, very high frequency (VHF) radio, fax transmissions, and secure and non-secure telephone. Technology based solutions range from formal and informal emails (the definition of formal and informal emails is under development by NATO), to data synchronization between various information systems. The challenge is to establish connectivity with a number of NCAGS elements distributed over a wide geographic area often in non-military locations. This requires a flexible communications' architecture capable of providing maximum connectivity while preserving communications' security. Ideally, this should involve both "push" and "pull" techniques, i.e., information sent and information pulled by the recipients from, say, a website. Table 4-1 and Table 4-2 list the secure and non-secure equipment and connectivity necessary to support the IERs. Table 4-3 lists the minimum requirements for NCAGS Commanders and SCPs during operations and exercises. The overall communications requirements will be determined through consultation with the Maritime component communications staff officer (N-6) and will be driven by the scope and scale of the operation.

Table 4-1. Peacetime and Tension Information Exchanges and Equipment and Connectivity Requirements  
(1 of 2)

Organisational Element Exchange	Equipment and Connectivity Requirements
<p><b>Component Commander to NSC</b></p> <ul style="list-style-type: none"> <li>- Tasking (criteria) for white shipping picture data.</li> <li>- Forward relevant CLASSIFIED and UNCLAS information as required.</li> <li>- Request information on known SUS/COI/CCOI.</li> <li>- Request general shipping information.</li> </ul>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>- Complete C4ISTAR systems and connectivity.</li> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- Maritime Command and Control Information System (MCCIS).</li> <li>- Voice and facsimile (military and civilian).</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- Online collaboration tool (chat).</li> <li>- Voice and facsimile (military and civilian).</li> <li>- Video conferencing.</li> </ul>
<p><b>NSC to Component Commander</b></p> <ul style="list-style-type: none"> <li>- Input of 'global' white shipping data to the RMP (via SCC).</li> <li>- Known SUS/COI/CCOI information.</li> <li>- General shipping information.</li> </ul>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>- Complete C4ISTAR systems and connectivity.</li> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- MCCIS.</li> <li>- Voice and facsimile (military).</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- UNCLAS NCAGS ADP system compatible with MCCIS.</li> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- Online collaboration tool (chat).</li> <li>- Voice and facsimile (military and civilian).</li> <li>- Video teleconferencing.</li> </ul>
<p><b>SCC to NSC</b></p> <ul style="list-style-type: none"> <li>- RMP.</li> </ul>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>- Existing C4 system and connectivity.</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- None.</li> </ul>
<p><b>NSC To SCC</b></p> <ul style="list-style-type: none"> <li>- Input of 'global' white shipping data to the RMP.</li> </ul>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>- Existing C4 system and connectivity.</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- UNCLAS NCAGS ADP system compatible with MCCIS.</li> </ul>
<p><b>NSC to NCAGS Unit</b></p> <ul style="list-style-type: none"> <li>- Updated 'global' merchant ship picture.</li> <li>- Supply any additional information as required for the conduct of NCAGS unit functions.</li> </ul>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>- Complete C4 systems and connectivity.</li> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- MCCIS.</li> <li>- Voice and facsimile (military).</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- UNCLAS NCAGS ADP system compatible with MCCIS.</li> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- Online collaboration tool (chat).</li> <li>- Voice and facsimile (military and civilian).</li> <li>- Video teleconferencing.</li> </ul>

Table 4-1. Peacetime and Tension Information Exchanges and Equipment and Connectivity Requirements (2 of 2)

Organisational Element Exchange	Equipment and Connectivity Requirements
<p><b>NCAGS Unit to NSC</b></p> <ul style="list-style-type: none"> <li>- Input local merchant ship passage data for the merchant ship picture compilation.</li> <li>- Information as required on local merchant ship, port and other relevant data.</li> </ul>	<p><b>Secure (depending on individual unit operational requirements):</b></p> <ul style="list-style-type: none"> <li>- Complete C4 systems and connectivity.</li> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- MCCIS (deployable unit if at remote location).</li> <li>- Voice and facsimile (military).</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- UNCLAS NCAGS ADP system compatible with MCCIS.</li> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- Online collaboration tool (chat).</li> <li>- Voice and facsimile (military and civilian).</li> <li>- Video teleconferencing (if facilities are available).</li> <li>- Digital/video camera</li> </ul>
<p><b>NSC to Non-military Agencies and Organisations</b></p> <ul style="list-style-type: none"> <li>- Relevant information on military operations.</li> <li>- Requests for international or national shipping information.</li> </ul>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>- None.</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- Voice and facsimile (military and civilian).</li> <li>- Toll-free International Maritime Satellite Organization (INMARSAT)-C (phone, fax and data).</li> <li>- Interactive web site.</li> </ul>
<p><b>Non-military Agencies and Organisations To NSC</b></p> <ul style="list-style-type: none"> <li>- Request UNCLAS military warning information.</li> <li>- Inform of issued international and national guidance.</li> </ul>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>- None.</li> </ul> <p><b>Non-secure:</b></p> <ul style="list-style-type: none"> <li>- Personal computer with Inter/Intranet connectivity and email.</li> <li>- Voice and facsimile (military and civilian).</li> <li>- INMARSAT (ship to shore).</li> </ul>

Table 4-2. Crisis and Conflict Information Exchanges and Equipment and Connectivity Requirements  
(1 of 4)

Organisational Element Information Exchange	Equipment and Connectivity Requirement
<b>MCC/NCAGS CDR to Rear Staff (if established)</b> - Various exchanges to coordinate NCAGS operations for both military and non-military factors.	<b>Secure:</b> - Complete C4 systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS. - Voice and facsimile (military). <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing.
<b>Rear Staff (if established) to MCC/NCAGS CDR</b> - Various exchanges to coordinate NCAGS operations for both military and non-military factors.	<b>Secure:</b> - Complete C4 systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS. - Voice and facsimile (military). <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing.
<b>MCC/NCAGS CDR (and Rear Staff, if established) to NSC</b> - OPTASK NCAGS.  - Commander's intentions for defined periods. - Tasking (criteria) for white shipping picture data. - Forward relevant CLASSIFIED and UNCLAS information as required. - Request information on known SUS/COI/CCOI. - Request general shipping information.	<b>Secure:</b> - Complete C4ISTAR systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS. - Voice and facsimile (military and civilian). <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing.
<b>NSC to MCC/NCAGS CDR (and Rear Staff, if established)</b> - Input of 'global' white shipping data to the RMP (via SCC).  - Known SUS/COI/CCOI information. - General shipping information. - Routeing planning.	<b>Secure:</b> - Complete C4ISTAR systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS. - Voice and facsimile (military). <b>Non-secure:</b> - UNCLAS NCAGS ADP system compatible with MCCIS. - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing.

Table 4-2. Crisis and Conflict Information Exchanges and Equipment and Connectivity Requirements (2 of 4)

Organisational Element Information Exchange	Equipment and Connectivity Requirement
<b>SCC to NSC</b> - RMP.	<b>Secure:</b> - Existing C4 system and connectivity. <b>Non-secure:</b> - None.
<b>NSC to SCC</b> - Input of 'global' white shipping data to the RMP.	<b>Secure:</b> - Existing C4 system and connectivity. <b>Non-secure:</b> - UNCLAS NCAGS ADP system compatible with MCCIS.
<b>MCC/NCAGS CDR (and Rear Staff if established) to SCP/NCAGS Unit</b> - OPTASK NCAGS.  - Commander's intentions for defined periods. - Relevant CLASSIFIED and UNCLAS information as required.	<b>Secure:</b> - Complete C4 systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS. - Voice and facsimile (military). <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing.
<b>SCP/NCAGS Unit to MCC/NCAGS CDR (and Rear Staff, if established)</b> - SITREPS  - Recommend local navigational warnings and routeing guidance. - Local merchant ship, port and other relevant information as required.	<b>Secure (depending on individual unit operational requirements):</b> - Complete C4 systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS (deployable unit if at remote location). - Voice and facsimile (military). <b>Non-secure:</b> - UNCLAS NCAGS ADP system compatible with MCCIS. - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing (if facilities are available). - Digital/video camera.
<b>MCC/NCAGS CDR (and Rear Staff, if established) to Non-military Agencies and Organisations</b> - Coordinate local navigational warnings.  - Liase as required to deconflict military operations in an area.	<b>Secure:</b> - Voice and facsimile (civilian). <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Voice and facsimile (military and civilian). - INMARSAT (ship to ship and ship to shore). - Video teleconferencing.

Table 4-2. Crisis and Conflict Information Exchanges and Equipment and Connectivity Requirements (3 of 4)

Organisational Element Information Exchange	Equipment and Connectivity Requirement
<b>Non-military Agencies and Organisations to MCC/NCAGS CDR (and Rear Staff, if established)</b> - Issued international and national guidance. - Coordinate local navigational warnings. - Liase as required to deconflict merchant ship movements in a military operations area.	<b>Secure:</b> - None. <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Voice and facsimile (military and civilian). - INMARSAT (ship to shore).
<b>NSC to SCP/NCAGS Unit</b> - Updated 'global' merchant ship picture. - Briefing materials for master's brief. - Forward CLASSIFIED and UNCLAS information as required. - Supply any additional information as required for the conduct of SCP/NCAGS unit functions.	<b>Secure:</b> - Complete C4 systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS. - Voice and facsimile (military). <b>Non-secure:</b> - UNCLAS NCAGS ADP system compatible with MCCIS. - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing.
<b>SCP/NCAGS Unit to NSC</b> - Local merchant ship movements inputs for the merchant ship picture. - Local merchant ship, port and other relevant information as required.	<b>Secure (depending on individual unit operational requirements):</b> - Complete C4 systems and connectivity. - Personal computer with Inter/Intranet connectivity and email. - MCCIS (deployable unit if at remote location). - Voice and facsimile (military). <b>Non-secure:</b> - UNCLAS NCAGS ADP system compatible with MCCIS. - Personal computer with Inter/Intranet connectivity and email. - Online collaboration tool (chat). - Voice and facsimile (military and civilian). - Video teleconferencing (if facilities are available). - Digital/video camera.
<b>NSC to Non-military Agencies and Organisations</b> - Daily SITREP of flagged ships in the AOO. - Relevant information on military operations in an area. - Requests for international or national shipping information.	<b>Secure:</b> - None. <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Voice and facsimile (military and civilian). - Toll-free INMARSAT-C (phone, fax and data). - Interactive website.

Table 4-2. Crisis and Conflict Information Exchanges and Equipment and Connectivity Requirements (4 of 4)

<b>Non-military Agencies and Organisations to NSC</b> - Ship information in accordance with FORMAT ALPHA.  - Ship position updates. - Issued international and national guidance. - Local incident reports.	<b>Secure:</b> - None.  <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Voice and facsimile (military and civilian). - INMARSAT (ship to shore).
<b>Organisational Element Information Exchange</b>  <b>SCP/NCAGS Unit to Non-military Agencies and Organisations</b> - Brief masters on risk and routes including self protection measures and lead through operations as instructed. - Deconflict merchant ships from military operations in the AOO as instructed. - Issue sailing instructions as appropriate. - Organise NCAGS LO embarkation and disembarkation in accordance with established priorities. - Facilitate local navigational safety.	<b>Equipment and Connectivity Requirement</b>  <b>Secure:</b> - None.  <b>Non-secure:</b> - Personal computer with Inter/Intranet connectivity and email. - Voice and facsimile (military and civilian). - Toll-free INMARSAT-C (phone, fax and data).

#### 0404 Merchant Ship Messages

Merchant messages are formatted messages. As formatted messages are designed to be generated and processed automatically, the manual drafting is considered to be an exception. These message formats are listed in the NATO Message Catalogue (APP-11). These messages are normally unclassified.

Its uses are also normally limited to military users and civilian shipping authorities (see diagram). It should be kept in mind that not all civilian shipping authorities have access to the required message handling software or the NATO Message Catalogue (APP-11). These authorities may have to be provided with an unclassified edition to ensure sufficient capability.

The types and purpose of the NCAGS MTF messages are as follows:

- 1. SAILNOTE (SAILING NOTIFICATION):** The Sailing Notification is used to transmit the movements of one or more merchant vessels.
- 2. MERSITREP (MERCHANT VESSEL SITUATION REPORT):** The MERSITREP Message is the principal means by which reports regarding Merchant Vessels are made.
- 3. MERSITSUM (MERCHANT VESSEL SITUATION SUMMARY):** The MERSITSUM Message is a specialised MERSITREP used for making multiple ship Situation Summaries.

By modifying various fields the purpose of each of the three message types can be varied, effecting a request or change. These three messages may be amplified for specific uses through the use of "REQUEST," "CHANGE" AND "CHANGE REQUEST."

#### 0405 Communications Security

NCAGS elements may be tasked to arrange for the distribution of cryptographic material to merchant ships and NCAGS staff as required. This could include secure devices to cover voice transmissions and text messages.

Table 4-3. Minimum Required Facilities

<b>NCAGS CDR Staff</b>	
Equipment	Remarks
Direct access to MMHS 24/7	To send and receive military signals IAW message priority
4 x PC <sup>1</sup> (unclassified with access to Internet <sup>2</sup> )	NCAGS ADP + access to www/email simultaneously
1 x PC (classified)	Produce classified documents
2 x PC printer <sup>3</sup>	1 for unclassified and 1 for classified system
2 x Beamer + projection screen	To project NAMESIS plot and briefings, etc.
1 x data line with access to Internet	Minimum ISDN connection
4 x telephone (un-secure international)	
1 x telefax (un-secure international)	
1 x MERCS	PIA and printer if possible
Access to ship databases	In order to collect information of ships and ports
1 x set of charts	
1 x navigator set	Including parallel ruler and divider
1 room	Office desks, chairs, conference table IAW manning
Publications/documents	As given in the publication/document list
<b>SCP</b>	
Equipment	Remarks
Direct access to MMHS 24/7	To send and receive military signals IAW message priority
3 x PC <sup>4</sup> (unclassified with access to Internet <sup>5</sup> )	NCAGS ADP + access to www/email simultaneously
1 x PC (classified)	Produce classified documents
2 x PC printer <sup>6</sup>	1 for unclassified and 1 for classified system
1 x Beamer + projection screen	
1 x data line with access to Internet	Minimum ISDN connection
3 x telephone (un-secure international)	
1 x telefax (un-secure international)	
2 x MERCS	PIA and printer if possible
Access to ship databases	In order to collect information of ships and ports
Digital camera	
1 x set of charts	Covering the NCAGS area
1 x navigator set	Including parallel ruler and divider
1 room	Office desks, chairs, conference table IAW manning
Publications/documents	As given in the publication/document list

<sup>1</sup> To be installed in local network (LAN) if possible

<sup>2</sup> All PCs to have minimum Microsoft Office 2000, Microsoft Windows 2000 Professional, Adobe Acrobat Reader, WinZip, antivirus program and firewall (all programs in English version), and ability to burn CD-ROM

<sup>3</sup> One colour if possible

<sup>4</sup> To be installed in LAN if possible

<sup>5</sup> All PCs to have minimum Microsoft Office 2000, Microsoft Windows 2000 Professional, Adobe Acrobat Reader, WinZip, antivirus program and firewall (all programs in English version), and ability to burn CD-ROM

<sup>6</sup> One colour if possible



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## CHAPTER 5

# Naval Cooperation and Guidance for Shipping Toolbox

## 0501 Introduction

The NCAGS Toolbox comprises a series of procedures and tactics available to support maritime operational objectives. These tools may be used in combination or alone as required. The list is in no particular order of priority for implementation. The descriptions and measures within each tool are generic and may be modified as required to meet specific mission objectives. 200 series tools are for implementation during Naval Supervision of Merchant Ships which requires NAC/DPC approval to implement.

## 0502 Naval Cooperation and Guidance for Shipping 100 Series Tools

100 series measures may be implemented with the authority of military commanders. Details of the measures are shown in Annex A to this Chapter.

	Tool
100 SERIES – ANNEX A	
101	Issue OPTASK NCAGS Appendix 1: OPTASK NCAGS Layout Appendix 2: Change Instructions for Structured Messages
102	Establish an NCAGS Area
103	Establish Communication Reporting Gates (CRG)
104	Liaise with the Merchant Shipping Community
105	Conduct Open Source Information Collection
106	Conduct Focussed Information Collection
107	Establish Communication with Merchant Ships
108	Collect Merchant Ship Information And Voyage Data Appendix 1: Format Alfa
109	Submit Merchant Ship Data to the RMP
110	Spare
113	Assist in the Deconfliction of Merchant Ship Movements and Military Operations
112	Brief Merchant Ship Masters
113	Spare
114	Establish Shipping Cooperation Points (SCP)
115	Establish Shipping Risk Areas (SRA)
116	Deploy NCAGS Liaison Officers (NCAGS LOs)
117	Provide Merchant Ships with Sailing Instructions (SIs) Appendix 1: Sailing Instruction Format
118	Recommend and Facilitate Accompaniment of Merchant Ships
119	Facilitate Dispersal and Emergency Movement
120	Provide NCAGS Services to Crisis Response Shipping (CRS)

121	Recommend and Facilitate Lead-through
122	Generate Routes for NCAGS Purposes
123	Produce Navigational Safety Warnings using WWNWS or AWNIS

### 0503 Naval Cooperation and Guidance for Shipping 200 Series Tools

After approval of Naval Supervision of Merchant Ships, by the NAC/DPC, the following tools are available to the military commander.

	Tool
200 SERIES – ANNEX B	
201	Mandatory Routeing for Merchant Ships
202	Conduct Convoy Operations Appendix 1 — Stationing Criteria for Ships in Convoy Formations Appendix 2 — Joiner Instructions Appendix 3 — Arrangement for Late Availability Appendix 4 — Leaver Instructions Appendix 5 — Straggler Instructions Appendix 6 — Convoy Communications Instructions and Emission Control Appendix 7 — Sailing Order Convoys Appendix 8 — Pre-Sail Briefing

## ANNEX 5A

**100 Series Naval Cooperation and  
Guidance for Shipping Tools****101 Issue OPTASK Naval Cooperation and Guidance for Merchant Shipping****1. References:**

- a. OPGEN/OPDIRs.
- b. OPLAN/OPORD.
- c. ASSESSREPS, INTREPS, NAVSITSUMS, MARINTSUMS, Direction and Guidance signals.
- d. APP 11.

**2. Purpose.** The purpose of the OPTASK NCAGS is to enable the NCAGS CDR to promulgate detailed tasking and instructions for all aspects of NCAGS operations. The message should be promulgated by the NCAGS CDR and should be sent to all units and commands, which will be involved in, or affected by, NCAGS operations in the declared area.

**3.** The OPTASK contains the terms of reference for the various elements of the NCAGSORG. Careful drafting is therefore essential if the NCAGSORG is to function effectively. The OPTASK must be written in such a way that military commanders have a full understanding of the NCAGS contribution to the mission.

**4. Tasks.** The OPTASK NCAGS should follow the criteria below:

- a. Generate and maintain the initial OPTASK for the operation which should contain as much tasking as possible for the day-to-day running of the NCAGSORG and supporting organisations such as the NSC.
- b. Provide the outline of the current operation from the NCAGS perspective.
- c. Provide for the execution of NCAGS operations.
- d. Allocate duties and responsibilities to the NCAGSORG.
- e. Define supporting and supported roles.
- f. Advise military commanders of specific NCAGS related issues and policies with regard to merchant shipping.

**5. Implementation:**

- a. The OPTASK NCAGS must be consistent with the OPTASK messages of other warfare disciplines and should take into account relevant OPDIRs, OPGENs and other warfare management messages.

- b. Only unique NCAGS communications information should be in OPTASK NCAGS. All other communications details will be in accordance with OPTASK Communications or any automatic data processing (ADP) standing operation instructions.
- c. Changes and amendments to the OPTASK NCAGS must be in accordance with Appendix 2.
- d. Create new OPTASK NCAGS for major developments of the operational situation, such as:
  - (1) Embargo operations.
  - (2) Accompaniment operations.
  - (3) Lead-through operations.
  - (4) Non-combatant evacuation operations.
  - (5) Convoying.
- e. An example of the OPTASK NCAGS is contained in Appendix 1.
- f. OPTASKs classified above RESTRICTED increase communications complexity, and elements of the NCAGSORG may have difficulty in receiving this signal.

## APPENDIX 1 TO TOOL 101

### OPTASK NCAGS

#### Brief Summary of Section Titles.

A1	Reference	E1	Shipping Cooperation Point
A2	Period	E2	NCAGS Unit
B1	Mission—NCAGS CDR Mission	F1	Routeing Policy
B2	Conduct of Operations	F2	Protection Policy
C1	General Situation	G1	Evasion Instructions
C2	NCAGSORG	G2	Diversion Instructions
C3	NCAGS Area	H1	NCAGS Communications
C4	Shipping Risk Area	I1	Emission Control Plans
C5	SRA Threats	J1	AWNIS
C6	NCAGS Commanders Duties	X1	Reporting Instructions
C7	Supporting Commanders Duties	Y1	Special Instructions
C8	Unit Duties	Y2	Special Information
C9	Shipping Cooperation Point Duties	Z1	Acknowledge
C10	Escort Commanders Duties		
D1	NCAGS Liaison		

#### OPTASK NCAGS MESSAGE STRUCTURE

ORIGINATOR:	NCAGS commander.
ADDRESSEES:	All units and commands that will be involved or affected by NCAGS operations in the area.
CLASSIFICATION:	As appropriate, does not require an end of set marker (/). Unclassified, unless higher classification is
<i>-Example-</i>	NATO UNCLASSIFIED
SUBJECT INDICATOR CODE:	The SIC line does not require an end of set marker (/). The example shows an EXER/OPER SIC plus LKC and LRD.
<i>-Example-</i>	SIC ALC / LKC / LRD
SPARE LINE FOR CODE WORD(S):	If exercise or operation code names are desirable for specific identification, they shall be inserted in the line prior to the message ID line using EXER/ or OPER/.
<i>-Example-</i>	EXER/BRIGHT FUTURE 02

A1	REF	<i>-Example-</i>	MSGID/OPTASK NCAGS/CTF 902/001/APR
			<u>Reference given in the following sequence:</u> (1) Alphabetic designator. (2) Reference identification. <u>Note:</u> Reference is mandatory if the message is a change to a previous OPTASK NCAGS.
A2	PERIOD	<i>-Example-</i>	A1/REF/A/ATP 2 (B) VOL I /B/CTF 902 OPGEN001/APR /C/AAP8 (NAVY) (AIR)
			<u>Period covered by the message (Time ZULU).</u> DTG to DTG . If end time not known use UFN (Until Further Notice)
B1	MISSION	<i>-Example-</i>	A2/PERIOD/280800Z OCT-UFN
			<u>NCAGS CDR mission.</u>
B2	CONDUCT	<i>-Example-</i>	B1/MISSION/ ..... (Free text as required) .
			<u>Conduct of Operations.</u> NCAGS CDR general instructions
C1	GENSIT	<i>-Example-</i>	B2/CONDUCT/ ..... (Free text as required) .
			<u>General Situation.</u> A brief description of overall assessment of own and possible opposing forces (POF) as they affect mercantile and crisis response shipping (CRS).
C2	NCAGSORG	<i>-Example-</i>	C1/GENSIT/1/POF INCREASE IN NAVAL ACTIVITY. NATO SHIPPING HAS BEEN CONSIGNED TO ASSIST GREYLAND. C1/GENSIT/2/SHIPPING UNHINDERED ON TRADITIONAL TRADE ROUTES. IF SITUATION DETERIORATES ELEMENTS OF TG 902.04 WILL BE MADE AVAILABLE TO ESCORT CRS.
			<u>NCAGS Organisation.</u> Details of the NCAGS organisation including the allocation of NCAGS coordination teams, NCAGS units and the role of the ashore and afloat NCAGS staff.
C3	NCAGSAREA	<i>-Example-</i>	C2/NCAGSORG/1/CTF 902 EMBARKED IN USS MOUNT WHITNEY IS NCAGS CDR C2/NCAGSORG/2/SCPS WILL BE ESTABLISHED IN BREST AND CADIZ
			<u>NCAGS Area.</u> Name / coordinates of the NCAGS area(s).
C4	SRA	<i>-Example-</i>	C3/NCAGSAREA 01/4100N 00500E - 3649N 00500E - EASTWARDS ALONG COASTLINE TO 02400E, THENCE NORTH TO 3520N 02400E THEN NORTHWEST TO 3755N 01600E ALONG THE COAST TO 4100N AND WEST TO 4100N 00500E
			<u>Shipping Risk Area (SRA).</u> Number/coordinates of SRA(s).
		<i>-Example-</i>	C4/SRA/1/4100.0N-00530.0E/4100.0N- 00820.0E/4030.0N-00530.0E/4030.0N-00820.0E

- C5 SRATHREAT Shipping Risk Area Threat. Number of SRA(s) and summary of threats.
- Example-* C5/SRATHREAT/SRA1/ASW THREAT CONSIDERED HIGH.
- C6 NCAGSCDRDUTY NCAGS Commanders Duties. List all the duties and tasks of the NCAGS commanders, plus other NCAGS tasks.
- Example-* C6/NCAGSCDRDUTY/1/IMPLEMENT NCAGS PROCEDURES IN NCAGS AREA  
C6/NCAGSCDRDUTY/2/PROMULGATE ROUTEING DIRECTIVE  
C6/NCAGSCDRDUTY/3/PROMULGATE DIVERSION ORDERS
- C7 SUPPCOMDUTY Supporting Commands Duties.  
List the duties and tasks of a command that is providing support to the NCAGS Commanders (e.g., NATO Shipping Centre).
- Example-* C7/SUPPCOMDUTY/1/ NSC IS TO PROVIDE LIAISON FOR NSAS ON A DAILY BASIS.  
C7/SUPPCOMDUTY/2/MCC NORTHWOOD TO INFORM CTF 902 ABOUT ..... .
- C8 UNITDUTY Unit Duties. List the duties, tasks and authority delegated by the NCAGS CDR to NCAGS Units.
- Example-* C8/UNITDUTY/1/GATHER LOCAL MERCHANT SHIPPING INFORMATION  
C8/UNITDUTY/2/PROVIDE GUIDANCE AND ADVICE TO MERCHANT SHIPS
- C9 SCPDUTY SCP Duties. List the duties, tasks and authority delegated by the NCAGS CDR to SCPs.
- Example-* C9/SCPDUTY/1/SAIL CRISIS RESPONSE SHIPPING AS DIRECTED BY NCAGS CDR  
C9/SCPDUTY/2/BRIEF MASTERS PRIOR TO ENTERING SRA
- C10 ESCORTDUTY Escort Commanders Duties. Details of instructions that have been given to the escort commander. Detail the relationship and authority the escort commander has over accompanied ships, convoys and convoy commodores (for example evasive steering).
- Example-* C10/ESCORT DUTY/1/ESCORTS WILL PROVIDE AREA ASW PROTECTION WITHIN SRA  
C10/ESCORTDUTY/2/ESCORTS MUST INFORM SHIPS ABOUT EMERGENCY TURNS UPON GAINING SONAR CONTACT
- D1 NCAGSLIAIS NCAGS Liaison. Details of how the NCAGS commander will liaise with superior authorities, NSAs and other commands (i.e., Military Sealift Command).
- Example-* D1/NCAGSLIAIS/1/CTF 902 WILL LIAISE WITH MCC AND PROVIDE A SITREP AT 2000Z OF ALL NATO MERCHANT SHIPS APPROACHING THE NCAGS AREA.  
D1/NCAGSLIAIS/2/DIRLAUTH NCAGSCDR- MSCLANT FOR CONTROL OF MSC CRS SHIPS.



E1 SCP

Shipping Cooperation Point. Information about SCPs given in the following sequence (separate paragraph for each SCP):

- (1) Title.
- (2) DTG when operational.
- (3) Location/position.
- (4) SCP area of responsibility.
- (5) Actual manning.
- (6) SMA/callsign and routing indicator (if any).
- (7) Communications guarded.
- (8) Telephone/fax/SATCOM numbers/e-mail address.
- (9) R/V position(s).
- (10) Calling and reporting protocols.
- (11) Associated anchorages.
- (12) Port code.
- (13) Remarks.

**-Example-**

E1/SCP/1/(1) HNLMS ZUIDERKRUIS  
 (2) 200800Z1 OCT-UFN  
 (3) OFF CAPE FINISTERRE  
 (4) SCP AREA OF RESPONSIBILITY  
 (5) 1 OIC, 6 STAFF  
 (6) SCP ZUIDERKRUIS;CS PAOZ; RNFLXX  
 (7) VHF 16-8-6  
 (8) INMARSAT 8998898, EMAIL (ALL LOWER CASE)  
 ZUIDERKRUIS@MODNL.NAVY.ORG  
 (9) 270 CAP FINISTERRE 16NM  
 (10) -  
 (11) -  
 (12) -  
 (13) FOUR NCAGS LOs EMBARKED

E1/SCP/2/(1) SCP CADIZ  
 (2) 200800Z1 OCT-UFN  
 (3) CADIZ, SPAIN  
 (4) SCP AREA OF RESPONSIBILITY  
 (5) 1 OIC, 18 OFF, 12 RATINGS  
 (6) SCP CADIZ  
 (7) VHF 16 - 77  
 (8) PHONE-FAX 0046-12345678  
 (9) -  
 (10) -  
 (11) OFF CADIZ ROADS  
 (12) CAD  
 (13) NOT FITTED WITH CRYPTO EQUIPMENT

E2 NCAGS UNIT

NCAGS Unit. Information about NCAGS units given in the following sequence (separate paragraph for each NCAGS unit):

- (1) Title.
- (2) DTG when operational.
- (3) Location/position.
- (4) Unit area of responsibility.
- (5) Actual manning.

- (6) SMA/callsign and routeing indicator (if any).
- (7) Communications guarded.
- (8) Telephone/fax/SATCOM numbers/e-mail address.
- (9) R/V position(s).
- (10) Calling and reporting protocols.
- (11) Associated anchorages.
- (12) Port code.
- (13) Remarks

*-Example-* E2/NCAGS UNIT/1/(1)USS CHAFEE  
 (2) DTG WHEN OPERATIONAL  
 (3) ETC.  
 E2/NCAGS UNIT/2/(1) NCAGS DET 102  
 (2) DTG WHEN OPERATIONAL  
 (3) ETC.

## F1 ROUTEPOL

Routeing Policy. State the routeing policy.

*-Example-* F1/ROUTEPOL/1/NCAGSCDR WILL BE THE ROUTEING AUTHORITY AND WILL STATE ANY SRA ROUTES TO BE IMPLEMENTED.  
 F1/ROUTEPOL/2/NCAGSCDR WILL ROUTE SHIPS THROUGH THE NCAGS AREA VIA THE NORMAL TRADING ROUTES.

## F2 PROTECT

Policy for the Protection of Shipping. Details of types of shipping, by category (crisis response shipping and other entitled shipping) and speed, which are to be protected, whether accompaniment or convoy will be used. The level of protection which is desired or must be provided. Embarkation of NCAGS LOs.

*-Example-* F2/PROTECT/1/ALL CRISIS RESPONSE SHIPPING WILL BE ESCORTED WHILE IN SRA. MERCHANT SHIPS ARE TO BE ESCORTED WHEN POSSIBLE, WHEN WITHIN THE NCAGS AREA.  
 F2/PROTECT/2/PROTECTION LEVELS WILL BE SIGNALLED BY CTF 301.4

## G1 EVASION

Evasion Instructions. Details of who can authorise evasion. Reactions to be taken to specific threats and which zigzag plans may be employed.

*-Example-* G1/EVASION/ESCORT CDR. ZIGZAG PLANS 6 OR 10 MAY BE ORDERED. FOR ASW THREAT CRS SHIPS WILL BE ORDERED TO EXECUTE EMERGENCY TURNS.

## G2 DIVERSION

Diversion Instructions. Details of which commands can authorise diversion and the authority they have over various types of shipping.

*-Example-* G2/DIVERSION/ESCORT CDR CAN AUTHORISE TACTICAL DIVERSIONS FOR PARTICPATING SHIPS

## H1 NCAGSCOMMS

NCAGS Communications

Amplify or supplement details in OPTASK COMMS. Details telephone, fax and mail lines, SMAs as well as radio communications if not in OPTASK COMMS. Details of MERCS if used.

		<i>-Example-</i>	H1/NCAGSCOMMS/1/COMMS BETWEEN NCAGSORG, CTF 902 AND TGS WILL BE VIA EMAIL, PHONE, FAX /2/MERSHIPS WILL USE THEIR IRCS FOR COMMERCIAL SHIP TO SHORE COMMUNICATIONS /3/NSC NORTHWOOD RI RXDBON
I1	EMCON		<u>Emission Control Plans for Shipping Operation.</u> Details of EMCON plans and their applicability by ship type. EMCON plan should be co-ordinated with EMCON plan of other forces operating within the operating area/NCAGS area. Use grid in ATP 2(B), Vol. II and amplify as required.
		<i>-Example-</i>	I1/EMCON/1/VHF(SHIP/SHORE) - U 2/HF (SHIP/SHIP) - S
J1	AWNIS		<u>Allied Worldwide Navigational Information System.</u> Details of any AWNIS activation and C3 used.
		<i>-Example-</i>	J1/AWNIS/AWNIS WILL BE ACTIVATED FROM 190800Z8 CTF 301 WILL BE THE AREA AND SUB-AREA ORIGINATING AUTHORITY
X1	REPINST		<u>Reporting Instructions.</u> Instructions for any special reporting requirements and requests. Including reporting requirements from SCPs .
		<i>-Example-</i>	X1/REPINST/SCPS TO REPORT DAILY BY EMAIL TO CTF, INFO NSC AND REARLINK AT 0500Z AND 1700Z
Y1	SPECINST		<u>Special Instructions.</u> As necessary which do not lie in any other segment.
		<i>-Example-</i>	Y1/SPECINST/1/NSC WILL ISSUE SOI BY 181800Z OCT Y1/SPECINST/2/FIR TO BE SUBMITTED TO CTF 902 BY ENDEX
Y2	SPECINFO		<u>Special Information.</u> As necessary which do not lie in any other segment.
		<i>-Example-</i>	Y2/SPECINFO/.....(free text as required)
Z1	ACKNL DGE		<u>Acknowledge.</u> Addressees required to acknowledge.
		<i>-Example-</i>	Z1/ACKNL DGE/CINCEASTLANT/CTF 902

## APPENDIX 2 TO TOOL 101

**Change Instructions for  
Structured Messages**

Previously promulgated messages are modified in the course of an operation as follows:

1. By changes to promulgated messages. This method has the advantage of allowing separation to some degree of perishable and non-perishable information, thus reducing repetition of the same text in subsequent messages. It is described below:

a. Changes are identified by MSGID followed by the title of the message being changed, followed by "CHANGE", followed by a three-figure number indicating the change serial, followed by the effective DTG of the change, with each separated by a slant. The complete message identifier is not given because, as explained in section A1 of each message structure, referencing the message to be changed is mandatory.

**- Example -**

MSGID/OPTASK AAW/CHANGE/003/021200Z5

b. To delete a section in an existing message, the appropriate section alphanumeric identifier is listed, followed by "DELETE".

E3/DELETE

c. To add a new section to an existing message, its complete text, including the alphanumeric identifier and self-explanatory abbreviations, is inserted.

d. For major amendments to a section in an existing message, the complete section, including the alphanumeric identifier, self-explanatory abbreviation, and revised text, are inserted. For minor amendments the alphanumeric identifier, self-explanatory abbreviations and directions for the amendment only are necessary.

e. The order of the contents of a change message is to conform to the structure sequence of the message to be changed.

2. By promulgation of the replacement message under the next sequential serial number. This message will automatically supersede its predecessor at the first time listed in section A2 of the replacement message.

**102 Establish a Naval Cooperation and Guidance for Shipping Area****1. References.**

**2. Purpose.** In order to meet the military requirement to manage risk in the AOO and to gain the cooperation of merchant ships transiting it, the area within which NCAGS procedures have been implemented must be clearly defined and promulgated. In most cases this area will coincide with the established AOO. Careful attention must be paid when defining the area to ensure that it is large enough to ensure safe and effective military operations free of interference from merchant shipping, provide safe passage for merchant ships, and ensure that once established, the minimum of changes will be required to it, while ensuring that the area is not so large that it is unmanageable.

**NOTE:** NCAGS area —An area within which NCAGS procedures have been implemented. An NCAGS area is based on, or is the same as, the AOO.

**3. Tasks.** To establish an NCAGS area, the following considerations should be taken into account:

**a. Simplicity in Plotting.** The aim must be to allow the area to be easily plotted by merchant ships.

**b. Keep the Area to a Modest Size.** The declaration of such an area may cause rises in insurance rates. If the area is limited to waters in which there is actual threat to shipping, either from enemy action or interference with military operations, mariners may choose to avoid the area completely. However, careful thought should also be given to the size to avoid frequent changes.

c. Promulgation to merchant shipping should contain both the boundaries of the area and reason for establishing the area. The document promulgating the NCAGS area should contain details of how to contact the NCAGSORG for guidance.

d. Whenever possible, promulgation should be in advance of activation to allow both military authorities and merchant shipping to make preparations.

e. Care must be taken when promulgating an area to ensure that full explanation is given in order not to have any actions misinterpreted, thus unintentionally increasing concern in the shipping industry.

**4. Implementation:**

**a. Manning.** The establishment of an area for NCAGS will usually require the appointment of a NCAGS CDR and staff. The function of the NCAGS CDR may be assigned to the MCC.

**b. Equipment.** N/A

**c. Communications.** It is important to remember the requirement to communicate with merchant ships at sea.

**d. Related Tools.**

**103 Establish Communication Reporting Gates****1. References:**

- a. OPTASK NCAGS.
- b. OPTASK RMP.
- c. Other OPTASKS as required.

**2. Purpose.** A CRG is established to provide a position for merchant ships to call the NCAGSORG in order to establish initial contact or to update previous information.

**3. Tasks:**

- a. Select the CRG, using a time or location that will provide the NCAGS personnel with sufficient lead- time to prepare information relevant to the merchant ship. A CRG should be positioned so that a minimum notice period of 36 hours is available to merchant ships to contact their owners/operators for onward passage instructions before reaching the AOO/NCAGS area/SRA. The CRG will normally be represented as lines of latitude or longitude which encompass the area concerned. For practical purposes a minimum distance of 600 nautical miles (nm) from the AOO should be observed.
- b. The reporting criteria must be tailored to meet the mission requirements. Ships will be asked to provide a Format Alfa or another requested form of report.
- c. Promulgate the CRG location and the reporting requirements to both the military and merchant shipping communities. Promulgation can be achieved through a variety of means, such as through the NSC, NSA advisories, or a Notice To Mariners (NOTMARs). Instructions should contain details of the information required in the report, the occasions of reporting, and to whom the report is to be sent.
- d. Provide the merchant ship PIM information to RMP manager via OTHT Form Gold formatted messages or by appropriate alternate means. It is essential that this information be forwarded in a timely manner.
- e. Store all reports in a ship information database that can readily be accessed for further analysis.

**4. Implementation:**

- a. Organisation and Manning.** The establishment of a CRG may require additional personnel to deal with the increase in communications if traffic levels are high.
- b. Equipment.** Database.
- c. Communications.** Communications requirements for supporting a CRG will be predominantly commercial in nature and will use GMDSS. Means to effectively communicate with both military and merchant ships include facsimile message, telephone, VHF, email, etc.
- d. Related Tools.** 101, 102, 104, 106, 107, 108, 111, 112, 115, 120.

**104 Liaise with the Merchant Shipping Community****1. References:**

- a. MC 376/1.
- b. OPTASK NCAGS.

**2. Purpose.** Enhance and make maximum use of cooperation between naval and civilian maritime communities. The cooperation and information exchange is vital in order to avoid disruption of the flow of shipping.

**3. Tasks:**

- a. Develop, foster and maintain a collaborative working relationship with the merchant shipping community to enable rapid collection and dissemination of vital information through information networks and open sources (i.e., Internet, shipping databases (e.g., Lloyds Register-Fairplay), shipping companies, etc.).
- b. Develop and maintain a collaborative working relationship with commercial trade and insurance organisations that support merchant shipping and to improve data collection.
- c. Develop and maintain a collaborative working relationship with governments and military sources to enable rapid collection and dissemination of vital information and data.

**4. Implementation:**

- a. **Manning.** NCAGS personnel are required to establish this liaison in advance of and in the early stages of an operation. Numbers will be dependent on the sources to be contacted.
- b. **Equipment.** N/A.
- c. **Communications.** Facilities to use both civil and military lines of communications.
- d. **Related Tools.** 101, 103, 105, 106, 107, 111, 112, 113, 119.

**105 Conduct Open Source Information Collection**

- 1. References:** OPTASK NCAGS, OPTASK INT, OPGEN, OPORDs and other directives.
- 2. Purpose.** To collect information on merchant shipping by researching and data mining open sources. This will provide generic and background information, particularly in the early stages of an operation.
- 3. Tasks:**
  - a. The SO NCAGS identifies the information to be gathered based on the military commander's stated requirements.
  - b. Mine open sources including:
    - (1) Classification society information (e.g., Lloyd's Register-Fairplay).
    - (2) National information sources (e.g., NSAs, shipping centres and other government departments).
    - (3) Internet maritime websites and links.
    - (4) NATO Shipping Centre (NSC).
    - (5) Media (e.g., company schedules, Journal of Commerce).
    - (6) Maritime industry magazines and databases (e.g., Lloyd's Register-Fairplay, Maritime Reporter)
  - c. Process information gathered from sources to produce a fused, accurate and relevant data output that meets the commander's stated requirements.
  - d. Disseminate this information to appropriate military authorities using the specified communication and information systems.
- 4. Implementation:**
  - a. Manning.** SO NCAGS and additional staffs will be dependent on the situation.
  - b. Equipment.** Will be governed by the scope and scale of the requirements but will include as minimum a personal computer (PC) with Internet access, email and active user licenses for open source databases (as needed).
  - c. Communications.** Requirements will be determined through consultation with N-6 prior to the start of an operation.
  - d. Connectivity.** Internet.
  - e. Related Tools.** 101, 104, 106, 109.



**106 Conduct Focussed Information Collection**

- 1. References.** OPTASK NCAGS, OPTASK INT, OPGEN, OPORDs and other directives.
- 2. Purpose.** To collect information on merchant shipping by using NCAGS personnel and other assets in theatre. This will provide focussed and specific information that augments open source collection. Focussed collection of information will be activated when the situation requires interaction with the shipping community.
- 3. Tasks:**
  - a. The SO NCAGS identifies the information requirements based on the military commander's stated requirements.
  - b. The SO NCAGS will liaise with the intelligence staff to determine information collection requirements and priorities.
  - c. NCAGS personnel will gather information by:
    - (1) Observing activities in ports, anchorages and on board merchant ships.
    - (2) Contacting local shipping companies, ship owners, ship operators, ship agents, and ship masters for information regarding their ships.
    - (3) Contacting local shipping authorities, such as vessel traffic services, coast guard, port police, pilots and harbour masters.
    - (4) Receiving information from merchant ships.
    - (5) Monitor infrastructure in ports of interest and inform on potential problems.
  - d. Photograph ships and merchant facilities if permitted by local authorities.
  - e. Disseminate this information to appropriate military authorities using the specified communication and information systems.
- 4. Implementation:**
  - a. Manning.** SO NCAGS and additional staffs will be dependent on the situation.
  - b. Equipment.** Digital/video camera and a PC with Internet access and email.
  - c. Communications.** Requirements will be determined through consultation with N-6 prior to the start of an operation.
  - d. Related Tools.** 101, 104, 105, 109.

**107 Establish Communication with Merchant Ships****1. References:**

- a. OPTASK NCAGS, OPTASK COMMS.
- b. NAVWARNS.
- c. A Global Maritime Distress and Safety System (GMDSS) Handbook.

**2. Purpose:**

- a. To provide merchant ships with directions for contacting the NCAGSORG.
- b. To provide information of interest to shipping.
- c. To collect standardised data on ships for the RMP and the NCAGS database.

If the NSC is activated, contact with merchant ships could be centralised through them. However, NCAGS Units and SCPs will need to contact ships directly and the details below may apply. The method of contacting merchant ships is to use the GMDSS, which is part of the Safety of Life at Sea (SOLAS) Convention.

Although mainly designed for safety at sea, the system is used for commercial communications. It is a combination of terrestrial and satellite communications systems. The system is only mandatory for vessels over 300 GT.

Under GMDSS, although encouraged to do so, nations do not have to apply GMDSS to the following types of ships:

- (1) Fishing vessels.
- (2) Warships.
- (3) Pleasure yachts not engaged in trade.
- (4) Wooden ships of a primitive build.
- (5) Sailing vessels.

**3. Tasks:**

- a. Identify ships that need to be contacted.
- b. Obtain Maritime Mobile Service Identity (MMSI), Station (ship) identifiers and/or any official ship's contact numbers (mobile, private communications companies subscribed to). MMSIs and station identifiers can be obtained from directory enquiries, INMARSAT Internet site, a GMDSS handbook, owners, operators or port authorities as well the ship itself.
- c. Provide suitable equipment to be available which has capability for transmit and receive, fax, email, TELEX and voice communications.
- d. Arrange a toll free line to encourage merchant ships to contact the NCAGSORG.

e. Inform the shipping community of communications details to allow them to contact military sources. This can be via the NSC website, NAVWARNs, or by contacting NSA's Civil Maritime Authorities (CMA), PBOS and IMO.

f. Types of communication:

- (1) NAVTEX (transmission only, must be only a few words describing how to contact the NCAGSORG and why). NAVTEX is not worldwide and therefore it is necessary to check whether a ship can receive NAVTEX; details are in GMDSS handbooks.
- (2) Enhanced Group Call (EGC) (FLEETNET only — transmission only and will require IMO assistance to establish). INMARSAT A, B and C only.
- (3) Telex number — direct contact between ship and NCAGS authority. Telex can be sent to all INMARSAT receivers.
- (4) Toll-free telephone/telex number — direct contact between ship and NCAGSORG. Telex can be received on any INMARSAT receiver. Voice is not available on INMARSAT C. For ships working in GMDSS Sea Areas 1 and 2, use the ship's MMSI on digital selective calling (DSC).
- (5) Fax number — range toll-free, direct contact between ship and NCAGSORG. Fax can only be sent on INMARSAT A, B or M.
- (6) Internet website — interactive. Unlikely to be read on ships but owners/operators may forward on intranet site if requested.
- (7) E-mail address of ship — it would be unusual to be able to directly email a ship unless you are a subscriber to their private server. You will need to contact owners/operators to establish the most efficient way of emailing a ship. An alternative is to email the Land Earth Station (LES) the ship is subscribing to and request they forward the e-mail by telex via INMARSAT.

#### 4. Implementation:

**a. Manning.** NCAGS elements will be nominated to be responsible for maintaining contact with ships on approach to and transiting the AOO/NCAGS area. Whatever element is nominated must be sufficiently manned with personnel and equipment to enable communication with the expected traffic volume expected.

**b. Equipment.** Access to a PC, telephone, fax or telex will be essential. If an NCAGS element is afloat, access to a full range of GMDSS equipment will be required.

**c. Communications.** Internet and e-mail account.

**d. Related Tools.** Unlike most other tools this one has a relationship with most of the toolbox.

**108 Collect Merchant Ship Information and Voyage Data**

1. **References:** OPTASK NCAGS, NAVWARN, commercial databases.
2. **Purpose.** To collect information on merchant ships in the AOO through submission of a Format Alfa and subsequent position reports.
3. **Considerations.** As a general rule the Format Alfa should be kept as short as possible and be limited to the information determined essential. This can be achieved through a variety of means, such as through the NSC, NSA advisories, or a Notice To Mariners. Normally the data in **bold** in Appendix 1 of this tool will suffice. Cargo data requirements must be tailored iaw mission requirements. Cargo data should not normally be requested for exercises.
4. **Tasks:**
  - a. Determine the ship information and voyage data required to support the operation.
  - b. Issue a NAVWARN requesting merchant ships approaching the NCAGS area/AOO to submit Format Alfa and subsequent position reports. Instructions should contain details of the information required in the report, the occasion for reporting, and to whom and how the report is to be sent.
  - c. Submit merchant ship data to the RMP in accordance with Tool 109.
  - d. Store all Format Alfa information in a database for further analysis.
  - e. If required give advice/guidance to the ship as determined by the situation.
5. **Implementation:**
  - a. **Organisation and Manning.** Additional personnel will be required to manipulate the data submitted in the Format Alfa if traffic levels are high.
  - b. **Equipment.** Computer with database/telex/telephone.
  - c. **Communications.** Communications requirements will be predominantly commercial in nature. Means to effectively communicate with merchant ships equipped with GMDSS.
  - d. **Connectivity.** Functional GMDSS.
  - e. **Related Tools.** 101, 103, 104, 106, 107, 109, 112, 114.

## APPENDIX 1 TO TOOL 108

## Format Alfa

1. The Format Alfa is a principal means by which NATO gathers data regarding shipping. The form is divided into four sections:

- a. Section A covers basic details of the vessel.
- b. Section B covers details of the current voyage.
- c. Section C covers details of the ship's operator.
- d. Section D covers cargo data.

2. **Date and Time.** Should be entered either by the date followed by a four digit time (18 Oct 97 21.00 UTC) or a Date Time Group.

3. **Date Time Group (DTG).** The NATO method of expressing time and date is contained within the DTG and is written in the following manner: DDHHMMMonthYY; therefore, the DTG 182100JUL03Z describes a time of 21:00 (GMT / UTC) on the 18 July 2003. NATO units routinely describe GMT / UTC as time zone "Zulu" abbreviated to "Z".

**a. Section A — Ship Data:**

- (1) **Ship's name.**
- (2) **International callsign.**
- (3) Type of vessel.
- (4) **Flag of registry.**
- (5) **IMO number.**
- (6) Port of registry.
- (7) Overall length.
- (8) Vessel's width.
- (9) **Maximum draft for present voyage.**
- (10) Vessel's gross tonnage.
- (11) **Speed:**
  - (a) **Service speed.**
  - (b) **Maximum speed.**
  - (c) **Minimum speed.**

- (12) **SIGNIFICANT APPEARANCE OF VESSEL FOR OPTICAL RECOGNITION.**
- (13) MMSI (Maritime Mobile Services Identity) number.
- (14) Name of communication stations being copied.
- (15) INMARSAT telephone numbers.
- (16) INMARSAT Fax numbers.
- (17) INMARSAT telex numbers.
- (18) INMARSAT data numbers.
- (19) **Other communication means, including e-mail addresses.**

**b. Section B — Voyage Data:**

- (20) Intended movement — description of passage.
- (21) Last port/country of call, including actual date and time of departure from last port.
- (22) Next port of call, including ETA at next port of call.
- (23) **Current position.**
- (24) **Date/time and position entering the region.**
  - (a - x) **Waypoints of intended track through AOI (date/time, latitudes/longitudes).**
- (25) **Position and date/time of departing the region.**

**c. Section C — Operator Data:**

- (26) Name of ship owner/operator including address of ship owner, name of charterer (if any) and address of operator/charterer.
- (27) E-mail address of the above.
- (28) Telephone number of above.
- (29) Fax number of above.

**d. Section D — Cargo Data:**

- (30) Quantity and nature of main/relevant cargo.
- (31) Shippers of main/relevant cargo (name and address).
- (32) Origin of main/relevant cargo.
- (33) Consignee of main/relevant cargo.

(34) Final destination of main/relevant cargo.

(35) Special queries appropriate to current operation such as “State if any cargo/person being carried is subject to UN sanctions, by **YES** or **NO** (if the answer to the query is YES, then describe on a separate sheet).”

**109 Submit Merchant Ship Data to the Recognised Maritime Picture****1. References:**

- a. EXTAC 619 B—Operating Procedures for the RMP<sup>1</sup>.
- b. OPGEN, OPTASKs RMP, ASUW and NCAGS.

**2. Purpose.** To contribute merchant ship track data to the RMP. The RMP is a non-real time geographic presentation of processed all source contact and planning data known at a given time, of surface, subsurface, amphibious and maritime air units, forces and operations in a designated AOI, compiled by an assigned RMP manager. Data collection involves the accumulation of data reports from multiple sources in a variety of message and reporting formats. See Annex 3D for more information on the RMP.

**3. Tasks.** This tool will exploit the relationship between the NCAGSORG and merchant ships to collect PIM and supplementary data to contribute to the merchant ship component of the RMP. Support to the RMP is a major NCAGS task applicable to all operations across all crisis levels.

- a. To promulgate track alert criteria of contacts designated as SUS/COI/CCOI in the OPTASK NCAGS. It is essential that the OPTASK RMP, ASUW and NCAGS all use the same designated criteria
- b. Establish the time late criteria in the OPTASK RMP. The non-deviating nature of merchant ship voyages must be taken into account, which may permit a time late period of up to 24 hours. This must be carefully explained to and fully understood by the RMP Manager.
- c. To submit initial merchant ship RMP tracks using the information contained in Format Alfa.
- d. To submit Over-The-Horizon-Targeting (OTHT) FORM GOLD contained in EXTAC 619 (B) in accordance with the OPTASK NCAGS.
- e. To update tracks as required in accordance with the nature of the operations. The operations area will affect the update rate required to maintain a current RMP. Slower update rates will be acceptable in open ocean whereas more frequent updates may be required in more enclosed seas with higher traffic densities.
- f. Maintain close liaison with the RMP manager to ensure the consistency and quality of data submitted by NCAGS.

**4. Implementation:**

- a. Manning.** SO NCAGS and additional staffs will be dependent on the situation.
- b. Equipment.** The NCAGSORG must have access to some form of ADP-IS capable of collecting, processing and maintaining merchant ship data and compatible with fleet systems.
- c. Communications.** Some form of real time communications to allow NCAGS staff to submit data in support of the RMP is necessary if information is to be kept current.

<sup>1</sup> Extac 619 is a NATO publication and may not be available to all NCAGS personnel. Chapter 3, Annex D, has been written to take this fact into account and give some basic guidance.



**d. Connectivity.**

**e. Related Tools.** 101, 104, 105, 106, 108.

**110 SPARE**

**111 Assist in the Deconfliction of Merchant Ship Movements and Military Operations****1. References:**

- a. OPTASK NCAGS, ASUW AND MINEWARFARE.
- b. OPDIR.
- c. NAVWARNS.
- d. ASSESSREPS.

**2. Purpose.** To minimise interference between military operations and merchant ship movements. Deconfliction should aim to keep merchant ships clear of military operations by persuading masters to comply with NCAGS guidance and recommendations. At the same time masters should understand that by complying, the interruptions to their voyages by military units will be minimised and that the safety of their voyages will be enhanced.

**3. Tasks:**

- a. Identify areas of potential interference between military and merchant ships such as separation zones, traffic lanes, fishing areas, chokepoints, main shipping routes, etc.
- b. Liaise with the staff of the military commander to ascertain those areas which they would wish merchant ships to avoid, such as submarine operating areas, mine danger areas, replenishment-at-sea corridors, carrier operating areas, areas covered by shore-based missile batteries, etc.
- c. Generate alternative routes, avoiding the areas identified in tasks a and b.
- d. Promulgate alternative routes identified at task c. This will include:
  - (1) Requesting support of NSAs and civil shipping authorities (ship owners/operators) both to advertise the areas and avoidance routes, and to encourage ships to comply with the guidance and advice provided by the NCAGSORG.
  - (2) NAVWARNS.
  - (3) Using CRGs to pass on deconfliction information.
  - (4) Websites.
  - (5) Brief masters. See Tool 112.

**4. Implementation:**

- a. **Manning.** NCAGS SO will identify the requirements for NCAGS personnel to support deconfliction requirement.
- b. **Equipment.** N/A.
- c. **Communications.** GMDSS.
- d. **Related Tools.** 101, 102, 103, 112.

**112 Brief Merchant Ship Masters****1. References:**

- a. OPTASKS NCAGS, ASUW.
- b. SITREPS.
- c. NAVWARNS.
- d. METOC signals.

**2. Purpose.** To brief masters in order to enhance their safety, minimise disruption to their voyages, and improve their awareness and understanding of the military situation.

**3. Tasks.** Brief contents will be mission specific (e.g., an MIO briefing will vary from a briefing due to a threat to merchant ships).

a. Identify which ships require briefs and the type of brief to be given. These should be tailored to the situation but standardised within the operation and may be initial briefs, updates, pre-sail briefs, or debriefs. All of them should be conducted as a two-way process in order to maximise exchange of information. Particular care should be taken to brief the following types of ship:

- (1) Merchant ships transiting an SRA.
- (2) IVC.
- (3) Ships to be accompanied.
- (4) Ships requiring lead-through.
- (5) Strategic sealift.
- (6) CRS.

b. Prepare briefings. Different types of ships will require different briefs depending on the circumstances. In all cases the information passed should be kept to the minimum necessary. Briefings may include the following types of information:

- (1) Military operation overview, both friendly and opposing forces, and any UN resolution requirements.
- (2) Risk assessment.
- (3) Guidance for passage, including routes and diversion information. It is extremely important that the reasons for routeing recommendations are given, emphasising the benefits the Master will reap by complying.
- (4) NCAGS organisation and operation details including such elements as:
  - (a) NCAGS Area.
  - (b) CRG, SCP, NCAGS units details.

- (c) SRAs.
- (d) Degree of cooperation requested.
- (e) Any recommended self-protection measures.
- (5) Maritime Safety Information.
- (6) Merchant ship observations and feedback to the NCAGSORG.
- (7) Report own ship movements.
- (8) Communications with warships and NCAGSORG.
- (9) NAVWARNS in force.
- (10) METOC information.

c. Deliver briefings to merchant ship masters. This may be achieved through a variety of means, such as face-to-face briefings on board merchant ships, radio/telephone calls, facsimile transmissions, e-mail, and posting of briefing materials on an appropriate website.

d. Exercise care to protect classified information.

#### **4. Implementation:**

**a. Manning.** The level of manning required will be dependent on the mission requirements and the numbers of merchant ships requiring briefs.

**b. Equipment.** PC, projector, printer.

**c. Communications.** Maritime VHF. Internet access.

**d. Related Tools.** 101, 103, 107, 111, 116, 117, 118, 120, 122.

**113 SPARE**

**114 Establish Shipping Cooperation Points**

**1. Reference.** OPTASK NCAGS.

**2. Purpose:**

a. An SCP is used to execute and coordinate assigned NCAGS units and to cooperate with participating ships, local merchant shipping, supporting military units and commands. An aide memoire for SCPs is found in paragraph 5.

b. The assigned tasks and functions will vary by the location(s) and situation and will be determined within the OPTASK NCAGS.

c. An SCP can be either ashore or afloat.

**3. Tasks:**

a. Identify the operational requirement for the SCP afloat and/or ashore.

b. Determine whether an existing NCAGS unit can be used as an SCP.

c. Determine an AOR.

d. Identify platforms/assets and suitable geographic location(s) establishing an SCP.

e. Identify the manning and equipment requirement for the SCP.

f. Promulgate location/position of each SCP, including all available communication means and other relevant information to merchant ships.

g. Once the SCP is established the tasks will include:

(1) Cooperate with and brief the merchant ships and other maritime commercial activities in their AOR. This includes local merchant shipping, harbour authorities, local fishing authorities, terminal operators, shipping agents and others as required.

(2) Coordinate NCAGS units assigned.

**4. Implementation:**

**a. Manning.** The manning of an SCP will be based on the tasks assigned and the volume of shipping.

**b. Equipment.** An SCP requires equipment based on location, whether afloat or ashore, military or civilian environment, and function. The equipment list must be worked out early enough in order to get the SCP operational as soon as possible. However, it can be assumed that the establishment will normally grow as the situation develops.

**c. Communications.** An SCP must have the necessary means of communication in accordance with the equipment list to execute its task.

**d. Connectivity.** Direct communication to merchant ships, civilian entities, military commands, other SCPs and to assigned NCAGS units. This includes cryptographic equipment as needed and possibly secure communication means.

**e. Related Tools.** 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 116, 117, 118, 121, 122.

**5. Aide memoire for SCPs:**

- a. Keep and update a general situational merchant ship plot in the AOR.
- b. Handling of information.
  - (1) Gathering information from merchant ships through Format Alfa and briefings.
  - (2) Gathering information from all possible sources such as local shipping community, Internet, WNWWS, etc.
- c. Report on the shipping situation in their AOR using SCP reporting procedures.
- d. Dissemination of information:
  - (1) Inform merchant ships in their AOR of any relevant operational situation by conducting briefings and/or issuing sailing instructions.
  - (2) Recommend unclassified warnings to merchant ships via the NCAGS CDR.
  - (3) Provide advice and give recommendations to merchant ships.
  - (4) Give basic routeing guidance if ordered.
  - (5) Issue diversion recommendations.
  - (6) Request establishment of SRAs to the NCAGS CDR.
  - (7) Issue diversion orders to merchant ships in or heading for an SRA.
  - (8) Determine number, accommodation, transport and employment of NCAGS LOs required in the AOR.
  - (9) Set up a schedule for accompaniment if tasked in the AOR and coordinate with the NCAGS CDR.
  - (10) Carry out NCAGS pre-sail briefings and debriefings.
  - (11) Supervise deployed NCAGS units within their AOR.
  - (12) Report of arrivals and sailings at/from ports.
  - (13) Update port entrance information.



**115 Establish Shipping Risk Areas (SRAs)****1. References:**

- a. OPTASK NCAGS.
- b. OPTASK AWNIS.
- c. Intelligence signals.

**2. Purpose.** The purpose of an SRA is to delineate an area of higher or specific risk to merchant ships within an operational area. An SRA is clearly defined by geographic boundaries and may cover international waters as well as territorial waters, harbours or anchorages. The size and shape of an SRA is adjustable and may be altered when required. However, it should be kept as small and simple as possible. Multiple SRAs may be established. All participating merchant ships within the SRA will be given an SI with a recommended route to follow. Those vessels choosing not to comply with the SI should be briefed clearly on the dangers that may result. An SRA also achieves the following objectives:

- a. Minimises the movement of merchant ships in a defined area due to:
  - (1) Increased threat from opposing forces.
  - (2) Increased danger to merchant ships by own naval operations.
- b. Provides guidance to merchant ships in defined areas in order to:
  - (1) Achieve deconfliction of military operations and merchant ships.
  - (2) Reduce risk by following promulgated track.
  - (3) Reduce risk in the event of an imminent/actual threat.

**3. Tasks:**

- a. Determine the boundaries of the proposed SRA in consultation with other warfare commanders and intelligence.
- b. Forward the boundaries of the SRA to relevant authorities for promulgation via appropriate means (NAVWARNS or NOTMARs), including recommendations on avoiding the SRA.
- c. Issue diversion orders, if required, to individual participating ships transiting or due to transit the SRA.
- d. Prepare optimum routes through the SRA with position designators.
- e. Prepare SIs for all participating ships, stating the recommended route with position designators.
- f. Prepare SRA transit briefings and deliver them to the masters when submitting the SIs. The briefings should contain instructions for updating the intended movements as reflected in the SI and deviations from the given route for times and distances.
- g. Depending on the situation, consider deployment of NCAGS LOs.

- h. Depending on the situation, consider activation of accompaniment.
- i. Establish and maintain a plot of ships approaching or in transit of the SRA.
- j. Debrief ships following transit of the SRA.
- k. Relay any emergency reports from merchant ships in the SRA to the appropriate addressees. (e.g., MCC, NCAGS CDR, SAR commander).

**4. Implementation:**

- a. Manning.** If an SRA is established, additional manpower may be required.

**116 Deploy NCAGS Liaison Officers**

**1. Reference.** OPTASK NCAGS.

**2. Purpose.** NCAGS LOs may embark on any merchant ships in order to enhance the cooperation with military units/authorities.

**3. Tasks:**

- a. The NCAGS CDR will identify the requirement for deployment of NCAGS LOs.
- b. The NCAGS LO makes military knowledge available to the masters of merchant ships to allow them to understand the naval/military requirements. This includes:
  - (1) Brief and inform on the situation.
  - (2) Explain and interpret information contained in SIs.
  - (3) Collect and disseminate ship's data, voyage intention, and information of interest.
  - (4) Check, monitor and report on equipment and publications of interest.
  - (5) Train and assist ship's Master and officers in tactical communications, maneuvering procedures, EMCON responsibilities, general safety, documentation and operating requirements for helicopter operations if necessary.
- c. The NCAGS LO provides relevant information to naval authorities on operations in the area.
- d. The NCAGS LO acts as an interpreter of military language and expressions.
- e. The NCAGS LO allows for secure exchange of classified information.
- f. The NCAGS LO will debrief the master at the end of each voyage.

**4. Considerations:**

- a. Embarking NCAGS LOs on board a merchant ship does not change the legal status and obligations of the ship.
- b. The NCAGS LO must have a background in naval operations or communications with a corresponding background in merchant ship operations and responsibilities.
- c. Additionally, the NCAGS LO should have the following skills and knowledge:
  - (1) Be able to speak English IAW NATO standard.
  - (2) Understand OPORDS, OPTASKS, briefings, and messages, etc.
  - (3) Relevant operational knowledge (including NCAGS) and procedures.
  - (4) Familiarity with communications and security.
  - (5) Knowledge of merchant ship handling, scheduling, cargo, and communications.

- (6) Security clearance of at least NATO Secret.
- (7) Knowledge of NCAGS ADP system.

**5. Implementation:**

**a. Manning.** The number of NCAGS LOs and additional staff required will depend on the situation.

**b. Equipment.** PC, crypto equipment.

**c. Communications.** Secure and non-secure voice and data, and crypto keymats.

**d. Related Tools.** 101, 107, 109, 112.

**117 Provide Merchant Ships with Sailing Instructions (SIs)****1. Reference.**

**2. Purpose.** An SI is issued to all ships transiting an SRA and any other ships requiring specific routeing direction within the AOO. The issue of an SI indicates that a mutual understanding has been achieved. The Master has agreed to follow the routeing direction and the NCAGSORG will monitor the ship's passage and divert if necessary.

**3. Tasks:**

- a. Maintain a plot on all participating ships.
- b. Obtain sailing intentions from the respective ships.
- c. Collect information that may affect the merchant ship's transit.
- d. Assess the information for relevance to merchant ships' intended movements.
- e. Identify risks.
- f. Prepare an unclassified general situation report to go into the SI.
- g. Ensure that the intended track is safe for the passage.
- h. Use this safe route for the SI, using position designators and dead reckon times based on the Master's information, or identify another safe route if the intended track is not safe.
- i. Include any special instructions in the SI.
- j. Provide completed SIs to merchant ships at the appropriate briefing to the Master.
- k. Issue diversion orders if necessary.

**4. Implementation:**

- a. Manning.** See Tool 114 (Establish Shipping Cooperation Points).
- b. Equipment.** See Tool 114 (Establish Shipping Cooperation Points).
- c. Communications.** See Tool 114 (Establish Shipping Cooperation Points).
- d. Related Tools.** 100, 103, 106, 108, 111, 112, 114, 116, 117.

## APPENDIX 1 TO TOOL 117

# Sailing Instruction Format

***Note:** The following outline is provided as guidance to illustrate an acceptable form and content for the required SI used in NCAGS. Classified information should not normally be included. Exceptionally classified information may be included in which case the SI must then be handled and destroyed in accordance with current security regulations.*

### SAILING INSTRUCTION

SHIP NAME:                      INT CALLSIGN  
FLAG:                              SPEED  
ENTRY POINT:                      EXIT POINT/FINAL DESTINATION

***Note:** Entry and exit points are defining the part of the voyage where the SI applies.*

### GENERAL SITUATION

#### ROUTE

During passage you should pass through the following positions

POS DES/WAYPOINT	LAT/LONG	Remarks
1.		
2.		
3.		
etc.		

### SPECIAL INSTRUCTIONS:

1. COMMUNICATIONS.
2. EMCON.
3. REPORT SUSPICIOUS SIGHTINGS.
4. NOTIFICATION OF DIVERSIONS.
5. SUMMARY OF NAVWARNS.

**118 Recommend and Facilitate Accompaniment of Merchant Ships**

- 1. References:** ATP 2(B), Vol. II, OPTASK NCAGS, ASUW, ASW and OPDIRs.
- 2. Definition.** In naval cooperation and guidance for shipping, accompaniment is the coordinated passage through a specific area of increased risk by one or more merchant ships in company with military assets.
- 3. Purpose.** To facilitate a military presence in the vicinity of merchant ships in order to act as a deterrent from any unlawful interference to these ships. It is primarily designed for transiting an SRA but can be used throughout the AOO/NCAGS area as required.
  - a. It should be noted that the escorting military unit(s) may not be in a legal position, according to international law and ROE in force, to actively protect merchant ships under attack. Their response may be possible under the international law pertaining to the inherent right for self-defence.
  - b. Sailing in accompaniment does not suspend the Master's responsibility for the safe navigation of his ship. The merchant ships will not be under military command or control of maritime units but will receive navigational advice and threat information if applicable during the entire accompaniment period.
  - c. Embarking NCAGS LOs on board a merchant ship does not change the legal status and obligations of the ship.
  - d. Generally there will not be enough military assets to accompany all merchant ships in the AOO. For that reason the NCAGS CDR will have to prioritise ships being accompanied. Normally RE/RE ships, followed by designated, and finally economic ships, would be the operational objectives.
  - e. The NCAGS staff advises the selected merchant ships either to use defined assembling areas or to approach at appropriate speed in order to form up the accompaniment without delay. The staff should organise the groups of merchant ships in such a way that minimum delay is caused to any ship's passage, and groups are of a manageable size. Unless otherwise ordered by the officer in tactical command (OTC), merchant ships will be positioned in a single column at a safe distance from each other, taking cargo, size, maneuvering and other factors into consideration in order to establish navigational safety during transit. The naval assets will operate as tactically required and are not part of the formation.
  - f. If the number of merchant ships transiting the area is excessive or escorts are limited, ships may be routed individually or in groups of ships through secure areas where sea control has been established.
  - g. The NCAGS CDR has to consider the need for additional items such as crypto and publications. PCs may need to be supplied.
  - h. Onward passage planning at the end of the accompaniment must be considered for each ship. This may be either a continuance of a planned safe route, or the ship may proceed as safe navigation permits.
- 4. Tasks:**
  - a. The NCAGS CDR will make a recommendation to the military commander to establish accompaniment procedures.

- b. The NCAGS CDR will obtain a list of designated ships.
- c. The NCAGS CDR will compile the information on merchant ships considered eligible for accompaniment. This information will be requested from national shipping administrations of allies taking part in an operation. Governing factors will include designation status, value, and importance of the ship. On completion a list of eligible ships will be issued to the NCAGS element that will be nominated as the NCAGS accompaniment co-ordinator.
- d. The NCAGS CDR will liaise with warfare staff to establish what military units are available, holding anchorages, dispersal points, schedules and the parameters of areas to be covered by accompaniment. The military commander will plan conduct of the accompaniment operation. The advantages and disadvantages of EMCON should be considered.
- e. The NCAGS CDR will issue an OPTASK NCAGS change, which orders accompaniment procedures and nominates the NCAGS element responsible for accompaniment coordination. Depending on the availability of military assets for accompaniment, the NCAGS CDR tasks the NCAGS staff to set up a schedule for accompaniment.
- f. The NCAGS CDR decides if the deployment of NCAGS LOs is necessary.
- g. Merchant ships will be informed of the establishment of accompaniment either through a briefing or by other means.
- h. The assigned NCAGS element liaises with the OTC to ensure the execution of the accompaniment, including the provision of relevant details of accompanied ships. This should include ships and voyage data. Ship recognition data is essential for the OTC.
- i. SIs should be issued for each accompanied merchant ship.
- j. Pre-sail briefings for accompanied ships shall be conducted if required.
- k. Sailed and arrived ships are to be reported via either the NCAGS ADP system or by other appropriate means.
- l. Where possible, merchant ship masters should be debriefed and updated on the current situation, including any onward routing by either the embarked NCAGS LO, the escort, or NCAGS unit.
- m. Collate reports from the NCAGS LOs.
- n. All NCAGS elements involved with the provision of accompaniment will provide reports as required by the OPTASK NCAGS.

## 5. Implementation:

- a. Manning.** Accompaniment procedures are likely to require an increase to the NCAGS staff, including NCAGS LOs.
- b. Equipment.** Portable crypto equipment may be required for all ships in the accompaniment, including the naval assets.
- c. Communications.** NCAGS staff must be able to communicate with the military commander and escorts. Communications between the maritime units and the merchant ships will normally be confined to simple instructions on the designated VHF net. EMCON may be recommended to the



merchant ships, but this aspect will need careful consideration with regard to GMDSS and other navigational safety aids.

**d. Related Tools.**

**e. Remarks.** The merchant ships will not be under military command or control, but will receive navigational advice and threat information by the OTC if applicable during the entire accompaniment period.

**119 Facilitate Dispersal and Emergency Movement****1. References:**

- a. OPTASK NCAGS.
- b. Local port evacuation plans.
- c. Direction and guidance signals.

**2. Purpose.** To assist national authorities with dispersals or emergency movements which are defined as:

**a. Dispersal.** May be ordered when it is considered that the concentration of ships in a port or area is such that its presence raises the likelihood of attack.

**b. Emergency movement.** To preserve ships and cargoes when attack in a port or area is imminent or has occurred.

Either of these actions can be activated at any time and applies to both participating and non-participating ships that will be strongly advised to comply. It is likely that either action could be at short notice. It is therefore vital that NCAGS personnel are fully prepared by being aware of civil and military emergency planning in their area and by being ready to help coordinate the evacuation by informing relevant NSAs, national shipping administration organisations and military commanders.

**3. Tasks:****a. Dispersal:**

- (1) Within the port or area, ships may be moved to other berths and/or anchorages.
- (2) Ships may be ordered to holding or working anchorages or to other ports.
- (3) Empty ships may be sailed out of the threatened area to other ports or anchorages.

**b. Emergency Movement.** Emergency movement has four elements:

- (1) Diversion of ships from port or area: If a port or area has to be evacuated, incoming ships should be diverted to a safe port or anchorage.
- (2) Port Evacuation. Port evacuation is a national responsibility and most ports should have local emergency evacuation plans, which will be coordinated by port committees/harbour authorities. In the event that these plans do not exist, coordination of movements must be established with relevant harbour authorities. Evacuated ships have to be sailed in accordance with the local plan or to a safe haven and sailed when safe to do so. Specific tasking for NCAGS may be to brief masters and provide SIs and onward routing.
- (3) Area Evacuation when a larger sea area including more than one port or anchorage is required to be cleared of shipping: Either national authorities or the military commander can order this. Ships will be sailed to a safe haven and onward routed when safe to do so. NCAGS units should be familiar with any national or military evacuation plan in their area of responsibility and assist responsible national and other relevant authorities as required. Specific tasking may

be to advise NSAs, brief masters, provide SIs and onward routeing. An area evacuation may also include one or more port evacuation plan to be executed.

(4) Subsequent Movements. As a result of the above evacuation plans, ships in safe havens will subsequently be required to move when safe to do so. These movements will embrace those activities for locating and identifying ships and cargoes, briefing masters and NSAs, and preparing SIs for onward routeing if required through an SRA. Some ships may have sailed independently rather than sail to the safe haven, so ship plots will need to be updated.

#### 4. Implementation:

**a. Manning.** A coordinated and concentrated effort by the NCAGS staff will be required. The NCAGS commander will have to carefully review manning in these ports and areas.

**b. Equipment.** VHF, PACE, Internet, mobile telephones, cars, boats, and safety equipment in ports.

**c. Communication.** Fast and reliable communications in this situation are of the utmost importance. Access to as much VHF and GMDSS as possible.

**d. Related Tools.** OPTASK NCAGS, liaison, briefing, RMP, NLOs, deconfliction, CRGs, WNWNS, SRA, and SIs.

**120 Provide NCAGS Services to Crisis Response Shipping (CRS)****1. References:**

- a. OPLAN.
- b. OPGEN.
- c. OPTASKS - LOGS, ASUW, ASW, RMP, and NCAGS.
- d. Direction and guidance signals.
- e. ALP 4.

**2. Purpose.** To liaise with Logistics Organisation to provide NCAGS services to CRS. In CRS the term RE/RE covers reinforcement, resupply and retrograde ships. CRS ships will comprise STUFT, ships chartered for military cargoes and, where appropriate, government-owned ships such as the U.S. MPS and strategic sealift.

**3. Definitions:**

**a. CRS.** The purpose of CRS is to augment forces in an area of risk in order to enhance military capability. It permits timely, tailored and reversible employment of forces that makes optimum use of available resources.

**b. Reinforcement.** Is to augment allied forces in forward areas in the early days of a crisis, thereby making maximum use of warning time.

**c. Resupply.** Follows on from reinforcement. Its purpose is to replenish reinforcement stocks in order to maintain required levels of supply.

**d. Retrograde.** To backload unwanted stores, equipment and personnel from the area of reinforcement. Reinforcement ships may be used for retrograde cargoes.

**e. STUFT.** Ships taken up from trade are ships that are nationally requisitioned, mainly for the purpose of CRS.

**f. Military Charter.** Ships that have been chartered for support of military operations. The charter party will normally state that the Master has to follow military orders. However, under the convention of SOLAS, the Master always has the final responsibility for the safety of his ship.

**4. Tasks:**

- a. Establish whether RE/RE ships are part of a military group or sailing independently.
- b. If the former, ships will be under military direction and no further action by NCAGS is required.
- c. If sailing independently, NCAGS staff will:
  - (1) Advise MCC and on-scene commanders on all RE/RE merchant shipping matters, including protection, up to and including safe arrival at the seaport of disembarkation (SPOD) and from the seaport of embarkation (SPOE) until out of operational area.

- (2) Ensure that all independent RE/RE ships are included in current and long term planning meetings.
- (3) Issue or change OPTASK NCAGS for RE/RE.
- (4) Directly liaise with the Master concerned for advice and information purposes.
- (5) Request initial Format Alfa.
- (6) Transmit OTH FORM GOLD for RMP.
- (7) Issue SIs if required.
- (8) Obtain regular update positional reports.
- (9) Update RMP at no less than six hourly intervals.
- (10) Deploy and regularly update NCAGS LOs if necessary and available.
- (11) Issue COMSEC equipment and keymat if required to NCAGS LOs.
- (12) Work with the logistics organisation as required on the following issues:
  - (a) Liaise with RE/RE owner/operators/agents as required.
  - (b) Ship's characteristics and identification features.
  - (c) Arrival port information such as berthing/bunkering facilities (available on shipping databases such as Lloyds Register-Fairplay).
  - (d) Alternate port/anchorages/bunkering (available in shipping databases such as Lloyds Register-Fairplay).

## 5. Implementation:

- a. Manning.** Requires no extra manning; however, it is a time-consuming task for SO NCAGS. RE/RE requires detailed early planning and constant attention to detail during all phases.
- b. Equipment.** PACE may be required for NCAGS LOs.
- c. Communications.** GMDSS for ships.
- d. Related Tools.** OPTASK NCAGS, CRGs, Format Alfa, deconfliction, issue SI, RMP, accompaniment, lead-through, dispersal and emergency movement, generate routes.

**121 Recommend and Facilitate Lead-through****1. References:**

- a. ATP 1, Vol. I, Chapter 13.
- b. ATP 1, Vol. II.
- c. ATP 2(B), Vol. II.
- d. APP 11.

**2. Purpose.** To minimise the risk to merchant ships transiting potential mined areas, and to facilitate the liaison between these ships and the on-scene MCM commander for safe navigation.

**3. Tasks:**

- a. To identify potential mined areas of concern to merchant ships.
- b. To make recommendations in consultation with the mine countermeasures tasking authority (MCM TA) on lead-through to the MCC.
- c. To pass relevant merchant ship characteristics and schedules to the MCM TA.
- d. To establish requirements for embarking NCAGS LOs.
- e. To brief the masters on lead-through procedures including R/V position and time, escort details and communications, self-protection measures, EMCON requirements, and subsequent passage instructions. In consultation with the MCM TA, masters may also be briefed on lead-through order.

**4. Implementation:**

- a. **Manning.** N/A.
- b. **Equipment.** N/A.
- c. **Communications.** N/A.
- d. **Related Tools.** 101, 112, 116, 117.

**122 Generate Routes for NCAGS Purposes****1. References:**

- a. Annex 3F.
- b. OPTASK NCAGS.
- c. Intelligence Signals.
- d. NAVWARNS.
- e. Water Space Management.

**2. Purpose.** To provide guidance for the selection of specific routes for merchant ships within or through the operational area.

**3. Tasks:** Detailed guidance on the development of routes is given in Annex 3F.

- a. Coordinate and deconflict with other warfare commanders and intelligence information.
- b. Develop route(s) with respect to safe navigation and general routeing guidelines in Annex 3F.
- c. On behalf of the military commander, establish and maintain a system of prescribed routes in the operational area.
- d. Allocate routes as required to merchant ships.
- e. Brief masters.

**4. Implementation:**

**a. Manning.** To produce and maintain routes requires constant checking of current applicability. Only personnel who are adept in chartwork and are skilled navigators should be charged with this function.

**b. Equipment.** Sufficient and current charts and plotting tools.

**c. Communications.** N/A.

**d. Related Tools.** 101, 102, 104, 107, 111, 112, 115, 117, 118, 121, 201.

**123 Produce Navigational Safety Warnings Using WWNWS or AWNIS**

**1. Reference.** AHP 1.

**2. Purpose.** To produce navigational safety warnings.

**3. Tasks:**

- a. Liaise with MW, maritime component operations staff officer (N-3), and other relevant desks for information and approval as required.
- b. Appreciate geographic factors in the area (for example depth, features and routeing).
- c. Find out who the area and national co-ordinators are for unclassified messages (see ref).
- d. Find out who the AWNIS originating authority is for classified messages (see ref). Unclassified requests to the WWNWS authorities are also raised by AWNIS.
- e. Draft messages using guidance and examples at the reference.
- f. Seek legal advice for the wording of an unclassified warning if in any doubt.
- g. With command approval, send to the appropriate addressees.
- h. Log the actions and the message and continue to seek AWNIS support, especially if more warnings are required.

**4. Implementation:**

- a. Manning.** An AWNIS desk is permanently manned (during office hours) at the United Kingdom Hydrographic Office (UKHO), Taunton, UK (0044 1823 723342).
- b. Equipment.** An up-to-date and corrected set of charts for the area and relevant navigational publications.
- c. Communications.** As appropriate for the classification of the warning.
- d. Related Tools.**



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## ANNEX 5B

**200 Series Naval Cooperation and  
Guidance for Shipping Tools****201 Mandatory Routeing for Merchant Ships****1. References:**

- a. OPLAN.
- b. OPGEN.
- c. OPTASK NCAGS.

**2. Purpose.** To facilitate the mandatory routeing of independently sailed merchant ships.**3. Tasks:**

- a. Identify and determine safe routes.
- b. Determine time period of route viability.
- c. Disseminate routes to appropriate commands as determined in the OPTASK NCAGS. Route dissemination messages will usually be sent via an OTHHT Gold message. Specific details will be promulgated in OPTASK COMMS.
- d. Promulgate safe route(s) via SIs, which may include:
  - (1) Date and time of departure.
  - (2) Final destination and ETA.
  - (3) Route to be followed.
  - (4) Reporting and communication instructions.
  - (5) EMCON and COMSEC.
  - (6) Self protection measures.
  - (7) General situation report.
  - (8) Current threat assessment.
  - (9) Diversion procedures.
- e. See Tool 117 for additional tasks.

**4. Implementation:**

- a. Manning.** See Tool 114.
- b. Equipment.** See Tool 114.
- c. Communications** See Tool 114.
- d. Related Tools.** 100, 103, 106, 108, 111, 112, 114, 116, 117.

**202 Conduct Convoy Operations****1. References:**

- a. AAP 8(F)(NAVY).
- b. APP 11.
- c. ATP 1, CHAPTER 10.
- d. ATP 2(B), Vol. II.
- e. OPLAN/OPORD.
- f. OPDIRs.
- g. OPGEN/OPTASK NCAGS.

**2. Purpose:**

- a. To escort and protect merchant ships and/or naval auxiliary assembled and organized for the purpose of safe passage together.
- b. To optimize the command and control over a number of merchant ships during their passage through an area of high threat in order to enhance their safety.

**3. Tasks.** The following tasks are to be covered:

- a. Make a recommendation to the military commander to establish convoy operations.
- b. Make a recommendation to the military commander on the kind of convoy operations. Depending on the threat conditions, the availability of protecting assets, and the number of designated ships to be allocated, the responsible military commander has to decide on the kind and extent of convoy operations. Convoy operations may range from a flexible, accompaniment-like shuttle system with an administrative escort under area protection, to a firmly organised full-scale port to port convoy under the protection of an escorting force.
- c. Contribute to developing a convoy operations plan.
- d. If necessary, request suitable administrative escort from the MCC for protection.
- e. Liaison with OTC/escort force commander (EFC) and establish a convoy schedule.
- f. Coordinate with affected military commanders to determine convoy routes, including assembly points or areas, rendezvous positions, break-off positions and dispersal points.
- g. Define convoy characteristics (speed, configuration and formation ships' positions). For stationing criteria for ships in convoy, see Appendix 1.
- h. Designate convoy titles. The convoy title of a main convoy will be composed of the port designators indicating the port of departure and the immediate destination and a two-digit serial number based on the scheduled sequence of convoys having the same departure and destination.

- i. Select and allocate designated ships from the bids for participation in convoy ops.
- j. Define number of required Convoy Commodores and staffs.
- k. If required, request extra NCAGS liaison officers and deploy them on ships without NCAGS expertise embarked.
- l. Define supporting roles and responsibilities (i.e., EFC).
- m. Appoint Convoy Commodores and staffs to convoys.
- n. Arrange for Allied tactical publications, communication equipment and crypto equipment and materials.
- o. Make arrangements for joiners, leavers, stragglers and late availability. For instructions, see appendixes 2, 3, 4 and 5.
- p. Produce and distribute convoy communication plans and EMCON plans.
- q. Prepare sailing order convoy (SOC).
- r. If possible, prepare and conduct convoy conference and/or pre-sail briefings.
- s. Sail the convoy and report the sailings and arrivals of convoys.
- t. Monitor the convoy passage.
- u. On arrival of a convoy, disembark Convoy Commodores, staff and NCAGS LOs. Collect Allied publications, communication equipment and crypto equipment and materials. Collect reports and records (FORMEXES) and conduct debriefings.

#### **4. Responsibilities:**

- a. The MCC has overall responsibility for the convoy operation.
- b. The NCAGS CDR is responsible for the NCAGS organisation and the NCAGS activities in the convoy operation. This includes the administration and deployment of NCAGS personnel and the selection of designated ships for convoy ops. He may delegate responsibilities for the execution (routeing authority, sailing authority) to the officer in charge (OIC) of the concerned SCP.
- c. The OIC of the SCP is responsible for the assembly of the convoy, the allocation of selected ships, the preparation of the SOC, the convoy conference and pre-sail briefings, the sailing of a convoy, reporting and debriefings. He cooperates with the Convoy Commodore as much as possible.
- d. The OTC/EFC executes tactical control over the convoy via the Convoy Commodore. He cooperates with the Convoy Commodore and directs him, when necessary. The OTC or EFC is responsible to the MCC for the tactical control of the escort force and the convoy.
- e. The Convoy Commodore is responsible for the EFC or OTC for the formation, internal organisation, communication and safe navigation of the convoy. He keeps the parent SCPs informed. He acts as net control station for communications within the convoy. In the preparation for convoy sailing, the Convoy Commodore is responsible for the conduct of the convoy conference, review of SIs, and preparation of the convoy communications plan.

f. The Master of a merchant ship in the convoy follows orders received from the Convoy Commodore.

**5. Implementation:**

**a. Manning.** Convoy Commodores and their respective staffs will number in the range of three to 12 individuals. This will require continued consideration in the increase of staff personnel both afloat or ashore in the management of convoy operations. One NCAGS LO and one COMMS operator should be assigned to each ship if necessary.

**b. Equipment.**

**c. Accommodation.** The implementation of convoy operations will generate additional demand for accommodation for both convoy operation staff and NCAGS LOs in a substantial number.

**d. Communications.** Portable VHF, flashing lights, and cryptographic equipment will be required and IAW applicable appendix. This will include sufficient stationery supplies to support operations (printer paper, logs, pencil/pens, notebooks). Consideration should be given to have sufficient information technology connectivity. For convoy communications instructions and EMCON, see Appendix 6.

**e. Related Tools.** 101, 103, 104, 112, 114, 115, 116, 120, 121, 201.

## APPENDIX 1 TO TOOL 202

## Stationing Criteria for Ships in Convoy Formations

**1. References:**

- a. ATP 2(B), Vol. II.
- b. OPORD.
- c. OPTASK NCAGS.

**2. Purpose.** To establish stationing positions for ships in convoy.**3. Task.** Establish formation and stationing positions for ships in convoy.**4. Criteria for Stationing.** Broad Front and Reversed Arrowhead Formations:

- a. The Convoy Commodore should normally be situated in the leading ship of the center column (or column to starboard of center if an even number of columns).
- b. Vice and Rear Commodores should normally be situated in the leading ships of columns toward the wings of the formation.
- c. Larger ships should normally be stationed ahead of smaller ships.
- d. Escort oilers should normally be stationed in the rear of the formation to facilitate their acting independently when ordered to carry out replenishment at sea.
- e. Troop carriers and/or ships with passengers should normally be stationed toward the center of the formation.
- f. Ships forming leaver sections should be stationed in a position to facilitate their departure from the main convoy.
- g. In broad front convoys where the formation grid is 1,000 yards (5 cables), the station in front of ships over 160,000 DWT should be left vacant.
- h. Ships allocated for rescue duties should be stationed at the rear of columns.
- i. Ships with critical speeds around the convoy speed and those that possess difficult handling characteristics should be stationed toward the wings of the convoy at the rear.
- j. In circular and random formations, the guide is normally stationed at the center of the formation. Vice and Rear Commodores should be stationed in positions where they can assist the Commodore with controlling the convoy.
- k. There are no set rules for stationing ships with dangerous cargoes. The stations allocated will depend upon such factors as:

- (1) The type of danger that the cargo presents.
- (2) The number of ships with dangerous cargoes.
- (3) The distance between columns and ships in column.
- (4) The type of risk.

**5. Responsibility.** The Convoy Commodore is responsible for the formation and stationing of the ships in the convoy.



## APPENDIX 2 TO TOOL 202

## Joiner Instructions

**1. References:**

- a. ATP 2(B), Vol. II.
- b. OPORD.
- c. OPTASK NCAGS.

**2. Definitions:**

- a. A joiner is an independent merchant ship sailed to join a convoy. Also called “convoy joiner”.
- b. A joiner convoy is a convoy sailed to join the main convoy.
- c. A joiner section is a joiner or joiner convoy, after rendezvous, and while manoeuvring to integrate with the main convoy.

**3. Tasks:****a. The following tasks are to be covered by the SCP of the joiner convoy:**

- (1) Keep close liaison with the main convoy SCP.
- (2) Designate the joiner convoy title. Joiners and joiner convoys are given the same title as the main convoy with the addition of an applicable prefix. A port designator prefix is used to indicate the departure port of a joiner convoy. Dashes will be used to separate prefixes from the main convoy title. When in the main body of the convoy, joiners assume the designator of the main convoy.
- (3) Provide each ship with sailing and routeing instructions from port or anchorage to the rendezvous position (SOC). For ships at sea use electronic transmissions.
- (4) Provide each ship with the main convoy SOC.
- (5) Give clear instructions about what action has to be taken if the ship fails the rendezvous.
- (6) Provide the Commodore of the joiner convoy with the through route of the main convoy for use in event of a failure to make the rendezvous.
- (7) Provide the SCP of the departure port of the main convoy with the details of the ship(s) in the joiner convoy required for recognition and station keeping purposes.

**b. The following tasks are to be covered by the sailing SCP of the main convoy:**

- (1) Pass information to the SCPs of the ports from which the joiner convoys or independents will sail.

- (2) Provide the SCP with the convoy formation, including which positions joining ships will occupy. If a circular formation is to be used, call signs are also to be included.
- (3) Provide the communication plan and the EMCON plan, including the VHF channel to be used to effect the rendezvous.
- (4) Provide the details of the ships in the main convoy required for recognition and station keeping purposes.
- (5) Provide any special instructions, additional signal groups, or departures from standard procedures that the Commodore of the main convoy or OTC of the escort forces intends to use.

**4. Responsibilities:**

- a. The SCP at the departure port or anchorage of the joiner convoy is responsible for the joiner convoy.
- b. The SCP at the departure port or anchorage of the main convoy has specific responsibility with regard to the joiner convoy.

**5. Implementation:**

- a. **Manning.** One NCAGS LO and one COMMS operator should be assigned to each ship if necessary.

- b. **Equipment.**

- c. **Accommodation.**

- d. **Communications.**



**e. Related Tools.**

## APPENDIX 3 TO TOOL 202

**Arrangement for Late Availability****1. References:**

- a. ATP 2(B), Vol. II.
- b. OPORD.
- c. OPTASK NCAGS.

**2. Purpose.** Should a ship become available for a convoy after the main or joiner convoy has sailed, providing the declared speed of the ship is sufficient to allow the vessel to catch up, the SCP may order the ship to sail.

**3. Tasks:**

- a. Advise the NCAGS CDR, the Convoy Commodore and the OTC.
- b. Provide the ship with sailing and routeing instructions from port or anchorage to the rendezvous point (SOC).
- c. Provide the ship with the main convoy SOC.
- d. Provide the ship with the through route of the main convoy for use in event of a failure to make the rendezvous.

**4. Responsibility.** The SCP at the departure port or anchorage is responsible for sailing the late available ship.

**5. Implementation:**

- a. Manning.** One NCAGS LO and one COMMS operator should be assigned to each ship if necessary.
- b. Related Tools.**

## APPENDIX 4 TO TOOL 202

## Leaver Instructions

**1. References:**

- a. ATP 2(B), Vol. II.
- b. OPORD.
- c. OPTASK NCAGS.

**2. Definitions:**

- a. A leaver is a merchant ship that breaks off from a convoy to proceed to a different destination and becomes independent. Also called “convoy leaver”.
- b. A leaver convoy is a convoy that has broken off from the main convoy and is proceeding to a different destination.
- c. A leaver section is a group of ships forming part of the main convoy which will subsequently break off to become leavers or a leaver convoy.

**3. Tasks.** The following tasks are to be covered by the SCP:

- a. Designate the leaver convoy title. Leavers and leaver convoys are given the same title as the main convoy with the addition of an applicable suffix. A port designator suffix is used to indicate the immediate destination of a leaver convoy. Dashes will be used to separate suffixes from the main convoy title. When in the main body of the convoy, leaver sections assume the designator of the main convoy.
- b. Provide each leaver with sailing and routeing instructions from the break-off position to the dispersal point (SOC).
- c. Provide the leaver section with the leaver formation (SOC).
- d. If a leaver convoy splits in two or more parts after leaving the main convoy, the SCP has to supply SOCs accordingly.
- e. The leaver convoy orders must be provided in a sealed envelope.

**4. Responsibility.** The SCP at the departure port or anchorage is responsible for the leaver, leaver convoy and leaver section.**5. Implementation:**

- a. **Manning.** One NCAGS LO and one COMMS operator should be assigned to each ship if necessary.

**b. Equipment.**

**c. Accommodation.**

**d. Communications.**

**e. Related Tools.**

## APPENDIX 5 TO TOOL 202

# Straggler Instructions

### 1. References:

- a. ATP 2(B), Vol. II.
- b. OPORD.
- c. OPTASK NCAGS.

**2. Definition.** A straggler is a ship separated from its convoy by more than five nautical miles, through inability to keep up, and unable to rejoin before dark, or over 10 nautical miles from its convoy whether or not it can rejoin before dark.

**3. Purpose.** To provide each vessel in the convoy with detailed instructions in case the vessel becomes a straggler.

### 4. Tasks:

- a. Produce a straggler's route.
- b. Advise the ship to proceed at best speed on the straggler's route.
- c. Issue communication plan and EMCON plan.
- d. Include any special instructions.
- e. Decide whether or not a new position report (SAILNOTE) should be made.
- f. Issue the straggler instructions in a sealed envelope to the ships before departure of the convoy.

### 5. Responsibilities:

- a. The SCP at the departure port or anchorage of the main convoy has to issue the straggler instructions.
- b. The NCAGS CDR shall promulgate information concerning the straggler, the corrected position, the SOA and ETA. This information will go to other military commanders concerned, the NCAGS element at the immediate destination, the ship's NSA, and the NSA of the country in which the ship's final destination lies.

### 6. Implementation:

- a. Manning.** One NCAGS LO and one COMMS operator should be assigned to each ship if necessary.

**b. Equipment.**

**c. Accommodation.**

**d. Communications.**

**e. Related Tools.**



## APPENDIX 6 TO TOOL 202

## Convoy Communications Instructions and Emission Control

**1. References:**

- a. ATP 2(B), Vol. II.
- b. GMDSS Handbook.
- c. OPORD.
- d. OPTASK NCAGS.
- e. OPTASK COMMS.

**2. Purpose:**

- a. To provide merchant ships in a convoy with directions and instructions for communication to effect command and control, to pass data and to disseminate information.
- b. To provide instructions for EMCON.

**3. Tasks:**

- a. Set up watch and radio shift times.
- b. Set up schedules and frequencies as in national and international publications.
- c. Develop communication plan (COMPLAN) for convoy internal communications (including Kickplan).
- d. Supply EMCON table (including AIS and GMDSS equipment).
- e. Set up a list of VHF channels to be used in various situations.
- f. Give any special instructions concerning cryptographic material.

**4. Implementation:**

- a. Manning.** One NCAGS LO and one COMMS operator should be assigned to each ship if necessary.

**b. Equipment.**

**c. Accommodation.**

**d. Communications.**

**e. Related Tools.**

## APPENDIX 7 TO TOOL 202

# Sailing Order Convoys

### 1. References:

- a. ATP 2(B), Vol. II.
- b. OPORD.
- c. OPTASK NCAGS.

**2. Purpose.** To provide each ship in the convoy with all necessary information required for the conduct of its voyage in the form of a Sailing Order Convoy (SOC).

### 3. Tasks:

- a. Collect ship's details.
- b. If the ship is in port or at anchorage, provide searched channel instructions if necessary.
- c. If the ship is at sea, give SOC/rendezvous instructions by secure means of electronic transmissions, e-mail, etc.
- d. Develop underway instructions.
- e. Develop convoy formations.
- f. Develop entrance instructions.
- g. Develop communication instructions.

Task for the convoy commodore: Develop special instructions.

**4. Responsibility.** The SCP at the departure port or anchorage will develop and issue the SOC in co-operation with the appointed Convoy Commodore.

### 5. Implementation:

- a. **Manning.** N.A.

**b. Equipment.**

**c. Accommodation.**

**d. Communications.**

**e. Related Tools.**

**ANNEX A  
TO APPENDIX 7 TO TOOL 202**

**Standard Sailing Order Convoy Format**

**1. SAILING ORDER CONVOY FOR M V “Ship’s Name”.**

Convoy Title

- a. List of Contents
- b. Special Instructions
- c. Departure Instructions
- d. Underway Instructions
- e. Convoy Formations
- f. Entrance Instructions
- g. Communication Instructions

Attachments held by the NCAGS LO: Zig-zag plans; straggler’s instructions, joiner instructions, if necessary; leaver instructions, if necessary; and lead-through instructions, if required.

**2. SPECIAL INSTRUCTIONS.**

SUMMARY OF NAVWARNS

REPORT OF SUSPICIOUS SIGHTINGS

DISPERSAL INSTRUCTIONS

STRAGGLER'S INSTRUCTIONS

DIVERSION ORDER

**3. DEPARTURE INSTRUCTIONS.**

ENTRY POINT

EXIT POINT

DISTANCE  
SPEED

SCHEDULED ETA

DEPARTURE

COMMUNICATION INSTRUCTIONS

CHANNEL INFORMATION (if required)

NAVIGATIONAL AIDS

CONVOY COMMODORE'S SPECIAL INSTRUCTIONS

**4. UNDERWAY INSTRUCTIONS.**

ROUTE

NAVIGATIONAL AIDS

CONCEALING SHIP'S MOVEMENT

CONVOY COMMODORE'S SPECIAL INSTRUCTIONS

**5. CONVOY FORMATIONS.**

GRID



DETAILS OF SHIPS

FORMATION Alfa

FORMATION Bravo

**6. ENTRANCE INSTRUCTIONS.**

EXIT POINT

ETA

PILOT INSTRUCTIONS

CHANNEL INFORMATION (if effective)

NAVIGATIONAL AIDS

**7. COMMUNICATION INSTRUCTIONS.**

WATCH AND RADIO SHIFT TIMES

MERCO STATIONS

COMMUNICATION PLAN

■ EMISSION CONTROL

## APPENDIX 8 TO TOOL 202

## Pre-Sail Briefing

**1. References:**

- a. ATP 1, Chapter 10.
- b. ATP 2(B), Vol. II.
- c. OPORD.
- d. OPDIRs.
- e. OPTASK NCAGS.
- f. ASSESREPs.
- g. SITREPs.
- h. NAVWARNs.
- i. METOC.

**2. Purpose.** To brief the Master of a ship prior to the sailing of a convoy.**3. Tasks.** The following subjects have to be covered by the NCAGS LO in the briefing:

- a. The current situation in the area.
- b. Station keeping in the convoy.
- c. Procedure to be followed in fog, bad weather, etc.
- d. Straggler.
- e. Need for lookouts.
- f. Answering and obeying signals.
- g. Darkening the ship.
- h. Disposal of waste materials.
- i. Rescue organization.
- j. Joiner/leaver.
- k. Weapon practice.
- l. Familiarization with the SOC.

m. Master's responsibility.

**4. Implementation:**

**a. Manning.** N.A.

**b. Equipment.**

**c. Accommodation.**

**d. Communications.**

**e. Related Tools.**

# LIST OF ACRONYMS AND ABBREVIATIONS

## A

<b>ADP</b>	automatic data processing (AAP-15)
<b>AOI</b>	area of interest (AAP-15)
<b>AOO</b>	area of operations (AAP-15)
<b>AOP</b>	area of probability (AAP-15)
<b>AWNIS</b>	Allied Worldwide Navigational Information System (or Service) (AAP-15)

## C

<b>C2</b>	command and control (AAP-15)
<b>C3</b>	command, control, and communications
<b>C4</b>	command, control, communications, and computers
<b>CC</b>	component commander (NATO) (AAP-15)
<b>CCOI</b>	critical contact of interest
<b>CDS</b>	civil direction of shipping (AAP-15)
<b>CDSORG</b>	Civil Direction of Shipping Organization (AAP-15)
<b>CJTF</b>	combined joint task force (AAP-15)
<b>CMA</b>	civil maritime authorities
<b>CO</b>	commanding officer (AAP-15)
<b>COI</b>	contact of interest (AAP-15)
<b>COMSEC</b>	communications security (AAP-15)
<b>CONOPS</b>	concept of operations (AAP-15)
<b>CONSA</b>	consular shipping advisor (AAP-15)
<b>COP</b>	common operational picture (AAP-15)
<b>CRG</b>	communication reporting gate (AAP-15)
<b>CRO</b>	crisis response operation (AAP-15)

**CRS** crisis response shipping

**D**

**DPC** Defence Planning Committee (AAP-15)

**DSC** Defence Shipping Council (AAP-15)

**DTG** date-time group (AAP-15)

**E**

**EEZ** exclusive economic zone

**EFC** escort force commander

**EGC** enhanced group call

**ELINT** electronic intelligence (AAP-15)

**EMCON** emission control (AAP-15)

**ETA** estimated time of arrival (AAP-15)

**G**

**GMDSS** global maritime distress and safety system (AAP-15)

**H**

**HF** high frequency

**HIT** high interest track/target

**HIT B** high interest track/target broadcast

**HQ** headquarters (AAP-15)

**HVU** high-value unit (AAP-15)

**I**

**IAW** in accordance with

**IER** information exchange requirement (AAP-15)

**IMO** International Maritime Organization (AAP-15)

**IVC** immediately vital cargo (AAP-15)

**J**

**J-4** logistics directorate of a joint staff

**L**

**LES** land Earth station

**LO** liaison officer (AAP-15)

**M**

**MC** Military Committee (AAP-15)

**MCC** maritime component command(er) (AAP-15)

**MCCIS** Maritime Command and Control Information System (AAP-15)

**MCM TA** mine countermeasures tasking authority

**MERCO** merchant ship reporting and control (message system) (AAP-15)

**MERSITREP** merchant vessel situation report

**MERSITSUM** merchant vessel situation summary

**MIO** maritime interdiction operation (AAP-15)

**MIOC** maritime interdiction operations commander

**MMSI** maritime mobile service identity

**MPS** maritime pre-positioning ship

**MSI** maritime safety information

**MW** mine warfare (AAP-15)

**N**

**N-3** Navy component operations staff officer

**N-6** Navy component communications staff officer

**NAC** North Atlantic Council (AAP-15)

**NAVWARNS** navigational warnings

**NCAGS** naval cooperation and guidance for shipping (AAP-15)

**NCAGS CDR** naval cooperation and guidance for shipping commander

**NCAGS LO** naval cooperation and guidance for shipping liaison officer

**NCAGSORG** naval cooperation and guidance for shipping organisation

**NLO** naval liaison officer (AAP-15)



<b>NOTAM</b>	notice to airmen (AAP-15)
<b>NOTMAR</b>	notice to mariners
<b>NSA</b>	national shipping authority (AAP-15)
<b>NSC</b>	NATO Shipping Centre
<b>NSWG</b>	NATO Shipping Working Group

**O**

<b>OC</b>	officer commanding (AAP-15)
<b>■ OiC</b>	officer in charge (AAP-15)
<b>OPDIR</b>	operational directive
<b>OPLAN</b>	operation plan (AAP-15)
<b>OTC</b>	officer in tactical command (AAP-15)
<b>OTH</b>	over-the-horizon (AAP-15)
<b>OTHT</b>	over-the-horizon targeting AAP-15)

**P**

<b>PACE</b>	pocket-sized automatic crypto equipment (AAP-15)
<b>PASSEX</b>	exercise arranged with forces on passage
<b>PBIST</b>	Planning Board for Inland Surface Transport
<b>PBOS</b>	Planning Board for Ocean Shipping (AAP-15)
<b>PC</b>	personal computer
<b>PfP</b>	partnership for peace (AAP-15)
<b>PIM</b>	position and intended movement (AAP-15)
<b>POF</b>	possible opposing forces

**R**

<b>RC</b>	regional commander
<b>RE/RE</b>	reinforcement/resupply (AAP-15)
<b>REPTOFF</b>	reporting officers
<b>RMP</b>	recognized maritime picture (AAP-15)

**S**

<b>SAILNOTE</b>	sailing notification
<b>SATCOM</b>	satellite communications (AAP-15)
<b>SC</b>	strategic commander
<b>SCC</b>	surveillance coordination centres
<b>SCEPC</b>	Senior Civil Emergency Planning Committee (AAP-15)
<b>SCP</b>	shipping cooperation point
<b>SHF</b>	super-high frequency
<b>SI</b>	sailing instruction
<b>SO</b>	staff officer
<b>SOC</b>	sailing order convoy
<b>SOLAS</b>	safety of life at sea
<b>SPOD</b>	seaport of debarkation (AAP-15)
<b>SPOE</b>	seaport of embarkation (AAP-15)
<b>SRA</b>	shipping risk area (AAP-15)
<b>STUFT</b>	ships taken up from trade (AAP-15)
<b>SUS</b>	suspect vessels

**T**

<b>TF/TG</b>	task force/task group (AAP-15)
<b>TGT</b>	target tracks

**U**

<b>UFN</b>	until further notice
<b>UHF</b>	ultrahigh frequency
<b>UKHO</b>	United Kingdom Hydrographic Office
<b>UN</b>	United Nations (AAP-15)

**V**

<b>VHF</b>	very high frequency
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**W**

**WAN**

wide-area network (AAP-15)

**WWNWS**

World Wide Navigational Warning System

## GLOSSARY

Terms and Definitions from AAP-6 are in italics.

## A

**accompaniment.** *In naval cooperation and guidance for shipping, the coordinated passage through a specific area of increased risk by one or more merchant ships in company with military assets. Accompaniment takes place under a voluntary arrangement and does not imply direct protection by military assets.*

**administrative escort.** *A warship or merchant ship under naval control, carrying a convoy commodore and his staff, serving as a platform for simultaneous communication with an operational control authority and a coastal convoy.*

**area of operations.** *An operational area defined by a joint commander for land or maritime forces to conduct military activities.*

## B

**break-off position.** *The position at which a leaver or leaver section breaks off from the main convoy to proceed to a different destination.*

## C

**civil-military cooperation.** *The coordination and cooperation, in support of the mission, between the NATO Commander and civil actors, including the national population and local authorities, as well as international, national and non-governmental organizations and agencies.*

**coastal convoy.** *A convoy whose voyage lies in general on the continental shelf and in coastal waters.*

**communication reporting gate.** *A geographical reference point or line at which merchant ships are required to call the naval cooperation and guidance for shipping organization in order to establish initial contact or to update previous information.*

**convoy.** *A number of merchant ships or naval auxiliaries, or both, usually escorted by warships and/or aircraft, or a single merchant ship or naval auxiliary under surface escort, assembled and organized for the purpose of passage together.*

**convoy assembly port.** *A port from which convoys sail.*

**convoy commodore.** *A naval officer, or master of one of the ships in a convoy, designated to command the convoy, subject to the orders of the officer in tactical command. If no surface escort is present, he takes entire command.*

**convoy dispersal point.** *The position at sea where a convoy breaks up, each ship proceeding independently thereafter.*

**convoy route.** *The specific route assigned to each convoy by the appropriate routing authority.*

**convoy schedule.** *Planned convoy sailings showing the shipping lanes, assembly, and terminal areas, scheduled speed, and sailing interval.*

**convoy speed.** *For ships, the speed which the convoy commodore orders the guide of the convoy to make good through the water.*

**convoy title.** *A combination of letters and numbers that gives the port of departure and arrival, speed, and serial number of each convoy.*

**crisis response shipping.** *All shipping employed in support of allied military operations, including ships taken up from trade, chartered shipping and, when appropriate, national prepositioned ships.*

## D

**declared speed.** *The continuous speed which a master declares his ship can maintain on a forthcoming voyage under moderate weather conditions having due regard to her present condition.*

**designated merchant ship.** *A merchant ship with a special status that may give it priority over other ships for higher level naval cooperation and guidance for shipping activities and, when it is placed under the naval supervision of merchant ships, compels it to comply with military orders.*

**dispersal.** *In maritime operations, the reduction of the concentration of ships by reberthing within a port area or at working or holding anchorage in the vicinity.*

## E

**emergency movement.** *In naval cooperation and guidance for shipping, the execution of diversion, port evacuation, area evacuation and subsequent movements in order to preserve ships and cargoes when attack is imminent.*

**emission control.** *Selective control of emitted electromagnetic or acoustic energy. The aim may be twofold: a. to minimize the enemy's detection of emissions and exploitation of the information so gained; b. to reduce electromagnetic interference thereby improving friendly sensor performance.*

**escort.** *A combatant unit(s) assigned to accompany and protect another force or convoy.*

## F

**final destination.** *In naval control of shipping, the final destination of a convoy or of an individual ship (whether in convoy or independent) irrespective of whether or not routing instructions have been issued.*

## I

**immediate destination.** *The next destination of a ship or convoy, irrespective of whether or not onward routing instructions have been issued to it.*

**immediately vital cargo.** *A cargo already loaded which the consignee country regards as immediately vital for the prosecution of the war or for national survival, notwithstanding the risk to the ship. If the cargo is carried in a ship of another nation, then that nation must agree to the delivery of the cargo. The use of this term is limited to the period of implementation of the shipping movement policy.*

**independent.** During naval supervision of merchant ships, a merchant ship sailed singly and uncorted by a warship.

## J

**joiner.** *An independent merchant ship sailed to join a convoy.*

**joiner convoy.** *A convoy sailed to join the main convoy.*

**joiner section.** *A joiner or joiner convoy, after rendezvous, and while manoeuvring to integrate with the main convoy.*

## L

**lead-through operation.** An operation conducted to minimise the risk to ships transiting mined areas, and to facilitate the liaison between these ships and the on-scene mine countermeasures forces for safe navigation. (MTP-6)

**leaver.** *A merchant ship which breaks off from a convoy to proceed to a different destination and becomes independent.*

**leaver convoy.** *A convoy which has broken off from the main convoy and is proceeding to a different destination.*

**leaver section.** *A group of ships forming part of the main convoy which will subsequently break off to become leavers or a leaver convoy.*

## M

**main convoy.** *The convoy as a whole which sails from the convoy assembly port/anchorage to its destination, It may be supplemented by joiners or joiner convoys, and leavers or leaver convoys may break off.*

**maritime interdiction operation.** *An operation conducted to enforce prohibition on the maritime movement of specified persons or material within a defined geographic area.*

**merchant ship.** *A vessel engaged in mercantile trade except river craft, estuarial craft, or craft which operate solely within harbour limits.*

**merchant ship communication system.** *A worldwide system of communication to and from merchant ships using the peacetime commercial organization as a basis but under an operational control authority, with the ability to employ the broadcast mode to ships when the situation makes radio silence necessary.*

**merchant shipping.** *In naval cooperation and guidance for shipping, the complete commercial maritime industry, including the fishing industry.*

## N

**national shipping authority.** *The organization within each Allied government responsible in time of war for the direction of its own merchant shipping.*

**R** **naval cooperation and guidance for shipping.** *The provision of NATO military cooperation, guidance, advice, assistance and supervision to merchant shipping to enhance the safety of participating merchant ships and to support military operations.*

**naval cooperation and guidance for shipping area.** A geographical area within which the naval co-operation and guidance for shipping organisation conducts naval co-operation and guidance for shipping activities. The objective of such an area is to maximise co-operation between military commanders and merchant shipping.

**naval cooperation and guidance for shipping commander.** The officer assigned to command the naval co-operation and guidance for shipping (NCAGS) organisation. He will plan and execute NCAGS and promulgate the OPTASK NCAGS.

**naval cooperation and guidance for shipping liaison officer.** An officer deployed by the naval co-operation and guidance for shipping (NCAGS) commander aboard a merchant ship to provide liaison outside the direct military chain of command. For liaison officers deployed to merchant ships, their position on board does not affect the master's responsibility for the safe navigation and safe handling of the ship. The NCAGS liaison officer makes military knowledge available to the master to allow him to understand the naval and military requirements that are applicable.

**naval cooperation and guidance for shipping unit.** A team of naval co-operation and guidance for shipping (NCAGS) personnel, deployed ashore or afloat, to provide specific local NCAGS services including gathering local merchant shipping information, providing guidance to merchant ships and co-operating with and advising local merchant shipping.

**naval supervision of merchant ships.** *In naval cooperation and guidance for shipping, the mandatory routing of merchant ships, control of their movements and/or convoy organization by naval authorities.*

## O

**ocean convoy.** *A convoy whose voyage lies, in general, outside the continental shelf.*

## P

**participating merchant ship.** *A merchant ship taking part in a naval cooperation and guidance for shipping operation.*

**port designator.** *A group of letters identifying ports in convoy titles or messages.*

**protection of merchant ships.** The employment of military forces or procedures to prevent or defend against offensive actions directed at merchant ships.

## S

**sailing instruction.** A document used by naval co-operation and guidance for shipping to inform merchant vessels of the general situation in the operation area, route to follow through the area and special instructions regarding communications, emission control, notification of diversion, etc. It may be delivered by e-mail, fax or by hand by a briefing officer depending on the situation and content.

**shipping cooperation point.** *A location where naval cooperation and guidance for shipping staff gather and disseminate information on local merchant ships and naval operations and provide the means to brief merchant shipping on risks, routeing and protective measures.*

**shipping movement policy.** *The policy for the movement of merchant ships in the early days of war laid down in Military Committee documents.*

**shipping risk area.** A geographic area of higher or specific risk to merchant ships. Guidance will be provided to participating merchant ships to help them understand the nature and extent of the risk in the area and, if applicable, to recommended specific routes through the area.

**staff officer naval cooperation and guidance for shipping.** An officer who augments military staffs to provide expertise and advice to the command on naval co-operation and guidance for shipping matters as they affect the planning and execution of operations.

**standard route.** *In naval cooperation and guidance for shipping, a preplanned single track connecting positions within the main shipping route.*

**straggler.** *A ship separated from its convoy by more than 5 nautical miles, through inability to keep up, and unable to rejoin before dark, or over 10 nautical miles from its convoy whether or not it can rejoin before dark.*



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# **ATP 2(B), VOLUME I**

**NATO-UNCLASSIFIED**

**ATP-2(B)**  
**VOLUME II**  
**NAVAL CO-OPERATION AND**  
**GUIDANCE FOR SHIPPING**  
**MANUAL**  
**(NCAGS)**

**GUIDE TO OWNERS,**  
**OPERATORS, MASTERS**  
**AND OFFICERS**

**DECEMBER 2006**



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March 2007

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2. This multinational manual provides guidance and doctrine for the provision of NCAGS support throughout the spectrum of military operations.

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## CHAPTER 1

# General Information

### 0101 Introduction

The North Atlantic Treaty Organisation's (NATO) review of its policy for operations involving merchant shipping has led to the development of Naval Co-operation and Guidance for Shipping (NCAGS).

### 0102 Purpose and Scope

To provide information to Ship Owners, Operators, Masters and Officers regarding the interaction between Naval forces and commercial shipping. In particular, this publication serves as a handbook for the world-wide application of NCAGS principles and procedures that exist to enhance the safety of shipping in times of tension, crisis, or conflict.

a. Where necessary, the lead responsibility for the implementation of NCAGS will be as follows:

- (1) In the Area of Operations (AOO): The Military Commander (MC).
- (2) In NATO countries and their overseas territories: The nation concerned.
- (3) In all other areas: One NATO nation is to assume responsibility on behalf of NATO, as agreed among members, for planning operations outside the NATO area.

b. A lower level of NCAGS procedures (eg picture compilation) may be activated before the implementation of an NCAGS operation, either by NATO or nations involved.

### 0103 Benefits of NCAGS

**1. To Merchant Shipping.** NCAGS can provide the following principal benefits to merchant shipping when co-operating with the military:

- Enhanced safety and security.
- Reduced delays when transiting through military areas of operation.
- Continued operation of commercial maritime transport system.
- Improved threat response.
- Enhanced understanding of military constraints.
- Potential for reduced war-risk premiums.



**2. To the Military Commander.** NCAGS can provide the following principal benefits to the military:

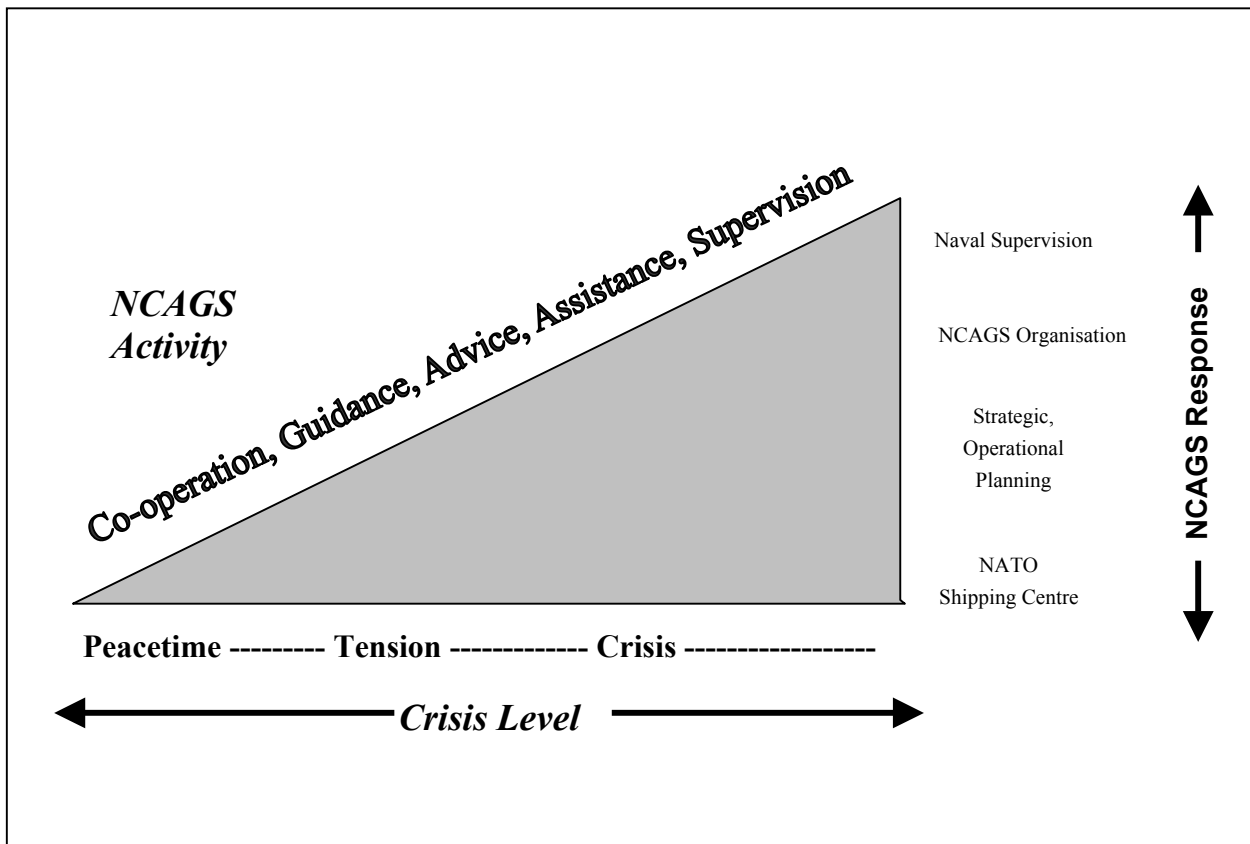
- A more comprehensive picture of merchant shipping activity, movements and positions.
- Reduced interference between commercial shipping and military operations (deconfliction).
- Enhanced safety and security.
- Improved effectiveness of military operations.
- Enhanced understanding of commercial shipping constraints.
- Improved counter-terrorism capability.

#### **0104 Background**

Maritime trade is a fundamental strategic interest to nations and their economic well-being depends on freedom of movement on the seas. Military operations at sea will frequently involve, or have some impact, on merchant shipping and likewise merchant shipping may affect military operations. Co-operation between the military and commercial shipping can minimise delays and afford protection to merchant ships when transiting through maritime areas of operation.

#### **0105 Mission of NCAGS**

To provide NCAGS support to military commanders and merchant shipping in peacetime, tension, crisis and conflict through co-operation, guidance, advice, assistance and, where necessary, supervision. Additionally, to provide military guidance, advice or assistance in respect of participating nations' global, maritime commercial interests to enhance the safety of merchant vessels and to support military operations.



**Figure 1-1. Naval Co-operation and Guidance for Shipping**

### **0106 Application of NCAGS**

The NCAGS organisation (NCAGSORG) can support and participate in a broad range of military operations. These include but are not limited to:

- a. Operations relating to the safety, security and enhanced protection of merchant ships.
- b. Crisis Response Operations (CRO).
- c. Operations to support homeland defence and security tasks and maritime anti-terrorism.

### **0107 Concept**

1. NCAGS promotes co-operation between military and civil maritime authorities and agencies and the commercial shipping industry.
2. Merchant ships can participate in NCAGS activities on a voluntary basis as guided by their National Shipping Authorities (NSA), owners, operators or charterers.
3. Masters will be asked to provide basic information concerning their ship, cargo and voyage details. This information will be assessed to produce an accurate shipping picture, which is critical to the accomplishment of the NCAGS mission. In times of increased tension or conflict, additional information may be requested. The commercial sensitivity of the information supplied by the merchant shipping community will be respected and protected.

4. The NCAGSORG will in turn ensure that appropriate military authorities are advised of these details for monitoring during the voyage. If deemed necessary, the NCAGSORG will provide the Merchant Master with up-to-date information concerning the situation and specific information on the voyage. This information can range from basic situation briefs to the provision of recommended routes and escort instructions. Specific details of these activities and the sharing of information are contained in Chapter 2.

5. Under normal circumstances, a military commander will not alter the destination of a merchant ship without the approval of the ship's owner, operator, Master or flag state. The military commander may, however, advise a diversion from a ship's planned route as necessary for safety or operational reasons.

6. Safe passage responsibility remains with the Master.

7. Examples of areas of mutual interest between the military and the Merchant Shipping community:

a. The Military may be tasked to protect Merchant Shipping against military or terrorist threats.

b. Nations and the Merchant Shipping community have a vested interest in ensuring that maritime trade is upheld to support the economy.

c. It is in the interest of both military and Merchant Shipping to be able to identify bona fide shipping, to minimise interference with such ships, and to be able to focus on those ships that do not comply with international law or UN Security Council resolutions and conventions.

d. Military regularly charters Merchant Ships to carry equipment and supplies in connection with deployment of forces.

e. During operations to prevent conflicts or in connection with peacekeeping after a conflict, maritime trade contributes to the stabilisation of a region, while this represents business opportunities for the Merchant Shipping industry.

f. Humanitarian Operations.

## **0108 Strategic Planning for Merchant Shipping**

The Planning Board for Ocean Shipping (PBOS) co-operates closely with both the NCAGSORG and merchant shipping under the guidance of the NATO Senior Civil Emergency Planning Committee (SCEPC). PBOS is responsible for developing and maintaining plans for civil shipping support to the Alliance in crisis and war, including planning for acquiring the civil shipping resources necessary to meet military sealift requirements. PBOS maintains a cadre of civil shipping experts from industry to support NATO crisis management arrangements. PBOS also works closely with Partnership for Peace (PfP) nations. Each nation is responsible for its own emergency planning for merchant ships including national control and direction during crisis.

## CHAPTER 2

# NCAGS Operations

### 0201 Definitions

1. The definitions and descriptions given below are not exhaustive, but include those required in order to conduct NCAGS operations (see List of Acronyms and Glossary).

**a. Naval Co-operation and Guidance For Shipping (NCAGS).** The provision of NATO military co-operation, guidance, advice, assistance and supervision to merchant shipping to enhance the safety of participating merchant ships and to support military operations.

**b. Merchant Shipping.** For the purposes of NCAGS, merchant shipping includes the complete commercial maritime industry, including the fishing industry.

**c. Participating Merchant Ships.** Any merchant ships, including fishing vessels, which by the submission of the appropriate proforma, are participating in a NCAGS operation.

**d. Designated Merchant Ships.** Merchant ships nominated as ‘designated’ by NATO through their NSA. These ships may have priority over other ships for higher level NCAGS activities and under Naval Supervision of Merchant Ships will comply with military orders. On request, the North Atlantic Council (NAC)/Defence Planning Committee (DPC)<sup>1</sup> may allow non-NATO nations to nominate ships.

**e. Crisis Response Shipping.** All shipping employed in support of allied military operations, including ships taken up from trade, chartered shipping and, when appropriate, national pre-positioned ships.

**f. Naval Supervision of Merchant Ships.** The ultimate response of NCAGS exercised by naval authorities of mandatory routing, control of movement and/or convoy organisation. Naval Supervision of Merchant Ships will be implemented only with NAC/DPC approval.

**g. NCAGS Area.** A geographical area within which the NCAGS organisation conducts NCAGS activities. The objective of such an area is to maximise the co-operation between MCs and merchant shipping.

**h. Communication Reporting Gates (CRG).** A geographical reference point/line at which merchant ships are to call the NCAGSORG in order to establish initial contact or to update previous information. The CRG allows the MC timely information about merchant ships approaching the Area of Operation (AOO).

**i. Shipping Risk Area (SRA).** A geographical area of higher or specific risk to merchant ships. Guidance will be provided to participating merchant ships to help them understand the nature and extent of the risk in the area and, if applicable, to recommend specific routes through the area.

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<sup>1</sup> The NAC/DPC represents the highest political level in NATO.

## 0202 NCAGS Organisation

**1. Overview.** The NCAGSORG supports two distinct entities: the military commander and the merchant shipping community. Therefore it supports both military operations and enhances the safety of merchant ships, while keeping mutual interference to a minimum.

**2. Elements of the NCAGSORG.** The NCAGSORG is flexible in order to meet the needs of the military commander and merchant shipping. It may comprise some or all of the following elements tailored to suit the situation depending on the level of NCAGS support required.

**a. NCAGS Commander (NCAGS CDR).** The Officer assigned to command the NCAGS organisation. The NCAGS CDR is typically also the commander of the naval force.

**b. NATO Shipping Centre (NSC).** A permanent organisation in the NATO headquarters at Northwood (GBR) tasked with establishing and maintaining links with the military, merchant shipping, NSAs and international maritime agencies. The detailed tasks of the NSC are described in Annex 2A.

**c. Shipping Co-operation Point (SCP).** The location where NCAGS staff will gather information on local merchant shipping and naval operations and will provide the means to brief merchant shipping on risks, routing and organisation for protection. The SCP will, depending on the level of an operation, encompass co-ordination, co-operation or, when Naval Supervision of Merchant Ships is authorised, control. The location of SCPs will be at the discretion of the NCAGS CDR and can be ashore or afloat. The SCP liaises with local and regional authorities including port authorities, shipping agents, and local shipping companies and reports ship movements to other elements of the NCAGSORG.

**d. NCAGS Unit.** A team of NCAGS personnel, deployed ashore or afloat, to provide specific local NCAGS services including the gathering of local merchant shipping information, providing guidance to merchant ships and co-operating with and advising local merchant shipping.

**e. NCAGS Liaison Officer (NCAGS LO).** An officer deployed aboard a merchant ship to provide liaison between the merchant ship Master and military authorities. The NCAGS LO is the naval advisor to the merchant Master. His position on board does not affect the Master's responsibilities for the safe navigation and safe handling of the ship. The NCAGS LO makes military knowledge available to the Master to allow the Master to understand the naval and military requirements that are applicable. This may include any or all of the following:

- (1) Brief and inform on the situation.
- (2) Explain and interpret information contained in Sailing Instructions (see Annex 2B).
- (3) Collect and disseminate ship's data, voyage intention, and information of interest.
- (4) Check, monitor and report on equipment and publications of interest.
- (5) Assist ship's Master and Officers in tactical communications and manoeuvring procedures as necessary.
- (6) Provide relevant information to naval authorities on operations in the area.
- (7) Act as an interpreter of military language and expressions.

- (8) Allow for secure exchange of classified information.
- (9) Debrief the Master at the end of each voyage.

### 3. Principal NCAGS Capabilities

- a. Enhanced Safety of Merchant Ships.** NCAGS provides military information and advice to merchant shipping to enhance the safety of merchant ships during military operations.
- b. Deconfliction.** Deconfliction prevents merchant shipping traffic from conflicting or interfering with an operational mission. Adjustments can be made to naval forces activity and merchant shipping movement as necessary to minimise mutual interference.
- c. Civil/Military Interface.** The NCAGSORG provides information on merchant shipping to the MC. It acts as the liaison between merchant shipping and the military and will establish reporting requirements.
- d. Ship Data Compilation.** The NCAGSORG maintains and monitors a database of shipping information, such as, position, course, speed and destination.

#### 0203 Conduct of NCAGS

The NCAGS functions utilised in any particular operation will be determined by the level of risk, threat and military operational requirements but will also focus on the safety of merchant ships in the area. The functions include, but are not limited to:

- a. Guidance to Merchant Ships.** Guidance will be provided to participating merchant ships to help them understand the nature and extent of the risk in the area. The acceptance of guidance is purely voluntary and intended to allow merchant ships to determine their own voyage.
- b. Guidance to Fishing Vessels**
  - (1) The presence of fishing vessels in an MC's AOO may complicate the tactical situation such that the MC will wish to have some degree of oversight of them. Fishing grounds and access to them will be kept open whenever operational circumstances permit.
  - (2) The NCAGSORG will provide information concerning fishing in the AOO that will include the whereabouts of fishing grounds, numbers and types of fishing vessels, locations and type of fixed fishing gear.
  - (3) Fishing vessels may take part in the NCAGS operation voluntarily as Participating Ships, or they may be designated by nations in the same way as other merchant ships.
- c. Merchant Ship Movements.** The monitoring of regular updates of merchant ship movements is critical to provide an accurate shipping picture and this has the potential to reduce the threat risk to participating merchant ships. It is of the utmost importance that merchant ships make every effort to update position and movement information as requested by the NCAGSORG.

**d. Protection of Merchant Ships.** The employment of military forces or procedures to prevent or defend against offensive actions directed at merchant ships.

**(1) Accompaniment.** A voluntary arrangement in which merchant ships may be organised for passage through a specific area of increased risk in company with military assets. Details will be promulgated via navigational warning (NAVWARN). Accompaniment does not imply direct protection by military assets; however, the presence of military assets may act as a deterrent to any unlawful interference to merchant ships.

**(2) Lead-through.** Lead-through is designed to minimise the risk to merchant ships transiting mined areas, and to facilitate the liaison between these ships, and the on-scene Mine Countermeasures Commander (MCM) for safe navigation purposes. Details will be promulgated via NAVWARN. NCAGS can recommend and facilitate the organisation of lead-through operations for merchant ships.

**(3) Escort.** A combatant unit assigned to accompany and protect another force or convoy.

**(4) Convoy.** NCAGS can recommend and facilitate convoy operations for merchant shipping. The purpose of convoy operations is to escort and to protect merchant ships by means of military assets through a specific area with higher risk due to unlawful interference. The safe passage of a convoy depends on the organisation before sailing, the management and control at sea and the skilful handling of each ship while in convoy. Ships in convoy sail under military command. Merchant ships under naval supervision have to follow the orders of the Convoy Commodore, other merchant ships cannot be forced to take part in a convoy organisation, but they can be integrated on a voluntary basis. Masters are at all times responsible for the crew, safe navigation and handling of their ship. Details will be promulgated via NAVWARN.

**e. Dispersal and Emergency Movement of Merchant Ships.** The procedures outlined are conducted in association with Civil Emergency Plans (CEP) produced by national authorities. On these occasions all ships, whether participating or not, will be involved. The NCAGSORG can be used to both assist and facilitate nations' CEPs.

**(1) Dispersal.** The re-berthing of ships within a port area or working/holding anchorages in the vicinity. Dispersal may be ordered when it is considered that the concentration of ships raises the likelihood of major attack. Dispersal can be ordered in a port or area by military or national authorities, as required by the threat level. Port Authorities will carry out this action with possible military assistance.

**(2) Emergency Movement.** The execution of Diversion, Port Evacuation, Area Evacuation and subsequent movements in order to preserve hulls and cargoes when attack in a port or area is imminent. The majority of these movements are based on national CEPs, although military commanders can order any element if the risk assessment is considered to be high.

**(3) Immediately Vital Cargo (IVC).**

**(a) Definition.** A cargo already loaded, which the consignee country regards as immediately vital for the prosecution of the major conflict or for national survival, notwithstanding the risk to the ship. If the cargo is carried in a ship of another nation, then that nation must agree to the delivery of the cargo. The use of this term is limited to the period of implementation of the shipping movement policy.

**(b) Declaration of IVCs.** Nations will declare IVCs through their National Shipping Authorities.

## 0204 NCAGS Forms

1. Format Alfa is the principal means by which merchant ship data is collected for use by the NCAGSORG.
2. Sailing Instructions (SI) are issued to all ships transiting a SRA.
3. Further information on these forms is contained at Annex 2B.

## 0205 Actions

### 1. Nations.

**a. Nomination of Designated Ships.** Nations who wish to nominate ships as 'Designated' will supply the MC, via their NSA (or equivalent) with a list of ships and their International Maritime Organization (IMO) number. Designated Ships may include national ships, those from dependent territories, and named ships assessed as being of economic benefit to that nation.

**b. National Co-operation and Co-ordination.** Nations should ensure close co-operation and co-ordination between civilian and military authorities and provide adequate communication facilities with merchant ships for emergency purposes. In particular, nations should encourage a close working arrangement between government, shipping companies, port authorities, other appropriate maritime organisations and the NSC. Arrangements should be made for the speedy interchange of vital information concerning movements of national shipping, harassment or hostile actions.

**2. Operators and Shipping Companies.** To avoid confusion in a period of tension or crisis, or in the early days of conflict, clear advice should be issued in peacetime to Masters of national participating and/or designated merchant ships. There must be no doubt regarding the actions to be taken by Masters and sources from which they may expect guidance or instructions. Such guidance and instructions are to be issued and updated regularly by shipping companies as received from national authorities.

### 3. Masters.

- a. Send reports of Position and Intended Movement (PIM) according to instructions received from the Owner or Operator.
- b. Comply with guidance provided by the NCAGSORG, giving due consideration to owner instruction, and maintaining due diligence and safety.

### 4. Military Commander.

- a. Pass relevant information to merchant ships in the AOO, via the NCAGSORG.
- b. If required, establish advisory routes for merchant ships in the AOO (see Annex 2C).
- c. If required, organise and enhance protection in the AOO.



**0206 Merchant Shipping Participation in Military Exercises**

1. During peacetime, NATO and Multi-National naval forces will carry out naval exercises to test their effectiveness in all manner of scenarios. The most common exercises that involve merchant shipping are Maritime Interdiction Operations (MIOs). Voluntary participation of merchant ships in these exercises is on a 'no-cost/no-delay' basis.
2. Exercise areas will be promulgated in advance by NAVWARN and additional information will be made widely available (ie by the NSC).

## ANNEX 2A

# The NATO Shipping Centre

- 1 Aim.** The aim of the NATO Shipping Centre (NSC) is to provide improved information exchange on merchant shipping, and facilitate increased voluntary co-operation between military commanders and commercial shipping operators.
- 2 Mission.** The NSC will collect and process merchant shipping information, develop a surface picture of shipping in areas of interest, support military operational requirements, and advise shipping on the evolving situation.
- 3 Capability.**
  - a. Permanently established, the NSC will provide information on merchant ships to Military Commanders, merchant shipping and the NCAGSORG, as required.
  - b. The NSC can support both NATO and multi-national worldwide operations.
  - c. The NSC is designated as NATO's point of contact for merchant shipping and institutions, such as NSAs, Ministries of Transport (MOT) and other maritime authorities.
- 4 Shipping Data.**
  - a. Information held by the NSC includes both fixed data (eg dimensions) and variable data (ie voyage details).
  - b. Any commercially sensitive data obtained by the NSC or by NCAGS will be appropriately protected.
- 5 Tasks.**
  - a. The NSC will:
    - (1) Collect and process merchant shipping data.
    - (2) Advise military and civil authorities of potential risks to merchant shipping.
    - (3) Identify possible interference with maritime operations and exercises.
    - (4) Maintain an Internet site containing information on security related matters.
  - b. On activation of NCAGS procedures the NSC will support the following tasks:
    - (1) Advise authorities and companies of risks. Identify possible interference with maritime operations and request their co-operation for the establishment of the shipping plot.
    - (2) Supply information on merchant shipping to MCs and civil authorities.
    - (3) Provide information and warnings to merchant ships.

(4) Provide advice on shipping operations.

6. **Website.** <http://shipping.manw.nato.int>.

## ANNEX 2B

# NCAGS Information Forms

### SECTION I — FORMAT ALFA

1. Format Alfa is one of the principal methods by which NATO gathers data on shipping. Format Alfa may be requested at least 24 hours prior to entering the Area of Operations (AOO) and then, if possible, every six hours until departure from the AOO.
2. As a general rule Format Alfa should be kept as short as possible and be limited to essential information only. In normal circumstances data identified in the Format with **bold** type will suffice.
3. The form is divided into four sections:
  - a. Section A covers basic details of the vessel.
  - b. Section B covers details of the current voyage.
  - c. Section C covers details of the vessel's operator.
  - d. Section D covers cargo data.
4. Dates and Times should be entered either by the date followed by a four digit time in the 24 hour clock (18 Oct 05 2100 UTC) or a Date Time Group (see Para 5).
5. The NATO method of expressing time and date is contained within a Date Time Group (DTG) which is written in the following manner: DDHHHHTIME ZONE MMM YY. Therefore, a DTG written as 182100Z JUL 06 describes a time of 2100 Universal Time Coordinated (UTC) on the 18 July 2006. NATO units routinely describe UTC as time zone 'ZULU' abbreviated to 'Z'.
6. Format to be used:

#### **Section A — Ship Data:**

- (1) Ship's name.**
- (2) International callsign.**
- (3) Type of vessel.
- (4) Flag of registry.**
- (5) IMO number.**
- (6) Port of registry.
- (7) Length overall.
- (8) Vessel's width.

- (9) **Maximum draft for present voyage.**
- (10) Vessel's gross tonnage.
- (11) **Speed:**
  - (a) **Service speed.**
  - (b) **Maximum speed.**
  - (c) **Minimum speed.**
- (12) **Significant appearance of vessel for optical recognition.**
- (13) **MMSI (Maritime Mobile Services Identity) Number.**
- (14) Name of communication station being copied.
- (15) **INMARSAT Telephone numbers.**
- (16) **INMARSAT Fax numbers.**
- (17) INMARSAT Telex numbers.
- (18) INMARSAT Data numbers.
- (19) Other communication means including e-mail addresses.

**Section B — Voyage Data:**

- (20) Intended movement — description of passage.
- (21) Last port/country of call including actual date and time of departure from last port.
- (22) Next port of call including Estimated Time of Arrival (ETA) at next port of call.
- (23) **Current position.**
- (24) **Date/time and position entering the region.**
  - (a–x) **Waypoints of intended track through AOI (date/time—latitudes/longitudes).**
- (25) **Position and date/time of departing the region.**

**Section C — Operator Data:**

- (26) **Name of ship owner/operator including address of ship owner, name of Charterer (if any) and address of Operator/Charterer.**
- (27) Email address of the above.
- (28) Telephone number of above.

(29) Fax number of above.

**Section D — Cargo Data**

(30) Quantity and nature of main/relevant cargo.

(31) Shippers of main/relevant cargo (name and address).

(32) Origin of main/relevant cargo.

(33) Consignee of main/relevant cargo.

(34) Final destination of main/relevant cargo.

(35) Special queries appropriate to current operation such as “State if any cargo/person is carried being subject to UN sanctions, by **YES** or **NO**”. If the answer to the query is YES, then describe on a separate sheet.

## SECTION II — SAILING INSTRUCTIONS

1. Sailing Instructions (SI) are issued to all ships transiting a SRA and any other ships requiring specific guidance within the AOO. The issue of a SI indicates that a mutual understanding has been achieved. The Master has agreed to follow the routing direction and the NCAGSORG will monitor the ship's passage and divert if necessary. The SI is an important tool for the MC in mitigating risk to commercial shipping transiting the SRA and diversion can be signalled to a merchant vessel in transit if a danger develops on the planned track.

2. The following outline is provided as guidance to illustrate the content for the Sailing Instructions used in NCAGS.

### SAILING INSTRUCTIONS

**SHIP'S NAME:**

**INTERNATIONAL CALLSIGN:**

**FLAG:**

**SPEED:**

**ENTRY POINT:**

**EXIT POINT:**

**FINAL DESTINATION:**

*Note: Entry and exit points define the part of the voyage where Sailing Instructions (SI) apply.*

**GENERAL SITUATION:**

**ROUTE:**

During the passage you should pass through the following positions:

POSITION DESIGNATOR/WAYPOINT	LAT/LONG	REMARKS
1.		
2.		
3.		
etc		

**SPECIAL INSTRUCTIONS:**

COMMUNICATIONS

EMCON

REPORT SUSPICIOUS SIGHTINGS

NOTIFICATION OF DIVERSIONS

SUMMARY OF NAVWARNS IN FORCE

## ANNEX 2C

**Routeing/Passage Plans and Amendments**

- 1. Responsibility for Establishing Routes/Passage Plans.** The MC is responsible for establishing and maintaining a system of routes required for an operation.
- 2. Routeing Authority.** Routeing Authority resides with the NCAGS CDR who can delegate this responsibility to a subordinate.
- 3. Promulgation of Routes.** In normal circumstances the promulgation of routes would be restricted, therefore the Routeing Authority is responsible for seeing that all who are concerned with the operation of a particular route hold the necessary information before the route is activated.
- 4. Issuing Routeing Instructions to Merchant Ships.**
  - a. General.** Routeing instructions to ships always take the form of a list of latitudes and longitudes of the route positions, together with their Two-Letter Designators.
  - b. Issuing Sailing Instructions.** When a SRA is established and routing is advised, Sailing Instructions (SI) will be issued to the Master by the Routeing Authority in the format described in Annex 2B.
- 5. Diversions.** A diversion may be signalled to a merchant vessel in transit when a danger develops on the planned track. The procedures for diversions are contained in Annex 3A.
- 6. Routeing Liabilities.** Advice and routes may be given to Masters, however, it should be noted that the Allied or Coalition Governments accept no liability.



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## CHAPTER 3

# Communications

### 0301 Purpose

This chapter provides instruction for communications between merchant ships and military forces.

### 0302 Scope

Merchant vessels will normally communicate with military forces using standard peacetime methods. In some situations, restrictions on electronic emissions may be required when approaching or when transiting an AOO (see Para 0403). Instructions for use of non-standard communications methods will be provided as necessary.

### 0303 Military Points of Contact

**1. NATO Shipping Centre (NSC).** In military operations, every effort is made by the commanders to provide a free link to either the NATO Shipping Centre (NSC), or a national equivalent. The NSC website provides information on NSC services and up-to-date information on national, multi-national and NATO operations and exercises. Useful documents and links to related sites can also be found there (see Annex 2A).

**2. Local NCAGS Elements.** Contact information for NCAGS elements will be distributed by NSAs, the NSC, an NCAGS Briefing Officer, NAVTEX, local shipping warning such as MARLO Advisory notices, etc.

**3. Naval Units.** Naval vessels or military aircraft may hail merchant vessels transiting an AOO in order to verify identity and intentions. Reporting instructions and contact information will generally be provided to merchant vessels prior to their transit of the AOO. Naval units can normally be contacted by calling standard IMM VHF frequencies.

### 0304 Communications Reporting Gate (CRG)

1. A CRG is established to provide a position/line for merchant ships to call the NCAGSORG in order to establish initial contact or to update previous information held.

2. Ships will be notified of CRG details for the AOO and reporting requirements will be promulgated to merchant ships through a variety of means such as the NSC, NSAs, Advisory Notices or NAVWARNs. Instructions will normally contain details of the information required, the occasions for reporting and to whom the report is to be sent. Ships will be asked to forward a Format Alfa (see Annex 2B) before arriving at the CRG.

### 0305 Messages to Merchant Ships

Types of messages passed to or from merchant ships are described at Annex 3A.

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## ANNEX 3A

### Message Types

**1. Signalled Messages.** The following message types are designed to show the information that is required, and the sequence in which such information is to be placed in each type of message.

**2. Diversion Message.** A message signalling a diversion from the planned track. Any diversions after sailing must make clear the entire route to be followed to the immediate destination. The DIVERSION MESSAGE will give a new position, or positions, through which the ship is requested to pass. The first words of the text will be the identifier 'DIVERSION MESSAGE' followed by:

- a. The reason for diversion.
- b. The position or time at which the diversion is to take place.
- c. New positions through which ships are to pass.
- d. The immediate destination and amended ETA.

**3. Passage Amendment.** This message is sent by a ship to report passage amendments involving changes in destination or differences of greater than six hours variance from the original passage plan intentions reported by Format Alfa. The message will be addressed to the original addressees of the Format Alfa. The first words of the text will be the identifier 'FORMAT ALFA PASSAGE AMENDMENT' followed by:

- a. The international callsign, IMO number and name of the ship.
- b. Position at Time.
- c. Great circle or rhumb line track and speed.
- d. Name of next port of call.
- e. ETA at next port of call.

**4. Nuclear Biological and Chemical (NBC) Warnings to Merchant Ships**

**a. Warning and Reporting.** The process by which reports of NBC attacks are forwarded through the military chain of command and units are warned of the resulting hazards. The process is coordinated by a hierarchical structure of NBC centres.

**b. The MERWARN Message System (MERWARN).** A simplified system for broadcasting warnings of NBC hazards and events that might endanger merchant shipping at sea. These warnings will originate from naval authorities using the appropriate Navigation Warning of the World Wide Navigation Warning Service. MERWARN messages will be originated by NATO naval authorities.

**c. Method of Promulgation.** All messages will be transmitted in plain language, using UTC, preceded by the International Safety Signal (Sécurité) from the World Wide Navigation Service. Thus masters need not concern themselves with the identity of the MERWARN originators, but only with the sea areas covered by each message.

## CHAPTER 4

# Procedural Guidance For Ships At Sea

### 0401 General Responsibilities of the Master

1. The Master is at all times responsible for the safe navigation and handling of his ship. Advice and instructions issued by a naval authority, including a NCAGS LO, do not in any way relieve the Master of these responsibilities.
2. Crisis Response Shipping will usually be sourced by commercial charter and Masters of such vessels should be fully aware of their Charter Party. It may contain specific terms relevant to the use of the ship in a military environment.
3. It is the Master's responsibility to ensure that all appropriate crew members are fully acquainted with the instructions necessary for the efficient performance of any communication duties including adherence to the Emission Control (EMCON) policy (see Para 0403 below).

### 0402 Sensitive Documents and Equipment

1. On occasion, when a merchant ship is working with military forces, classified material may be carried on board. Such sensitive material is usually in the custody of the embarked NCAGS LO and requires special handling and precautions.
2. Although Sailing Instructions or other documents issued to the Master may be unclassified, due to the potentially sensitive nature of their contents, the information should only be made available to the crew on a need-to-know basis. On completion of a voyage, if not collected by NCAGS personnel, the Master should destroy these documents.

### 0403 Emission Control (EMCON) Policy and Plans

1. In times of tension, or when working with military forces, it may be necessary to restrict, or cease, the normal usage of ships transmitters, navigational equipment and other communication systems.
2. The EMCON policy depends on local threat assessment and may affect the passage in certain circumstances. Military authorities, if required will issue formal advice and guidance. This will be of primary importance when under escort, taking part in lead-through of mined areas, or as part of accompaniment.
3. EMCON is the selective control of emitted electromagnetic or acoustic energy. The EMCON policy in force has two aims:
  - a. To minimise the enemy's detection of emissions and exploitation of the information so gained.
  - b. To reduce electromagnetic interference thereby improving friendly sensor performance
4. The MC will produce an EMCON plan, which governs all electronic emitters onboard. Electronic emissions, including AIS emissions and emissions for testing and tuning, can be restricted. Parts of this plan may affect the ship's passage and adherence will be required.

## 0404 Helicopter Transfers

**1. Conduct of Helicopter transfers.** Helicopter transfer might be used to pass personnel or material. The Master must ensure that the correct preparations for helicopter transfers are made and must give his approval before the transfer operation commences.

### **2. On-deck preparation.**

a. Fully brief the deck team on safety and intentions. The designated Flight Deck Officer is in charge of all Flight Deck/winching area operations relating to the ship.

b. Loose articles can potentially be swept into helicopter intakes, which can cause serious accidents. Stow away all loose equipment, garbage containers, paper, rags, etc. in order to avoid damage to the aircraft or injury to personnel.

c. Obstructions such as aerials, awnings and stanchions should be lowered to ensure a clear transfer area. Guardrails are usually best left in place for safety of personnel.

d. Provide fire-fighting equipment, including foam, dry powder and hoses rigged on deck if possible. However, the equipment should not be directly below the helicopter where it might hinder the transfer. A fire fighting team in protective fire suits should be mustered with charged hoses.

e. Personnel on deck should be kept to a minimum, and those actually conducting the transfer provided with rubber gloves, life jackets and high visibility clothing. During personnel transfer, the transfer gear should be allowed to ground on deck prior to handling. With the exception of well-secured protective headgear, no hats or caps should be worn in the vicinity of the helicopter transfer.

f. The turbulence from a helicopter rotor down wash can cause involuntary movement of heavy equipment and personnel. Ensure that all equipment in the immediate vicinity of the transfer is properly secured. Brief personnel involved on the effect of rotor down wash.

g. All crew should be made aware of helicopter operations and that no garbage is to be thrown over board. Unauthorised personnel are to be kept clear of the area.

h. The helicopter winch wire/hook carries a static charge and should only be touched by personnel wearing rubber gloves. The winch wire must not be allowed to snag on guardrails or other obstacles, and on no account must it be secured to any part of the ship. A helicopter in flight can build up a considerable charge of static electricity, particularly in dry cold climates. Personnel touching an aircraft load before it is earthed can experience a severe electrical shock resulting in minor injuries. Charges in the region of 250,000 volts have been measured. A lapse of ground contact of two or three seconds is sufficient to allow a further build up of static charge.

### **3. Ship Preparation.**

a. Communicate with the helicopter on the frequency requested if interoperable equipment is available.

b. Steer a course that will give a relative wind of 20 degrees/30 degrees on the port bow. This will allow for a helicopter transfer on the after part of the ship.

- c. If it is not possible to keep the relative wind on the port bow, maintain a steady course and speed as safe navigation permits. The helicopter pilot will hover by the part of the ship he considers most suitable for transfer, and immediate preparations should be made on deck in the vicinity as previously described.

***Note:** Further advice on helicopter operations is to be found in the UK Admiralty Notice to Mariners No. 4 or US Coastguard Bulletin No. 3, published annually; and in the International Chamber of Shipping's Guide to Helicopter/Ship Operations.*

#### **0405 Heaving Line/Gun line Transfer**

1. Transfer of small items may be requested when underway at sea by means of a heaving line or gun line. When requested to carry out such a transfer, the warship will tell the merchant ship which side the transfer will take place and give full instructions of the actions expected of the merchant ship for which the Master must give his approval. The warship will take station on the merchant ship, which must maintain a steady course and speed as directed. The merchant ship must prepare as follows:

##### **a. Ship Preparation.**

- (1) Indicate the point of transfer by a red flag (on a stave).
- (2) Close all scuttles/windows on the side of the transfer.
- (3) Clear all personnel not engaged in the transfer from the transfer point and its vicinity.
- (4) Ensure that the hands engaged in the transfer can take cover if and when a gun line is used.
- (5) Personnel at the receiving position should wear lifejackets, high visibility clothing and protective headgear.

**b. Steering.** Careful attention must be paid to steering the correct course at the speed requested during the whole of the approach, transfer and break off procedure.

##### **c. Warning Signals**

- (1) When a gun line is used, the firing ship will sound:

One whistle blast - Exposed personnel take cover.

Two whistle blasts - Immediately before firing the line.

Three whistle blasts - Safe to break cover and take up the line.

- (2) When an Emergency Breakaway is required:

Six short blasts of ships whistle will be sounded – when it is necessary to cease operations immediately.



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## CHAPTER 5

# Protective Measures Against Threats To Merchant Ships

### 0501 Introduction

1. The aim of this chapter is to identify various types of threat, to give general advice on how to avoid a threat and to outline protective measures and ways to counter the consequences of an attack. Detailed information on specific threats may be provided by the military.
2. There are minimal defensive measures available to merchant ships, which are normally unarmed, have a small crew and are restricted by civilian regulations. Situational awareness is necessary if a Master is to counter or avoid a threat, or mitigate the consequences. This includes knowledge of the threat and of the presence of friendly forces or authorities that can be contacted to provide support. It also includes knowledge of individual preparations that can be implemented prior to entering a threat area.

### 0502 Situational Awareness

1. Some aspects about the merchant ship's own situation to be considered are:
  - a. The Threat.** Merchant ships may be sailing through areas threatened by piracy, terrorism or military conflict. The threat may comprise both regular military forces and para-military forces such as guerrillas or terrorists. These para-military military forces tend to use a variety of weapons and methods of delivery and usually attack without warning.
  - b. Protection.** Merchant ships may be sailing through areas where protection is provided either through a general naval presence, through accompaniment or escort of individual ships or groups of ships, or they may be transiting areas where no protection is available. Depending on the political situation and military rules of engagement in effect, naval forces may be able to assist and protect merchant vessels under attack.

### 0503 Threat Warnings

1. If transiting through an area where military forces are operating, the MC may issue Threat Warnings to indicate to merchant ships the likelihood of an enemy attack. These warnings are written in plain language and may use a colour code as described below:

WARNING WHITE	Attack is unlikely without adequate warning. Normal peacetime steaming. Safety of navigation posture.
WARNING YELLOW	Attack is probable.
WARNING RED	Attack is imminent or has already commenced.

These colour codes may be preceded by one of the following words to indicate the type of threat:

AIR  
MINES  
NBC (Nuclear, Biological, Chemical)  
SURFACE  
SUBMARINES

**2. General Threat Countermeasures.** At times of increased threat warning levels there are a number of precautions that can be undertaken to help reduce the possibility of attack and/or reduce damage levels (see Annex 5A).

#### 0504 General Threat Considerations

**1. Identification.** The threat will depend on the attackers' ability to detect and identify a target. Also the weapon range and the range/endurance of the weapon carrying platform will decide how far to sea an attack is likely to be achieved. In some situations, however, one has to assume that attacks can be carried out indiscriminately. As a general rule threats are more likely to occur in choke points (straits, fjords, off capes) where less sophisticated weapons are likely to be employed.

**2. Weather and Sea State.** Reduced visibility may hamper the attackers ability to detect and identify a target. Some weapons and sensors will have reduced effect in poor visibility, for instance laser guided weapons and infra-red weapons and sensors. Smaller vessels may be hampered in high sea states. High sea states and humidity may impair the use of sensors and weapons.

**3. The Use of Active Electronic and Acoustic Equipment.** The use of active electronic and acoustic equipment such as radio, mobile telephones, satellite communication systems, radars, Automatic Identification Systems (AIS), echo sounders and doppler logs may be important sources of information to an attacker. These devices and systems can compromise a vessel's position and identity. The use of active electronic and acoustic equipment should be minimised in a threat environment (see Para 0403).

#### 0505 Types of Threat

1. The types of threat that may be encountered include:
  - a. The Air and Surface Threat (see Annex 5B).
  - b. The Submarine Threat (see Annex 5C).
  - c. Underwater Sabotage at Anchorages (see Annex 5D).
  - d. The Mine Threat (see Annex 5E).
  - e. The Threat from Nuclear Weapons (see Annex 5F).
  - f. The Threat from Chemical Weapons (see Annex 5G).
  - g. The Threat from Biological Weapons (see Annex 5H).

**0506 Protective Measures**

1. The variety of merchant ships and threats make it impossible to make an exhaustive list of protective measures, tailored to a specific ship or situation. Some commercial companies specialise in training of crews and tailoring of defensive measures. National and international organisations like the IMO provide guidance and regulations with regard to general safety aspects. These companies and organisations may be consulted to optimise preparations prior to entering a threat area.
2. The IMO International Ship and Port Facility Security (ISPS) Code has been developed to counter peacetime threats. Fulfilling the requirements put forward in this code should prepare merchant ships and ports to deal with peacetime threats, including the threat from terrorism.

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## ANNEX 5A

# Recommended Protective Measures

### Warning Yellow:

- a. Increase watertight integrity posture. Essential watertight hatches and doors and outside hatches and portholes should be kept closed and secured..... ☐
- b. Wear clothing made of fire retardant or non-man made fibre..... ☐
- c. Post extra lookouts. Ensure lookouts properly briefed..... ☐
- d. Implement darken ship routine..... ☐
- e. Treat unidentified vessels and small craft with caution..... ☐
- f. Attempt to establish the identity of any approaching vessel, and carry out evasive manoeuvres if this cannot be done..... ☐
- g. Limit the use of electronic equipment to essential transmissions and safety of navigation..... ☐
- h. Be prepared to issue emergency reports..... ☐

### Warning Red add:

- i. Ensure fire pumps running, hoses are connected and ready to use..... ☐
- j. Have life jackets immediately available; wear life jackets where practicable..... ☐

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## ANNEX 5B

# The Air and Surface Threat

### 1. The Threat

a. An air threat may consist of aircraft or helicopter carrying bombs, rockets, machine guns, biological/chemical agents or missiles. In addition, aircraft may be used for surveillance and reconnaissance to support other units in conducting attacks. Terrorists could use aircraft for suicide attacks. Without information provided by military forces, merchant ships will get little or no warning of an emerging air threat or attack.

b. The surface threat in military conflict may consist of naval surface vessels such as destroyers, frigates, corvettes or (fast) patrol boats. In areas where the surface threat stems from terrorism, piracy or non-regular forces, there may be a threat from smaller vessels like fishing vessels, tugs, speedboats and even personal water craft (jet-skis). In such areas, any unidentified craft approaching the ship may be a potential threat. Terrorists, pirates and other non-regular forces may use short range, hand-held weapons. Any type of vessel may be used for suicide attacks. The surface threat from pirates, terrorists and non-regular forces will normally diminish with the distance from the coast.

c. Merchant ships may be harassed by ships using close approaches, use of searchlights against the bridge and non-compliant boardings.

d. Missiles may be launched from distances measured from miles to hundreds of miles. The missile has the performance characteristics of a small, very fast aircraft; it may use its own radar to home in on a ship, or it may home in on the ship's own radio/radar transmitters or infra-red emissions (eg heat from funnels), or use information from a third party (for example a surveillance aircraft).

e. The launch of a missile may be detected through a visible flash and smoke. Missiles will normally hit above the waterline. The main hazard is likely to come from fire, caused either by the warhead explosion or by the unspent fuel from the missile motor.

### 2. Self Protective Measures

a. Watch for evidence that the ship is under surveillance. Visual lookout should be all-round and continuous.

b. Increase speed.

c. Reduce the number of crew on the weather decks, in positions near the weather decks, or in machinery spaces, to the bare minimum required for safe steaming. Move all the remaining personnel to a sheltered position above the waterline with short access to the upper deck.

d. If under **missile** threat:

(1) Reduce the heat signature by cooling down the funnel.

(2) Turn off all radars.



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## ANNEX 5C

# The Submarine Threat

### 1. The Threat

a. Submerged submarines are very difficult to detect with other than specially designed sensors, and an attack will occur without any warning. Submarines have the ability to detect merchant ships noise at long range, and to identify ships based on propeller revolutions, engine noise, and noise generated by other equipment such as auxiliary engines, pumps, etc. They may also be able to locate and identify merchant ships by their radar, echo sounder or their visual appearance.

b. The main weapon systems are most likely sophisticated torpedoes and/or missiles. Less sophisticated submarines may be equipped with straight running torpedoes, which may be easier to evade.

c. Missiles may be launched from distances measured from miles to hundreds of miles. The missile has the performance characteristics of a small, very fast aircraft; it may use its own radar to home in on a ship, or it may home in on the ship's own radio/radar transmitters or infra-red emissions (eg heat from funnels), or use information from a third party (for example a surveillance aircraft).

d. The launch of a missile may be detected through a visible flash and smoke. Missiles will normally hit above the waterline. The main hazard is likely to come from fire, caused either by the warhead explosion or by the unspent fuel from the missile motor.

### 2. Self Protective Measures

a. Avoid, whenever possible, areas where submarines are likely to operate.

b. If navigating within an area where submarines operate, alter course 30 degrees minimum every two to three hours.

c. If the position of a submarine is indicated, a merchant ship should proceed at full speed away from the submarine and making short 15-degree minimum course alterations every 8-15 minutes.

d. Increase transiting speed.

e. If under **torpedo** threat:

(1) Reduce the number of people below decks.

f. If under **missile** threat:

(1) Reduce the heat signature by cooling down the funnel.

(2) Turn off all radars.

- (3) Reduce the number of crew on the weather decks, in positions near the weather decks, or in machinery spaces, to the bare minimum required for safe steaming. Move all the remaining personnel to a sheltered position above the waterline with short access to the upper deck.
- (4) All personnel should move away from the threat direction, keeping away from windows.
- (5) Presenting the least vulnerable part of the ship to the attack might limit subsequent damage.

**ANNEX 5D****Underwater Sabotage at Anchorages****1. The Threat**

- a. A merchant ship at anchor can be subject to various potential threats, both in peacetime and in conflict, varying from acts of terrorism to acts of war. Merchant ships may be the direct target of saboteurs and special forces aiming to sink the ship.
- b. Fulfilling the requirements of the ISPS Code should help merchant ships to counter peacetime threats, including the threat from terrorism.

**2. Self Protective Measures**

- a. Post extra lookouts on the upper deck. Ensure lookouts are properly briefed.
- b. Deploy own ship's waterborne security patrol.
- c. If possible, rotate the propeller, continuously or at short irregular intervals, as circumstances permit.
- d. Operate bow thrusters and stern thrusters at zero (0) thrust.
- e. Turn the rudder frequently.
- f. Echo sounder to transmit to counter/combat swimmer/diver threat.

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## ANNEX 5E

# The Mine Threat

### 1. The Threat

a. Sea mines remain the most likely and dangerous weapon to be used against shipping in every potential conflict. As a weapon, they are relatively cheap and easy to lay by both military and civilian assets (ie aircraft, fishing vessels, etc). Nowadays sea mines vary from very simple contact mines to sophisticated ones, using high technology to detect and identify potential targets. Sea mines can be laid on the bottom, anchored at a given depth or floating.

b. Sea mines can normally be expected in waters 200 metres or less in depth. In most cases routes will be designated in an area where mines are suspected, and will be subject to clearing operations by mine countermeasures (MCM) forces.

### 2. Self Protective Measures

a. If possible, avoid waters with less than 200 metres water depth.

b. If possible, sail at high water in order to increase the distance between hull and mine.

c. If possible, take advantage of favourable currents or tidal streams, which will reduce the time spent in the area of danger without the need to increase speed, or alter other ship-made influences.

d. Keep the lowest steering speed, in areas where a mine threat might exist, especially in waters of less than 60 metres.

e. Do not throw anything overboard. Many objects that float may be mistaken by lookouts for floating mines.

f. Watch should be kept for any unusual or suspicious activity, such as the releasing of objects into the sea that might indicate mining activity. Aircraft may release mines with or without parachutes.

g. If a mine clearance operation is in progress in a particular area, merchant ships may be guided through the area by naval forces. Before arrival in the area, information on the rendezvous and procedures for such a routing will be provided by the NCAGSORG.

h. Reduce the number of personnel remaining below the main deck, or in compartments below the waterline, to the absolute minimum.

i. Follow directly over the same ground as the ship ahead.

j. Minimise ship's acoustic signature by securing non-essential machinery. Avoid all unnecessary alterations of course, engines reversing or extreme changes of revolutions.

k. If a mine is sighted:

- (1) Evacuate all personnel from compartments below the main deck and from below the waterline.
- (2) Order all personnel to put on safety helmets (hard hats) and life jackets.
- (3) Order all personnel who can do so to lie down in their bunks.
- (4) Order all personnel on watch and personnel not lying down to *“brace for shock”*.

## ANNEX 5F

# The Threat from Nuclear Weapons

### 1. The Threat

- a. Any weapon designed to deliver a conventional explosive could be used to deliver a nuclear explosive.
- b. Characteristics. In case of a nuclear explosion, ships and personnel may be exposed to the flash, thermal radiation, initial nuclear radiation and contamination in the form of fallout.

### 2. Self Protective Measures

Ships and personnel can be protected to an appreciable extent against the hazards of nuclear attack by material measures, protective clothing and good organisation. If a ship has a pre-arranged countermeasures plan, ensure that all measures laid down in that plan are carried out. If no such plan is in existence, consider adapting ships procedures to include the following measures:

- a. Ships should be manoeuvred to avoid contamination or to exit the contamination area as soon as possible.
- b. A group, or groups, of compartments should be selected for the crew to take shelter. The spaces should be as low down in the ship and as far removed from the ship's side as possible. These spaces should be equipped with washing and lavatory facilities and sufficient food to last for the passage through the danger area. Spaces selected should be capable of being completely shut down with all ventilation and other openings secured.
- c. Stow below or cover as much gear on the weather decks as possible, particularly absorbent materials such as rope, awnings, etc. Ensure that food stores and galleys are closed down with all openings closed. Stop all ventilation fans and close or cover all ventilation and other openings that are not essential for running machinery and continued steaming. In the absence of suitable closures, the use of adhesive tape, etc is recommended.
- d. Consider having the crew don immersion suits or fire fighting gear. The gear is to be used to minimise skin exposure. Breathing apparatus can be used to help prevent airborne agents from being inhaled.
- e. Rig and activate all available fire fighting/wash-deck hoses and nozzles to spray water continuously over as much of the weather decks and superstructure as possible, to prevent contamination settling. If complete coverage is impossible, concentrate effort on the wheel house/bridge, over the top of the shelter position(s) and above the machinery spaces.
- f. If continual spraying of the upper decks is impracticable, organise working parties to wash down the weather decks and superstructure. In the event of a nuclear incident, this should be done at frequent intervals to reduce the build-up of contamination.
- g. As soon as possible after clearing the dangerous area, carry out a thorough hosing down of the entire weather decks and superstructure.
- h. Minimise the number of crew who must remain on the weather decks, in positions near the weather decks, or in machinery spaces, to the bare minimum required for safe steaming. Keep the remainder of the crew in the selected shelter position(s).



- i. Ensure that all personnel remaining in exposed positions (including machinery spaces, unless ventilation can be stopped), are fully clothed, preferably in foul weather clothing with all skin covered as far as practicable. Masks with breathing apparatus should be available and donned if threat is imminent.
- j. Restrict unnecessary movement throughout the ship, to minimise the possible spread of contamination.
- k. Unless essential, do not distil water for drinking whilst in the danger area.

### **3. Additional Protective Measures in The Event of a Nuclear Attack**

The following additional actions to that listed above should be considered specifically in the event of a nuclear attack.

- a. Light flash and thermal radiation from nuclear attack can be countered by such measures as protective clothing, shielding the eyes, and shelter behind superstructures. Initial nuclear radiation can only be reduced by substantial shielding.
- b. Move personnel in exposed or relatively unsheltered positions (including machinery spaces) as often as possible, in order to minimise the radiation dosage. Take as much shelter as the safe navigation of the ship will permit.
- c. Ensure that all exposed personnel remove their outer clothing on returning to shelter, and wash their exposed skin thoroughly, especially the hands, face and neck, as soon as possible, and in any case before drinking or eating.
- d. The effects of nuclear fallout can be reduced by pre-wetting exposed surfaces, closing down air intakes and machinery spaces temporarily, sheltering the crew below decks and decontamination. The presence of fallout, and a rough indication of intensity, can be monitored using simple radiation detecting instruments, if available.

## ANNEX 5G

# The Threat from Chemical Weapons

### 1. The Threat

Chemical compounds are available with such versatile properties that, in addition to being able to kill, they may be used to incapacitate and to do so for varying lengths of time. Moreover, these effects can be achieved without material damage or destruction. The use of chemical agents is directed primarily against humans or food supplies.

**a. Method of Attack.** The probability of a chemical attack at sea is low but the possibility must not be discounted; any weapon designed to deliver a conventional explosive or nuclear load could also be used to deliver a chemical agent. Obviously, an attack on a ship at sea requires great accuracy to be effective. The following delivery methods are possible:

- (1) Air burst bombs or missiles to envelop the target in aerosol spray or droplets.
- (2) Aerosol or droplets sprayed from an aircraft or cruise missile.
- (3) Chemical filled shell or missile.

**b. Types and Characteristics of Chemical Agents.** Chemical agents may be liquids, aerosols, vapours or solids and can produce a very rapid reaction if inhaled, absorbed or swallowed in any form. In liquid or aerosol states they may penetrate clothing and skin, even though the droplets may be so small that they cannot be seen or felt upon the body. The most likely groups to be used are:

- (1) Nerve agents.
- (2) Incapacitating agents.
- (3) Blister agents.

**c. Nerve Agents.**

(1) The most dangerous of the known lethal chemical agents comprise the nerve group. These act on the body through the nervous system. The agents are liquids emitting a toxic vapour that can be inhaled, absorbed through the skin or swallowed with contaminated food or water. Contaminated areas remain dangerous for a period which varies according to the concentration, weather conditions and the type of structure on which the agent has landed. It is most dangerous in confined, unventilated spaces.

(2) Symptoms of nerve agent poisoning are any one or more of the following:

- a. Blurring of vision - difficulty in focusing.
- b. Excessive salivation.
- c. Sudden headache.
- d. Tightness of the chest.
- e. Pinpointing of pupils of the eyes.

(3) Later, unless preventative measures are taken quickly, convulsions and paralysis occur, followed by death. With large doses, death comes within minutes. A sub-lethal dose can reduce the body's resistance to a subsequent dose for days or even weeks.

**d. Incapacitating Agents.** These are non-lethal agents that produce physical and/or mental effects of sufficient severity to prevent personnel from carrying out their normal duties. The duration of effect can last from several minutes to several days. Recovery is usually complete and normally there are no after-effects. These agents can produce one or more of the following states: temporary paralysis, persistent lachrymation (excessive watering of eyes), diarrhoea, vomiting, convulsive spells or mental confusion.

#### **e. Blister Agents**

(1) The principal blister agent, known as 'mustard', gives off an invisible vapour having a slight but characteristic odour of garlic or onions.

(2) It may be delivered in the form of vapour or liquid and in either form can seriously damage the eyes, respiratory passages and skin if these are unprotected. It will penetrate normal clothing in a few minutes. Severe internal injury will result from the consumption of contaminated food or drink.

(3) Symptoms may first appear in the eyes, varying from mild irritation to intense pain. Penetration of the skin will result in inflammation with an itching or burning sensation. More severe penetration causes the formation of blisters which, when broken, leave a raw, painful surface, easily infected.

## **2. Self Protective Measures**

As with defence against nuclear attack, individual ships and crew can be protected appreciably against chemical attack by material measures, protective clothing and good organisation (see Annex 5F Para 2).

## ANNEX 5H

### The Threat from Biological Weapons

#### 1. The Threat

- a. Biological agents would normally be delivered by:
  - (1) Airborne Methods.** Aircraft or missiles releasing an aerosol cloud or releasing the agent in canisters, bomblets, or rockets.
  - (2) Ashore.** Aerosol generators or sprays.
  - (3) At Sea.** Aerosol generators or sprays from ships, ship borne missiles, submarines, or floating mines. The resultant 'cloud' may be effective for considerable distances in a downwind direction.
- b. Biological agents lend themselves particularly to attack by sabotage.
- c. A biological agent is any organism that can be used to produce disease or death. For the purposes of war they may be classified in the following types:
  - (1) Micro-Organisms.** Such as Microbes or Bacteria.
  - (2) Toxins.** Poisonous substances of an organic origin such as Ricin.
  - (3) Disease Vectors.** Animals or insects (flies, fleas, rats, birds, etc.) that transfer infective agents from one host to another.
  - (4) Ests.** Living organisms that interfere with the health of other organisms
- d. An agent may enter the body by any of three routes - ingestion, injection, and inhalation (most lethal agents enter by inhalation).

#### 2. Self Protective Measures

- a. As with defence against nuclear attack, individual ships and crew can be protected appreciably against biological attack by material measures, protective clothing and good organisation (see Annex 5F Para 2). Specific measures for biological contamination are:
  - (1) In Food.** By cooking.
  - (2) In Water.** By chlorination or boiling for several minutes.
  - (3) In Wounds.** By careful attention to cleanliness/disinfection.
  - (4) In Enclosed Spaces.** By constant attention to cleanliness.

**(5) In Exposed Positions.** By washing down (Meteorological conditions can influence dispersal, viability and virulence).

**(6) By Personnel.** By the strictest attention to personal hygiene.

- b. Measures to be taken within ships are a matter for national authorities.

# LIST OF ACRONYMS

## A

**AIS.** Automatic Identification Systems.

**AOO.** Area of Operations.

## B

**BIO.** Biological.

## C

**CEP.** Civil Emergency Plans.

**CHEM.** Chemical.

**COMSEC.** Communication Security.

**CRO.** Crisis Response Operation.

**CRG.** Communications Reporting Gate.

**CRS.** Crisis Response Shipping.

## D

**DPC.** Defence Planning Committee.

**DTG.** Date Time Group.

## E

**EMCON.** Emission Control.

**ETA.** Estimated Time of Arrival.

## G

**GMDSS.** Global Maritime Distress and Safety System.

## I

**IMO.** International Maritime Organisation.

**ISPS Code.** International Ship and Port Facility Security.

**IVC.** Immediately Vital Cargo.

**L**

**LO.** Liaison Officer.

**M**

**MCM.** Mine Countermeasures.

**MERCOMMS.** Merchant Vessel Communications.

**MERWARN.** Warnings to Merchant Ships.

**MIO.** Maritime Interdiction Operation.

**MOT.** Ministry of Transport.

**MPS.** Maritime Pre-positioning Ship.

**N**

**NAC.** North Atlantic Council.

**NATO.** North Atlantic Treaty Organisation.

**NAVWARN.** Navigational Warning.

**NBC.** Nuclear, Biological and Chemical.

**NCAGS.** Naval Co-operation and Guidance for Shipping.

**NCAGS CDR.** NCAGS Commander.

**NCAGS LO.** Naval Co-operation and Guidance for Shipping Liaison Officer.

**NCAGSORG.** NCAGS Organisation.

**NSA.** National Shipping Authority/Administration.

**NSC.** NATO Shipping Centre.

**NUC.** Nuclear.

**P**

**PBOS.** Planning Board for Ocean Shipping.

**PIM.** Position and Intended Movement.

**PfP.** Partnership for Peace.

**POF.** Potential Opposing Forces.

**S**

**SCP.** Shipping Co-operation Point.

**SI.** Sailing Instructions.

**SRA.** Shipping Risk Area.

**STUFT.** Ships Taken Up From Trade.



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# GLOSSARY

## A

**accompaniment.** A voluntary arrangement in which merchant ships may be organised for passage through a specific area of increased risk in company with military assets. Details will be promulgated via navigational warnings. Accompaniment does not imply direct protection by military assets; however, the presence of military assets may act as a deterrent to any unlawful interference to merchant ships.

**anti-terrorism.** All defensive and preventive measures taken to reduce the vulnerability of forces, individuals and property to terrorism. Note: such measures include protective and deterrent measures aimed at preventing an attack or reducing its effect(s).

**area of operation.** An operational area defined by a joint commander for land or maritime forces to conduct military activities.

## C

**communication reporting gate.** A geographical reference point or line at which merchant ships are to call the NCAGS organisation in order to establish initial contact, or to update previous information. The communication reporting gate allows the military commander timely information about merchant ships approaching the area of operation.

**communications security material.** All documents, devices or equipment (including crypto material) associated with the securing or authenticating of telecommunications.

**convoy.** A number of merchant ships or naval auxiliaries, or both, usually escorted by warships and/or aircraft, or a single merchant ship, or naval auxiliary under surface escort, assembled and organised for the purpose of passage together.

**crisis response shipping.** All shipping employed in support of allied military operations, including ships taken up from trade, chartered shipping and, when appropriate, national pre-positioned ships.

## D

**damage control.** In naval usage, measures necessary aboard ship to preserve and re-establish water-tight integrity, stability, manoeuvrability and offensive power; to control list and trim; to effect rapid repairs of materiel; to limit the spread of, and provide adequate protection from, fire; to limit the spread of, remove the contamination by, and provide adequate protection from, toxic agents; and to provide for care of wounded personnel.

**designated merchant ships.** Merchant ships nominated as 'designated' by NATO nations through their National Shipping Authorities. These ships may have priority over other ships for higher level NCAGS activities and under Naval Supervision of Merchant Ships will comply with military orders. On request, the North Atlantic Council may allow non-NATO nations to nominate ships.

**dispersal.** In NCAGS, reduction of the concentration of shipping by re-berthing within a port area, or at working/holding anchorages in the vicinity.

## E

**emergency movement.** The execution of Diversion, Port Evacuation, Area Evacuation and subsequent movements in order to preserve hulls and cargoes when attack in a port or area is imminent. The majority of these movements are based on national Civil Emergency Plans although military commanders can order any element if the risk assessment is considered to be high.

**emission control.** Selective control of emitted electromagnetic or acoustic energy. The aim may be twofold:

- a. To minimize the enemy's detection of emissions and exploitation of the information so gained.
- b. To reduce electromagnetic interference, thereby improving friendly sensor performance.

**escort.** A combatant unit(s) assigned to accompany and protect another force or convoy.

## H

**humanitarian operation.** An operation specifically mounted to alleviate human suffering where responsible civil actors in an area are unable or unwilling to adequately support a population. It may precede, parallel, or complement the activity of specialised civil humanitarian organisations.

## I

**immediately vital cargo.** A cargo already loaded which the consignee country regards as immediately vital for the prosecution of the war or for national survival, notwithstanding the risk to the ship. If the cargo is carried in a ship of another nation, then that nation must agree to the delivery of the cargo. The use of this term is limited to the period of implementation of the shipping movement policy.

## L

**lead-through.** Designed to minimise the risk to merchant ships transiting mined areas, and to facilitate the liaison between these ships and the on-scene Mine Countermeasures Commander for safe navigation purposes. Details will be promulgated via navigational warnings. Naval co-operation and guidance for shipping can recommend and facilitate the organisation of lead-through operations for merchant ships.

## M

**merchant ship.** A ship engaged in mercantile trade except river craft, estuarial craft, or craft which operate solely within harbour limits.

**merchant ship communications system.** A worldwide system of communications to and from merchant ships using the peacetime commercial organisation as a basis but under an operational control authority, with the ability to employ the broadcast mode to ships when the situation makes radio silence necessary. Also called 'mercomms' system'.

**merchant shipping.** The complete commercial maritime industry, including the fishing industry.

## N

**national shipping authority.** The organisation within each allied government responsible in time of war for the direction of its own merchant shipping.

**naval co-operation and guidance for shipping (NCAGS).** The provision of NATO military co-operation, guidance, advice, assistance and supervision to merchant shipping to enhance the safety of participating merchant ships and to support military operations.

**NCAGS area.** A geographical area within which the NCAGS organisation conducts NCAGS activities. The objective of such an area is to maximise the co-operation between military commanders and merchant shipping.

**NCAGS commander.** The officer assigned to command NCAGS organisation. The NCAGS commander is typically also the commander of the naval force.

**NCAGS liaison officer.** An officer deployed aboard a merchant ship to provide liaison between the merchant ship Master and military authorities. The NCAGS liaison officer is the naval advisor to the merchant master. His position on board does not affect the master's responsibilities for the safe navigation and safe handling of the ship. The NCAGS liaison officer makes military knowledge available to the master to allow the master to understand the naval and military requirements that are applicable.

**NCAGS organisation.** Supports two distinct entities, the merchant shipping community and the military commander. Therefore, it supports both military operations and enhances the safety of merchant ships, while keeping mutual interference to a minimum.

**NCAGS unit.** A team of naval co-operation and guidance for shipping personnel, deployed ashore or afloat, to provide specific local naval co-operation and guidance for shipping services including the gathering of local merchant shipping information, providing guidance to merchant ships and co-operating with and advising local merchant shipping.

**naval supervision of merchant ships.** The ultimate response of NCAGS guidance exercised by naval authorities of mandatory routeing, control of movement and/or convoy organisation. Naval supervision of merchant ships will be implemented only with North Atlantic Council/Defence Planning Committee approval.

**NATO shipping centre.** A permanent organisation in the NATO headquarters in Northwood (GBR) tasked with establishing and maintaining links with the military, merchant shipping, national shipping authorities and international maritime agencies.

## P

**participating merchant ships.** Any merchant ships, including fishing vessels, which by the submission of the appropriate proforma, are participating in a NCAGS operation

## S

**sailing instruction.** A document used by NCAGS to inform merchant vessels of general situation in the operation area, route to follow through the area and special instructions regarding communications, emission control, notification of diversion etc. May be delivered by Email, Fax or by hand by a Briefing Officer depending on situation and content.

**security.** The condition achieved when designated information, material, personnel, activities and installations are protected against espionage, sabotage, subversion and terrorism, as well as against loss or unauthorised disclosure.

**shipping co-operation point (SCP).** A location where NCAGS staff will gather information on local merchant shipping and naval operations and will provide the means to brief merchant shipping on risks, routeing and organisation for protection. The SCP will, depending on the level of an operation, encompass co-ordination, co-operation or, when naval supervision of merchant ships is authorised, control. The location of shipping co-operation points will be at the discretion of the NCAGS commander and can be ashore or afloat. The SCP liaises with local and regional authorities including port authorities, shipping agents, and local shipping companies and reports ship movements to other elements of the NCAGS organisation.

**shipping risk area.** A geographic area of higher or specific risk to merchant ships. Guidance will be provided to participating merchant ships to help them understand the nature and extent of the risk in the area and, if applicable, to recommend specific routes through them.

## T

**terrorism.** The unlawful use or threatened use of force or violence against individuals or property in an attempt to coerce or intimidate governments or societies to achieve political, religious or ideological objectives.

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# **ATP-2(B), VOL II**

# **ATP-71**

## **ALLIED**

### **MARITIME INTERDICTION**

### **OPERATIONS**

The information contained in this document shall not be released to a nation outside NATO without following procedures contained in C-M(2002)60.

APRIL 2005



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**PUBLICATION NOTICE**

**ROUTING**

1. Change 2 to ATP-71, ALLIED MARITIME INTERDICTION OPERATIONS, is available in the Navy Warfare Library. It is effective on receipt.
2. Summary: Change 2 to ATP-71 incorporates the following changes:
  - a. The definitions for Assault Force and Boarding Party were added under the Definition of Key Terms.
  - b. Figure 2-1 was renamed and updated.
  - c. Minor changes were made as indicated by change bars in the text.

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February 2005

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Brigadier General, POL(A)  
Director, NSA

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## RECORD OF RESERVATIONS

NATION	SPECIFIC RESERVATIONS
BGR	The Bulgarian Navy does not have available the necessary equipment of the boarding group, as required in Annex A and B.
ITA	ITA does not accept the wording of paragraph “0202.4e. – Boarding Officer.” In according with national regulations the control of the Boarding Party is kept by the Commanding Officer of the boarding ship.
ITA	ITA does not accept the wording of paragraph “0504.b. – Boat Engineer.” In according with national regulations the Boarding Party Boat Crew must be unarmed.
ITA	ITA does not accept the wording of paragraph “0503.d. – Security Team.” In according with national regulations the composition of Security Team does not include engineering officer or rating.
TUR	<p>a. By taking into account MIO and Embargo are very different with their definitions, legal aspects and contents, it is assessed that it is not convenient to define Embargo as part of MIO, as described in Pages 1-1 and 1-2, Paragraph 103.</p> <p>b. Since seaborne enforcement measures encompassed by MIO interfere with the freedom of the high seas, these measures must be derived from international law, treaty or convention, or the resolutions or enactments of the UN, the Organization for Security and Co-operation in Europe (OSCE), or another international or regional security organization as described in MC 362/1. Therefore it is considered that any individual nation does not have the right to provide the authority for a MIO contrary to the depiction in page 1-3, paragraph 0105.</p>
FRA	§ 503, e. Boarding Party Composition, Search team: les équipes de visite des bâtiments français n’ont pas obligatoirement la compétence “escalade.”
FRA	Annexe B.001, 1, alinéas w et x: Quand les équipes de visite n’ont pas la compétence “escalade,” elles ne disposent pas d’équipement spécialisé.



**DEPARTMENT OF THE NAVY**  
NAVY WARFARE DEVELOPMENT COMMAND  
686 CUSHING ROAD  
NEWPORT RI 02841-1207

April 2005

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## FOREWORD

1. ATP-71, Allied Maritime Interdiction Operations, provides the objectives of maritime interdiction operations, their principles of inspection, and tactical guidance for conducting maritime interdiction and boarding operations by allied ships and associated elements from other services.
2. This document is unclassified and does not require security protection. It may be released to non-NATO nations independently by member nations and NATO commands and agencies as required.
3. Comments and recommended changes to this document should be sent directly to the address listed below:

COMMANDER  
NAVY WARFARE DEVELOPMENT COMMAND  
ATTN: N57  
686 Cushing Road  
Newport, Rhode Island 02841-1207

4. References and related publications:
  - a. AJP-3.1 Allied Joint Maritime Operations
  - b. AJP-3.4 NATO Non Article 5 Crisis Response Operations
  - c. AJP-3.4.1 Peace Support Operations
  - d. ATP-1 Allied Maritime Tactical Instructions and Procedures Volume I  
Allied Maritime Tactical Signal and Maneuvering Book Volume II
  - e. APP-1 Allied Maritime Voice Reporting Procedures
  - f. APP-7 Joint Brevity Words Publication
  - g. APP-11 NATO Message Catalogue
  - h. ATP-2 Allied Naval Control of Shipping Manual
  - I. MC 362 NATO Rules of Engagement

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## CHAPTER 1

# Introduction

### 0101 Purpose

ATP-71, Allied Maritime Interdiction Operations, provides:

- a. The historical aspect of maritime interdiction, the objectives of maritime interdiction operations, and the principles of inspection.
- b. Tactical guidance for conducting maritime interdiction and boarding operations by allied ships and associated elements from other services.

### 0102 Definition

A maritime interdiction operation (MIO) encompasses seaborne enforcement measures to intercept the movement of certain types of designated items into or out of a nation or specific area. MIO are normally restricted to the interception and, if necessary, boarding of vessels to verify, redirect or impound their cargoes in support of the enforcement of economic or military sanctions. Units engaged in MIO normally exercise the right to perform the following:

- a. Interrogate vessels for reasons other than safe navigation.
- b. Send armed boarding parties to visit vessels bound to, through, or out of a defined area.
- c. Examine each ship's papers and cargo.
- d. Search for evidence of prohibited items.
- e. Divert vessels failing to comply with the guidelines set forth by the sanctioning body.
- f. Seize vessels and their cargo that refuse to divert.

### 0103 Overview

1. In broad terms, the enforcement of sanctions and embargos is designed to force a nation or party to obey international law or to conform to a resolution or mandate. Sanctions generally concern the denial of supplies, diplomatic, economic, and other trading privileges, and the freedom of movement of those living in the area of sanctions. Sanctions may be conducted partially against a particular party, or impartially, in the context of a peace support operation, over a wide area embracing all parties. The military objective is to establish a barrier that is selective, allowing only those goods, persons or services authorized to enter or exit. Depending on geography, sanction enforcement normally involves some combination of air, land, and maritime forces such as MIOs, and the enforcement of no-fly zones. Commanders, commanding officers, and other key decision-making personnel should have a working knowledge of the principles and law of the sea involved prior to commencing a MIO. The effectiveness of MIO is related to compliance with the sanctions or embargo, reduction in the flow of prohibited items, and/or prevention of escalating hostilities. This objective may be obscured by the framework of platforms, personnel, and logistics required to support a MIO.

2. The United Nations will normally establish the provisions for an embargo and authorize the use of force through a UN Security Council Resolution. The right to impose an embargo may also be derived

from the customary international law that defines the right of a nation, or group of nations, to defend against a threat to the peace or actual breach of the peace. This right is also termed individual or collective self-defence.

3. The authority establishing the MIO must address the following items in the resolution:

**a. Force.** The resolution should prescribe the level of force authorized in conducting the MIO. Generally, the rules of engagement (ROE) and national interpretations of the resolution will prescribe the conditions under which, and the extent to which, force may be used in enforcing the resolution.

**b. Prohibited Items.** The resolution itself will specify the prohibited items. However, when dealing with questionable cargoes, the MIO commander may require clarification of the prohibition status of specific goods from the sanctioning authority. For example, if the resolution bans petroleum products, but merchant ships are encountered carrying oil shale, coal, or natural gas, the MIO may wish to clarify what is to be stopped by contacting the sanctioning authority through the chain of command. Certain goods are generally exempt from seizure, such as medical and hospital stores, religious objects, humanitarian relief supplies, and humanitarian-related foodstuffs.

**c. Geographic Limitations.** Although the resolution may set the geographic limitations for the MIO and authorize entry into the target country's territorial sea, the decision regarding whether to allow pursuit into the target country's territorial sea varies between participating nations. This decision may be modified based on political developments during the MIO enforcement. Some members may prohibit any entry into territorial seas, others may create arbitrary limits on territorial waters (TTW), e.g., 3 nm, and still others may authorize pursuit to the coastline. This issue is further complicated by regional geography and the target country's maritime claims.

**d. Disposition.** Normally, ships are not seized during a MIO; those carrying prohibited items are diverted to an acceptable port or returned to their port of origin. However, the UN resolution may authorize the seizure and subsequent sale of the violating vessels and their prohibited items.

4. For a MIO to be recognized as lawful under international law, the provisions thereof must be applied to ships of all nationalities. This means that all ships in transit of the defined area, including those of one's own nation, must be subjected to an inspection. Force may be utilized, if required, to ensure compliance with interdiction operations.

5. See ATP-1 Volume I, Chapter 8, Section VII, for further guidelines on the preparation and execution of multinational embargo operations.

#### 0104 Objectives of Maritime Interdiction

There are two objectives of maritime interdiction:

**a. Primary.** The primary objective is to determine if a vessel is in compliance with or in violation of the stated reason for interdiction.

**b. Secondary.** The secondary objective is to gather intelligence about:

- (1) The vessel's itinerary and future intentions.
- (2) Military and shipping activity in and around an embargoed nation's ports.

**0105 International Law**

(R)

The United Nations, individual nations, or other recognized political authorities may provide authority for a MIO. Reference sources are available to commanding officers to amplify international law of the sea.

**0106 Scope**

Allied force ships must be prepared to conduct MIO on short notice. In support of this objective, guidance provided herein is applicable to all commands that may be involved in the planning and/or execution of a MIO. The information contained herein may be useful to personnel of other armed services who are also tasked to support MIO.

**0107 Definition of Key Terms**

Although some terms used in MIO are not specific to the MIO mission, the following definitions are tailored to be MIO specific:

**a. Unopposed Boarding.** An unopposed boarding is one in which the master of the vessel complies with the on-scene commander (OSC) directions and the following additional conditions are met:

- (1) No apparent passive/active resistance measures are employed.
- (2) There is no intelligence to indicate a threat.

**NOTE**

Throughout this publication, compliant or cooperative boardings, and consensual visits are regarded as unopposed boardings.

**b. Non-cooperative Boarding.** A non-cooperative boarding is one in which there is no intelligence to indicate a threat, and any or all of the conditions listed below are met:

- (1) The master of the vessel does not acknowledge communications, fails to cooperate in establishing his purpose in the area, or continuously refuses to cooperate in allowing boarding to take place.
- (2) Passive measures in place are intended to delay, impede, complicate, and/or deter boarding of the suspect vessel and can be overcome by mechanical means.
- (3) Passive resistance measures in place are intended only to delay, impede, complicate, and/or deter search and seizure of suspect vessel and can be overcome by mechanical means.

**NOTE**

Throughout this publication, non-compliant boardings are regarded as non-cooperative boardings.

**c. Opposed Boarding.** Opposed boarding is one in which any or all of the following conditions are met:

- (1) The master of the vessel actively refuses to allow boarding to take place.

(2) Passive resistance measures in place are clearly intended to inflict harm on the boarding party or create a very dangerous environment.

(3) Intelligence indicates a possible threat on board the subject vessel, or the vessel is suspected of carrying terrorist contraband.

**d. Consensual Visit.** A consensual visit is conducted at the invitation of the master (or person-in-charge) of a vessel, which is not otherwise subject to the jurisdiction of the boarding officer. The voluntary consent of the master permits the boarding, but it does not allow the assertion of law enforcement authority, such as arrest or seizure. A consensual visit is not, therefore, an exercise of maritime law enforcement jurisdiction *per se*. Nevertheless, such visits have utility in allowing rapid verification of the legitimacy of a vessel's voyage by obtaining or confirming vessel documents, cargo, and navigation records without undue delay to the visited vessel.

**e. Right of Approach and Visit.** Under international law, a warship, military aircraft, or other duly authorized ship or aircraft may *approach* any vessel in international waters to verify its nationality. Unless the vessel encountered is itself a warship or government vessel of another nation, it may be stopped, boarded, and the ship's documents examined, *provided* there is reasonable ground for suspecting that it is:

(1) Engaged in piracy.

(2) Engaged in the slave trade.

(3) Engaged in unauthorized broadcasting.

(4) Without nationality.

(5) Of the same nationality as the warship though flying a foreign flag, or refusing to show its flag.

**f. Suspect Vessel.** Any vessel designated by the joint force commander (JFC), maritime component commander (MCC), or MIO commander.

**g. Cleared Vessel.** A suspect vessel that has been cleared to proceed after a query or boarding.

**h. Detained Vessel.** A suspect vessel that has been queried or boarded and is believed to be carrying contraband. The suspect vessel remains in this status until changed by higher authority.

**i. Diverted Vessel.** A suspect vessel that has been queried or boarded, believed or found to be in violation, and diverted to a neutral port requested by the detainee, or diverted to a port selected by the cognizant commander.

**j. Special Agreement Vessels.** Vessels covered by special agreements or policies for which specific alternatives to visit and search are mandated. Passenger ferries and cruise ships may be included in this category.

**k. Boarding Ship.** M.O. unit tasked with providing the boarding party for boarding a suspect vessel.

**l. Visit, Board, Search, and Seizure.** To determine the true character of vessels, cargo, and passengers, M.O. forces conduct M.O. using visit, board, search, and seizure (VBSS) procedures.

**m. Heliborne Visit, Board, Search, and Seizure.** To board a suspect vessel by helicopter, special operations forces (SOF) or other specially trained and designated forces use the heliborne visit, board, search, and seizure (HVBSS) procedure.

**n. Permissible Cargo.** Designated exceptions to the prohibited cargo category. Examples include medical supplies, foodstuffs, and other humanitarian aid as determined by proper authority.

**o. Prohibited Cargo.** Specified cargo destined for import to, or export from, a country designated by applicable prohibitions or resolutions.

**p. Query Ship.** M.O. unit making initial contact with, and conducting the query of a vessel.

**q. Takedown Operation.** The act of boarding a suspect vessel by means of HVBSS or VBSS to gain control of key stations and force the suspect vessel to submit to search or diversion.

**r. Boarding Party (BP).** Sometimes called Boarding Team (BT), is the team responsible for carrying out the visit and search of the suspected vessel. Its size and structure are defined in article 0503 and is to provide the suitable degree of self-protection. BP is composed of boarding ship crew personnel, and will be set up in a way oriented to provide the team with the adequate skills in the required fields to accomplish the mission.

**s. Assault Force (AF).** Assault Force is the SOF team tasked to take down the suspect vessel in an opposed boarding environment.



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## CHAPTER 2

# Concept of Operations

### 0201 Concept

1. M.O. may have high political interest and, as such, require a highly flexible concept of operations. Commanding officers should prepare their crews to conduct M.O. within a wide variety of command structures and operational environments. Allied or multinational forces, or a single nation, in support of specified objectives, may carry out M.O. Operations may be conducted by naval forces alone or as part of joint operations involving one or all services.

2. The recognized sanctioning body establishes the provisions of a M.O., normally a UN Security Council Resolution. After a commander responsible for conducting the M.O. has been designated, an operational order (OPORD) will be issued that conforms to the resolution. The assigned commander will issue OPGENs and OPTASKs that will be detailed and address the following:

- a. What goods, persons or services are to be identified, tracked, diverted, or seized.
- b. The disposition of identified goods, persons or services that are not to enter or depart from a specified nation.
- c. Types of vessels expected to transit the operating area (OPAREA).
- d. Questions to ask a suspect vessel during boarding.
- e. Criteria for diversion.
- f. Percentages of cargo on various types of shipping that should be searched.
- g. Rules of engagement.
- h. Contact classification criteria.
- i. Specific reporting procedures; initial contact report, boarding summaries, challenge summaries, and diversion reports.

### 0202 Command Relationships and Responsibilities

1. The key to successful command relationships is achieving unity of command and effort. The commander must have the ability to unify the efforts of a widely diverse force and execute through a clearly defined chain of command.

2. Establishing a coordination centre staffed with members from coalition forces to share intelligence, and operational information, ensure coordination among allied/coalition forces, and provide a forum where routine problems can be resolved informally can be useful in resolving issues. Inclusion of liaison personnel at all levels of the chain of command provides commonality, focuses the efforts of the MIO force, and is highly encouraged.

3. The command structure varies depending on the specific operations area as well as according to the political objectives of the MIO, but resembles the basic structure described in Figure 2-1. Geography of

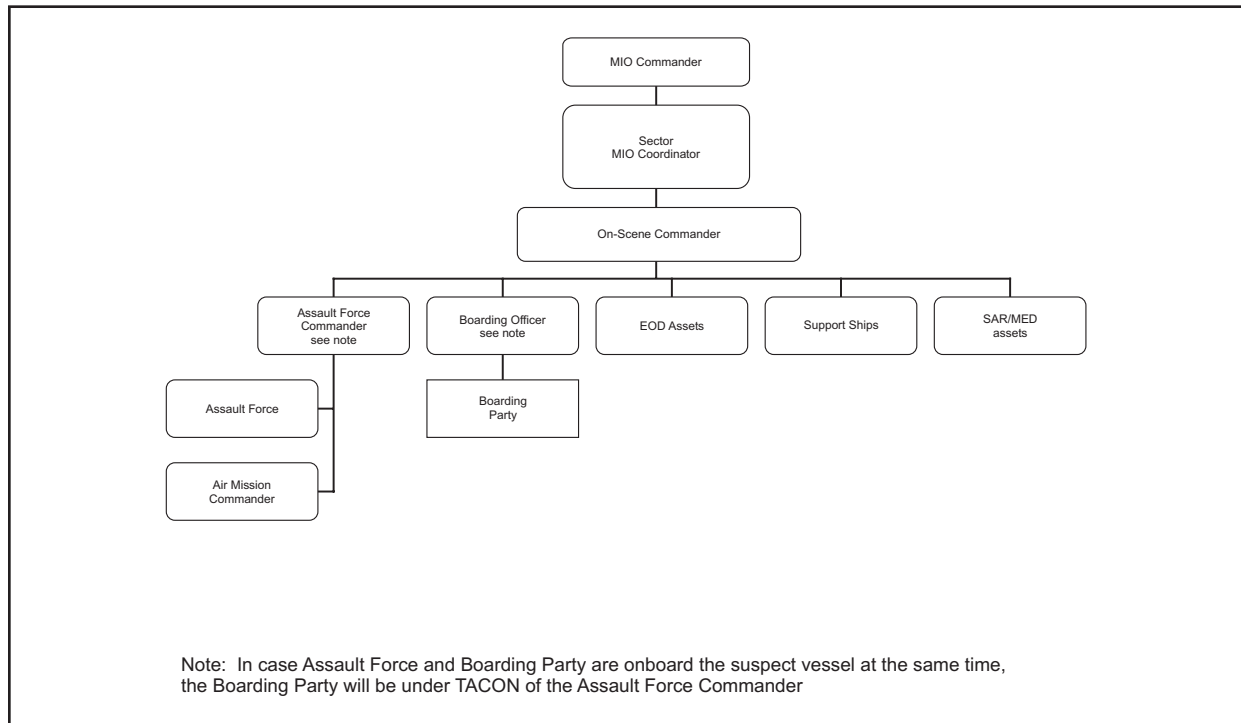


Figure 2-1. Opposed Boarding Command and Control Structure

the operational area has a significant impact on the size of MIO force required and the amount of decentralization within the command structure.

**4. Command Responsibilities.** The following are key MIO personnel and their responsibilities:

**a. Maritime Interdiction Operation Commander.** The MIO commander is the officer in tactical command (OTC) of all forces assigned to conduct the MIO.

**b. Sector Maritime Interdiction Operations Coordinator.** The sector MIO coordinator is assigned as required to provide command and control (C2) when geography prohibits operations in a single geographic area. There may be a need for a number of sector MIO coordinators. They are responsible for:

- (1) Conducting MIO within the assigned operations area or sector and exercising tactical control (TACON) of all MIO forces within that area or sector.
- (2) Assigning boarding and assist ships as required.
- (3) Tasking aircraft or other supporting forces as required, so that the OSC can conduct a particular boarding.
- (4) Assigning units VHF working channels and night signal colours, to be used for suspect vessel interrogation, in order to prevent mutual interference.
- (5) Maintain an accurate database of boarded vessels.

**c. On-Scene Commander.** The OSC is the officer exercising TACON at the scene of all forces assigned to conduct or support the boarding of a vessel. The OSC is normally the commanding officer (CO) of the boarding ship. The OSC will keep the MIO commander apprised of the progress and status of the boarding operation.

**d. Assault Force Commander.** The assault force commander (AFC) is the officer exercising TACON of the heliborne assault force (HAF) that conducts the takedown of a vessel. The AFC reports to the OSC as soon as feasible after departure from the assembly point and is responsible for the actual assault of the vessel. Once control of the vessel has been obtained, the AFC retains control of all forces aboard the vessel until the OSC directs him to turn control over to the boarding officer. The AF will be under TACON of the MIO Commander (exceptionally of a Sector MIO Coordinator) until an opposed boarding is launched, where AF team will be transferred under OSC TACON until the end of the operation.

**e. Boarding Officer.** The boarding officer (BO) is the officer in control of the boarding party (R) and is responsible for visiting and searching the suspect vessel. The BO remains in control of the boarded vessel until relieved or directed by the OSC to return control of the vessel to its master. The BO will communicate with the OSC on a predetermined interval, providing boarding status reports. Figure 2-2 is a generic C2 relationship that may be tailored to meet the specific mission.

**f. Air Mission Commander.** The air mission commander (AMC) is the aviation officer assigned as mission commander for all aircraft directly supporting the HAF. AMC will be under TACON of AFC for the takedown operation. The AMC is responsible for:

- (1) Planning the safe execution of aircraft support to the HAF.
- (2) Coordinating with the AFC for conducting all aircraft-related portions of the takedown operation.

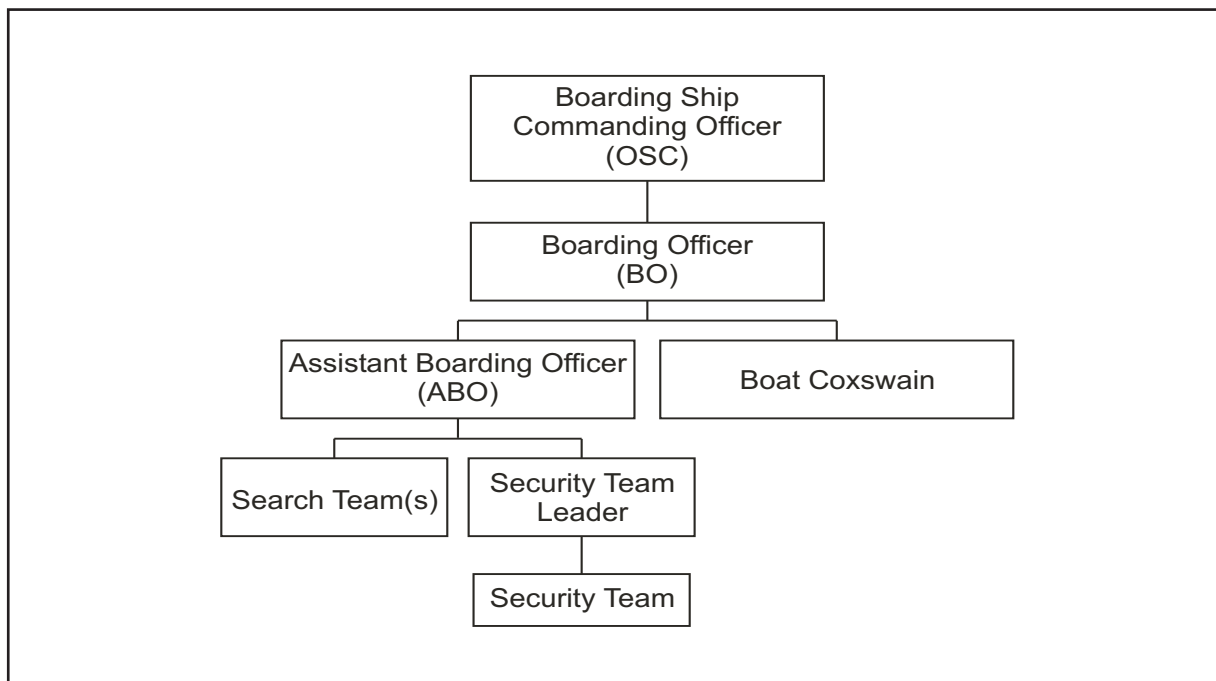


Figure 2-2. Boarding Party Command and Control Structure

*Note.* Surface combat air patrol and other aircraft in the area not directly supporting the HAF should report directly to the OSC.

### 0203 Communications

1. A solid communications plan is vital to the success of a MIO. The complex nature of MIO requires all participating units to pay close attention to the compatibility of communications systems. The MIO commander is responsible for developing the communications plan and managing the communications requirements of all the participating units. The plan should include primary, secondary and tertiary frequencies and be designed for minimal interference from local port and merchant use in the operations area. The following actions can be taken to minimize problems:

- a. All helicopters and maritime patrol aircraft assigned should be equipped with bridge-to-bridge (BTB) capable (maritime bandwidth) VHF FM radios.
- b. MIO commander or sector MIO coordinator should assign designated BTB channels to all units conducting MIO to minimize mutual interference. Consideration should be given to local port and merchant usage in the operations area in an attempt to find little-used channels for MIO.
- c. Assault teams and boarding parties should be equipped with UHF/VHF portable radios to enhance communications within the boarded vessel. UHF portable radios should preferably be operating in military UHF-band (225–400 MHz) to be interoperable with shipborne UHF transceivers.
- d. Strict circuit discipline should be required on all boarding and assault nets to ensure rapid transfer of urgent information.
- e. Codewords should be established for key information in the event clear voice circuits must be utilized.
- f. All units involved in boarding operations should have VHF–BTB capability.
- g. Once the boarding has commenced, VHF–BTB radios should be used as an emergency backup circuit for all forces involved.
- h. The OSC should ensure all participating units are thoroughly familiar with circuits to be used during the boarding.
- i. Assault team and boarding party members should conduct frequent radio checks consistent with the tactical situation.
- j. Extra batteries should be available for all portable radios to be used by assault teams, boarding parties, and boat crews.

- (R) 2. Figure 2-3 provides a recommended communications plan for MIO. If utilized, encrypted (digitized voice), portable radios should be operated in the secure mode. Whenever non-secure radios are utilized, station call signs and codewords for sensitive information should be prepared locally. Use of satellite communications (SATCOM) is considered essential for rapid and reliable communications between MIO commander, sector MIO coordinator, and OSC.

*Note.* AFC and aircraft have limited communications equipment available and will only be up on one or two nets at one time. OSC is net control on all circuits, except supporting fire and assault nets, which are controlled by the AFC.

Communications Requirements			
Name	Participants	Type	Secure (Note)
MIO Command	MIO Commander Sector MIO Coordinator OSC	SATCOM/HF	Yes
Boarding	OSC BO ABO Search Team Security Team Boat Crew	UHF/VHF	Yes
Air Control	OSC All A/C on scene	UHF/VHF	No
Assault Coordination	OSC AMC Sniper AFC Supporting ships and A/C	UHF/VHF	Yes
Assault Control	AFC Sniper Teams Assault Elements	UHF/VHF	Yes
Sniper	Helicopter Pilots Sniper Teams OSC Monitor (if feasible) AFC Assault Elements	UHF/VHF	No
Emergency	All	VHF Bridge-to-Bridge	No
Note: Portable radios may be protected or crypto secure.			

Figure 2-3. Proposed Maritime Interdiction Force Communications Plan

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## CHAPTER 3

**Detection and Surveillance****0301 Overview**

All vessels within the designated surveillance area should be tracked, identified, and interrogated for possible boarding. All available sensors should be used to detect, identify, and collect intelligence on vessels within the assigned surveillance area. Every contact determined to be a suspect vessel should be tracked, observed, and considered to be a potential target for a takedown operation. The MIO commander or sector MIO coordinator generally determines the identification as a suspect vessel. Maintaining an accurate database of vessels previously challenged and/or boarded is critical to prevent multiple interceptions of the same vessel as it passes through a geographic area. Contact information must be systematically shared by all units (not just those assigned to MIO duties) operating within the MIO area. Effective operations are critically dependent on support from shore authorities to compile, collate, and disseminate information on merchant ship movements. The generation and exchange of a comprehensive database is a valuable tool. Without significantly disrupting trade it is not possible to thoroughly search every merchant ship entering the operations area. Therefore, intelligence is vital to target likely embargo breakers. Forces conducting MIO must be prepared for ships and/or agents to employ any subterfuge to break the embargo. These ploys may include mechanical breakdown, declaring false destinations, entering cleared ports close to the target area and making a quick dash into TTW, crew changes, or multiple changes of ownership.

**0302 Detection**

**1. Picture Compilation.** In order to build the recognized surface picture (RSP), identification of all surface contacts in an area of interest must be made with positive identification of friendly, neutral, and suspect units. Units involved in MIO are to produce a plot of all surface contacts, while covering the area of interest with a stated percentage of coverage against defined targets. This can be done by continuous radar coverage or revisiting (with defined intervals) contacts in the area of interest. This plot of radar contacts must be disseminated to all units involved.

**2. Objectives of the Recognized Surface Picture.** The building of the RSP aims at one or more objectives as listed below:

- a. Detecting all surface tracks in an area of interest.
- b. Identifying all surface tracks in an area of interest to a level required by the type of operation.
- c. Identifying a specific and defined contact in an area of interest.
- d. Identifying a specific type of contact in an area of interest.
- e. Tracking identified contacts in an area of interest.
- f. Vectoring a platform (air/surface) to identify a contact.
- g. Vectoring a platform (air/surface) to intercept a contact.

**3. Size of the Area of Interest.** The size of an area of interest that can be covered depends on the following factors. See ATP-31 for further details on the size of a surface surveillance area and surveillance methods.



- a. The assets available to execute the operation.
- b. The type of sensors available.
- c. The objective for the building of the RSP.
- d. The environmental conditions in the area of interest.
- e. The target characteristics.

**4. Non-organic Search Assets.** Depending on the nature of the MIO, the following non-organic assets may be available to assist in detecting traffic that will enter the surveillance area:

- a. National intelligence sensors.
- b. Maritime patrol aircraft.
- c. Airborne early warning assets.
- d. Carrier or shore-based surveillance aircraft.
- e. Tactical data link from other units.
- f. Tactical exchange via voice circuits.

**5. Organic Sensors.** Organic detection assets vary from ship to ship. Every effort should be made to maximize all available sensors. The following sensors may be available:

**a. Helicopters.** Embarked helicopters should be utilized for radar, visual search, and other correlations. When operating in a multiship effort, air asset coordinators should schedule 24-hour airborne/alert helicopters (if available) to support MIO.



Helicopters should be kept outside of shoulder-fired weapons range unless the MIO commander determines the identification of the vessel is of such importance that the possible loss of aircraft and aircrew is an acceptable risk.

**b. Surface Search Radars and Visual Search (Lookouts).** Surface search radars and visual search should be utilized. Visual search should utilize all available equipment, such as night vision devices, etc.

**c. Cryptologic Detection.** Some platforms may be equipped with cryptologic detection systems. Ensure operators are briefed on potential target frequencies.

**d. Electronic Warfare Support Measures.** Use organic electronic warfare support measures (ESM) systems to detect, locate, and track target vessels. Report and log radar/visual-to-ESM correlations.

**0303 Surveillance**

1. Surveillance of the suspect vessel is vital to collecting intelligence that the boarding party or takedown forces may require later. As much intelligence as possible should be collected for future use in case the suspect vessel becomes non-cooperative or hostile. The tasking in relation with surveillance will depend upon the type of MIO being conducted:

**a. Embargo Operations.** Identify suspect vessels, determine vessel's name, flag, destination, origin, cargo, port of registry, estimated time of departure (ETD), estimated time of arrival (ETA), ship owner, and agent.

**b. Drug Interdiction.** Identify a specific suspected vessel on which intelligence has been obtained, or track all contacts and determine which contacts are acting suspicious (suspect) and identify those contacts to the level required by the OTC.

**c. Locate Suspected Vessels.** Identify a specific vessel as designated by OTC or higher command.

**d. Environmental Patrol.** Identify those contacts that are violating national and international laws; register those items required for legal prosecution.

**e. Fishery Patrol.** Identify those contacts, considered to be fishery vessels that violate national and international laws and regulations; register those items required for legal prosecution.

**f. Refugees.** In MIO areas, there is also a likelihood of refugees attempting to flee the country that is the subject of the operation. Depending on existing policy, patrolling ships must be ready to recover refugees from small boats and hand them over to proper authorities.

2. **Essential Elements of Information.** Essential elements of information (EEI) for the conduct of MIO should include, but are not limited to, the following:

a. Number and type (civilian/military) of personnel on board suspect vessel and the number, location, and types of weapons carried.

b. Evidence of topside or portable weapons, such as machineguns or shoulder rockets.

c. Photographs of cargo on deck, hatches that lead into ship, bridge configuration, and unusual activity (will greatly assist takedown forces, if required).

d. Nature of cargo and how stowed (cargo status).

e. Evidence of false waterlines.

f. Suspicious or unusual activity.

g. Unusual obstructions on deck or any evidence of preparations to repel or impede boarding operations.

h. Manoeuvres by suspect vessel to evade interdiction.

i. Evidence of old markings painted over.

Sensor	Possible Level of Identification Range (nm)			
	DAY	NIGHT	DAY	NIGHT
Visual	Type: Superstructure Hull colors Name/homeport Suspicious outfit	Type: Superstructure Hull colors Name/homeport	10-15 5-10 <5 0.5-2 <0.5	<5 <2 1-2 <0.5 N/A
Electro-Optical (LLTV)	N/A	Type: Superstructure Hull colors Name/homeport	N/A	5-10 5-10 1-2 <1
Infrared (IRDS/FLIR IR goggles)	N/A	Type: Superstructure Hull colors Name/homeport	N/A	5-10 5-10 1-2 <1
ESM	Radar type	Radar type	RHR	RHR
ESM Fingerprinting	Radar type Name	Radar type Name	RHR	RHR
Imaging radar	Type: Superstructure	Type: Superstructure	64-128 32-64	64-128 32-64
Acoustic (NB)	Noise sources	Noise sources	1-10	1-10

Figure 3-1. Sensor Level of Identification

### 0304 Sensors

1. Sensors that may be used during MIO are listed in Figure 3-1. The estimated level of identification that can be obtained in day or night operations is listed. The ranges given for identification to listed levels are only an estimate and should be used for planning purposes. Ranges based on information and conditions encountered will need to be updated.

**2. Visual, Electro-Optical, and Infrared.** Visual, EO, and IR identification and their corresponding ranges will strongly depend on the environmental parameters, such as temperature, humidity, fog, rain, background lights, etc. EO devices, either airborne or shipborne, can be used for identification of the ship and survey of the crew during a boarding by night, depending on its technical characteristics.

a. Visual identification by night largely depends on the astronomical conditions and/or the availability of a procedure available within approved ROE to employ a searchlight. Identification by name using IR equipment depends on the specifications of the IR sensor.

b. Identification by visual, EO, or IR means at a farther distance may be facilitated by the ability to compare a contact's silhouette with a picture or drawing. The following sources on merchant ships, hulls, and superstructures are presently available:

(1) *Lloyd's Register of Shipping*. This publication lists data concerning self-propelled seagoing merchants of a Gross Tonnage of 100 and above. Examples of data listed are call signs, flag, port of registry, dead weight tonnage, hull, size, superstructure, decks, cargo facilities, maximum speed.

(2) *Jane's Merchant Shipping*. This publication lists general data concerning merchant shipping, including photographs.

**3. Imaging Radar.** To obtain a good imaging radar picture, the aircraft should be positioned in front or astern of the contact to be imaged. Identification will take place by comparison of hull and superstructure with database information.

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## CHAPTER 4

# Interrogation, Approach, and Stopping

## 0401 Overview

1. This phase sets the tone for all boarding operations, so sound judgement and caution are critical. Effort should be made to be cordial, yet remain cautious, alert, and in control. This phase will present a major opportunity to gather intelligence. If a ship's helicopter is present, it should be utilized to the fullest extent possible, in concert with other aircraft that have been tasked to support the MIO. All helicopters should be equipped with VHF-BTB radios to assist with interrogating vessels that are not within VHF FM range of ships.

2. A suspect vessel's introduction to MIO operations is through the ship's BTB radio operator. Assign a radio operator with a strong, clear, and confident voice who is well versed in radiotelephone communication procedures. Prepare a system that uses standard queries. The communicator's location is at the discretion of the CO; the bridge or operations room are the most commonly preferred. The radiotelephone operator will:

- a. Conduct the query.
- b. Fill out the initial contact report and transmit in accordance with the applicable OPTASK MIO.
- c. Communicate with the boarding officer/assistant boarding officer once embarked in the suspect vessel.
- d. Receive and log boarding reports and recommendations.
- e. Make required voice situation reports (SITREPs) to the MIO commander.

## 0402 Shipboard Requirements

Watch station manning requirements vary, depending on surveillance equipment installed. In general, normal underway watch stations should be augmented to provide extra BTB radio log keepers, increased surveillance capability, and timely situation reporting. Bridge and operations room VHF monitoring stations should have a copy of the questions with blank spaces for responses. A separate log should be maintained and a tape recording made, if possible, of all BTB conversations.

## 0403 Shipboard Preparations

**1. Positioning.** During this, and all phases of MIO, manoeuvre the ship to minimize susceptibility to a hostile act, such as ramming or dropping mines. If operating overtly, maintain a safe distance that minimizes the distance needed to be covered by the ship's small boat once it is decided to conduct a boarding. Additionally, give consideration to positioning the ship up sun on the contact's port or starboard quarters within the most effective range of the crew served weapons (e.g., chain gun/machinegun), providing reasonable accuracy to ships weapons and sufficient sea room for manoeuvring, if required.

**2. Conditions of Readiness.** If suspect vessel is to be boarded, muster the VBSS team. Before the VBSS team leaves for a boarding, the internal ship organization must ensure that everything that will be needed for the boarding is available. Some items in addition to the normal equipment lists are, but not limited too; food for team members, toilet paper, water for team members, any extra equipment needed for boarding, flashlights, medical kit and extra socks, etc. Additionally, someone must be responsible to log

times that the teams have been embarked and quantities of food and water for each boarded vessel. One way to accomplish this is with a dry ease board, divided into the following categories: name, number of crew, amount of fresh water, food supplies, time of arrival and time of departure.

**3. Ship Manoeuvring.** When ready to commence the boarding, the boarding ship should close the suspect vessel's quarter (no greater than 500 yards). If a helicopter is assisting, place the helicopter on the disengaged side of the vessel to be boarded to count the number of personnel that were directed to muster on deck of the vessel. Ensure the helicopter continues to look for potential hazards to the boarding team (BT). The OSC will coordinate with the suspect vessel to ascertain the locations of all vessel crewmembers as well as the location of all containers and cargo doors.

The helicopter will conduct a security sweep to visually determine/confirm low threat conditions and numbers of crewmembers mustered at designated areas. The helicopter will be placed on the disengaged side to monitor boarding.

#### 0404 Interrogation Procedures

1. It is imperative that the overall tone of any hailing or interrogation be firm, yet cordial and nonconfrontational. The bridge watch of the suspect vessel may not be proficient in English and may have to locate someone who is; this person may not necessarily be the master. It is important to ensure the vessel's master is present during hailing and interrogation, even if the master does not speak English. Due to accents and colloquialisms, the responses may not be easily understood, with questions having to be repeated more than once. The suspect vessel's crew should break down the hail into short phrases to assist in translation or understanding. Request that the vessel spell words, if necessary. A list of ports in the area of operation should be prepared and used as a ready reference. While maintaining a polite attitude, remain alert for any delaying tactics.

**2. Initial Query.** The scripted hailings included in this section should only be used if the MIO commander does not provide specific scripts.

a. A ship or an aircraft may conduct the initial query. The purpose of this query is to obtain the information about the merchant vessel to determine whether or not a boarding will be required. Units should make initial contact with the vessel on VHF channel 16, having attracted attention by night by the use of appropriate coloured light. Interrogation procedures are then conducted on an assigned VHF working channel. To gain the attention of the vessel, specifically if its name is unknown, refer to its latitude/longitude position in reference to a known geographic reference point, course, and speed. In the absence of specific guidance, the following hail is recommended:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy warship/aircraft. Request you state your port of origin, your flag, registry, international call sign, your cargo, your last port of call, next port of call, and final destination, over.”

b. If it is determined that a boarding operation will not be necessary based on stated destination, the following may be used to dispatch the vessel:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy warship/aircraft. We do not intend to conduct an inspection. You are instructed to proceed directly to your destination of \_\_\_\_\_. Thank you for your cooperation.”

**3. Subsequent Interrogation Prior to Boarding.** If the decision to board is made, this should be relayed directly to the vessel's master. In the absence of specific guidance, the following hail is recommended:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy warship/aircraft. Intentions are to conduct a visit and search of your vessel in accordance with (guiding authority, normally the UN Charter, Article 51), and under the authority of (specific resolution, e.g., UNSCR XXX). We intend no harm to your vessel, cargo, or crew. If the inspection team confirms that your manifest is in order, your cargo accessible, and you are not carrying prohibited cargo, you will be allowed to proceed to your destination. Please stand by to accept my boarding team. You will need to (i.e., rig a ladder, stop your engines, and go to a holding point).”

Tell the vessel how you intend to manoeuvre your ship. If the vessel’s master consents to being boarded, the following additional information should be obtained:

- a. The total number of people on board the vessel, the number of women, children, sick or injured.
- b. Whether or not animals are carried on board the vessel.
- c. Any weapons and their location on board the vessel.
- d. The preferred location for placement of the pilot’s ladder.
- e. In addition, instruct the vessel’s master to:
  - (1) Have his crew muster in a space in open view of the boarding ship and helicopters (to facilitate counting prior to boarding). A prudent master will not want to abandon key watch stations (i.e., bridge and engineering watchstanders). The crewmembers not present at muster should be clearly stated by the vessel’s master.
  - (2) Turn on all interior lights (and exterior, if at night).
  - (3) Have all unlocked spaces opened as much as possible and keys made readily available for all locked spaces.
  - (4) Have all the ship’s papers and crew identification brought to the bridge.
  - (5) If boarding by boat, instruct vessel to slow to bare steerageway and come to a course suitable for boarding or to stop, depending on tactical situation.
  - (6) If boarding by helicopter, advise master of course and speed to steer, position boarding party will transfer to, and actions to be taken by his crew.

#### **0405 Approach Procedures**

1. The approach manoeuvre’s purpose should be obvious while maintaining the secure posture of the boarding ship and should consider possible egress routes of the suspect vessel.

**2. Single-Ship Approach Procedures (Overt).** The single-ship approach procedures consist of the following:

- a. The boarding ship should be positioned abaft the beam on the windward quarter of the vessel to be boarded, if possible, at a safe distance until the threat of small arms or shoulder-fired weapons provides a clear arc of fire for the forward weapon system and can be assessed. Remaining abaft the beam reduces exposure to ramming attempts while providing the best possible view of the bridge and superstructure.



- b. If the operation is being conducted at night, all available night vision devices and optical enhancement devices should be employed to observe the suspect vessel and gather intelligence.
- c. When the OSC is satisfied with the threat assessment, the boarding ship should close the suspect vessel as close as sea state and weather conditions allow.
- d. During daylight boarding, the sun should be kept behind the boarding ship to aid in observing the suspect vessel while making the reverse more difficult.
- e. The wake area of the suspect vessel should be avoided because of the threat of mines or own-ship's screw fouling objects deployed from the suspect vessel.
- f. Topside spaces should be cleared of all unnecessary personnel. Personnel remaining topside on the boarding ship should be instructed to observe the suspect vessel and report any activity by its crew to the bridge, where an accurate record of activity should be maintained.
- g. The approach and initial time alongside should be characterized by extreme caution since the true intentions of the suspect vessel are unknown.
- h. Own boats and helicopters should be kept clear of the line of fire of the manned weapon systems.
- i. Own-ship's helicopter should never be so close that spray from rotor wash causes personnel on deck to get wet.
- j. For safety, attempt to keep rigid hull inflatable boat (RHIB)/motor whaleboat transits as short as possible and down sea.

**3. Dual-Ship Approach Procedures.** The dual ship approach procedures consist of the following:

- a. The boarding ship should approach in accordance with paragraph 0405.2.
- b. The second ship (assist ship) should manoeuvre, when directed by the boarding ship, to the opposite quarter of the suspect vessel. The assist ship should remain outside of small arms range in case the boarding ship takes the suspect vessel under fire (remaining clear of the boarding ship's firing arc).
- c. If the assist ship is called upon to provide fire support, the boarding ship should open distance from the suspect vessel to avoid the field of fire from the assist ship. In effect, the boarding ship and assist ship switch positions with respect to range to the suspect vessel, while remaining on their respective sides of the vessel.
- d. The assist ship should be prepared to take over as boarding ship and OSC in case the original boarding ship can no longer fulfil the duty.
- e. Movement of boats, helicopters, and weapon systems of both ships must be strictly coordinated.

**4. Defensive Considerations.** The boarding and assist ship should be in an increased readiness condition. Manning additional damage control and weapons stations should be considered as a minimum. To facilitate remaining abaft the beam of the suspect vessel, the forward weapons systems should provide the threat of main armament, if equipped. Manning of other details, such as flight quarters, boarding and search and rescue (SAR) boat, and additional high-point gunners (the main deck of a lightly laden merchant will usually be too high to allow an acceptable field of fire from normal small arms positions), may be required. If damage has been sustained by the suspect vessel, a rescue and assistance detail should be provided. For safety reasons, all personnel on the deck of the boarding ship should be kept out of sight of

the suspect vessel. RHIB/small boat preparations on the boarding ship should therefore take place on the side away from the target ship, as feasible.

**5. Helicopter Support Considerations.** During unopposed boardings, helicopters (if available and suitable) are preferred over the RHIB/small boat because of reduced sea state restrictions and ability to more quickly embark the BT on a vessel with a high freeboard. Means of insertion include fast rope, landing at vessel helo spot or using helo hoist system. Fast rope/rapid rope procedures can only be used if personnel are suitably trained. In certain circumstances, a helicopter may be used to conduct routine boardings by first inserting a security team and then the BT. If a HAF is to be inserted, the assist ship, if equipped, normally provides the primary support to the HAF helicopter(s). Both ships should maintain a ready deck and manned refueling detail and be prepared for prolonged flight operations. Boarding ship's helicopter may be used as a sniper platform or a surveillance asset.

#### 0406 Diversion Procedures

1. Following an interrogation, it may become apparent that a ship is carrying illegal cargo and/or is proceeding to a prohibited port. Having this knowledge may present the option of simply diverting the suspect vessel to another port, if inbound, or returning to previous port, if outbound, vice conducting a boarding operation. Vessels may also have to be diverted to an inspection port or anchorage when weather conditions do not permit boarding, following a boarding when it becomes apparent that the vessel may be carrying prohibited cargo, or when the BT cannot easily check its cargo.

**2. Diversion and Possible Cargo Seizure.** If the suspect vessel is suspected of carrying an illegal cargo, and guidelines have been established for diverting ships to a prearranged port where their cargo will be seized, the following direction should be communicated to the vessel's master:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy warship. It is believed that you are carrying cargo that is subject to interception under (the reason for interception), and you will not be allowed to proceed. You may, however, return to your port of origin at this time. If you do not decide to turn back, you will be directed to proceed to (port/anchorage) where this cargo will be taken into custody. (Nation) intends no harm to your ship, your cargo, or your crew. master and crew will be free to leave as soon as your vessel has reached its new destination. Please do not resist. Cooperate in this action so that we can avoid any damage or injury and ensure the safety of the crew.”

**3. Diversion to Port of Vessel's Choice.** If no seizure of cargo is planned, it may be possible to allow the vessel, if outbound, to return to its previous port or, if inbound, to proceed to a port of its choice other than those that are prohibited. Depending on the situation, either an order or an offer to divert to a port of choice may be extended.

a. The following is an order to divert:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy warship. You are not authorized to proceed to (intended port) or any other port in (target country). Please provide us with your intentions regarding another port of call.”

b. The following is an offer to divert:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy warship. You are free to choose to divert now to a port not in (target country). If you choose this option, inspection may be avoided. What is your decision?”

c. If the vessel selects a suitable port, it will be directed to proceed with the following:

“Merchant vessel \_\_\_\_\_, this is (nation) warship. You are released to proceed directly to your destination of (port). Thank you for your cooperation.”

#### 0407 Stopping Procedures

1. The measures taken to stop a vessel vary and depend on several factors. ROE and specific instructions from seniors in the chain of command must be taken into account. For the purpose of this manual, it is assumed that the boarding ship is fully aware of the limits to the magnitude and type of force it may employ. Stopping the vessel may not mean coming to a stop, but slowing to bare steerageway or dead slow ahead (depending on engineering configuration and sea state) to support small boat operations. Ship's position must be closely monitored to prevent the vessel from closing TTW if the boarding operation is not conducted while dead in water (DIW). In the absence of other guidance, the following should be used to inform the master that his ship is to be boarded:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy warship. At this time, (nation) intends to exercise its right to board and inspect under international law in accordance with its previously published notice to mariners. (Nation) intends no harm to your vessel, its cargo, or your crew. Please stop/slow your vessel and stand by to accept (nation) boarding team.”

2. At this point, a cooperative vessel will comply with the request and stop/slow. If a vessel refuses to consent to inspection, it must divert (if inbound), return to port of origin (if outbound), or be considered for a non-cooperative or opposed boarding. Stopping procedures for uncooperative vessels are described in Chapter 7.

## CHAPTER 5

**Boarding and Searching****0501 Overview**

The boarding and search phase is the most important and most hazardous phase of MIO. The procedures in this chapter are designed to provide shipboard personnel with the basic guidance required to conduct boarding operations without assistance. Boarding and search procedures, although hazardous in nature, must be conducted in a non-threatening and non-confrontational manner. Members of the boarding party must be adaptive and able to think on their feet. Boarding parties must be relaxed, confident, and cordial while remaining mentally and physically alert to respond quickly, if required.

**0502 Discussion**

1. The boarding phase is potentially dangerous in two areas: first, during small boat and helicopter operations, getting the boarding party on and off the suspect vessel; second, during the actual boarding and search of the suspect vessel.
2. Boarding party members may be required to climb from their boat up a 10- to 20-metre pilot's ladder at night and in poor weather conditions, so excellent physical conditioning is a must. Ships may have to conduct numerous boardings in a 24-hour period. Boarding party members must be mentally and physically alert at all times. To maximize safety, all boarding party and boat crewmembers should be removed from the ship's watch bills to the maximum extent possible, especially if the tactical environment requires frequent boardings.
3. Small arms proficiency and formal training are key elements in the safety of all boarding party members, particularly search team members.
4. No-Go criteria must be clearly understood by all boarding party members. No-Go criteria must be reviewed prior to each boarding mission in the event there are any changes. Each individual must be able to recognize potential trouble and be trained to deal with that situation and/or disengage as required. No-Go criteria should be evaluated continually during all phases of the operation. Personnel safety is a major priority. No-Go criteria are established to prevent mission execution under overly hazardous or risky conditions. If No-Go criteria are met, the mission should be aborted, cancelled, delayed, or transferred to a unit with different capabilities. (See Annex E for an example No-Go checklist.) No-Go criteria will be mission dependent and may include the following:
  - a. Weather, seawater temperature, and sea conditions have the potential to make the launch, recovery, and operation of small boats and boardings unsafe. Weather should be reviewed continuously and if deteriorating, consideration should be given to aborting the boarding.
  - b. Mission essential personnel, support assets, and equipment are unavailable.
  - c. Loss of COMMS between OSC and boarding party small boats while conducting a non-cooperative boarding using ship's force boarding party.
  - d. Suspect vessel enters TTW and nation does not authorize Allied Forces pursuit.
  - e. Authorized levels of force are unsuccessful and freeboard prevents ship's force non-cooperative boarding.

- f. Supporting Ship not in position to deliver timely, overwhelming firepower (within most effective range of crew served weapons) to counter threats to the boarding party during insertion.
- g. Passive resistance measures in place are clearly intended to inflict harm on the boarding party or create a very dangerous environment.
- h. The suspect vessel has demonstrated intent to actively oppose the boarding or intelligence indicates such intent exists.
- i. Suspect vessel opposes boarding
- j. Suspect vessel fails sea worthiness assessment.
- k. OSC or BO determines operation is unsafe.



An unopposed boarding may escalate to a non-cooperative or opposed boarding at any time. SOF or other specially trained and designated forces will conduct opposed boardings and may conduct unopposed or non-cooperative boardings as tasked.

### 0503 Boarding Party Composition

1. The boarding party should be comprised of a minimum of 10 members designated as follows:

**a. Boarding Officer.** The BO is usually an officer. This member must be mature, in excellent physical condition, small arms qualified, and have the complete confidence of the CO of the ship.

**b. Assistant Boarding Officer.** The assistant boarding officer (ABO) is usually an officer who should be in training or qualified as a BO. This member must be in excellent physical condition, small arms qualified, and have the confidence of the CO of the ship.

**c. Security Team Leader.** The security team leader should be a senior enlisted member of the boarding ship. This member must be mature, in excellent physical condition, and small arms qualified.

(R) **d. Security Team.** The security team is a group of five members (usually ratings). They must be mature, in excellent physical condition, and small arms qualified. Composition of security teams that are in charge of securing engineering spaces should (when available) include an experienced engineering officer or rating.

**e. Search Team.** The search team is a group of two of the most experienced and mature men on the boarding party (senior petty officers preferred). They must be mature, in excellent physical condition, and small arms qualified. Search team members must be proficient in the use of climbing equipment in order to conduct container searches.

#### NOTE

For smaller sized vessels, a 10-member team may be unwieldy. A smaller team should be used for such operations with the remaining team members standing by as a reserve force in the delivery craft.

2. The following additional BT members may be utilized as desired:

**a. Photographer.** The photographer must be mature, in excellent physical condition, and small arms qualified. This member should be familiar with low-light, still, and video photography, if possible.

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**b. Second Search Team.** The second search team has the same composition and qualifications as the first search team. This team may augment the security team if services of a second search team are not required.

**c. Additional Security Team Members.** The additional security team members have the same qualifications as the security team members.

#### 0504 Boarding Party Boat Crew Composition

The boat crew should be kept to a minimum of three, if possible, to avoid overcrowding in the boat. Recommended boat crew composition is as follows:

**a. Coxswain.** The best coxswain is required because many boardings can be at night and in all types of weather and sea conditions. This member must be mature and proficient with a hand-held radio.

**b. Boat Engineer.** The boat engineer should be qualified on a rifle to provide covering fire if (R) boarding party is attacked while attempting to embark/debark from suspect vessel.

**c. Bow Hook.** The bow hook should be the best seaman available because of the demanding nature of boat operations at night and in poor weather conditions.

#### NOTE

To minimize small boat loading and if properly qualified for both positions, the BO may act as boat officer and both the bow hook and engineer requirements can be filled by a single person.

#### 0505 Boarding Party Equipment

1. Annex A contains a detailed list of typical equipment for boarding party members. Annex B contains a detailed list of recommended contents of the boarding kit.

**2. Arming of Boarding Party.** The boarding party should be armed with the standard service pistol and/or riot shotgun. For a boarding party of 12, at least 2 riot shotguns should be carried amongst the security team members. Boat crews should always be armed with service pistols. Other weapons may also be required for the boat crews, including a riot shotgun, rifle, and/or machinegun. Weapons are also required for additional boarding party personnel, if utilized. All members of the boarding party, except those carrying shotguns, may carry the standard baton with speed ring, if qualified. Weapons should be loaded with the chamber empty. All boarding party members are required to be current with their weapons qualifications and have exhibited sound judgement and maturity to the CO. Every boarding party and boat crewmember shall wear body armour (if available).

#### 0506 Pre-boarding Instructions to Vessel Being Boarded

1. Prior to launching a boat with a boarding party, the suspect vessel shall have complied with the following instructions:

a. Slowed to a complete stop and is DIW or dead slow, if required by seas or proximity to shoal waters.

b. Rigged pilot's or Jacob's ladder (pilot's ladder preferred) on leeward side. Mark it with light shining toward the water, if at night. Once rigged, no one is to be near the ladder.



c. Energized all interior lights (exterior also if at night) and open all unlocked spaces.

d. Stated nature and location of any hazardous cargo on board.

e. Mustered all personnel on board in topside location (not near boarding ladder) visible from boarding ship. The master will probably insist on keeping bridge and engine room manned and may want to keep the ship's cook in galley near meal hours. These routine exceptions should be allowed.

2. In addition to the above, the suspect vessel may be asked if it has weapons aboard and instructed to secure them inside the vessel. This may, however, lead crewmembers to consider armed resistance. The CO of the boarding ship should make the decision on this matter based on the current tactical situation.

### 0507 Boarding Party Communications

**1. Internal Radios.** The BT should use protected/digitized voice-secure UHF portable radios to communicate with each other during the boarding and search phases. The optimum UHF frequency for communicating with team members inside the skin of the ship is between 475 and 512 MHz. It is also recommended to use radios with a minimum power rating of 5 watts. For prolonged boardings, the team should ensure they have sufficient replacement batteries on hand. If plain voice radios are the only option, codewords should be established for passing key information such as intentions, levels of tension, discrepancies in documentation and/or cargo and distress. Standard radiotelephone procedures should be used and all transmissions should be kept brief to allow for urgent transmissions. For non-secure radios, do not use the ship's name or use the ship's name in the small boat call sign. A minimum of six radios is required. Stations, call signs, and type of information sent are shown in Figure 5-1.

**2. External Radios.** Communications between the mother ship and the VBSS team are essential. Loss of this communication link, outside of extremely extenuating circumstances is grounds to abort the operation. All participants must be thoroughly familiar with the boarding operations circuits and should conduct on-line interoperability communication checks on all circuits prior to operations. The frequency

Title	Call Signs	Information
Commanding Officer (CO)	"Control"	Controls boarding team via the BO and ship's boat via coxswain, as required
Boarding Officer (BO)	"Boarding Officer"	Controls the search team(s) and ship's boat while keeping CO informed.
Assistant Boarding Officer (ABO)	"ABO"	Controls security detail. Assists BO.
Security Team Leader	"Security"	Informs ABO of security matters.
Search Team Leader (#)	"Search (#)"	Informs BO of progress and/or problems.
Boat Coxswain	"Gig, RHIB, or Motor Whale Boat"	Receives orders. Reports boat status.

Figure 5-1. Boarding Party Communications

range for these communications will be from 0 to 475 MHZ (VHF/UHF). Ships equipped with encrypted (digitized voice), but not crypto secure, will operate them in the secure mode. Helicopters should also be equipped with BTB capable (maritime bandwidth), FM radios.

3. The OSC develops and promulgates lost communications and distress visual signals.

### **0508 Pre-boarding Briefs**

1. At a minimum, two pre-boarding (the C2 and BT) briefs should be conducted prior to each boarding operation. Additional briefings may be required as the tactical situation dictates.

**2. Command and Control Pre-boarding Briefs.** The C2 pre-boarding brief is a command-level briefing to address critical C2 that will vary from boarding to boarding. This briefing is normally conducted over secure voice circuits, but should include face-to-face interface if multinational or takedown operations are planned.

- a. The purpose of the briefing is to assist the CO of the ship, senior warfare officers, and other designated personnel. Participation in this briefing should include (as applicable), but is not limited to:

- (1) MIO commander or sector MIO coordinator
- (2) OSC
- (3) Senior warfare officers of the boarding ship
- (4) BO
- (5) AMCs (for boardings involving SOF)
- (6) AFC (for boardings involving SOF)

- b. Issues to be addressed and resolved during this briefing should include, but are not limited to:

- (1) Intelligence brief on suspect vessel
- (2) Possible threats
- (3) ROE (to deal with each threat identified for every platform involved)
- (4) Codewords (not already promulgated)
- (5) Emergency signals and procedures
- (6) No-Go criteria

**3. Boarding Party Brief.** The boarding party brief is a working-level briefing that addresses the actual conduct of the boarding about to take place. This briefing is normally held on board the boarding ship. However, portions may be relayed to the assist ship via secure voice, if multiple boarding parties are anticipated.

- a. Participants in this briefing include, but are not limited to:

- (1) OSC (ship's CO).

- (2) Tactical action officers and senior warfare officers who will be on watch during the boarding.
  - (3) Key weapons control personnel for topside gunners.
  - (4) Entire boarding party.
  - (5) Entire boat crew.
  - (6) Air controller.
- b. Issues to be addressed and resolved during this briefing should include, but are not limited to:
- (1) Intelligence brief on the suspect vessel, including its characteristics.
  - (2) Last port of call.
  - (3) Home port.
  - (4) Next port.
  - (5) Type of cargo.
  - (6) Specific intelligence desired from suspect vessel.
  - (7) Possible threats.
  - (8) ROE for each threat and each weapon (topside gunners, helicopter sniper/gunner, BT members). ROE to be thoroughly briefed prior to each operation.
  - (9) Codewords.
  - (10) Overall mission plan.
  - (11) Emergency signals and procedures.
  - (12) Communication check procedures.
  - (13) Actions to be taken while on board in the event of an emergency, to include fire, flooding, and casualties.
  - (14) Weather and sea conditions. To include the current weather as well as anticipated changes that could take affect during the boarding operations.
  - (15) No-Go criteria.

## **0509 Unopposed Boarding Procedures**

### **1. Small Boat Operations.**

- a. When directed by the OSC, the boarding party will embark in the ship's boat for transfer to the suspect vessel. The ship should manoeuvre to make a lee for the launch of the small boat. Once clear, the ship must manoeuvre to maintain visual observation of the suspect vessel and provide covering fire, if required. Careful consideration of winds, seas, navigation hazards, TTW, and

possible sudden manoeuvres by the suspect vessel are required. When a small boat is used to transfer the BT, it may be efficient to place an armed protection team in a second boat.

b. The coxswain must remain clear of the suspect vessel's wake to avoid any obstructions from the vessel. Once the boarding party is on board the suspect vessel, the boat should be directed to a safe position from which a rapid response can be made in case of an emergency. The position should be included as a part of the BT brief conducted prior to launching the boat. The boat engineer should be qualified on a rifle and prepared to provide covering fire for the boarding party as they climb aboard the suspect vessel.

**2. Boarding the Suspect Vessel.** One of the most hazardous phases of boarding operations is the embarking of the boarding party from the boat to the suspect vessel. Getting off the boat and climbing a 10- to 20-metre ladder up the side of a merchant vessel is hazardous in the best of conditions. MIO may require this act to be conducted at night and/or in moderately foul weather conditions. Security team personnel should board first and secure the area around the ladder. Once the area is secure, the remainder of the boarding party should follow. In the interest of safety, no more than two boarding party members should be allowed on the ladder at one time. If the ship's first mate or another ship's officer approaches to greet the boarding party, the security team leader must clear him prior to his approach.

**a. High Freeboard.** The vessel to be boarded must provide a pilot's ladder to facilitate the embarkation of the VBSS team. The BO must assess the safety of this ladder upon initial approach to the suspect vessel.

**b. Low Freeboard.** Caving ladder (rope ladder) can be used if appropriate. The BO will determine the appropriate method of embarkation.

**c. Vessel Under Tow.** Plan for the worst-case situation (e.g., an unmanned tow with way on (4–6 knots), no available pilot or accommodation ladder, or in ballast with high freeboard). Planning considerations may include:

- (1) Vertical insertion of the boarding party by helicopter hoist or fast rope.
- (2) Query of the tow master to determine boarding location, ladder condition, safety conditions, and boarding crew manning requirements.
- (3) Excessive freeboard height possibly requiring two pilot's ladders secured together to facilitate boarding.
- (4) Mast and rigging obstructions and objects on the deck of the vessel possibly necessitating a high hover (50 feet) for hoist transfer.

**d. Small Vessel.** MIO may involve boarding small cargo dhows or coastal freighters. Boarding procedures and party composition can differ greatly from the norm during the boarding of small vessels (150 feet/50 metre). Boarding dhows can be dangerous and difficult, especially during heavy weather. Most dhows do not have ladders adequate for embarkation for the boarding party. Party members often have to wait for rising swells to provide sufficient height for climbing over the sides of the vessel. Large or partially laden dhows are difficult to board due to the height of the gunwales. A caving ladder with two J-hooks can be helpful in this situation. Although some dhows are equipped with rigid wooden ladders that can be tied to the side of the vessel, these ladders are unstable and often more dangerous than climbing over the side. A fully equipped 10- or 12-man boarding party is not required when boarding small cargo vessels. The majority of these vessels carry cargo in one main hold that runs three-quarters of the length of the vessel. Remaining cargo is loaded on the main deck. A typical crew includes the master and 12- to 20-deck hands of all ages. A six to eight man boarding party equipped with minimal gear is sufficient for conducting boarding

and inspection of such a vessel. The team should consist of a BO, ABO, and two or three two-man search/security teams. Dhows and small coastal freighters are often extremely dirty and their cargo holds seldom lit. The BT should take measures to ensure they maintain high levels of protection against unsanitary conditions, to include wearing rubber surgical gloves. Flashlights will be required in nearly all cargo holds on these small vessels.

3. Boarding Officer Procedures. The BO is responsible for ensuring the team is properly equipped and they are personally briefed on their specific assignments for the upcoming operation. Once aboard the suspect vessel, the BO ensures the crew is assembled and security is set around the vessel's crew before proceeding to the pilothouse to meet with the ship's master. Then the BO, the ABO, one security team member, and the photographer, if assigned, will proceed to the pilothouse to meet with the ship's master. The remainder of the boarding party will muster the crew and remain with them.

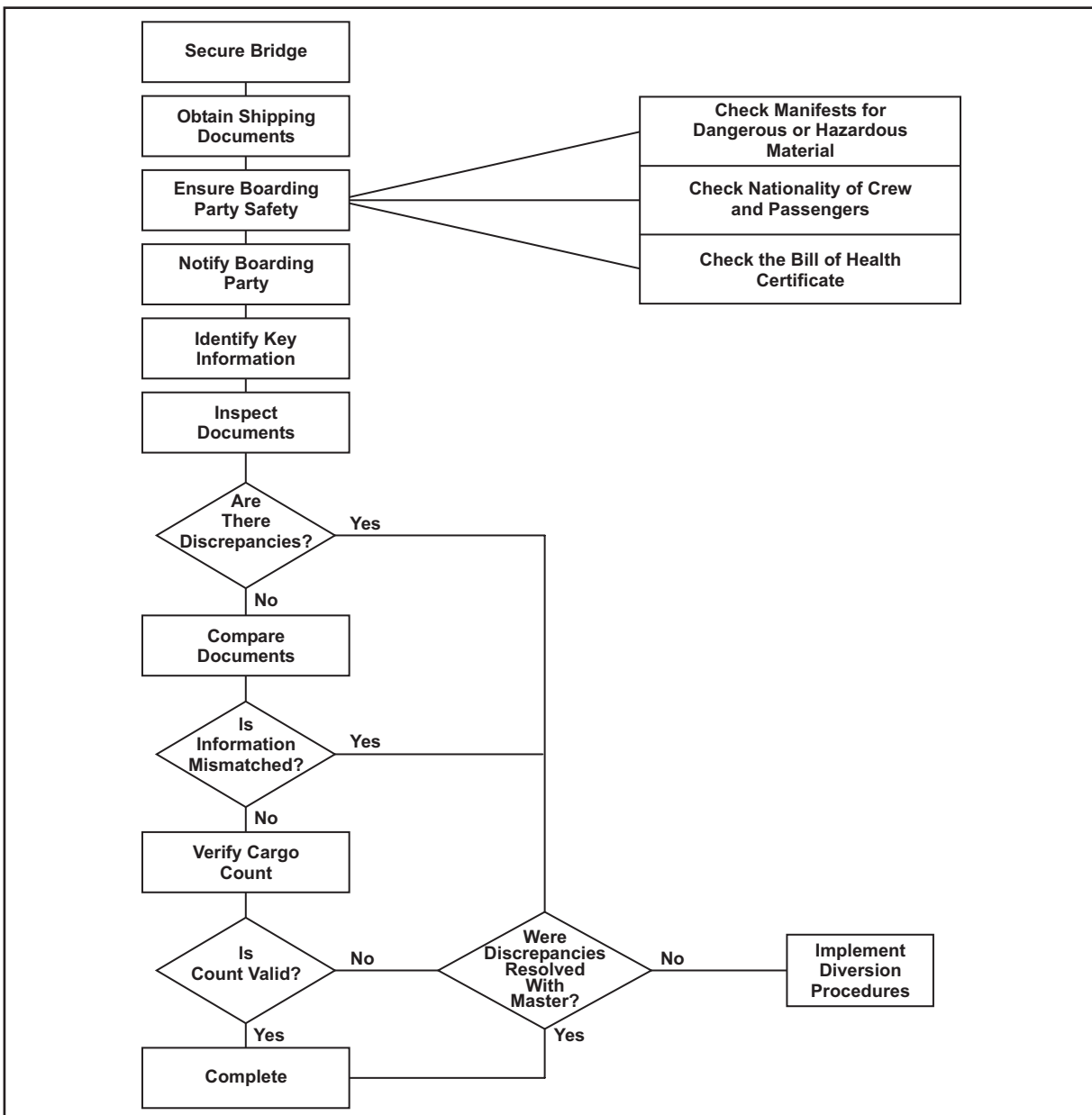


Figure 5-2. Document Validation Process

- a. Sample introduction to the master is as follows:

“I am the senior (nation) officer present, and I intend to inspect your cargo. Please follow all instructions. Your cooperation will be necessary to conduct this inspection. We would like to see your manifest first, and then we will inspect the cargo. Please inform your crew of our intent and for their safety, direct them not to interfere with the inspection team. Please tell them to remain calm and to help us avoid any misunderstanding or confrontation. All crewmembers are safe, and no harm is intended. Thank you for your cooperation.”

- b. Sample safe haven offer (if appropriate) is as follows:

“If you fear persecution in \_\_\_\_\_ for permitting boarding of your vessel in compliance with (reason for interception), (nation) will assist you in finding safe haven outside \_\_\_\_\_.”

4. Examination of Documents. Close examination of the shipping documents can help determine the true intentions of the suspect vessel. To ensure a successful inspection, the BO must obtain and validate an accurate description and destination of cargo. The BO must be familiar with the documentation merchant vessels are required to carry. The BO directs the master or chief mate of the vessel boarded to present the ship's documents for inspection and validation once the bridge is secured. Figure 5-2 shows a common process in document verification.

- a. The documents examined are only one of the tools available to help reach a conclusion regarding the true nature of a ship's identity, crew, and cargo.
- b. All the documents encountered can be very easily forged or altered, or details (cargo) may be deliberately omitted.
- c. Based upon training and experience, accept or reject the documentation presented.
- d. Regardless of whether or not the documentation is believed to be true, conduct a search of the vessel.
- e. A general plan of the ship can be invaluable to the BO when planning the search and disposition of his team.
- f. The following documents should always be examined:

**(1) Certificate of Registry.** The original is required to be aboard. The certificate shows nationality of the vessel as recorded in an official register. It may also be referred to as a certificate of vessel documentation, vessel documentation/registration, or certificate of vessel nationality, and includes the following information:

- (a) Identification of owner
- (b) Nationality and home port
- (c) International call sign
- (d) Authorized employment in a particular trade
- (e) Other unique information about the vessel.

**(2) Certificate of Charter.** The original is required if the vessel is chartered. The certificate lists chartering party by name, address, etc., and gives details of the charter's duration.

**(3) Crew and Passenger List.** The original is required to be aboard. The crew identifies the crew by name, position, passport number, and nationality. The passenger list is used to distinguish between crew and passengers and identifies the passengers by name and nationality.

**(4) Ship's Logs.** All ships maintain deck logs and radio logs that can be used to confirm information from other sources. Most vessels have two logs, a rough and a smooth copy. These logs can be used to confirm information found or stated by the master. The engineering log may be used to cross-reference validity of the ship's logs.

**(5) Cargo Manifest.** The cargo manifest is an itemized list of the vessel's cargo, shown to custom officials for entry into the port of offload. The manifest is required to be an original, usually on the shipper's letterhead. The authorizing signature will be on the first page, unless the manifest contains an amendment. Manifest amendments reflect what is onboard and occur during the following situations:

- (a.) If some cargo is offloaded at a port while in transit to the ultimate destination, amendments may originate from the shipper or the carrier.
- (b) If the manifest is transmitted via fax or computer, the master signs the amendment to account for cargo onboard. The manifest lists each shipment being carried. A shipment is cargo being shipped by a consignor or shipper. Each shipment is expected to have the full name and address of the consignee and the person responsible for picking up the shipment upon arrival. Shipments in large containers have corresponding container numbers listed on the manifest. Refer to intelligence messages and hit lists to determine phoney or front consignees.

Pay particular interest to the following:

- (a) The manifest is required to be aboard if the ship is carrying cargo.
- (b) The master should have the original manifest; however, in some cases, a photocopy and/or telex copy may be acceptable. (Seek guidance from higher authority if unsure what is acceptable.)
- (c) Check for more than one manifest. Sometimes, they are separated by port of offload, and the master may only offer the papers for cargo bound for the restricted port. Review all cargo manifests, regardless of stated or intended destinations.
- (d) Look for the following:
  - (i) Manifests must be complete. As a minimum, the following should be clearly identifiable:
    - (aa) Port of onload.
    - (bb) Intended port of offload.
    - (cc) Shipper's name and complete address.
    - (dd) Consignee's name and complete address.
    - (ee) Type and amount of cargo(s).
    - (ff) Container sizes and ID numbers for containerized cargo.



- (ii) Look for obvious signs of omission, forgery, and alterations such as:
  - (aa) Missing information.
  - (bb) Poor-quality photocopies.
  - (cc) Information whited out or crossed out.
  - (dd) Manifests and bills of lading that do not match.
- (e) Make note of manifest items:
  - (i) That is obvious military cargo, regardless of destination.
  - (ii) Having any military address, regardless of the cargo item.
  - (iii) Having any military value, such as chemicals, metals, or raw rubber.
  - (iv) Listed as medical supplies.
  - (v) Destined for any embassy or embassy officials. These are not automatically protected under diplomatic immunity and may generally be searched.

**(6) Bills of Lading.** These bills are issued to a shipper by a carrier and describe the goods to be shipped, acknowledge their receipt, and states the terms of the contract for their carriage. The bill of lading numbers should be arranged sequentially. This document identifies the actual shipper and the origin and ultimate destination of shipment in list format. Some merchant vessels operate under a charter for specific voyages or periods of time. The document lists chartering party by name, address, and duration. A chartered ship requires an original charter invoice.

**(7) Dangerous Cargo Manifest.** This is generally kept separate from the regular manifest and usually must be requested. It should list the International Maritime Organization (IMO) classification of the cargo. Careful consideration should be given before boarding vessels carrying chemicals or dangerous substances in order to prevent exposing the boarding party to potential health risks.

**(8) Cargo Load Plan.** The cargo load plan indicates where the cargo is on the ship. It may also indicate where the cargo was unloaded and where it will be offloaded. This is useful in comparing other documents. Telexes may be crucial to verify other documents. They are used to arrange cargo onload or offload and show communication with agents and owners.

**(9) Passports/Seaman Books.** Should be compared to the presented crew list.

**(10) Navigational Charts.** Gives confirmation of the voyage so far and the voyage to the next port.

**(11) Bill of Health Clearance.** This document certifies the absence of infectious disease and is presented to the port authorities upon arrival. The document also lists any diseases present at the port of origin and on the vessel.

g. Additional documents that may be examined are:

- (1) Port clearance paper, which can help substantiate claims to last port of call (LPOC).



(2) Consular's declaration of innocence of cargo. This declaration is rare. If it is found, it means that cargo aboard has been inspected by government officials and has not been found to be in violation for reason of operation. Despite the presence of this document, a search of the ship's cargo should be conducted.

h. Examples of common documents may be found in Annex C.

(1) Consider any suspect vessel as holding unauthorized cargo unless proved otherwise. Documents may look correct at first glance but may have been forged or have information omitted. A closer inspection and comparison of manifest documents may uncover inconsistencies or alterations. If the paperwork appears to be in order but the BO still suspects the vessel is carrying prohibited items, the BO can recommend diversion to a neutral port where a more thorough inspection of the vessel can be conducted. Before beginning the inspection process, identify key information common to the various documents and ship information in general. Determine the validity of a document using the following indicators:

(a) Shipping documents have identifiable information that can be cross-referenced. Inconsistencies in cross-referencing will invalidate the shipping documents. Information such as the shipping company, ship's name, port of embarkation, and port of debarkation should be consistent with each document.

(b) Whiteout and cross-out marks can be made only if initialled by the master or stamped with an official stamp. Documents altered in any manner should arouse suspicion.

(2) Unapproved cargo shall not be addressed to or designated for further shipment to a country of interest. In addition, unapproved cargo shall not be allowed to originate from a country of interest. Depending on the sanctions imposed, unapproved cargo may include:

- a. Military hardware
- b. Industrial raw materials, crude petroleum, and refined petroleum products
- c. Chemicals and hazardous materials
- d. Vehicles and household goods
- e. Medical supplies
- f. Clothing
- g. Material in need/short supply
- h. Anything identified as general cargo

## **5. Decision to Divert.**

a. To recommend diversion of a suspect vessel, the BO must firmly understand the principles of prohibited items and free goods. The final decision is normally made further up the chain of command; however, the BO's recommendation is critical in aiding seniors in making the proper decision.

b. The BO should move to a location where his communications cannot be overheard before discussing this and other sensitive matters. Codewords should be developed locally for key

information and briefed prior to boarding operations for contingency where non-secure communications are required.

**6. Log Entries.** The BO may be required to make log entries in the vessel's deck log. The following formats are examples of log entries on the suspect vessel, depending on the appropriate status:

**a. Log Entry for a Cleared Ship:**

The \_\_\_\_\_ (given name, nationality, and class of ship (e.g., steamer or sailing ship)) was visited by me at \_\_\_\_\_ (hour and date). I have examined the papers produced by the master concerning the ship and its cargo showing its voyage is lawful. The circumstances have been reported to the CO of the visiting ship, who has directed the ship be allowed to proceed on its voyage. The ship is accordingly allowed to proceed on its voyage. Entered \_\_\_\_\_ (hour, date, and geographical position when entry is made). \_\_\_\_\_ (signed name, grade of examining officer).

**NOTE**

Do not disclose the name of the visiting ship and the name or grade of its company

**b. Log Entry for a detained ship:**

The \_\_\_\_\_ (given name, nationality, and class of ship (e.g., steamer or sailing ship)) was visited by me at \_\_\_\_\_ (hour and date). I have examined the papers produced by the master concerning the ship and its cargo, that were \_\_\_\_\_ (irregular, fraudulent, defaced, in part destroyed, found to show the presence of prohibited items apparently regular), but due to my suspicions (state reasons), a search appeared to be warranted. The circumstances have been reported to the CO of the visiting ship, who has directed that the ship be detained for the following reason:

\_\_\_\_\_ (State the reason. It could be one noted above or any other reason justifying detention, such as breach of blockade, other than neutral service, or great deviation from direct course.) The ship is accordingly detained. Entered \_\_\_\_\_ (hour, date, and geographical position when entry is made) \_\_\_\_\_ (signed name, grade of examining officer).

**7. Control of the Boarding Party.** In general, the BO will exercise control of the boarding party through the ABO. If required, a separate UHF/VHF protected voice circuit may be utilized between BO, OSC, and small boat. This is normally accomplished by selecting a separate channel on the same portable radios used by other boarding party members. The disadvantage of separate circuits for BO and ABO is the loss of connectivity within the boarding party when BO and ABO are separated. Additional guidance for boarding party is contained in Annex D.

**8. Search Team Procedures.**

a. The function of a search team is to conduct the actual search of the suspect vessel. As critical positions on the boarding party, the importance of selecting the most experienced men cannot be overly emphasized. Specific guidance for search team personnel is contained in Annex D.

**b. Initial Sweep.** An initial security sweep will be conducted to determine if there are any unaccounted weapons or personnel on board the suspect vessel and to look for obvious safety hazards. Results of the security sweep are reported to the BO who will check with the crew list to make sure that the location of crew and passengers is clearly determined. The BO will direct the

search teams to conduct a search of all or part of the cargo areas based on the cargo documentation presented by the ship's master and other relevant information.

**c. Sweep of Cargo Holds/Tanks (Search Phase).** The search team when entering cargo holds or tanks must exercise extreme caution. Lighting is often poor or nonexistent; ladders may be structurally weak or damaged; decks and ladders may be oily; noxious or hazardous vapours may be present (especially in tanks); air may be oxygen deficient; cargo may not be securely stowed; and other hazards exist separate from the threat of armed resistance. It is important that members of the boarding party never open any hatch, door, package, container, etc. This is to avoid injury of the boarding party by badly stowed containers, boxes, or holds.

(1) Have master or ship's officer open all doors and hatches and enter all spaces first. Ensure a suspect vessel officer is present when sealed containers are opened. The vessel may provide able-bodied seamen to assist in opening containers.

(2) Sealed containers may not contain the cargo with which they are labelled, so check with the BO before continuing the search. A boresight, which is an inspection device, may assist in determining the contents of a sealed container. Reseal all sealed containers and deliver broken seals to the master while using a form to document the container opened. Identify the general contents and list the seal number issued by the inspector.



#### WARNING

Do not touch military equipment or anything that appears to be possible explosives, fuses, or detonators and report them immediately to the BO. If in doubt, call for assistance.

#### NOTE

As time progresses during prolonged MIO, more creative smuggling techniques will most likely be employed by vessels attempting to get prohibited cargo to/from the targeted nation(s).

(3) Additional safety equipment will be brought aboard in the boarding kit. Safety is paramount and will not be sacrificed for any reason.

## 9. Security Team Procedures.

a. The security team is responsible for containing the suspect vessel's crew during the boarding. It has extended personal contact with crewmembers and, as such, should be sensitive to the large variety of cultural and religious backgrounds often found on merchant crews. It is not uncommon for women and children to be among the assembled crew of the vessel. Security team members must exercise mature judgement in dealing with the vessel's crew. The presence of dogs and free-roaming animals on board poses a physical and health threat to the boarding party and should be avoided. Request that the master lock up all animals for the duration of the boarding.

**b. Intelligence Collection.** Prolonged contact with crewmembers other than the master should be used to discreetly gather information about the ship's previous activities and schedule. Any discrepancies from the information provided in the pre-boarding brief or unusual activity should be reported to the BO. Care should be taken to prevent the master or other crewmembers

from overhearing the report. Previous lessons learned suggest the single codeword clear may be used to inform the BO that there is sensitive information to pass. Once the BO is ready to receive the report and indicates clear, the report may be completed.

**c. Dealing With the Suspect Vessel Crew/Passengers.** Merchant vessels often have multinational crews. The ship's officers are normally familiar with, if not fluent in, English, and other English speakers may be aboard. Previous records show that during the vast majority of boardings, the crew/passengers are cooperative and only desire the boarding to go smoothly so they can get back to their routine. This does not mean that the security team should assume the crew will not be hostile. Caution, alert observation, and sound judgement are essential. Whenever feasible, at least three men should move together to provide cover for one another. The following lists provide some do's and don'ts developed from lessons learned in previous boarding operations.

(1) Do perform the following:

- (a) Be firm, but polite in issuing instructions.
- (b) Utilize the vessel's chain of command. Have the master or ship's officers give orders to the crew/passengers.
- (c) Be sensitive to the religious customs of the crew/passengers, keeping safety of the boarding party in mind.
- (d) Be very cautious when dealing with women and children.
- (e) Place a security team member in position above the assembled crew/passengers to observe the entire group, if possible.
- (f) Keep crew/passengers a safe distance from security team members to prevent being overpowered or disarmed.
- (g) Plan ahead for restroom use. Boarding operations have lasted in excess of 8 hours in the past.
- (h) De-escalate tense situations immediately.
- (i) Look for possible planted military or intelligence personnel among the crew.
- (j) Try to relax the crew/passengers.
- (k) Be cordial and polite at all times.
- (l) Allow meals and disrupt ship's routine as little as possible.
- (m) During extended boardings, consider moving crew or passengers to their cabins, mess decks, or other controllable areas of comfort. If done, direct them to stay in place and maintain security in passageways.
- (n) Bring along an interpreter, if possible.

(2) Do not perform the following:

- (a) Threaten or provoke the crew or passengers.

- (b) Accept food or drinks.
- (c) Fail to be on guard. (The situation may change rapidly.)
- (d) Allow any crew or passengers to leave the assembly area unescorted.
- (e) Give away any information that may be useful to the suspect vessel or the embargoed nation.
- (f) Discuss boarding party procedures or intentions.
- (g) Hesitate to call for assistance if any indications exist that a problem may be developing.

### 0510 Cargo Inspection

1. The boarding party should be notified immediately upon discovery of any dangerous materials present, personnel with ties to the country of interest, or crewmembers and passengers with infectious diseases.
2. The cargo count verification compares the manifest list description with cargo load plan totals. Procedures to count may be slightly different for each manifest. On the manifest, review individual shipment descriptions and count each item or good. A container may hold more than one shipment. Some ships use break bulk cargo. This is cargo stored together and contains a wide variety of items. To count item by item can be a time-consuming evolution. The number of pallets, barrels, drums, or bundles may be listed in the quantity or number and kind of package column of some manifests.
3. Conduct soundings of each tank and verify them against the manifest. Inform the master if the numbers differ. The BO should explain the procedure used to count. Diversion may be necessary if the master refuses to cooperate or the numbers remain different. An accurate description and destination of the cargo, along with a high degree of confidence that the documents are valid, helps ensure a successful boarding. Close examination of documents helps determine the true intentions of the suspect vessel.

### 0511 Data/Evidence Collection

1. Evidence gathering is a critical part of MIO. When a vessel is diverted an evidence package must be compiled. The CO is responsible for ensuring the package is compiled and completed in a thorough and professional manner. The completed package is sent to the MIO commander and will be reviewed by intelligence and legal personnel. This package will be used by nations that may auction seized vessels. The package is required to be submitted within 72 hours of the boarding. The evidence package, while required for diverted vessels, is complimentary to the information package, which can be done on any boarded vessel.
2. There are nine sections of the evidence package. They are:
  - a. Sequence of Events.** This is a detailed time/event log that details every major activity conducted during the operation. It needs to cover from time of initial contact through the divert action. It must also include detailed description of the suspect vessel movements.
  - b. Vessel Information.** Must include vessel name, flag, registry number, ship type, cargo, vessel particulars (length, draft, breadth, etc.), overall material condition, last and next port of call, and personnel information.

**c. Photographs.** Include photos of hidden compartments, pictures of the master and crew, 8-point view of the vessel and picture of machinery spaces. Ensure to include a photo log that clearly identifies all photos.

**d. Statements.** Include statements from the BO, coxswain, boarding party members, and others as appropriate, concerning:

- (1) The suspect vessel's reaction to the query.
- (2) The master's reaction to his vessel being boarded.
- (3) Any attempts to destroy evidence.

#### NOTE

Statements should be written in the first person and include as much detail as possible. Identify crewmembers of the suspect vessel that spoke English. Ensure all statements are signed and dated.

**e. Tanks and Cargo.** Sketch or photocopy all cargo and ship service tanks, showing dimensions and volumes. Sound each tank and verify sounding against the manifest and ship's soundings. Review receipts and documents for all cargo. Be as descriptive as possible and include all conversions.

**f. Documents.** These should include copies of deck and engineering logs, registration documents, crew lists, passports, and charts. (Charts with relevant markings should be seized and replaced with unclassified National Imagery and Mapping Agency (NIMA) charts).

**g. Videotape.** Videotape interviews (conducted separately) with the master, first mate, chief engineer and any other appropriate crewmembers. The interview should include the following critical questions:

- (1) Where did the on board cargo come from?
- (2) Where did the vessel pick up the gas or oil?
- (3) Where did you intend to unload the cargo and to whom?
- (4) Who is your owner/manager?
- (5) What is your contact information (address, phone number, email, telex, etc.)?

**h. Oil Samples.** Obtain oil samples from each tank (urine sample bottles are preferred) and seal the top with evidence tape. Place a label on the front of each bottle (name of vessel, forward storage, date collected and initialled).

**i. Other relevant evidence.** Include the types/quantities of food found on board (note if there were any labels on the food). Include any business cards discovered (marine related information such as harbour manager). Look for global positioning system (GPS) waypoint data and cellular phone data (numbers stored and dialled in the phones). Conduct an electronic and communications survey and detailed descriptions of any hidden compartments that were located (specific location, line drawings, dimensions and means of access). Last but not least, include any other information/items that may help build a case.



It is important to maintain a chain of custody for the transportation of this package to the MIO commander for processing. Include a chain of custody form and ensure the pilot signs the custody form if sent by aircraft.

### 0512 Information Collection

1. The information package encompasses most of the contents of the evidence package, but it may be done on any boarded vessel, regardless of whether or not it has been diverted. Recurring information collected from records and ledgers, former terrorists/criminals, and intelligence reporting provides evidence of the existence of terrorist/criminal-affiliated shipping networks. Some networks have substantial ties to multiple maritime enterprises, which may form an important part of their global efforts. The terrorist/criminal maritime network, including vessels and supporting shore infrastructure, provides a significant part of the financial network by generating revenue, facilitating money laundering, and engaging in fee-for-service relationships with other groups. Further, maritime enterprises may support terrorist/criminal efforts by smuggling weapons, explosives, and special devices; transporting personnel; creating escape plans and relocation options for terrorists/criminals; and/or using shipping to conduct attacks against naval forces.

2. Each MIO boarding is a fleeting event that provides a narrow window of opportunity to collect unique information. In the past, this information has greatly advanced maritime target development. Data collected during the search phase of a boarding is later analyzed by intelligence experts to determine if the crew, parent companies, or related business organizations are conducting operations in violation of the international laws or agreements that resulted in the MIO. The OPTASK MIO may specify and should prioritize all EEIs to help boarding parties focus their intelligence collection efforts given the boarding window of opportunity.

3. Units will, considering safety and time available, collect information during all VBSS boardings. The BO will review intelligence collection requirements in the OPTASK MIO and operational guidance, and implement specific collection goals into pre-boarding briefs as applicable.

4. In the event the MIO mission also warrants the collection of an evidence package, the MIO commander is to ensure that both the evidence and the information collected is forwarded to the appropriate authorities as required. The MIO commander is responsible to ensure all applicable replication of evidence/information is completed for forwarding.

### 0513 Debarkation Procedures

1. **Routine.** Routine debarkation procedures will simply be the reverse of the embarkation steps. Upon completion of the boarding, leave weapons and ammunition separated and in the location where they were found. The security team is the last to leave the suspect vessel. Be careful not to become lax during debarkation of the suspect vessel. Boarding ship should manoeuvre to provide cover for the boarding party as it debarks.

2. **Emergency/Urgent.** The exact method of egress may vary depending on the situation leading to emergency egress. When the acknowledge decision to egress is made all boarding party members must be accounted for. Once the order is given, all boarding party members are to receipt for the order. If a pair does not respond, the BO must endeavour to establish communications with the missing team/member. If no response is achieved either from a direct call up or a communications relay from another boarding party member, the options available to the BO will depend upon the reason for egress. In the event of a medical related extraction sufficient time should be available to notify the OSC and conduct a search. Additional ship force or suspect vessel personnel may supplement this search. In the event of non-medical related emergency extraction the BO will need to make a decision based on the extant and immediateness of the threat, in order to minimize the danger to the remaining boarding party members. If possible the BO should seek guidance from the OSC. If the reason to egress is due to seaworthiness concerns, attempts to

locate missing boarding party members should be made cognizant of the risks, which could affect additional boarding party member involved in a search. At all times the BO retains the authority to continue the egress. If the reason for egress is a hostile act, the boarding party should continue with the extraction. External assets will recover missing boarding party members.

During the conduct of the boarding correct application of basic boarding principles can minimize the risk of losing contact with a team. Regular voice reports by all teams at predefined intervals, indicating their present position not only confirms the status of the boarding but also provides timely positional information. As teams exit a space and enter a new space, a report should be made to the BO so that situational awareness can be maintained of team positioning. Each boarding party team is to have a series of codewords/emergency signals requiring evacuation of a space and reestablishment of communications with the BO. This can be achieved by using the suspect vessel main broadcast system (1MC equivalent) or ship whistle (e.g. 5 short blasts).

#### **0514 Non-cooperative and Opposed Boarding Operations**

If a suspect vessel is either non-cooperative or has been determined to be opposing a boarding, it may be necessary to conduct a takedown operation prior to normal boarding. A takedown is accomplished by appropriately trained personnel to force a vessel to stop and secure it prior to search by a normal boarding party, or come to the aid of a boarding party that has been confronted by a hostile force. The objective of the takedown will vary according to the mission, but in most cases, it will be utilized to secure the ship control and communication systems of the suspect vessel. Chapter 7 describes procedures for non-cooperative boardings, and Chapter 8 describes procedures for opposed boardings.

#### **0515 Helicopterborne Assault Force**

**1. Command, Control and Communications of the Heliborne Assault Force.** The HAF may consist of elements from SOF teams, or a variety of other forces from the armed services. Command and control structures and communications equipment available vary depending on the assault force used. Surface ships must be prepared to support a wide variety of possible options.

**a. Command and Control Structure.** Command and control of the HAF by the OSC remains consistent, while C2 within the assault force may vary. The AFC will report to the OSC as soon as feasible after departing the assembly point to coordinate takedown preparations. All supporting aircraft and/or small boats will be under control of the OSC from the time the assault force arrives on scene until it is detached by the OSC. Whenever feasible, a face-to-face pretakedown brief will be held on board the boarding ship. The AFC will control the actual assault teams and will coordinate with the AMC or boat coxswain the use of supporting aircraft and small boats. Supporting fire from a sniper helicopter will be under direct control of the AFC. Supporting fire from surface ships or other aircraft will be directed by the AFC.

**b. Communications.** Communication equipment available to the assault force varies, and the surface ship must be flexible and creative in the choice of equipment to be used. Reliable communication between the OSC, AFC, sniper helicopter, small boat(s), support helicopter, surface combat and patrol aircraft, and assist ship(s) is critical to success of the takedown operation. Figure 2-2 displays normal communication circuits required to support takedown operations.

#### **NOTE**

AFC and aircraft have limited communications equipment available and will only be up on one or two nets at one time. OSC is net control on all circuits, except supporting fire and assault nets, which are controlled by the AFC.



**2. Coordination of Assault Force and Boarding Party.** Two scenarios may exist that require use of a takedown force.

a. The first is one in which the assault force is first to board the suspect vessel to secure it. In this scenario, the normal boarding party will embark the suspect vessel when directed by the OSC. The AFC remains in charge of the vessel until directed by the OSC to turn control over to the BO. In this situation, the boarding party will normally have additional security personnel assigned. The assault force will normally remain on board the vessel until search of it is complete. A common voice circuit between the BO, OSC, and AFC is not normally required.

b. The second scenario is one in which the normal boarding party or a portion of it is still on board the suspect vessel prior to arrival of the assault force. This situation requires more complex coordination. A pre-takedown face-to-face brief is critical and should be conducted if at all feasible. The AFC and assault team leader should be given radios that are compatible with the boarding party's, if not already so equipped, to allow for direct communications during the takedown. Location and identification data on members of the boarding party still on board the suspect vessel will be given to the AFC and briefed to all assault force members and snipers. Once the takedown commences, the AFC will assume control of any boarding party members on board the suspect vessel. The AFC will remain in control of the vessel until directed to transfer control to the BO.

## CHAPTER 6

# Diversion Procedures

### 0601 Overview

1. There are numerous reasons that may require a vessel to be diverted; inaccessible or prohibited cargo, incomplete or falsified paperwork or intelligence exploitation potential. Vessels with inaccessible cargo and incomplete paperwork can be diverted to a designated holding point, usually in international waters, given the opportunity to correct discrepancies, and be subject to re-inspection without prejudice. The decision to divert a vessel is made by the MIO commander. Diversions are conducted as follows:

- a. Inbound vessels believed to be carrying prohibited cargo will not be allowed to proceed but will be diverted to a non-prohibited port of the vessel's choice.
- b. Outbound vessels believed to be carrying prohibited cargo will not be allowed to proceed but will be diverted to their port of origin or a port or anchorage designated by the MIO commander.
- c. Vessels of intelligence value may be allowed to proceed or diverted to a port or anchorage designated by the MIO commander.

2. The BO should ensure that the master of the suspect vessel is aware the decision for diversion is carried out at the direction of higher authority. There are three possible diversion scenarios that the BO may encounter after the decision has been made to divert the suspect vessel. They are voluntary diversion, involuntary diversion, and opposed diversion.

3. During a diversion a ship control team (SCT) capable of serving as an underway watch team to safely navigate, operate ship control and propulsion systems on a variety of merchant craft and maintain security throughout the transit may need to be embarked on the suspect vessel. The SCT must be capable of maintaining control for a sustained period of time, as during a transit of a diverted ship to a custodial port. The SCT is composed of personnel who are capable of manning the suspect vessel's ship control and engineering systems and safely operating the ship without the assistance or cooperation of the crew, until such time as the ship can be safely brought to anchor or delivered to safe harbour. This team should consist of personnel experienced and qualified in navigation and piloting, steering, main propulsion (diesel and steam driven), electrical distribution, stability and hull material (sea worthiness assessment), and an appropriate security team. The SCT should be augmented as necessary, to include linguist support and/or medical personnel. The minimum equipment requirements for the SCT are included in Annex A.

### 0602 Voluntary Diversion

A voluntary diversion is one in which a voluntary agreement by the suspect vessel's master to divert is obtained. Having acquired the master's agreement to divert from his intended port of call or to return to LPOC, the BO may request permission from the OSC to depart and return to the parent ship. Tracking and monitoring of the suspect vessel should be the responsibility of the boarding ship until this responsibility is passed to another unit. The MIO commander or sector MIO coordinator determines when tracking and monitoring of the suspect vessel is no longer required.

### 0603 Involuntary Diversion

1. An involuntary diversion is when the suspect vessel is non-cooperative but once the suspect vessel has been boarded and secured the use of force is not required to gain compliance of the suspect vessel crew. The MIO commander designates an escort ship that will typically provide a SCT. Diversion of a

suspect vessel may be achieved without the use of a SCT, however it will require an escort ship to ensure the suspect vessel does not attempt to escape. In order to prevent the escape of the suspect vessel, or the destruction of evidence, a SCT may be required to take physical control of the suspect vessel, and in certain cases, man the ship's navigation and engineering systems.

2. There have been cases where the suspect vessel's master and crew have retired to their staterooms and left the SCT in control of the suspect vessel. Turnover procedures for a SCT are included in Chapter 8.

#### **0604 Opposed Diversion**

1. An opposed diversion requires a SOF boarding to gain compliance. Deadly force may have been used prior to the boarding party's arrival. The suspect vessel's crew should be subdued or may even be in a state of shock. Their conduct may become non-compliant as time elapses and their composure returns. The suspect vessel crew may not voluntarily assist the boarding party in accomplishing any task. However, the suspect vessel's master may be convinced to provide help from the suspect vessel's crew to ensure no further damage is incurred by the ship SOF will expect to turnover to a SCT as soon as the suspect vessel is secure. Turnover procedures for a SCT are included in Chapter 8.

2. **Boarding Party in an Opposed Diversion.** The BO requires an exceptionally large boarding party (20–30 men) to establish an underway watch bill that will provide security for all in the boarding party. Two-man watch teams are required to ensure security. The recommended minimum watch stations include:

- a. Bridge and main accesses to the bridge.
- b. Main engineering spaces and accesses.
- c. Boarding party sleeping quarters. The important thing to remember during an opposed diversion is to constantly stay on guard.

#### **0605 Possible Cargo Seizure**

In accordance with the governing sanctions, the vessel and/or its cargo may be seized if a suspect vessel has prohibited cargo. The United Nations sanctions are considered equal to civil law as opposed to criminal law. The master and crew are not being arrested, even though the vessel/cargo is being seized. The master is still responsible for the suspect vessel and the well-being of the crew and cargo and should be treated with the same respect due the CO of any ship.

#### **0606 Other Considerations**

It may take weeks for the vessel to receive clearance to enter an alternate port. The OPTASK MIO may require daily health and comfort inspections to be

performed on the diverted vessel. This inspection may be no more than an inquiry over BTB radio of the vessel's fuel, water, and stores percentages, but will often involve boarding the vessel. The boarding ship, in accordance with local guidance, may designate health and comfort teams to transport stores and fresh water, conduct seaworthiness inspections, administer medical assistance, and verify fuel and water levels.

#### **0607 Postboarding Procedures**

1. **Sanitation.** Designate a location where postboarding sanitation is conducted. The VBSS team will be required to remove clothing for laundering (sanitary temperatures must be used). Their equipment must also be properly cleaned to ensure any germs that may have been brought back are destroyed.

**2. Weapons Return.** The armoury personnel must be standing by to receive the weapons used during the operations (both VBSS team and boat crews). All weapons and ammunition must be properly accounted for and secured immediately following the boarding party's return (unless it is scheduled to do an immediate turn around).

**3. Reporting.** It is critical that the entire chain of command is kept informed at all times. Due to the administrative nature of the MIO reports, web-based communications such as secure e-mail or chat are the reporting methods of choice. When these are not available, or the report is time critical, reports should be made over nominated voice circuits. The BO will debrief the VBSS team upon their return and provide the CO and Operations Officer a post mission debrief. The BO is responsible to the CO for the completion of the required boarding and after-action reports. Specific requirements and formats for these reports are to be provided in the OPTASK MIO.

**a. Boarding Officer to Supporting Ship.** The BO should conduct all communications between the boarding party and the ship. When practical the BO should contact the ship at least every 30 minutes during a cooperative boarding. The frequency of these reports should be shortened when warranted and should be agreed on during the specific mission planning. The CO/OSC should also assign communications guard and monitoring duties to responsible watch officers during the mission planning. This will ensure that the operations centre and bridge stay apprised of the boarding's progress and eliminates confusion relating to which station the BO is communicating.

**b. Supporting Ship to OSC/MIO Commander.** In order to ensure the OSC/MIO commander maintains the proper situational awareness the supporting ship needs to provide sufficient information during the course of the MIO. Initial query information should be relayed on completion of the query, with the supporting ship recommendation as to whether a boarding is required. If a boarding is required, the supporting ship should relay items of the boarding report to the OSC on receipt from the BO. The supporting ship should immediately report the discovery of prohibited cargo, incorrect paperwork or items of intelligence value, with a recommendation for diversion to the OSC/MIO commander.

**c. OSC to MIO Commander.** In most cases the supporting ship will report the status of the boarding to the MIO commander. When the C2 arrangement requires the OSC to make these reports, the OSC will relay the supporting ship reports to the MIO commander. The OSC will recommend diversion to the MIO commander, if applicable.

**d. MIO Commander to Higher Authority.** The MIO commander will ensure higher authority is kept properly informed.

**4. Restore and Recondition Equipment.** All equipment must be cleaned, restored and reconditioned immediately following the completion of MIO.

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## CHAPTER 7

**Non-cooperative Boardings****0701 Introduction**

1. Navy vessels may be directed to have ship's force VBSS teams conduct non-cooperative boardings of suspect vessels, or while conducting an unopposed boarding, the situation may deteriorate into a non-cooperative scenario. In either case, the ship must be able to recognize the non-cooperative case and respond with the appropriate procedures and actions. The definition of a non-cooperative boarding must be clearly understood. A non-cooperative boarding is one in which there is no intelligence to indicate a threat, and any one or combination of the following conditions listed below are met:

- a. Suspect vessel fails to comply with the OSC's directions
- b. Passive measures intended to delay, impede, complicate, and/or deter search and seizure of suspect vessel can be overcome by mechanical means
- c. Passive resistance measures in place are intended only to delay, impede, complicate, and/or deter search and seizure of suspect vessel and can be overcome by mechanical means

2. Rules of engagement should be carefully reviewed, scenarios discussed and procedures rehearsed so that the ship's VBSS team, C2 organization, and ship's MIO support structure are fully prepared to conduct the mission.

3. Ship's conducting numerous unopposed boardings can easily fall into complacency in performing MIO. Boardings may become monotonous and appear routine causing the VBSS team and ship's force support personnel to take shortcuts or become lax in their procedures. Personnel must remember that each boarding is unique and inherently risky. An unopposed boarding can quickly degrade into a non-cooperative situation for a variety of reasons, and MIO teams must be ready to respond.

4. There are three basic scenarios involving non-cooperative boardings: an unopposed boarding that becomes non-cooperative; an anticipated non-cooperative boarding that becomes unopposed; and an anticipated non-cooperative boarding that is in fact non-cooperative. Many things could trigger a change from unopposed to non-cooperative including mistreatment or perceived mistreatment or disrespect of the boarded ships crew, fear, anger, and political motives.

5. Vessels may not initially respond to queries or directions due to a malfunctioning radio, language difficulties, mechanical problems, or simply being unaware that they are the vessel being addressed, until confronted by either non-violent, deterrence, or show of force. At this point they may become compliant. For vessels that remain non-compliant, ship's force may have to resort to disabling fire or methods to foul the suspect vessel's screws to stop the vessel and allow the BT to board and search. Additional discussion is contained further in this chapter.

6. The definition of an opposed boarding (as discussed in Article 0108.3), and when a non-cooperative boarding becomes an opposed boarding must also be clearly understood. Opposed boardings are SOF missions and are not authorized to be conducted by ship's force VBSS teams. In the event that the boarding party finds itself in an opposed boarding situation the party must immediately abort the mission and begin extraction procedures.

## **0702 Command Relationships and Responsibilities**

1. For all boardings the chain of command must establish clear lines of authority for control of the VBSS team and all supporting elements, but for non-cooperative boardings this is critical. Lines of authority should be streamlined as much as possible. Requirements for communications and logistics support should not dilute the energies of the team from training or rehearsal for the operation.
2. The MIO commander or OTC has primary authority for VBSS within the area of operations and authorizes boardings. The MIO commander or OTC designates the supporting ships, air assets, and support teams (EOD and SAR, etc.). This commander also provides all available intelligence products, assigns communications frequencies required, and designates the OSC who will exercise TACON of the VBSS operation. The MIO commander or OTC may assume the responsibilities of OSC and exercise TACON of all the forces and assets.
3. The OSC assumes TACON, conducts surveillance, maintains accurate position data, and provides EEI on the suspect vessel. The OSC reports progress of the operation to the MIO commander and decides whether to go ahead with the mission or abort.
4. The BO directs and leads the VBSS team, plans the actions to be performed and, on order, boards the suspect vessel. The BO directs the search and inspection and the detainment of personnel, and if necessary has the authority to abort the boarding. The BO exercises control of the boarding party through the ABO.

## **0703 No-Go Criteria**

No-Go criteria are established for aborting the mission. These criteria must be fully understood and instinctive to all boarding party members. No-Go criteria must be reviewed prior to each boarding mission. Everyone involved in MIO must be trained to recognize potential trouble and to effectively manage the situation and disengage as required. No-Go criteria should be continuously evaluated throughout the entire mission, especially during non-cooperative boardings where there is an increased level of uncertainty. The No-Go criteria described in article 0502 apply to non-cooperative boardings.

## **0704 Detection and Surveillance**

Detection and surveillance assets and techniques are the same as those described in Chapter 3 for unopposed boardings. However, if there is a case where intelligence or cueing indicates that a suspect vessel poses no threat but is anticipated to be non-cooperative, consideration should be given to conducting the surveillance phase in a covert manner for as long as possible for tactical reasons.

## **0705 Query and Approach**

1. Procedures for querying and approaching a suspect vessel overtly are the same as those discussed in Chapter 4. If the operation is to be done covertly, there may be tactical advantage to maintaining surprise and conducting the query from the ship's boat (loaded and en route to do the boarding) or from a helicopter, depending upon whether the ship and helicopter can approach undetected from astern of the suspect vessel. In any event, the ship should take a defensive posture and increase its combat and material readiness condition, and man additional damage control and weapons stations. Use of the forward gun mount, if available, as the main battery allows the ship to remain abaft the beam of the suspect vessel. Other details should be manned as required, such as flight quarters, SAR boat, and ship's small calibre gun stations. Remain alert for sudden or radical manoeuvring by the suspect vessel.
2. When conducting a covert approach, the suspect vessel's track must be maintained in order to determine its probable future location and potential intercept positions. The tracking ship will plan to shadow the suspect vessel along its mean line of advance (MLA) while remaining undetected. A



continuous and accurate radar picture is absolutely essential to successful covert tracking. The tracking ship must stay outside of visual and, if possible, radar range of the suspect vessel. Once the MLA is known, the tracking ship moves into position to covertly shadow the suspect vessel, ideally astern along its MLA to take advantage of radar blind arcs and typically poor stern lookout procedures. If ordered to board the suspect vessel, a covert approach should be attempted. Covert approaches require consideration of the visual horizon, the electronic detection (both radar and communications intercept) capability of the suspect vessel, and the shipping density in the vicinity of the suspect vessel. Some ship emitters are known to cause electro-magnetic interference and may need to be shut down before making an approach. Any decision to secure a radar must be made with due regard to other potential threats in the area of operations. The aim of a covert approach is surprise. In areas of high shipping density, known shipping routes should be used to mask own ship's movement. In areas of high fishing boat density, irregular courses and slow speeds should be used to close the suspect vessel. If possible, a stern approach at night with ship fully darkened should be attempted in order to minimize potential for detection by the suspect vessel and any picket network screening the suspect vessel; however, the boarding window of opportunity or relative velocity situation may dictate a different closing course. The position that the tracking ship launches its RHIB(s) during the approach phase needs to be balanced against the requirement for the ship to provide uncompromising protection to the boarding party. RHIBs may be launched during a covert approach, remaining under the lee of the tracking ship until either the covert approach is successfully concluded or the element of surprise has been forfeited.

3. For non-cooperative boardings conducted by a ship's boarding party, the boarding party's RHIBs shall not approach suspect vessel within small arms range (nominally 500 yds) until the support ship is within most effective range of the crew-served weapons, such as the MK 38 25-mm chain gun and .50-caliber machinegun. Additionally, continuous communications connectivity between OSC and small boats must be maintained.

#### **0706 Stopping Suspect Vessel and Boarding**

1. Non-cooperative vessels will not respond to OSC direction. The suspect vessel may not respond to or simply ignore queries, or seek to delay the stopping process with comments such as that it must check with home office, or that it cannot stop/slow because of engineering configuration. Some ships need more than an hour to stop. Give a time limit to the suspect vessel. Make clear that, at the end of the given time, if it has not complied, the actions to encourage it to stop to allow an inspection will escalate. In cases where the suspect vessel ignores queries the OSC may authorize a non-cooperative boarding. The key determinant will be freeboard. In low freeboard suspect vessels, a ship force non-cooperative boarding should be conducted. In suspect vessels with high freeboard, HVBSS if available, should be used. When either a ship force or SOF team is in control of the suspect vessel, the vessel should be stopped, thus allowing the inspection process to commence. When the non-cooperative boarding option is not possible the following level of force may be used. The order suggests a possible sequence of events; however implementation will depend on the geopolitical situation. These actions may have to be cleared through the chain of command, depending on the ROE in force and specific guidance in the relevant OPORD, OPGEN, or OPTASKs.

**2. Levels of Force.** The use of force to stop and board a vessel should be predictable, proportional, and scalable. The non-compliant vessel should be given the opportunity to comply before the level of force is increased. This should be reflected in planned levels of force. It is advisable to record BTB communications when implementing levels of force. The levels of force are:

**a. Non-violent.**

(1) Voice communications, flashing lights, flaghoist (in accordance with the International Signal Book), loudhailer, and attention signal on the ship's whistle or a horn. The use of simple, clear, and pronounced English is important, as it depends upon the nationality of the suspect vessel whether English is understood. Other commonly used languages at sea may include



Spanish, Russian, or Arabic. An additional warning should be given. In the absence of guidance in the governing OPTASK MIO, use the following to inform the master that the suspect vessel is not complying with directions and that the intention is to board:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy ship. It does not appear that you are responding to my directions. Your failure to cooperate with my instructions is making the situation unnecessarily hazardous. I am prepared to use those means necessary to compel your compliance with my orders. I will not allow you to proceed. I urge you to comply immediately and stand by to accept a (nation) boarding party.”

(2) Aggressive manoeuvres by ships, tactical air (TACAIR) support, or helicopters (if available). Remain slightly astern of the suspect vessel to enable early observation of course changes by watching the wake.

**b. Deterrence.** In the sequence of increasing levels of violence, the following methods of deterrence can be used:

(1) If authorized by the ROE, firing warning shots across the bow may produce the intended results. Warning shots can be fired by ships, TACAIR, or helicopter (if available). Guns should be optically controlled to ensure proper targeting. Consult ROE for authority to fire warning shots.

(a) Fire 25-mm or .50-caliber machineguns.

(b) Fire main battery guns utilizing inert or point detonating rounds. Rounds should be placed so the effect of the blast does not damage the suspect vessel.

(c) Prior to commencing fire, a warning such as the following should be issued to the suspect vessel:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy ship. I now intend to fire across the bow of your ship. Stop and permit us to board and inspect your ship now.”



**WARNING**

The use of ammunition with oscillating fuses (i.e., IR or VT) has the potential to fuse off the suspect vessel if warning shots land too close to the target.

**c. Show of force.** If the actions listed above fail to gain compliance, the vessel is now considered to be opposing the MIO. At this point, a decision has to be made by the cognizant authority whether to use small arms fire, use disabling fire, and effect a takedown operation or not board.

**(1) Non-disabling Fire.** Small arms fire to the bow, the masts, cargo on deck, or other area may be directed to persuade compliance without seriously damaging the suspect vessel. A warning should be issued to the suspect vessel so the area to be taken under fire may be evacuated. In the absence of other guidance, the following warning may be used:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy ship. We will now fire on your (area to be fired upon). I am now giving you an opportunity to evacuate your crew from the (area to be fired upon) of your ship. You have one minute to clear your crew from (area to be fired upon).”

**(2) Disabling fire (structural damage).** If the decision is made to use disabling fire, several options are available. Carefully consider not only the effectiveness in stopping the suspect vessel, but also the consequences of taking a specific area under fire. Consult ROE for authority to employ disabling fire.

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(a) Consider the following, although not all inclusive, when disabling fire is a possible course of action:

- (i) Threat of major oil spill from ship's service tanks or cargo tanks
- (ii) Threat of major fire from engineering space or cargo holds
- (iii) Manoeuvrability of ship following disabling fire
- (iv) Possibility of casualties
- (v) Damage to cargo
- (vi) Ability to insert HAF by fast rope or ship's boarding party by small boat following the disabling fire
- (vii) Proximity of shoals or TTW
- (viii) Weather forecast
- (ix) The number of hours of daylight remaining.

(b) If the decision is made to use disabling fire, targeted areas may include the rudder, stern area, or machinery spaces (if the location of spaces is known). Heat sensing or IR devices may be used to locate the machinery spaces. The ammunition used should be inert blank load and plug, if feasible. Weapons systems should be optically sighted.

(c) Depending on specific ROE, the OSC may need to request instructions from the chain of command. The process of informing the chain of command may take time, so the position of the suspect vessel should be monitored to ensure it will not enter TTW while the OSC is awaiting a response.

(d) Prior to commencing disabling fire, a warning, such as the following, should be issued to the suspect vessel:

“Merchant vessel \_\_\_\_\_, this is (nation) Navy ship. I now intend to fire on your vessel. I am now giving you an opportunity to evacuate your crew from the (stern/engine room). You have one minute to clear the stern/engine room.”

**d. Full Force.** Full force is the use of available weapon systems or munitions to sink the suspect vessel. The use of full force in support of the MIO mission will be strictly controlled by the relevant fleet commander. The ship should open from the suspect vessel to the optimum range for available weapon systems. The weapon system used should be cognizant of surrounding shipping in order to prevent collateral damage. The ship should be ready to provide humanitarian assistance after the suspect vessel is destroyed.

**e. Breaching.** In situations where the vessel has a low freeboard and the weather conditions and the vessel's configuration permit, the VBSS team may be authorized to breach the vessel while it is underway by placing the ship's small boats alongside the vessel such that the boarding party can climb aboard and take control of the vessel. This method is extremely dangerous and the risks must be thoroughly assessed before it is attempted. The team must also anticipate that once on board they may encounter obstacles such as barbed wire, missing deck plates or welded hatches to delay or discourage their progress. The BO must assess the situation and decide whether to continue or abort the mission.

The objective is to swiftly gain control of the vessel. Upon boarding, establish security at the initial rally point and then move to quickly take control of the pilothouse and the engineering control station. Move to secure the steering gear equipment space or to take steering control from that position if it cannot be gained at the pilothouse. Establish a secure holding area for the passengers and crewmembers and maintain a watch over them while the inspection takes place. Commence the security sweep of the remainder of vessel. Large vessels may require supplemental boarding party personnel to establish security, watch over the passengers and crewmembers, and do the inspection. Boarding party members may be replaced in the pilot house and in engineering by SCT members as deemed necessary, once control of the vessel is established and the security sweep has been completed. All movement on board is conducted using approved small unit tactics and the buddy system. Boarding party members are assigned buddies or partners who remain together at all times.

### **0707 Search and Inspection**

1. Search and inspection procedures are the same for an unopposed boarding with the following exceptions:

- a. The SCT may have to be deployed.
- b. The search team must exercise greater caution and care while conducting inspection and survey of the ship. The search should be more thorough due to suspicions being aroused by the situation.
- c. The security team may have to apply a greater level of control in response to a higher level of resistance by the vessel's crew or passengers.

### **0708 Debarkation Procedures**

Debarkation procedures are conducted in the same manner as with an unopposed boarding, however, extra caution and vigilance is advised due to the circumstances. If the vessel is found to be not in compliance with the MIO sanctions and is to be diverted, a security team or SCT may be required to remain on board. Debarkation will then take place following turnover to the next team.

### **0709 Diversion Procedures**

Diversion procedures are the same as for compliant vessels. While failure to stop for inspection resulting in a non-cooperative boarding does not guarantee that a vessel is a sanctions violator, its actions may certainly be an indicator that it is carrying prohibited cargo and thus has a greater likelihood of diversion.

### **0710 Postboarding Procedures**

Postboarding procedures are the same as described in Article 0607.

## CHAPTER 8

## Support for Embarked Special Operations Forces during Maritime Interdiction Operations

### 0801 Introduction

Ships may be tasked to provide support, or embarked SOF, to conduct MIO beyond the capability of normal ships force VBSS teams. As in any operation, commanders considering opposed and non-cooperative boardings must have timely intelligence of the threat and associated degree of risk and weigh this against the benefits of apprehension and capabilities of the forces to be employed. The purpose of this chapter is to provide guidance on supporting embarked SOF.

### 0802 Command Relationships and Responsibilities

**1. Supporting Elements.** Clear lines of authority for control of embarked MIO teams and all supporting elements must be established. The lines of authority should be streamlined, and clearly understood by all forces involved in the conduct of the MIO. If possible, training and rehearsals for the VBSS operation should be conducted to validate the C2 arrangement and overall integration of forces. Key elements include:

**2. MIO Commander.** The OTC of forces assigned to conduct MIO. For certain MIO missions MIO commander may be assumed by a higher command. Preconditions for transfer of responsibility will be provided in theatre specific OPTASK MIO. MIO commander duties include:

- a. Primary authority for VBSS within the area of operations and exercises TACON of all MIO forces within the operations area.
- b. Authority to conduct boarding operations.
- c. Designates the supporting ships, supporting air assets, and SAR team.
- d. Provides all available intelligence products to support the VBSS operation.
- e. Assigns communication frequencies as required.
- f. Designates an OSC to exercise TACON of the VBSS operation. If located in the vicinity of the suspect vessel, the OTC may assume the responsibilities of OSC.

**3. On-Scene Commander.** Assumes TACON at the scene of all forces assigned to conduct or support the boarding of the suspect vessel. For SOF boardings, TACON shifts to the AFC at the last go/no-go criteria checkpoint. OSC duties include:

- a. Maintains accurate positioning data of the suspect vessel prior to the HVBSS/VBSS operation.
- b. Makes final determination to proceed with or abort the HVBSS/VBSS operation.
- c. Provides screen protection for assault force from hostile air, surface, or subsurface threats.
- d. Conducts surveillance of the suspect vessel and provides EEI from the most recent higher authority to the assault force prior to the operation.

- e. Forwards voice and message SITREPs to the MIO commander on the progress of the operation.
- f. Directs an assigned ship to be ready to escort suspect vessel to diversion location on completion of opposed or non-complaint boarding, if required.
- g. Directs an assigned ship to conduct full search of suspect vessel once turnover to a SCT is complete, if required.
- h. Directs an assigned ship to provide a standby medical team. Ideally the assigned ship should have an embarked doctor. If no doctor is available, the supporting ship may be required to provide the medical team.
- i. Directs aircraft and boats with trained rescue personnel, as required, to be ready to conduct SAR operations for members of the boarding force. In the event of a SAR mission, OSC will act as SAR coordinator.

**4. Support Ship(s).** One ship will usually be assigned to embark the assault force. The supporting ship may also act as OSC. Support duties include:

- a. Reports to OSC.
- b. Provides logistics support to the designated VBSS force.
- c. Operates communications electronic support measures (CESM) (if so configured) to monitor suspect vessel communications.
- d. If supporting allied teams, forwards voice and message SITREPs to the OSC on the progress of the operation.
- e. Provides organic weapons as required.

**5. Escort Ship.** The escort ship is tasked to escort any diverted vessel to the nominated diversion port or anchorage. The escort ship may be the supporting ship. Escort ship duties are to provide:

- a. SCT to relieve the boarding party.
- b. Logistic support to the SCT during passage.
- c. Reports to the MIO commander.
- d. Tow for suspect vessel, as required.

**6. Medical Team.** The medical team provides medical assistance, as required, to all members of the VBSS force or to the detainees of the suspect vessel.

**7. Explosive Ordnance Disposal Team.** If explosive ordnance disposal (EOD) team personnel are involved as a direct support element to SOF, the EOD team leader is to report to the AFC. On all other occasions, unless otherwise directed, EOD personnel will report to the OSC.

**8. Special Operations Forces.** If SOF are employed as the HVBSS/VBSS force, a SOF commander will command the unit. SOF commander responsibilities include:

- a. Reports to the OSC for the readiness, positioning, and employment of SOF.

- b. Determines communications plan with OSC.
- c. Determines insertion method.

A SOF team will typically consist of an AFC, AMC, assault team leader (ATL), assault team and sniper team.

#### NOTE

The supporting ship will usually receive a SOF capability brief from the SOF platoon commander during an advance visit to the ship.

### 0803 Force Packages

1. **Rigid Hull Inflatable Boat.** SOF may use specialist RHIBs or in some cases, the supporting ship's RHIBs to conduct a VBSS mission. The key determinant will be ability of supporting ship to provide logistic support for SOF RHIBs. Typically they will provide their own boat crews.
2. **Helicopters.** Airborne surveillance is a critical element of assessing suspect vessel hostile intent and ascertaining preferred insertion method (HVBSS/VBSS) and insertion points. During the actual insertion, helicopters provide sniper support for the assault team and provide the supporting ship and OSC with real time information concerning the progress of the boarding. Lack of helicopter support may constitute no-go criteria for most SOF missions. The helicopter support requirements are dictated by the insertion method.
3. **Personnel.** SOF assault teams normally consist of 16–20 man operational elements. Ideally, personnel support issues will all be determined during ship visit prior to operation.
4. **Equipment.** The supporting ship will be required to store hazardous material (HAZMAT) and other special equipment required by the SOF team. All teams would expect to be able to utilize supporting ships armoury personnel for small arms, ammunition and demolitions storage and from support ships communications department for storage of lithium batteries/TAC Lite batteries and communication equipment. Ideally all lithium batteries should be stored in HAZMAT safe containers.

#### NOTE

Additional SOF equipment stowage requirements will all be determined during ship visit prior to operation.

### 0804 Operations

1. **Rehearsals and Training.** As practicable, a rehearsal should be conducted prior to the operation involving the nominated VBSS team, supporting ship and mission C2 elements. No matter how well forces understand the mission, experience in past VBSS operations has shown that rehearsals contribute directly to mission success. The embarked boarding party and supporting ship should develop a pre-planned response (PPR) to ensure that in the event of a contingency all participants are familiar with the immediate actions that will be carried out by the SOF team and the expected requirements of the supporting forces. The scope of the rehearsal will depend on the familiarity and currency of the embarked SOF team with boarding procedures. The rehearsal should include:
  - a. Communication drills with all assigned forces
  - b. Exercise mission C2



- c. RHIB operations
- d. Integration of air support
  - (1) Covert surveillance
  - (2) Sniper control
  - (R) (3) Fast rope landing zone selection and practice insertion
  - (4) Flight deck coordination
- e. Validate PPRs and insure they include:
  - (1) Lost communication drills
  - (2) Emergency reinforcement
  - (3) Alternate extraction procedures
  - (4) Medical support
  - (5) Fire/flood/toxic hazard aboard suspect vessel
  - (6) Discovery or release of weapons of mass destruction.
- f. Embarked forces specific MIO skill sets to include:
  - (1) Hull breaching
  - (2) Initial search procedures
  - (3) Initial safety inspection
  - (4) Crew search and detention
  - (5) Ship familiarization and damage control
  - (6) Bridge, engine room, aft steering familiarization
- g. SCT handover procedure
- h. SAR plan
- i. EOD integration
- j. CBRN integration

In addition to rehearsals prior to mission execution, forces involved in VBSS operations should schedule and execute VBSS training on a recurring basis. Supporting ships may be required to provide adequate resources to embarked SOF teams in order to enable the following proficiency training to occur on a regular basis:

- a. Marksmanship, small arms, day and night
- b. Sniper with helicopters, day and night
- c. Close quarters battle
- d. Fast rope
- e. Breaching (explosive/mechanical)
- f. Medical
- g. Detainee handling/defector control
- h. EOD training
- i. Language, basic phrases
- j. Maintenance training facilities
- k. Suspect vessel manifests/bill of lading (administrative aspects of boarding)
- l. Accompany a ship force team conducting complaint boarding.

**2. Interception Phase.** When preparing for interception the supporting ship should endeavour to remain covert in order to maximize the potential for surprise. The suspect vessel's track must be maintained in order to determine its probable future location and potential intercept positions. The supporting ship should shadow the suspect vessel along its MLA track while remaining undetected. A continuous and accurate radar picture is absolutely essential if a covert tracking is to be accomplished successfully. The supporting ship must stay outside of visual and, if possible, radar range of the suspect vessel. Once the MLA of the suspect vessel is determined, the ship moves into optimal position to shadow the suspect vessel. A covert approach should be made cognizant of the visual horizon, the electronic detection (both radar and communications intercept) capability of the suspect vessel and the shipping density in the vicinity of the suspect vessel. Some ship emitters are known to cause electromagnetic interference and may need to be secured before making an approach. Any decision to secure a radar must be made with due regard to other potential threats in the area of operations. The aim of a covert approach is surprise.

The distance to which the supporting ship closes the suspect vessel will be dictated by the preferred insertion method. The choice of insertion method will be determined by the physical characteristics of the suspect vessel, window of opportunity for the boarding, potential for counter detection, meteorological conditions and visibility (day/night/fog/sandstorm). If conditions support HVBSS and adequate resources are available, this will usually be the preferred insertion method. When HVBSS cannot be achieved, RHIB insertion is the remaining option. In order to achieve surprise, an over-the-horizon (OTH) RHIB insertion may be required. SOF OTH methods should be discussed during the advance ship visit.

**3. Boarding Phase.** Once approval to board has been given, the HVBSS/VBSS should commit to achieve intercept. As the boarding forces commit, the supporting ship should proceed at maximum speed towards the suspect vessel in order to be in a position to provide mutual support. As with unopposed boardings, key events in the boarding process should be reported to the OSC. Boarding tactics will be executed in accordance with SOF standard operating procedures. The distance to which the supporting ship closes the suspect vessel is to be determined prior to mission execution.

**4. Turnover Procedures.** After SOF has taken control of the suspect vessel and determined that a thorough search, or detention of the vessel, is required, the boarding party will request relief by the

nominated escort SCT. The SCT is responsible for ensuring the suspect vessel obeys instructions and for the continued security of the evidence and suspect vessel crew. Ideally the SCT will supervise a compliant crew sail the vessel to the required diversion destination. If the suspect vessel crew is uncooperative, the SCT may have to operate the vessel. A VBSS team may conduct a complete search underway, at anchor or at the nominated diversion port.

The SCT may accompany the SOF boarding party in the RHIB or may remain in the escort ship until the completion of the boarding. The minimum equipment requirement for the SCT is included in Annex A. Prior to departure from the escort ship, the SCT officer in charge (OIC) briefs the SCT. A sample SCT pre-mission brief is provided in Annex E.

Before the SCT boards the suspect vessel, a pre-boarding seaworthiness assessment should be conducted from the RHIB. The RHIB is to circle the suspect vessel, noting draft markings. The boarding party should manoeuvre the suspect vessel onto a course to provide a lee (may not be possible if the suspect vessel has to steer a certain course to remain in international waters), and reduce speed to minimum steerage way to allow the SCT to board the vessel. Once the SCT is on board, the turnover process can commence. AFC and SCT OIC are to conduct a walk through of boarded vessel to assess its seaworthiness and identify any potential safety hazards. The SCT turnover checklist is provided in Annex E.

SCT members should conduct the elements of the turnover applicable to their responsibilities. All SCT elements report to the SCT OIC when the initial inspection is complete.

Upon completion of the walk through assessment, the SCT OIC will report the results of seaworthiness/safety assessment check and recommended corrective action to the escort ship. When SCT OIC and escort are satisfied that the SCT is in a position to safely operate the suspect vessel, the SCT OIC will relieve the AFC and assume responsibility for the suspect vessel. The SCT OIC will station watches. The SCT will need to develop a daily routine to include watch rotation, meal/resupply schedule and hourly reports to the escort ship.

A qualified bridge watchkeeper will be stationed on the bridge of the suspect vessel at all times. Whenever possible, communications with the escort ship should be via secure radio. If unable to use a secure radio, use of brevity codewords will limit potential for communications intercept.

The SOF boarding party will extract and recover to the supporting vessel, or reset for additional boardings, if required. The escort ship and suspect vessel will then begin transit to diversion port or anchorage.

Once in control of the vessel the SCT OIC should review PPRs and adopt them to the physical characteristics of the suspect vessel.

## **0805 Integration of Embarked Augmentation Team and Assets**

**1. Meteorology and Oceanography.** Meteorological and oceanographical (METOC) data will be used in determining the optimum insertion method. The METOC Det should provide updated meteorological forecast during the preplanning phase and pre-boarding brief. Range predications for RHIB radars (if fitted) and communications are important planning considerations for OTH RHIB operations.

**2. Explosive Ordnance Disposal.** If intelligence indicates possibility of encountering an EOD during a boarding, the boarding will be classified an opposed boarding. EOD will be pre-positioned with the SOF. If during the course of an unopposed or non-cooperative boarding explosive material is discovered, the discovering boarding party member is to initiate the appropriate PPR and request EOD support in accordance with applicable OPTASKs.

**3. Liaison Officers.** A special operations liaison element (SOLE) will provide liaison between MIO forces and SOF. If at all possible liaison officers should be present for pre-mission ship visit.

**0806 Communications Considerations**

- 1. Prowords and Codewords.** When supporting SOF teams, the supporting ship and embarked team are to adopt a common set of agreed codewords and prowords.
- 2. Reporting Formats.** If no specific guidance is given, reports are to be submitted by the supporting ship in accordance with the OPTASK MIO. They may be supplemented by an intelligence message if sufficient intelligence information is obtained.
- 3. Shipboard Communications.** When supporting SOF, the communications architecture of the supporting vessel and OSC will need close review. Ships may not possess the SOF crypto necessitating its delivery prior to the mission. The number of circuits required to support the SOF mission may result in the loss of some existing operational circuits. Available bandwidth for information systems will need to be reviewed. The intelligence requirements to support SOF boardings may result in inability to regularly access other information systems. The communications architecture needs to be determined early in the planning phase, with potential circuit priority conflicts identified and workarounds established. Exact communications support requirements will be addressed during ship visit prior to the operations.
- 4. Communications Electronic Support Measures.** During the interception and pre-insertion phase of the boarding, the CESM (if fitted) should be directed to monitor the suspect vessel for any emissions. The detection of transmissions just prior to insertion may indicate an attempt by the suspect vessel to report its impending boarding to an external agency, thereby providing a link to a known organization. The detection of such an intercept could provide valuable indications and warnings to the SOF boarding party that the suspect vessel is aware of their presence and may even attempt to oppose the boarding

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## ANNEX A

**Boarding Team Equipment**

(R)

**A001 Required Equipment**

1. Boarding party personnel equipment includes the following:
  - a. Life vest:
    - (1) Sterns (best option), Mae West (inflatable), or kapok.
    - (2) Chemlite.
    - (3) Whistle.
    - (4) Strobe (optional).
  - b. Body armour: Type IIIA (best option), Kevlar vest, Flak vest, or Ballistic helmet (optional).
  - c. Equipment belt:
    - (1) Service pistol and holster
    - (2) Handcuffs/case
    - (3) Baton/holder (if trained)
    - (4) Flashlight/holder
    - (5) Magazines/pouches
    - (6) Canteen/pouch
    - (7) Paper/pens
    - (8) Leather gloves
    - (9) Goggles
    - (10) Respirator
    - (11) Sunglasses
    - (12) Gas mask (if required, all boarding party members)
    - (13) Tear gas canisters (if required, sweep and security team members only).
    - (14) Individual first-aid kit.
    - (15) Multi-tool knife.

## d. Uniform:

- (1) Coveralls (no rank insignia).
- (2) Ball cap (no rank insignia).
- (3) Steel-toed safety shoes.

## e. Extra weapons:

- (1) Shotgun (minimum of four members of security team).
- (2) Rifle (boat engineer).

## 2. In addition to the equipment above, the BO and ABO should have the following additional equipment:

- a. Radio/holder.
- b. Checklists.

**A002 Radios**

1. At least six UHF secure voice portable radios, or VHF FM secure radios if UHF is not feasible.
2. Hand-held radio distribution:
  - a. OSC.
  - b. BO.
  - c. ABO.
  - d. One search team member from each team.
  - e. Security team leader.
  - f. Boat coxswain.

**A003 Ship Control Team Equipment**

1. Team equipment:
  - a. One life ring with strobe light for every 10 personnel onboard suspect vessel
  - b. Pilot's ladder
  - c. Two hand-held VHF radios with spare batteries
  - d. Two hand-held GPS units with spare batteries
  - e. Navigation charts
  - f. Two pair of binoculars

- g. Two sounding tapes
  - h. 24-hour supply of food and water
  - i. First aid kit
2. Personal equipment:
- a. Foul weather gear
  - b. Cold weather gear (as necessary)
  - c. Life jacket
  - d. Sleeping bags/COTs
  - e. M-9 or M-11 9-mm service pistol (as directed by OSC)
  - f. Magazine with M-9 or M-11 9-mm service pistol with 15 rounds ammunition
  - g. Compact handheld flashlight
  - h. Chemlight
  - i. inflatable floatation device equipped with night time signalling devices



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## ANNEX B

### Boarding Kit

(R)

#### B001 Contents of Kit

1. The boarding kit includes the following:
  - a. Tape recorder.
  - b. Tape measures (25 feet and 100 feet or 10 metre and 50 metre).
  - c. Sounding tape.
  - d. Extra batteries (radio and flashlight).
  - e. Tin snips.
  - f. Bolt cutters.
  - g. Pry bar.
  - h. Flex cuffs (plastic handcuffs).
  - i. Inspection mirror.
  - j. Bore scope for visual inspection of sealed spaces/containers (not weapons bore scope).
  - k. Surgical gloves.
  - l. Container seals (boxcar seals).
  - m. Clipboard/note pads and pen.
  - n. Respirators (type used by spray paint teams).
  - o. Goggles.
  - p. Evidence tags/tape.
  - q. Twenty-metre line with snap hooks (used to hoist kit aboard suspect vessel).
  - r. Camera (Polaroid or digital) and extra film.
  - s. Sunscreen.
  - t. First-aid kit.
  - u. Checklists.
  - v. Spare radio and holder.
  - w. Container climbing kit.

- x. Grappling hook/caving ladder.
- 2. Miscellaneous equipment includes the following:
  - a. Emergency egress breathing device (EEBD) for each member.
  - b. 35 mm camera for detailed still photographs.
  - c. Video camera.

**ANNEX C****Sample Merchant Documents****C001 Overview**

This annex contains samples of some of the common documents found aboard merchant vessels (Figures C-1 thru C-7). It is not intended to be comprehensive, but rather to present a sample of some of the documentation that may be presented by the master of a suspect vessel. The BO should carefully examine all documents for discontinuities or evidence of tampering.

## MANIFESTO OF CARGO

GENTS: <b>Almarjan Shipping</b> P.O. Box 6716 Ajman, U.A.e. Tel:32-203000, Fax: 32-20333 DATE OF ISSUANCE: 07-04-00		VESSEL: Mv Andrea Gail	VOY:	SAILING DATE:	PORT OF LOADING: Umm Qasr	PORT OF DISCHARGE: Abu Dhabi	PAGE NO:		
		NATIONALITY OF SHIP: United Arab Emirates	MASTER'S NAME: TOBYOR ORIFE		PORT OF ORIGIN: Umm Qasr	PORT OF FINAL DESTINATION: Abu Dhabi			
SHIPPER / CONSIGNEE / NOTIFY	PREF. B/L B/L NO	MARKS & NUMBERS CONTAINER NUMBER	CARGO DESCRIPTION PLACES OF RECEIPT / DELIVERY		WEIGHT OF CARGO	FREIGHT TONS MEASUREMENT      WEIGHT		CARRIAGE TERMS	REMARKS
) Abdulla's Fertilizer Company 175 Nosrat Ave. Baghdad, Iraq  ) Yesle Associates P.O. Box 8768 Dubai, United Arab Emirate  ) Yesle Associates P.O. Box 8768 Dubai, United Arab Emirate	001		375.00 NET METRIC TONS OF Sheep Manure WITH THE FOLLOWING SPECIFICATIONS  POLARIZATION : 99.8 DEGREES MIN HUMIDITY : 0.04 PCT MAX COLOR : 45 - 60 ICUMSA UNITS MAX ASH CONTENTS : 0.04 PCT MAX SO2 : 20 P.P.M. MAX AS. : 1 P.P.M. MAX PB. : 2 P.P.M. MAX CU. : 3 P.P.M. MAX NPN STAPH AUREUS : NIL NUMBER OF BAGS : 15,000 EMPTY BAGS : 100 LC NUMBER K711040 AND BUYER REFERENCE NUMBER 98/44/293 AS PER INDENT NO. 07-04-00 GROSS WEIGHT : 375.45 METRIC TONS NET WEIGHT : 375,000 METRIC TONS ADDRESS OF THE IMPORTER/BUYER Yesle Associates, P.O. Box 8768 Dubai, United Arab Emirates  CLEAN BOARD : 07-04-00 FREIGHT PREPAID		375.45 MT				

Figure C-1. Sample Cargo Manifest (Sheet 1 of 4)


		<b>COMPAGNE MARITIME D'AFFREMENT</b>		<b>CARGO MANIFEST</b>																															
4. QUAI DARENC 13002 MARSEILLE TEL 9130 30 00 TELEX 401 087 TELEFAX 91.36 30 05		AT THE PORT OF <b>ROTTERDAM</b> TRANSHIPPED AT THE PORT OF		MASTER BOUND TO <b>AQABA</b> ON																															
RIM010274 SH. CMA,4 QUAI D ARENC. MARSEILLE CO. AL-HALAL SHIPPING CO. LTD.  P.O. BOX 3157 SANAA STREET HODEIDAH		FREIGHT PREPAID SHIPPED ON BOARD MV. "RED SEA EUROPA" DATED: 04.12.1990  IKSU 715790/9 1 LOT GROUPAGE 7.000 2.300 9.300 30.00 FT: 20 TYPE:ST SEAL:26949  THIS CNTR IS A T/S ONIR FOR FURTHER INFO. ;OL SEE CMA BELGIUM B/L				FREIGHT PAID ANYWHERE SERVICE																													
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">TOTAL CONTAINER FCL</td> <td style="width: 70%;">TO BE DISCHARGED AT AQABA/:</td> </tr> <tr> <td></td> <td>TOTAL 20 FT = 11</td> </tr> <tr> <td></td> <td>TOTAL 40 FT = 0</td> </tr> <tr> <td></td> <td>TOTAL GLOBAL = 11</td> </tr> </table> <table border="0" style="width: 100%;"> <tr> <td colspan="4">TOTAL CONTAINER TO BE DISCHARGED AT AQABA/:</td> </tr> <tr> <td style="width: 25%;">*** FCL CONTAINERS</td> <td style="width: 25%;">*** LCL CONTAINERS</td> <td style="width: 25%;">*** IMCO CONTAINERS</td> <td style="width: 25%;">*** ALCMO CONTAINERS</td> </tr> <tr> <td>20 FT = 11</td> <td>20 FT = 0</td> <td>20 FT = 2</td> <td>20 FT =</td> </tr> <tr> <td>40 FT = 0</td> <td>40 FT = 0</td> <td>40 FT = 0</td> <td>40 FT =</td> </tr> <tr> <td>TOTAL = 11</td> <td>TOTAL = 0</td> <td>TOTAL = 2</td> <td>TOTAL =</td> </tr> </table>								TOTAL CONTAINER FCL	TO BE DISCHARGED AT AQABA/:		TOTAL 20 FT = 11		TOTAL 40 FT = 0		TOTAL GLOBAL = 11	TOTAL CONTAINER TO BE DISCHARGED AT AQABA/:				*** FCL CONTAINERS	*** LCL CONTAINERS	*** IMCO CONTAINERS	*** ALCMO CONTAINERS	20 FT = 11	20 FT = 0	20 FT = 2	20 FT =	40 FT = 0	40 FT = 0	40 FT = 0	40 FT =	TOTAL = 11	TOTAL = 0	TOTAL = 2	TOTAL =
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TOTAL = 11	TOTAL = 0	TOTAL = 2	TOTAL =																																

Figure C-1. Sample Cargo Manifest (Sheet 2 of 4)


<u>Stowed into container no. CTIV 433.057-2</u>			
Taisier Nassar AQABA (ZARQA FREEZONE) CHASSIS NO.: T600-7909	1	pcs secondhand: Volvo 600 Chassis No.: T600-7909 Motor No.: 17000-54230 Built: 1971	2.750 KOS 14,919 CBM
Taisier Nassar AQABA (ZARQA FREEZONE) CHASSIS NO.: 600-1607	1	pcs secondhand: Volvo BM 600 Chassis No.: 600-1607 Motor No.: 17000-44921 Built: 1970	2.750 KOS 14,919 CBM
Taisier Nassar AQABA (ZARQA FREEZONE) CHASSIS NO.: T600-11038	1	pcs secondhand: Volvo 600 Chassis No.: T600-11038 Motor No.: 17000-58868 Built: 1971	2.750 KOS 14,919 CBM
<u>Stowed into container no. ITLU 545.724-2</u>			
Taisier Nassar AQABA (ZARQA FREEZONE) CHASSIS NO.: T600/6051	1	pcs secondhand: Volvo 600 Chassis No.: T600-6051 Motor No.: 17000-52025 Built: 1970	2.750 KOS 14,919 CBM
Taisier Nassar AQABA (ZARQA FREEZONE) CHASSIS NO.: T6007930	1	pcs secondhand: Volvo BM 600 Chassis No.: T6007930 Motor No.: 17000-54352 Built: 1971	2.750 KOS 14,919 CBM
Taisier Nassar AQABA (ZARQA FREEZONE) CHASSIS NO.: T600-7676	1	pcs secondhand: Volvo 600 Chassis No.: T600-7676 Motor No.: 17000-53855 Built: 1971	2.750 KOS 14,919 CBM

Figure C-1. Sample Cargo Manifest (Sheet 3 of 4)


MANIFEST											
MARITIME AGENCIES PTY. LIMITED											
Of Cargo Shipped by <u>PYOTR MASHEROV</u> Date <u>13/12/90</u> Captain <u>A. VINOGRADOV</u> From <u>ADELAIDE</u> To <u>AQABA</u>											
R/L NO.	SHIPPERS	CONSIGNEE	MARKS & NUMBERS	NO. & KIND OF PACKAGES	DESCRIPTION OF GOODS	GROSS WT. KILOS	MEASURT. CBM	RATE	FREIGHT PREPAID	FREIGHT DESTINATION	REMARKS
	PASMINCO METALS 114 WILLIAM STREET MELBOURNE 3000 AUSTRALIA	TO THE ORDER OF ARAB JORDAN INVESTMENT BANK  NOTIFY UNITED INDUSTRIES  CORP P.O. BOX 8797 AMMAN, JORDAN PHONE: 692294 21019 TLX MR. FAKHIR HUAIZ	BLUE STRIPE	47 BOLS	LEAD INGOTS ON MAFI-TRAILER 4060032916	49,232	7,059				


Figure C-1. Sample Cargo Manifest (Sheet 4 of 4)





**UNITED INDUSTRIES CORP.**  
LEAD-ACID BATTERIES FACTORY  
AMMAN - JORDAN





TEL. No.  
892294 - 892295  
FAX NO.  
962 6 890259

P. O. BOX  
188  
Amman - Jordan

CABLE ADDRESS  
Industries - Amman  
TELEX : 21019  
INDUST. Jo.

FACTORIES


- 1- Lead Acid Batteries With Ebonite Containers (SILVERLITE)
- 2 - Lead Acid Batteries With Plastic Containers (SUPER)
- 3 - Ebonite Containers For Batteries
- 4 - Rubber Regeneration (Reclaimed)
- 5 - Antimonial Lead Reclamation
- 6 - Pure Lead Reclamation
- 7 - Lead Oxides
- 8 - Moulds Workmanship

Ref. LD/90/41/4

Amman, 7/1/1991


TO WHOM IT MAY CONCERNED

We hereby certify that the cargo shipped from Adelaide Port on 13/12/1990 per M/V PYOTR MASHEROV under B/L M/AQ-2 consists of 47 Bundles of 42 Slabs is for Domestic use within Jordan & is not for onward transportation to Iraq or any bordering country.

General Manager  
  
FAKHRI HIJAZI  
UNITED INDUSTRIES CORP.

Amman, 7/1/1991

We hereby certify the authenticity of the Signature of Mr. F. Hijazi of Amman - U.I.C. Without obligation to the company.



وزارة الصناعة والتجارة

مقر الوزارة - عمان

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Figure C-2. Sample Statement

DANGEROUS GOODS CONTAINER PACKING CERTIFICATE					
Name and Address of Shipper/Packing Depot <b>ASICO B.V., RHOON</b>		Booking Ref. Number <b>213148610106</b>			
		Vessel and Voyage Number <b>RED SEA EUROPA VOY. 238 SB</b>			
		Container Number <b>SOXU 690935-7 20' box</b>			
		Container Operator			
		Ships Call Position			
Originating CFS		Distribution: <b>WHITE COPY</b> - TERMINAL <b>YELLOW COPY</b> - ACCOMPANY CONTAINER <b>PINK COPY</b> - REGIONAL OFFICE (CONTAINER OPERATOR) <b>GREEN COPY</b> - HEAD OFFICE (CONTAINER OPERATOR) <b>BLUE COPY</b> - PACKER			
Discharge Terminal <b>AQABA</b>	Destination CFS				
Marks and Numbers Numbers and Types of Packages Name and Description of Goods  <b>1 X 20' CTR S.T.C.</b>  <b>60 IRON DRUMS PERCHLORETHYLENE</b>  <b>NETT WEIGHT: 20.100 KOS</b>  <b>FLASHPOINT ---- EMS 6.1-02 MFAG 340</b>		D.G. Consec Number  <b>6234</b>	U.N. No.  <b>1897</b>	IMCO Class and Flash Point (C)  <b>6.1</b>	Gross Wt (k)  <b>21.240</b>
Total No. of Packages  <b>60 DRUMS</b>					<b>21.240</b>

Figure C-3. Sample Dangerous/Hazardous Cargo Manifest

CODE NAME: "CONGENBILL" EDITION 1978

**Shipper**

Addulla's Fertilizer Company  
175 Nosrat Ave,  
Baghdad, Iraq

**Consignee**

Yesle Associates  
P.O. Box 8768  
Dubai, United Arab Emirates

**Notify address**

Yesle Associates  
P.O. Box 8768  
Dubai, United Arab Emirates

**Vessel**

Mv Andrea Gail

**BILL OF LADING**

TO BE USED WITH CHARTER-PARTIES  
Reference No. 001

**ORIGINAL**

**Port of loading**

Umm Qasr

**Port of discharge**

Abu Dhabi

**Gross weight**

375.45 MT

**Shipper's description of goods**

375.00 NET METRIC TONS OF Sheep Manure  
WITH THE FOLLOWING SPECIFICATIONS

POLARIZATION : 99.8 DEGREES MIN  
HUMINITY : 0.40 OCT MAX  
COLOR : 45 - 60 ICUMSA UNITS MAX  
ASH CONTENTS : 0.04 PCT MAX  
SO2 : 20 P.P.M. MAX  
AS. : 1 P.P.M. MAX  
PB. : 2 P.P.M. MAX  
CU. : 3 P.P.M. MAX  
NPN STAPH AUREUS : NIL  
NUMBER OF BAGS : 15,000  
EMPTY BAGS : 100  
LC NUMBER K711040 AND BUYER REFERENCE NUMBER  
98/44/293  
AS PER INDENT NO. 07-04-00  
GROSS WEIGHT : 375.45 METRIC TONS  
NET WEIGHT : 375.00 METRIC TONS  
ADDRESS OF THE IMPORTER / BUYER  
Yesle Associates, P.O. Box 8768  
Dubai, United Arab Emirates  
CLEAN ON BOARD : 07-04-00  
FREIGHT PREPAID

Freight payable as per

CHARTER-PARTY dated On Receipt

FREIGHT ADVANCE

Received on account of freight:

\$1500.00

Time used for loading 0 days 15 hours.

**SHIPPED** at the Port of Loading in apparent good order and condition on board the vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above. Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF.

Freight payable at  
Abu Dhabi

Place and date of issue  
Umm Qasr, 07-04-00

Number of original Bs/L

THREE

Signature

TOB YOR OR I F E

Figure C-4. Sample Bill of Lading







## CREW LIST

1. Name of Ship Andrea Gail			2. Port of arrival/departure		3. Date of arrival/departure	
4. Nationality of Ship United Arab Emirates			5. Port arrived from			6. Nature and No. of identity document (seaman's passport)
7. No.	8. Family name, given names	9. Rank or rating	10. Nationality	11. Date and place of birth		
1.	TOBYOR ORIFE	MASTER	NIGERIA	1978, 9, 15, KADUNA		035096511
2.	FAHAD AL-SAD	CHF. ENGR.	U.A.E..	1956, 12, 18 DUBAI CITY		216754244
3.	ALIAL-FULANI	FIRST MATE	SAUDI	1961, 6. 22, RIYADH		216754246
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						

Figure C-6. Sample Crew List



	<p style="text-align: center;">CERTIFICATE OF</p> <p style="text-align: center;"><b>United Arab Emirates REGISTRY</b></p> <p style="text-align: center;"><small>(Issued under the provisions of the Sections 8-35 of the Merchant Shipping Act, 1982)</small></p> <p style="text-align: center;"><b>Certificate of Registry NR: 4790</b></p> <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div>
<p>WHEREAS,</p> <p>The Government of United Arab Emirates, has considered and approved the application of the:</p> <p style="text-align: center;"><b>*** Andrea Gail ***</b></p> <p>Owned by: <b>Almarjan Shipping</b> Of Ajman, U.A.E.</p> <p>THEREFORE:</p> <p>Be it resolved, that there be issued, pursuant to the terms of the Merchant Shipping Act, a982, this Certificate of registry to the said vessel entitling her to engage in foreign trade under the flag of United Arab Emirates and be accorded the rights and the privileges of a United Arab Emirates vessel in accordance with the terms of the Merchant Shipping Act, 1982.</p> <p>The vessel is a Dry Cargo.</p> <p>Issued by the authority of the Government of United Arab Emirates, Under my hand and seal, this 12 Jul 2000.</p> <p>On behalf of the Government of United Arab Emirates,</p> <p>The Commissioner for Maritime Affairs</p> <p><b><i>Rex Neptunus</i></b></p> <p>This Certificate is permanent</p> <div style="text-align: right;"></div>	

Figure C-7. Sample Certificate of Registry



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## ANNEX D

## Boarding Procedures

## D001 Introduction

MIO boarding operations are potentially hazardous and require attention to detail by all boarding party members.

## D002 Embarkation

**1. Initial Embarkation.** The security team should board first and set up security in the vicinity of the ladder prior to the embarkation of the remainder of the boarding party. The boat engineer (equipped with a rifle) should be positioned to provide cover for the boarding party as it embarks. The suspect vessel's pilot ladder may be in poor condition, so no more than two men should be on the ladder at the same time. Remain clear of the area under the pilot ladder during embarkation to avoid objects that may fall from other members on the ladder. Once the boarding party is on board, use the 20-metre line with snap hook to hoist the boarding kit and any other bulky equipment on board.

**2. Security Positioning.** The following three principles for establishing security positions must always be considered:

**a. Observation.** Security positions should be selected that provide unencumbered observation of the entire area. Consider climbing onto a deckhouse or other high point to provide maximum visibility. The security position should be established so that every guard is within the field of view of at least one other guard.

**b. Line of Fire.** Security positions should provide a clear line of fire in the direction of the threat at all times. Personnel moving within the security area should be careful not to mask the line of fire of established security positions.

**c. Triangulation.** Forming triangularly oriented security positions should provide overlapping fields of view while providing a relatively clear line of fire for all members.

## NOTE

These three principles not only apply to guards, but should be fully employed by all boarding party members as they move throughout the vessel.

**3. Boarding Party Introduction.** The boarding party will normally be greeted by the vessel's first mate or another officer. The BO should introduce himself and ask to speak to the ship's master. The BO should introduce himself to the vessel's master and clearly state the procedures that will be used to conduct the boarding. Every effort should be made to relay to the master that the BT is simply following orders and that no harm to his vessel or crew is intended. The BO must be cordial, yet maintain control of the conversation.

**4. Command Presence.** Command presence is the psychological process (conduct, speech, and procedure) used by the BO to convince others that the situation is under control. The BO's initial instructions may make all the difference. The BO should clearly communicate expectations to the master and crew from the outset.

**5. Boarding Party Safety.** The safety of the boarding party is paramount. It is essential that the presence, if any, of weapons aboard the vessel be determined as soon as possible. (The OSC may have inquired about weapons aboard the vessel prior to the arrival of the boarding party.) Recommended courses of action for dealing with weapons aboard the vessel are as follows:

- a. Secure weapons in the boarding bag.
- b. Post a guard on the weapons.
- c. Lock the weapons in a safe place.
- d. Separate weapons and ammunition and secure them on the body (least desirable method).

### **D003 Crew Control**

Every member of the boarding party must display the command presence described above when dealing with the crew of the suspect vessel. The following principles for crew control have been established:

- a. Adjust the security response as necessary.
- b. Keep the vessel's crew together.
- c. Observe the vessel's crew for signs of anger or resistance.
- d. Be aware of and recognize changes in the degree of risk. If the degree of risk becomes unacceptably high, don't hesitate to call for help or depart the vessel and wait for help.

### **D004 Inspection**

Based upon previous intelligence, checking the documentation and identification of the vessel will help to determine the type of sweep or search to be conducted.

### **D005 Completion/Debarkation**

1. Upon completion of the boarding, the following options are recommended for the return of weapons:
  - a. Leave weapons and ammunition separately with the master.
  - b. Leave them where they were found.
2. security team is the last to leave the suspect vessel. Caution must be exercised by the entire boarding party not to become lax or let its guard down during the debarkation.

### **D006 Tactical Sweep Procedures**

1. A security and personnel sweep is a function of the operational environment. The sweep should be routinely performed at the onset of every boarding. A sweep is done to locate and neutralize all weapons, search for unaccounted personnel, and detect all obvious safety hazards. The security and personnel sweep should include an inspection of all common spaces and man-sized compartments aboard the vessel.
2. Security and personnel sweep normally should be performed by the search team. The master should be informed by the BO of a sweep with a statement similar to "Captain, a couple of men will now make a sweep of your vessel to check for obvious safety hazards, verify the identity of your vessel, and

account for all crew members. They will not disturb the personal effects of your crew.” The importance of a good sweep cannot be overly emphasized. There have been repeated instances where security sweeps have discovered that the master lied about the number of persons on board and found people hiding in staterooms, bilges, and even in holds. Additionally, unreported weapons and safety hazards are not uncommon and may be discovered with a proper sweep.

3. In any high-risk boarding, two aspects of tactical competence are tested: the physical mechanics of the movements made and the decision-making or tactical thinking that initiates them. In searching a vessel for unaccounted personnel who may be primed to attack, be competent in both aspects.

4. Tactical sweep procedures include observing proper safety precautions, light and sound discipline, appropriate entry and movement techniques, and a thorough examination of the vessel. The following mental preparations are important for safety:

a. Never feel completely safe in securing any vessel. Complacency tempts fate. Always think and expect an attack, then base actions on tactics that will counter it.

b. Keep in mind that no tactical concept is perfect. (Each involves a tradeoff: sacrificing something to gain something else.) If a procedure does not work favourably, then think of something else. Remember that it is impossible to achieve total immunity from risk. Employ proved techniques that minimize risk.

c. Be flexible. As each new problem on the search is approached, assess the threat potential it presents and select the tactical techniques that buy the greatest safety in that location at that time. Think about each situation before moving into it. Be able to change plans completely as matters progress and things are encountered.

d. Do not try to search a vessel alone. A two person team is required to search most vessels with any degree of safety. A very large vessel will require additional personnel.

5. When entering a compartment that may be occupied by an hostile suspect, the risk of injury is increased. If there is any other reasonable option, don't go in.

6. The greatest hazard when boarding is the ability of a person to hide and wait in an almost limitless number of spaces. Within the maze of doorways, passageways, ladders, furnishings, cargo, closets, false compartments, nooks and crannies in a vessel, the natural odds overwhelmingly favour the hunted over the hunter. Yet, despite the infinite variables presented by a vessel at sea, be tactical in approaching any of them. It is true that there is no standard vessel, but there are standard movements that can be adapted to the multitude of tactical problems encountered on a vessel.

7. Have the appropriate equipment when searching a vessel. In addition to the items on the belt, consider carrying:

a. A piece(s) of cord with a loop on the end for tying to doorknobs.

b. A tactical mirror. (A good mirror (for sweeps) can be made by gluing a convex fisheye mirror to a regular inspection mirror with a telescope handle. The mirror can then be used in lieu of the quick peek in all tactical sweep situations.)

c. Extra cuffs (thumb or flex cuffs).

d. An ear mike for the radio.

- e. A pen light in case the bulb burns out on the primary flashlight or it may be used as a door prop. (Rubber doorstops can also be carried for this purpose.)
  - f. A small roll of masking tape for marking previously searched compartments.
  - g. A small notebook for recording information such as serial numbers, etc.
8. When deciding to enter a vessel on a personnel sweep, enter as tactically sound as any subsequent movement inside. Keep in mind that a hostile suspect can always be waiting just on the other side. Always expect the unexpected and always do the unexpected. If someone is waiting, his territory is being moved into.
9. **Approaching and Entering a Compartment.** A key consideration is the proper use of search patterns. While moving up or down stairways or ladders, along hallways, and through rooms, keep your back toward, but slightly away from the bulkhead. Although the hostile suspect may be able to shoot through some bulkheads, this search pattern will generally provide some cover for the backside. Not exposing your back will cause a comfortable feeling and provide the ability to concentrate on advancing. Remember, the potential threat locations are ahead. Team members should be physically oriented to do the best fighting forward. Proper procedures were not used if a team member finds himself in a compartment where he feels his back is not covered.

**a. The Fatal Funnel.**

- (1) The fatal funnel concept (see Figure D-1) is usually thought of in terms of standing in or through the opening. If a suspect is hiding along the same wall that the door is on, the arc of visibility through the opening door may be such that the suspect can see (and shoot) even if someone is standing to the side of the actual doorway. To be truly clear of the fatal funnel, stand as far back from the doorway as possible while it is being opened.
- (2) When crossing a doorway, especially if the door is open, consider leaping rather than walking or crawling. It is noisier, but creates a faster moving target. Be sure to start up and end well to the sides of the doorframe. Don't mimic movie police by swinging into the centre of the doorway with the weapon pointed into the room, then pivoting to the other side. That slow-motion move prolongs exposure to the fatal funnel. When going to move, move quickly. When going to shoot, shoot quickly. Do not try to accommodate both with the same tactic.
- (3) Be certain to avoid doing a tactical sweep alone, whenever possible. However, if it becomes necessary to go alone, keep the following in mind:
  - (a) If a compartment whose door opens inward is in the path, approach the door on the side opposite the hinges.
  - (b) Take cover behind the bulkhead and quietly, but forcefully shove the door open. If possible, look through the crack between the door and the bulkhead to see if anyone is behind the door. Inspect as much of the compartment as possible from the covered position.
  - (c) Inspect the remaining area of the compartment by rapidly extending the head just far enough to see, then quickly ducking back. This is referred to as a quick peek. When doing a quick peek, do so at a higher or lower than normal level by stooping or standing on the tiptoes.
  - (d) When approaching a compartment whose door opens outward, approach the door on the side opposite the hinges. Take cover behind the bulkhead and quietly pull the door open. Inspect as much of the compartment as possible from the covered position.

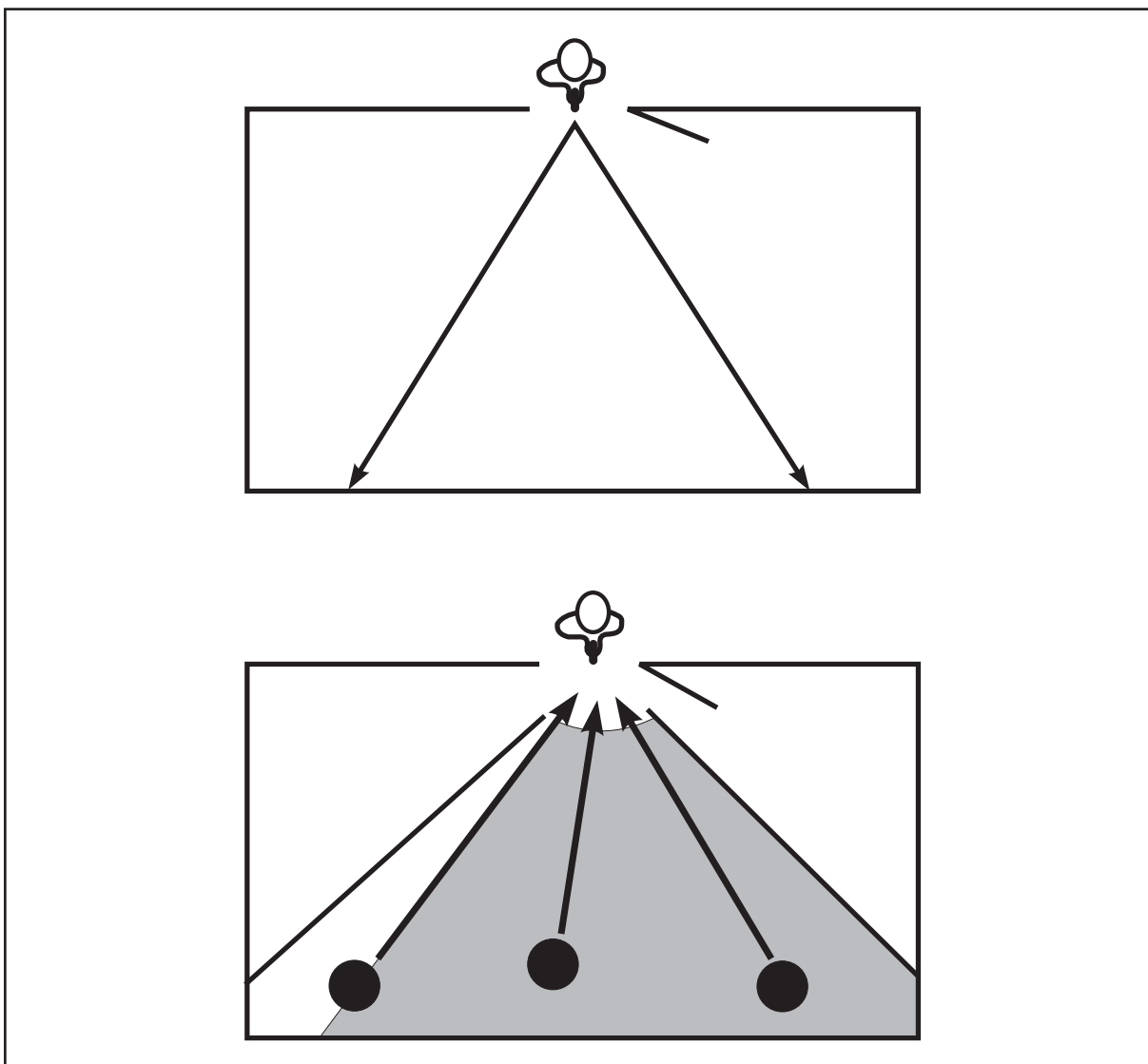


Figure D-1. The Fatal Funnel Concept

- (e) Inspect the remaining area of the compartment by doing a quick peek. If the door is already open, approach on the hinged side.
- (4) When operating as a two-man team, remember the following:
  - (a) Team members should take up positions on opposite sides of the door.
  - (b) The man opposite the hinges should open and inspect behind the door.
  - (c) Both team members should inspect the area visible using quick peeks as necessary to ensure thorough coverage of the compartment.
  - (d) Team members should enter the compartment using one of the techniques described on the following pages.

(e) If the door opens out, the man on the knob side should loop a cord around the knob and throw the end to his partner, staying back along the wall as far as possible from the doorway, reaching out full arms length, and unlatching the door.

(f) After having pulled back and readied his weapon, the other man should pull the door open.

(g) If the door opens in, the person on the knob side should try to unlatch the door. First, open the door an inch, back away, and listen for a moment. Next, shove the door open with enough force to strike the wall or a person hiding behind it.

(h) When entering the door, the following should be performed:

- (1) Strive for speed, surprise, and safety.
- (2) Quick peek before moving, then get in and get low, protect the back, and get the area of responsibility under control as quickly as possible.
- (3) Don't dally in the doorway.
- (4) For speed, move in high with nothing lower than a slight crouch. (Going in low with the knees radically bent will be too slow.) Move in high, and then get low.
- (5) Once across the threshold, get away from the door.
- (6) In essence, use a pattern, a tactical way of entering in minimum time with minimum exposure. Patterns are not absolutes, and getting in fast is more important than executing a perfect entry movement. Some of the more common methods are described below.

**b. The Buttonhook.** The buttonhook (see Figure D-2) can be used when working alone or in a two-man team. After visual inspection from outside the door, quickly enter the compartment, hooking away from the door and keeping back to the bulkhead while entering. In a two-man team, normally enter together on signal. If the doorway is too narrow to enter together, decide by signal who will go first, and then quickly enter one after the other. In cases where furniture or other objects obstruct the view of the entire room, after entering, slowly move further into the room keeping the back towards the bulkhead until the compartment seems to be safe. Two-man teams usually work down opposite bulkheads. Commonly on vessels, doorways are located at the ends of passageways, thereby preventing both men from getting on either side of the door. In this instance, wrap around the door to the other side of the wall (one at a time, from the same side of the door and keeping the backs close to the frame).

**c. The Crisscross.** The crisscross (see Figure D-3) is the entry of choice for a dynamic entry. With the door closed, take up positions on opposite sides of the door. On signal, the man opposite the hinges opens the door and using the door as a shield during the initial arc of 70°, quickly enters the compartment, assuming a position to the side of the doorway. Once clear of the doorway, the second man enters to the opposite side of the room.

When the doorway is too narrow to enter simultaneously, the crisscross is an effective nondynamic room entry because, unlike the buttonhook, it is possible to see the destination before getting there.

**d. The Special Air Service.** The special air service (SAS) pattern can be used as a non-dynamic room entry when it is impossible to stand on each side of the doorway for entry. (See Figure D-4.) It is a technique where two or more men position themselves heel to toe on one side of the door, and one man holds onto the belt of the man in front of him. On signal, both men simultaneously rush into

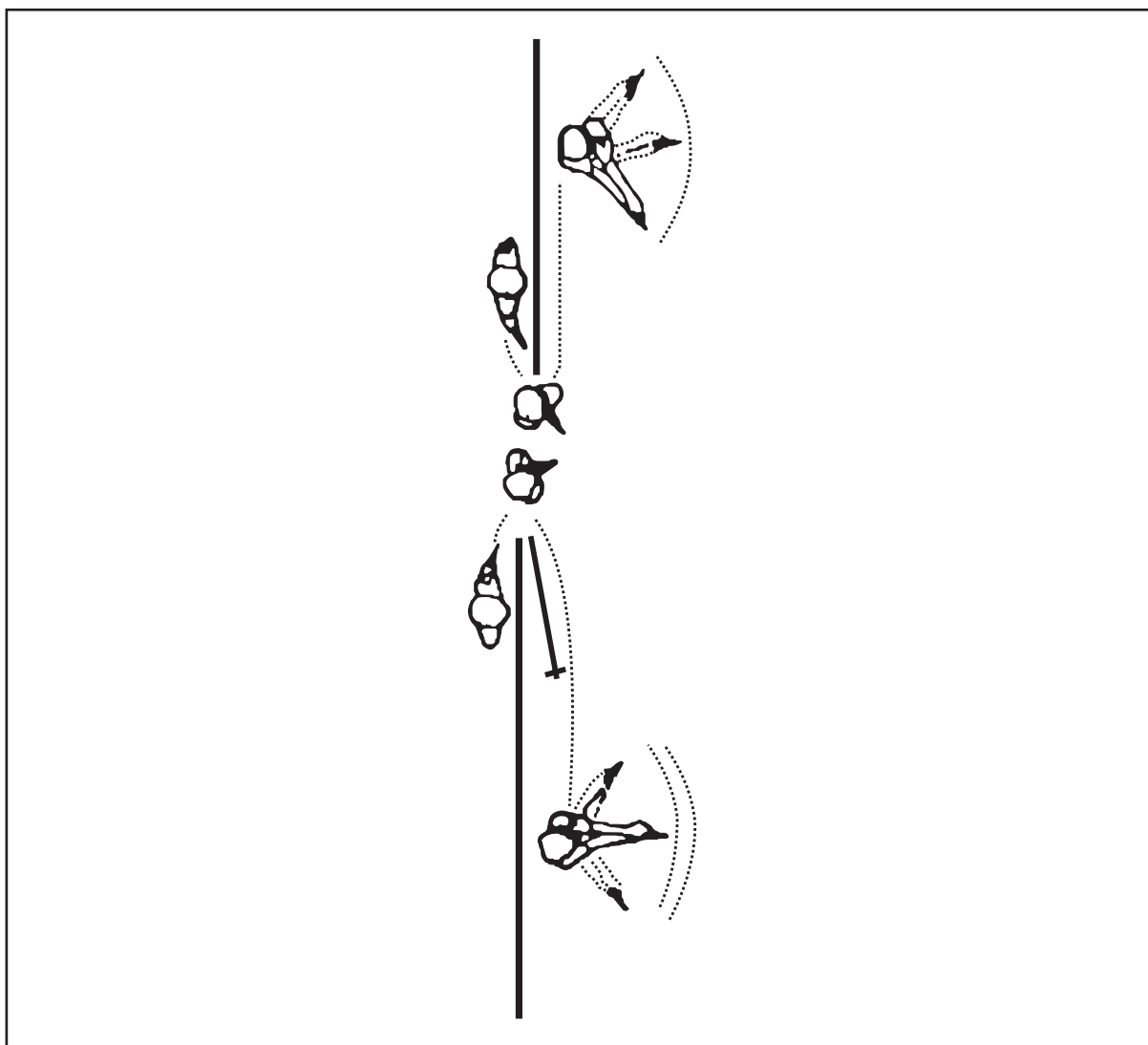


Figure D-2. The Buttonhook

the room. As each man in line enters the compartment, he lets go of the belt and positions himself at a predetermined location inside the room.

**e. The Israeli.** Many search teams do an Israeli move (see Figure D-5) before they enter a compartment. The position for a quick peek into a compartment is the same position as for an Israeli move. On signal, immediately follow a quick peek with another quick peek with handgun being the third eye. In other words, swing only the gun hand into the compartment from the barricade position, sweeping the area of responsibility, then move back outside to set up for a standard entry.

f. For all entry techniques, if the right hand is the stronger hand and the right side of the doorway is being entered, switch weapon to the left hand. This minimizes exposure of the body in case it becomes necessary to engage a suspect hiding against the wall. The same holds true for a left-handed person on the left side of a doorway.

g. All entry tactics, while infinitely better than impulsively rushing the room, are tricky to perform and require practice.



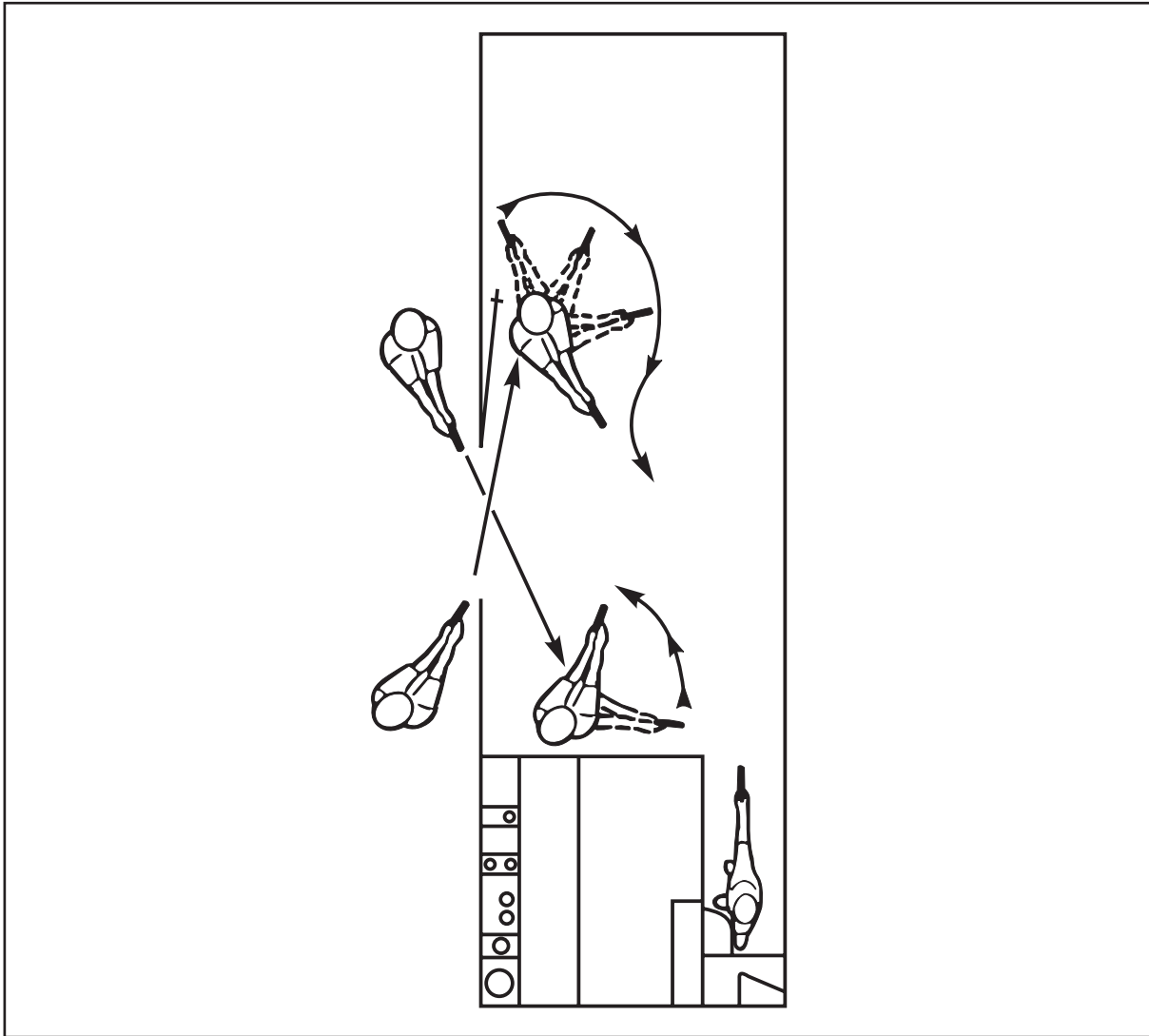


Figure D-3. The Crisscross

**10. Tactical Movement.** Nothing is more important to surviving vessel sweeps than the principle of concealment that can minimize the risk. This can help in constructing a systematic plan rather than relying on random movement. Yet, ironically, when conducting tactical sweeps, often many of these tactical principles cannot be applied because of constraints in manpower, the impulses of human nature, or the realities of vessel design. Adhere to these principles as if they were the moral principles of life and appreciate their value. Try to adhere to them as often as possible and understand that there will be times when they will have to be compromised because of uncontrollable elements. At the very least, be aware when they are violated and why. The following are some specific tactical movement strategies:

**a. Clearing the Room.** After entering a room and establishing the areas of responsibility, clear the room with the same amount of safety used to enter it. Threat locations typically include under beds, behind large pieces of furniture, in closets, or around corners within the room. Look especially for doors that are open and doorways that lead to adjoining rooms. The primary area of interest will be that spot which, if a hostile person were hiding there, would give him the greatest opportunity to attack.

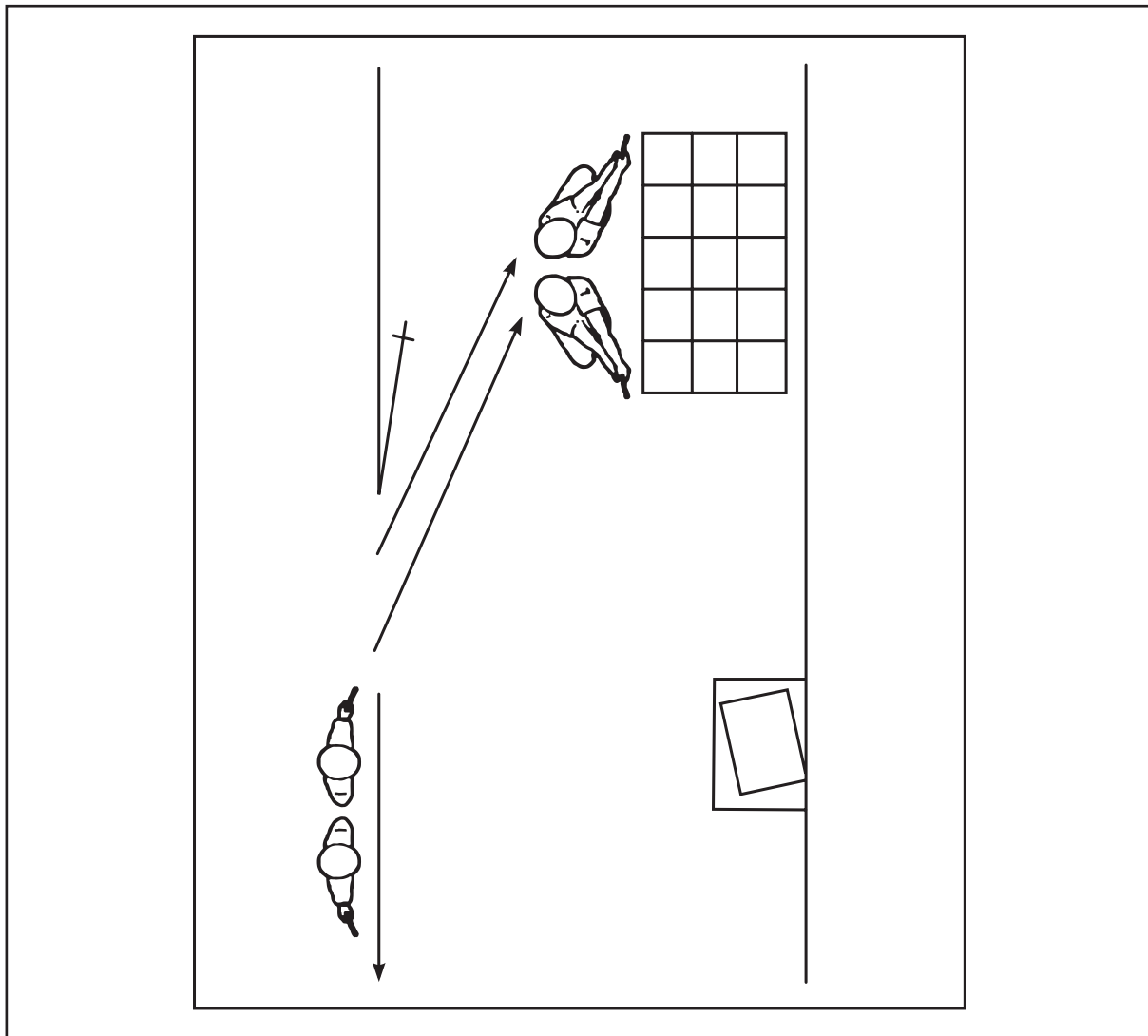


Figure D-4. The SAS.

**b. The Most Immediate Threat.** Always take care of the most immediate threat first, even if it is not the greatest threat. The rules of the room says one ought to always move around the perimeters of rooms with back to the wall. In reality, furnishings or other obstacles often prevent this, especially on vessels. In large holds, mess decks, or other large spaces, it is tactically sound for decreasing the chance of exposing the back to a suspect. Stay low to reduce the possibility of being a target.

**c. Stationary/Moving Man.** No matter which partner chooses to negotiate the same side of the room or along opposite sides, only one should move at a time. The other should provide security. Usually, the stationary man performs most of the searching. The moving man will be able to open closet doors or lift void covers so the stationary officer can see into them.

**d. Weapon Preparation.** While moving, ready weapon to meet force with force. Forcefully challenge noises or movement not identifiable from the nearest cover by saying (for example), "You in the closet! Come out! Hands first!" Command the crewman to come. Do not approach what may turn out to be an armed crewman waiting.

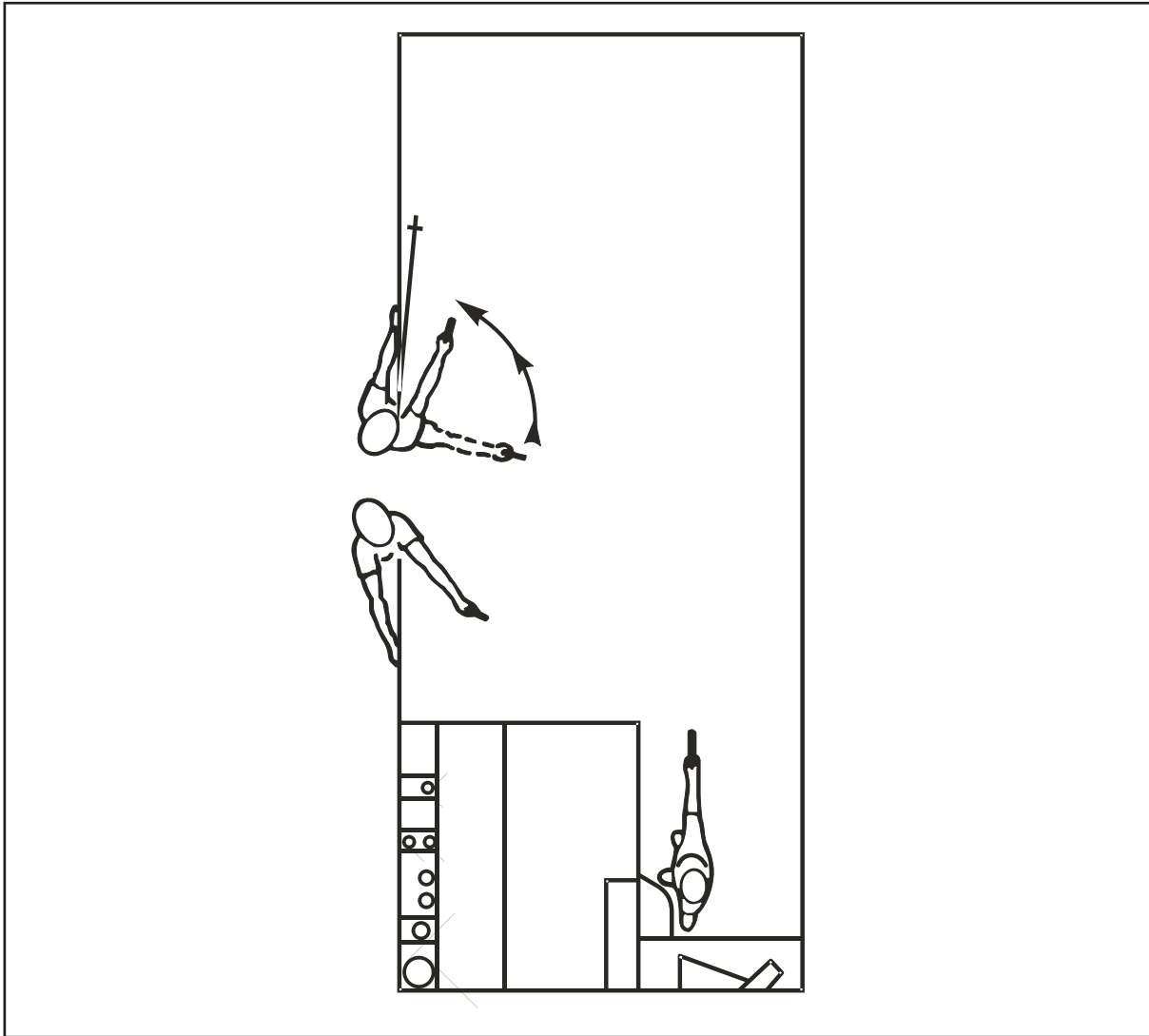


Figure D-5. The Israeli Move

**e. Adversary's Field of View.** While moving, think constantly about the cover and the adversary's field of view. Could a crewman be hidden in a spot from which he could see (or shoot)? As a tactical minimum, never enter a field of view that a partner cannot cover.

**f. Positioning.** Remain aware of own position relative to where a crewman may be and the position relative to that of the partner. Partners getting into each other's crossfire are a major risk, especially in the close quarters of a vessel and where high stress tends to keep them engrossed in the search process.

**g. Bunching Effect.** Avoid the bunching effect, the tendency to cluster together in the illusion of safety in preparation to move, enter, or search. The closer partners are, the easier it is for an adversary to shoot both of them. Tactical separation buys time for proper reaction. However, partners should not distance themselves apart to a point where they cannot keep in visual contact. They should be able to see each other at all times, except in extreme circumstances.

**h. Triangulation.** Strive for the principle of triangulation, which promotes tactical separation, minimizes crossfire and bunching, and maximizes the impact of defensive fire by directing it to a central point. (See Figure D-6) To understand triangulation, think of the potential hiding places in the field of view as being at the apex of a triangle. Ideally, both partners should be positioned so as to form the other corners of the triangle relative to each of these hiding places. If a threat presents itself, it is then possible to direct fire at it from different angles, while the adversary will be forced to separate his fire power in order to hit both partners. While moving to clear areas of responsibility, one partner shifts his position to maintain triangulation on new potential threat locations.

(1) Two movement techniques that accommodate this principle of triangulation are follow the leader and leapfrog. They are described as follows:

(a) Follow the leader is a technique where one man moves, and then stops, then the second man moves to his position (maintaining tactical separation). The second man also has rear guard responsibilities.

(b) Leapfrog is a technique where one man searches an area, then signals when it has been secured. The second man then moves past him into a new area and secures it.

(2) These two methods are used at various times during a vessel search. If one partner insists on moving about in a careless manner, the other partner should cover and not be lured into joining him in untactical movements.

**11. Movement Strategies During a Search.** Employ the following during a search:

a. Make sure that only one man moves at a time. (One covers while one moves.) This principle ensures that someone is always maintaining control and is prepared to provide reliable defence.

b. Look before leaping. Spot a covered or concealed position and plan the route to it prior to moving. Move by short bounds from one covered or concealed location to another. Keep low and don't hesitate to creep or crawl.

c. Take full advantage of shadows and dark areas after making certain that no one is hiding in a potential moving spot.

d. Shift slowly while moving. Don't wave the arms or rapidly turn the head.

e. Be conscious of self-made noises. The crewman will probably know of the team's presence, especially once the team enters the compartment where he's hiding. Breathing alone may be enough to alert him. It is amazing how acute the senses can be when someone is hiding and waiting for someone. Don't help him by jangling keys, jingling coins in the pocket, carrying squawky radios, or wearing watches with alarms.

f. Minimize noise by using the sides of the feet to lightly feel the floor, rolling forward with the whole length of the outer edge of the foot before putting any weight on it.

g. Consider eliminating visual noise, such as ball caps with protruding bills. At least turn it around backward if it is worn at all. Besides announcing the team's presence in manoeuvres like the quick peek, a hat bill will restrict the peripheral vision and may discourage the team from looking up, an important and often neglected part of searching.

h. Get rid of the loudness of unnecessary odours, too. The scent of cologne can give locations away as easily as being heard.

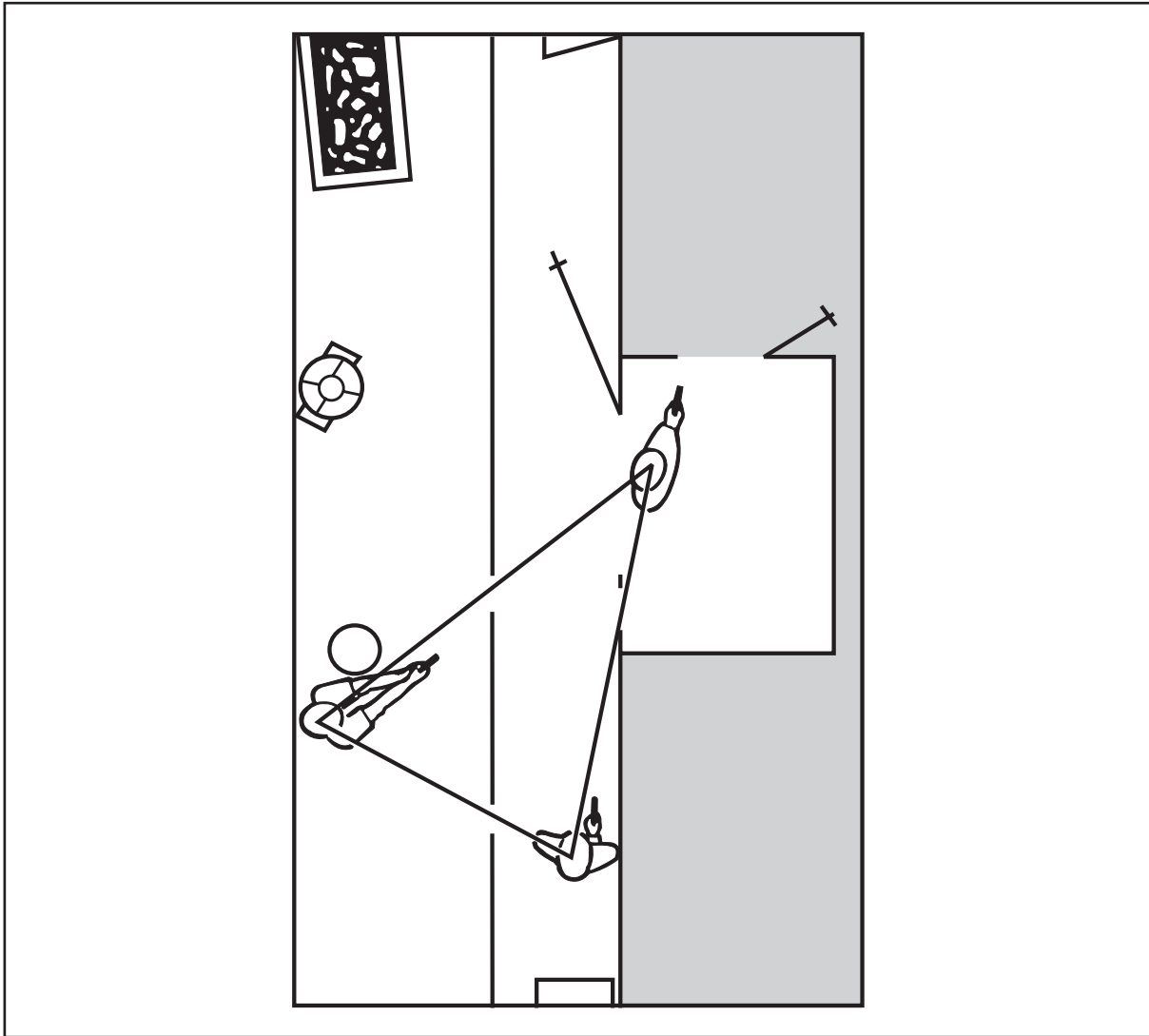


Figure D-6. The Triangulation Concept

i. Search with a gun on hand. It is disadvantageous enough to encounter a threat without being slow to respond by having to draw a weapon. Keep the following in mind:

- (1) When standing or moving, avoid the movie cop syndrome by holding the gun beside the head. There is a risk of shooting off a partner's head.
- (2) Move with the gun pulled back snugly in a two-hand hold against the waist, at the belt buckle, and with the muzzle pointed slightly downward. Having the gun in this position provides good stability, even to release one hand to open doors or balance against a rocking ship. Then, if a threat comes unexpectedly from either side, the team member(s) will be on target (referred to as the third eye concept).
- (3) Employ the third eye concept because as the body turns toward a threat, the gun (lined up in the centre) turns, too. This turning is the essence of instinct shooting: what the gun sees as a third eye, it can hit.

j. When searching for a suspect:

- (1) Avoid passing any potential hiding place without first checking and securing it. Do not dismiss any space for being too small or too unlikely. Motivated by the fear of being caught, humans can squeeze into amazingly small spaces.
- (2) When searching an area of a vessel without having found someone, keep the senses sharp by thinking “I didn’t find anyone” and not “There is no one in there.”
- (3) While searching, pause frequently and just listen. Remember, the crewman is excited and under stress, too. He may make a noise because his throat is dry, or he may get a muscle cramp.
- (4) Do not rush the search. Because the mind may be accelerating under stress does not mean the movements have to accelerate to match.
- (5) If a person is found, perform the following:
  - (a) Move him to a secure area.
  - (b) Handcuff and search him for weapons (one team member only, while the other provides cover).
  - (c) Move the suspect topside via a path that has been cleared or call for another search team to get him.
  - (d) Remember that if both team members leave the area, they will have to search their way to their previous location. Finding one unaccounted-for crewman should be a flag to search for more.

k. After clearing a room, be sure that all doors and accesses behind have been closed and locked, if possible, before moving on. Place pieces of masking tape across the top of the door and collect them when passing these places on the way out. Also, make sure that none of the tape has been disturbed.

l. If a barricaded crewman is encountered and cannot be talked out, try to wait him out, smoke him out, or starve him out. Do not try to go in and get him. Leave that to the professionals. Lock him in, if possible, or post a guard and leave him.

## **12. Tactical Communications.**

a. Communications with other team members during the conduct of a sweep should be accomplished by using nonverbal signals. See Figure D-7 for a few of the standard signals and their meanings.

b. Decisions dealing with who will go first, who will be high, who will be low, etc., are made simply by pointing and directing with the hands. Normally, the person in charge of a search team initiates the communication.

c. The sounds partners make while communicating should be soft, also. Instead of speaking out loud (a hard sound that can easily be pinpointed), whisper (a soft sound whose precise location cannot be so easily placed). Obviously, if a threat is imminent, shout out loud so there is no doubt that the warning is heard. While moving through the interior of the vessel, keep in mind that everyone may not always hear or see the same things, even though it may seem impossible that they wouldn’t.

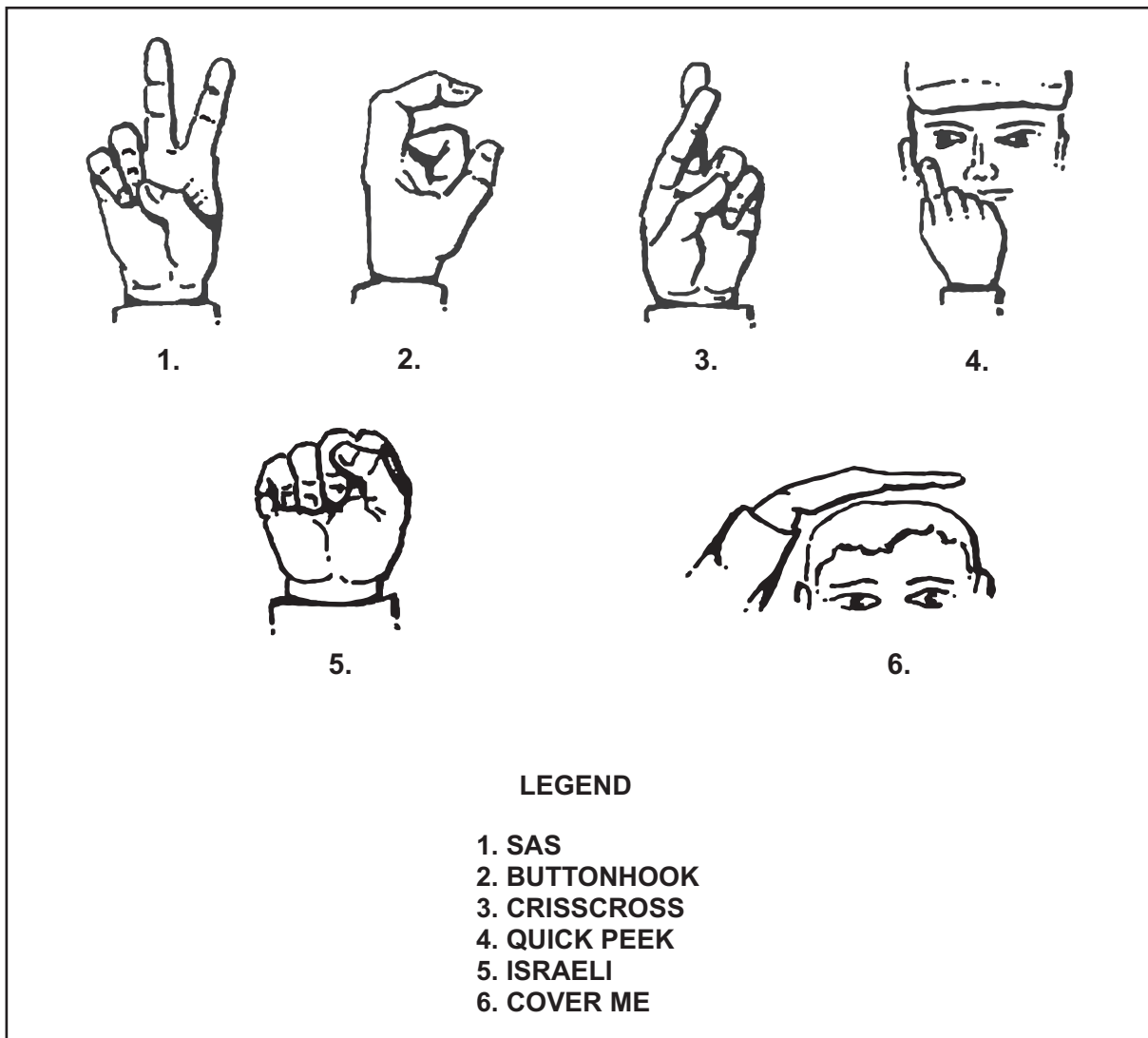


Figure D-7. Nonverbal Signals

d. In addition to the above, employ the following:

(1) Be sure that communication does not require either partner to look away from his area of responsibility. Hand and head signals should be used only when they can be seen in direct or peripheral vision while attention is kept on the potential threat location. Normally, the man in front uses hand signals, while the man at the rear whispers, because his whisper will project forward. If in front, resist the impulse to look back to see if the other person got the message. When either partner receives a message, whisper or signal back to the other person that the message was received. Signals need to be very simple so they won't be forgotten or confused under stress.

(2) Do not rub against walls while moving from one spot to another due to possible exposure and ricochet fire. To avoid being ambushed or surprised by someone on a different level, take care to check openings above and below while moving. In a situation where close attention must be given to the level above, cover the area into which the team is moving (see Figure D-8) while one partner, walking backwards and guided by the other partner, covers the higher level away

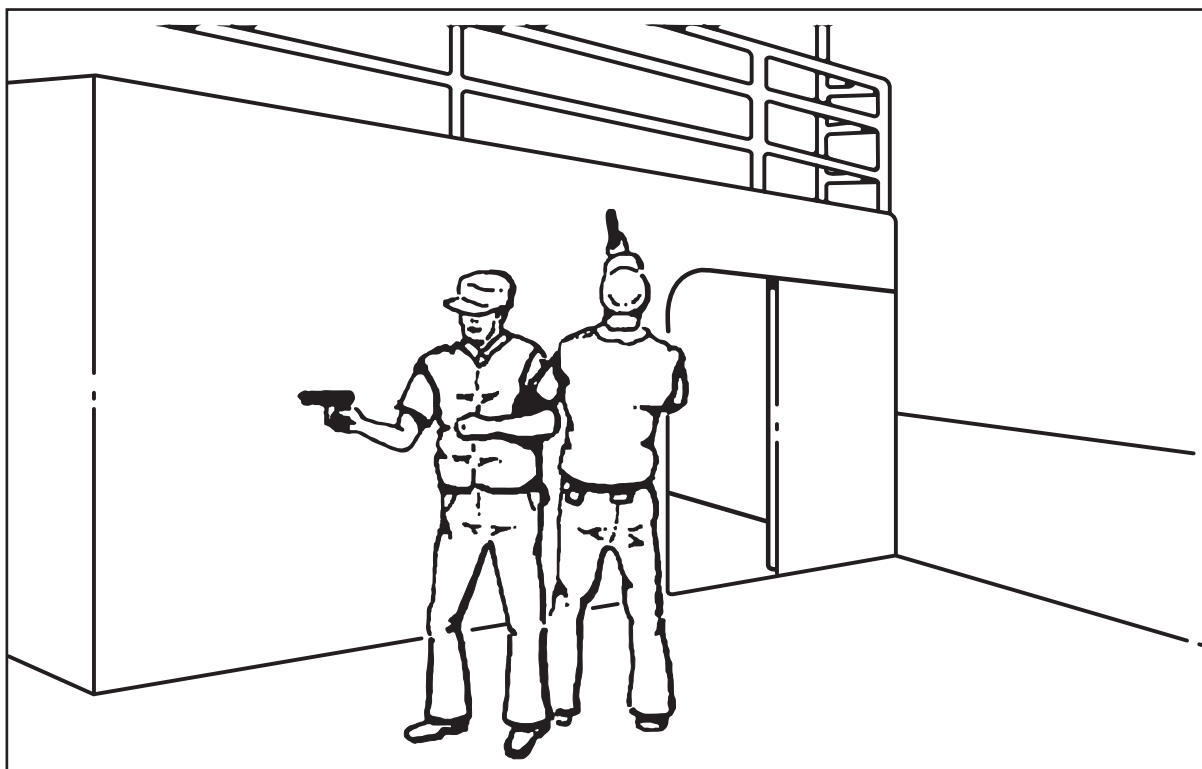


Figure D-8. The Cover Concept

from the area into which the team is moving. If a possible threat is detected, the team should take cover and confront the threat.

(3) Enter the passageways cautiously because they are ready-made for an ambush. Due to the possibility of an ambush, employ the following:

(a) Take a quick peek to clear the passageway before entering it. Instead of peeking around a corner, move to the opposite wall and peek out. (If someone is just around the corner, this will maximize the distance between them and the team member(s).)

(b) Utilize the slicing the pie option (see Figure D-9) while entering passageways or a corner and a threat may be on the other side. When near the corner, move away from the wall as far as possible, face the corner, and, while shuffling to the side, gradually increase the arc of visibility around it. Once the decision has been made to enter the passageway, only one man should enter at a time. Again, one man should move and one should cover. While moving around, always try to keep some cover in sight: a place to retreat if trouble explodes.

(c) When traversing narrow passageways and spaces, one team member should go first (crouching low) while the other covers him. When the first man gets to his destination, the other may advance.

(d) While moving up a ladder (see Figure D-10), one team member should slide up the ladder on his back, using his heels to push himself. The second team member should provide cover to the front. When moving down the ladder, take one or two steps down, exposing only the feet, and then do a quick peek before proceeding. Use a mirror to look into a compartment to prevent being exposed.



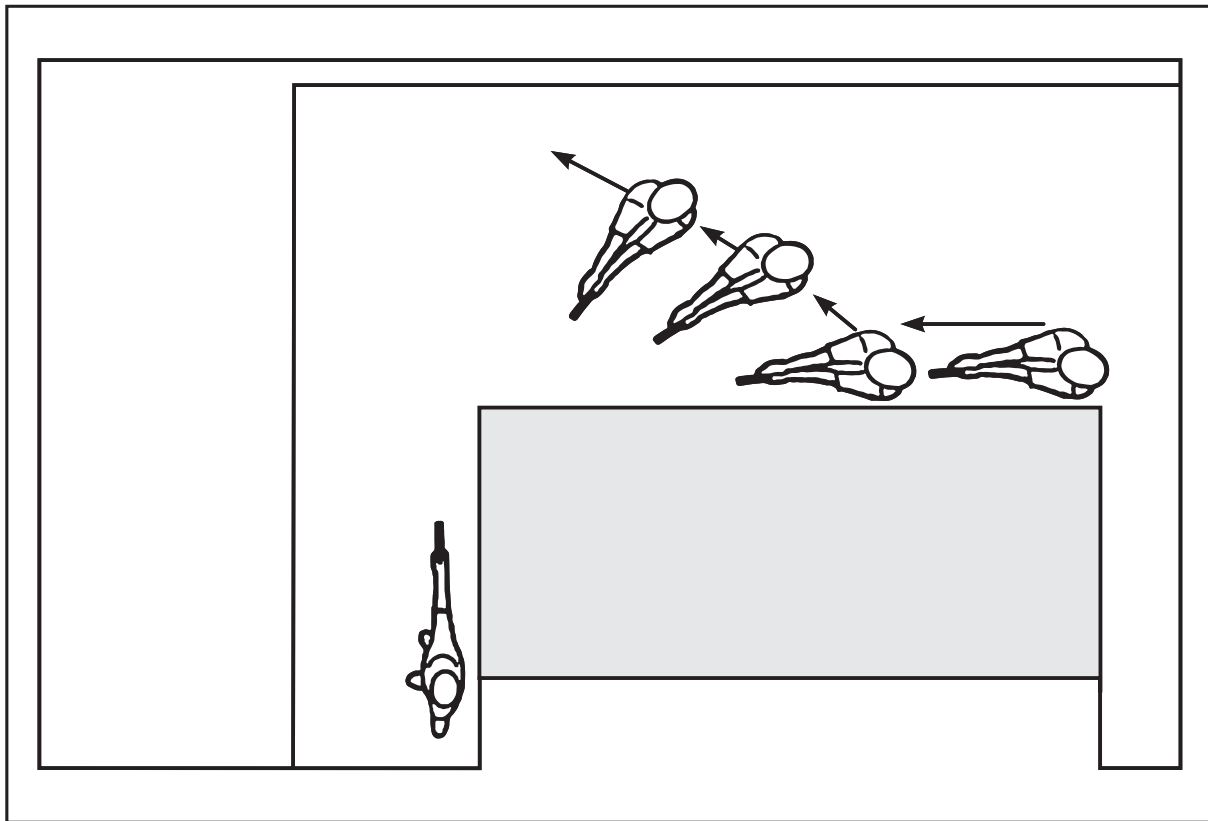


Figure D-9. Slicing the Pie

(e) Remember that there are two objectives when approaching a search: To move through the passageway to reach a more distant area that was intended to be entered and searched, or to position one's self in the passageway to enter a room that opens off the passageway.

### 13. Tactical Lighting.

a. One method of expanding the field of view is through the manipulation of light in darkened locations. Where there is controllable lighting, move from dark areas into lighted ones and never the reverse, if possible. If, prior to entering a compartment, it is impossible to turn on its lights, turn the lights out in the occupied room. Do not form a silhouette by moving with bright light behind. Light switches in most compartments are opposite the hinge side of the door about chest height off the floor. Don't linger around the switch too long, though; the other guy probably knows where it is, too.

b. Use the following procedures prior to entering compartments in which the lights cannot be turned on:

(1) Take cover together on the same side of the doorway with the partner standing and facing the wall as far back from the doorway as possible and holding his flashlight pointing into the compartment near the top of the doorway.

(2) Lay on the deck and peek into the compartment with weapon ready. On signal from one partner, the other partner should turn the light on.

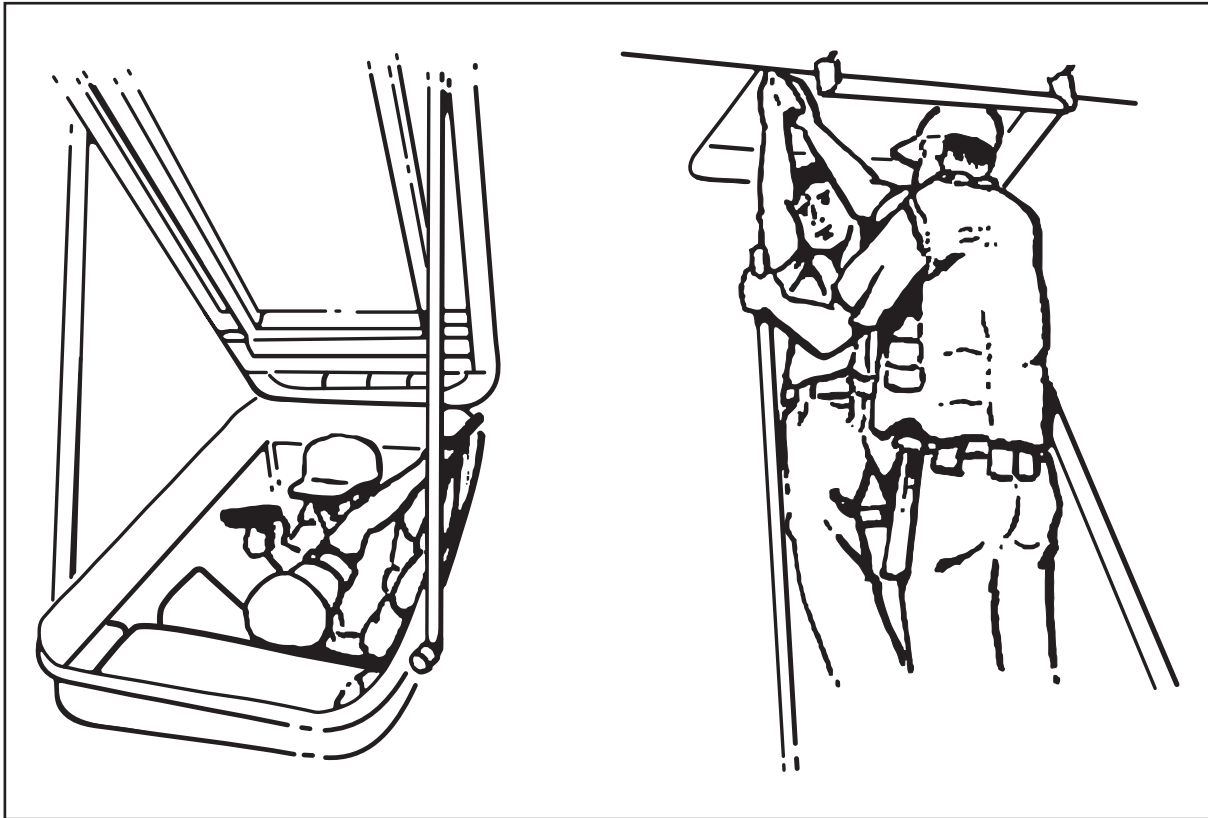


Figure D-10. The Ladder Concept

- (3) Send signals to the partner by pulling either up, down, left, or right on his pants leg. The partner should then correspond by slowly moving the flashlight in the direction of the pull.
- c. When performed properly, a person inside the compartment can only see a bright light near the top of the door. Use of this technique and slicing the pie should provide a look at most of the compartment.
- d. When moving about a dark compartment, consider using the harries flashlight technique. The flashlight is held with the back-of-flashlight hand meeting the back-of-gun hand. The two press together to create dynamic tension that stabilizes the pistol. Depending on hand and flashlight shape, the light button may be controlled by the little finger, index finger, or thumb. The idea is to flash momentarily, change position, and do it again, leaving the light out while moving. Regardless of the illumination created, before passing any corner or entering any doorway, see what may be waiting on the other side.

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## ANNEX E

# Checklists

### E001 Seaworthiness Assessment Checklist

ITEM	ASSESS/ VALUE	NO GO
<b>Pre-boarding</b>		
Monitor and record:		
● Period of roll/hang time (>1.5–2 sec hang time)	sec	
● List	deg	
● Trim		
● Freeboard	ft	
● Sea State	SS	
● Cumulative assessment		GO/NO GO
● En route		
Determine/record		
● Draft markings and waterline (first 100 ft = 10 ft of draft, every additional 110 ft and 5 ft of draft)	ft	
● Bubbles/Oil Slick	Yes/No	
● Hull Penetrations	Yes/No	
● Cumulative assessment		GO/NO GO
<b>Onboard Vessel</b>		
Monitor/determine:		
● Period of roll/hang time	sec	
● Bilge water level	in	
● Sea State	SS	
● Use of pumps and educators	Yes/No	
● Anchor viability	Yes/No	
● Fire	Yes/No	
● Flooding	Yes/No	
● Toxic hazards	Yes/No	
● Electrical shock	Yes/No	
● Cumulative assessment	Yes/No	GO/NO GO

**E002 Operational Brief to Command Team Checklist**

ITEM	COMPLETE
Weather forecast	
Intel brief on suspect vessel	
● Type vessel and size	
● Vessel's flag/registry	
● Last port	
● Next port	
● MIO history	
● Type cargo	
● Crew information	
● RFIs/EEIs	
● Threat level	
● Review ONI database	
● Overall mission plan	
● Forces/Units assigned	
● Command organization	
● Aircraft employment	
● Governing ROE	
● Communications	
○ Internal	
○ External (Pri/Sec/Tert)	
○ Codewords/prowords	
● Navigation considerations	
● Pre-planned responses	
● Review NO/GO criteria	
● ORM assessment	
● Position of suspect vessel	
● Extraction procedure	
● Sanitation procedure	

**E003 Bridge/CIC Watch Checklist**

ITEM	COMPLETE
Set MIO condition watch teams (Bridge/CIC)	
Man Query Control position	
Review query scripts	
Review navigation track with BO	
Commence seaworthiness assessment of suspect vessel	
Obtain weather forecast	
Set up MIO COMMS circuits	
Establish suspect vessel tracking watch	
Nominate personnel for ship recording of boarding report	
Set ship's material condition for MIO	
Consolidate Intel briefing information	
Conduct Ship/RHIB/Boarding Team COMM checks (EMCON permitting)	
ESM collect racket information	
Monitor suspect vessel with SSEE	
Provisions for Boarding Team, re-supply as required	
Set/Station as appropriate:	
● Flight Quarters	
● Boat Detail	
● Navigation Detail	
● Special Sea and Manoeuvring Detail	
● Snoopy Team	
● Designated SCAT and main battery weapons details	
● MIO Boarding Team	

E004 GO/NO GO Checklist

ITEM	VALUE	NO GO
Mission essential support assets available		
Sea State/Weather (Seas in excess of 6 ft, winds greater 35 kts)	ft	
	kts	
Suspect vessel enters TTW & host nation forbids boarding		
Sea worthiness assessment		
Authorized levels of force unsuccessful and freeboard prevents NCB	ft	
Passive resistance measures intended to inflict harm		
Intel of possible threat/hostile intent		
Suspect vessel opposes boarding		
BO or OSC determines operation is unsafe		

**E005 Boarding Officer Pre-mission Brief to Boarding Team**

ITEM	COMPLETE
Intel brief on suspect vessel	
● Type vessel and size	
● Vessel's flag/nationality	
● Last port	
● Next port	
● Vessel MIO history	
● Cargo type	
● Number in crew and nationality	
● Threat level	
Expected compliant or non-compliant	
Use of force continuum	
Non-firing weapons function check	
Equipment checks	
Governing ROE	
Weather/sea conditions and forecast	
Vessel's position/safe navigation considerations	
COMM procedures/prowords/codewords	
COMMS checks	
Overall mission plan and goal	
RHIB employment	
Aircraft employment	
Personnel assignments	
Insertion point	
Pre-planned responses	



**E006 Ship Control Team Pre-mission Brief**

ITEM	COMPLETE
Intelligence synopsis	
● Type vessel and size	
● Vessel's flag/nationality	
● Vessel MIO history	
● Cargo type	
● Vessel MIO history	
● Cargo type	
● Number in crew and nationality	
● Threat level	
Weather brief	
Communications plan	
Callsigns and codewords	
EMCON permitting, conduct Ship/SCT COMM checks	
Turnover process	
Pre-planned responses	
Boarding ORM assessment	
Equipment check	
EMCON permitting, conduct Ship/RHIB/BT COMM checks	
Personnel assignments	
Provisions for boarding team, re-supply as required	
Non-firing weapons function check (for armed personnel)	

**E007 Ship Control Team Turnover Checklist**

ITEM	COMPLETE
Suspect vessel crew mustered and under control	
● Review crew security measures in place	
● Determine compliance of master and crew	
● Identify key crew members (master, mates, engineer, deckhands etc)	
● Determine primary language(s) of master and crew (request linguist support if necessary and available)	
● Determine any crew special medical considerations	
● Determine any crew special religious considerations	
● Review location of crew containment area, relocate if necessary	
● Inspect crew messing and berthing arrangements and food/water stores. If insufficient stores for transit to diversion port, request re-supply from escort	
Establish primary and secondary rally points	
Check primary and secondary ship communications circuits, including suspect vessel BTB	
Review suspect vessel internal communications arrangements	
Inspect navigation equipment	
Test/inspect navigation lights	
Inspect liferafts	
Identify and locate any potential fire/flood or toxic hazards	
Determine proposed fire/flooding/gas boundaries (transverse bulkheads/doors/watertight hatches)	
Ensure water and fuel integrity is satisfactory and sufficient for expected transit	
Conduct seaworthiness assessment	
Ensure adequate DC equipment is available	
Ensure engineering plant functioning and stable. If sabotages request specialist assistance from escort	
Check for throttle control satisfactory	
Ensure steering arrangement/control is satisfactory	
Test/inspect deck equipment, in particular anchor, cable and capstan	
Take custody of any weapons discovered by initial take down team	
Verify there is no apparent damage/casualty/sabotage that would make the vessel unseaworthy (as per seaworthiness assessment criteria) or unsafe	
Conduct deck/ship control/engineering equipment familiarization	
Review engineering plates/blueprints (if available)	
Ensure SCT is familiar with suspect vessel deck and engineering layout	
Verify that SCT manning is sufficient to operate suspect vessel	

**E008 Boarding Officer Task List**

ITEM	COMPLETE/VALUE
COMMS Checks	
● Channel _____ (CO, OOD, Boat, BO)	
● Channel _____ (ABO, Search Team, Security Team)	
Embark time	
Security team aboard time	
ABO aboard time	
Establish triangulated security perimeter	
BO aboard time	
Boarding Officer greet Master	
Confirm vessel crew muster	
Notify supporting ship of status	
Post watch over suspect vessel crew	
Conduct sweep	
Inspect papers	
Certificate of registry	
Logs	
Crew and passenger list	
Bill of Health	
Clearance papers	
Invoices or Cargo Manifest	
Bill of Lading	
Ship's Charter	
Receipts documenting on load of cargo/stores	
Tank sounding data	
Tank capacity (metric tons)	
Intelligence collection requirements	
Documentation which establishes a link to sanctions violators	
Charts	
Notify teams of dangerous cargo discovered	
Compare papers for inconsistencies	
Verify cargo count	
Give recommendations to CO	
Make appropriate Deck Log entries	
Extradition method	
Disembark suspect vessel time	
Recover to supporting ship time	

## Annex F

**OPTASK MIO and Information  
to be Included in OPTASK MIO SUPP****F001 OPTASK MIO**

The OPTASK MIO will be promulgated by the designated MCC. An example follows:

A1/REFERENCES (REF)  
A2/PERIOD COVERED (PERIOD)  
A3/ADMINISTRATIVE  
    /1/DEFINITIONS  
    /2/PURPOSE  
A4/TASKING (TASKING)  
C2/THREAT  
    /2/ROE (THREAT)  
D1/MISSION (MISSION)  
I1/AIR TASKING (AIRTASK)  
X1/REPORTING INSTRUCTIONS (REPINST)  
    /1/GENERAL  
    /2/INITIAL QUERY AND BOARDING REPORT  
Y1/SPECIAL INSTRUCTIONS (SPECINST)  
    /1/OPGEN/OPTASK MIO SUPP GUIDANCE  
    /2/SEAWORTHINESS ASSESSMENT  
    /3/SECURITY TEAM  
    /4/SEARCH LIMITATIONS  
    /5/ASYLUM AND SAFE HAVEN  
    /6/SAFETY

**F002 OPTASK MIO SUPP**

The OPTASK MIO will be amplified by the appointed MIO commander through promulgation of an OPTASK MIO SUPP. The OPTASK MIO SUPP should address the following topics:

- a. Definition/designation of contacts of interest
- b. Intelligence/information collection guidelines including priority of EEIs.
- c. Self-defence/collective self-defence
- d. Query/BTB COMMS guidance
- e. Authority to determine compliant, non-compliant, opposed boarding
- f. Authority to conduct compliant, non-compliant, and opposed boarding
- g. CONOPS for ship support of SOF and/or interagency participation in MIO
- h. CONOPS for integration of allied forces
- i. Entry/pursuit into territorial waters and airspace

- j. Illumination of contacts
- k. Advising shipping of MIO mission
- l. Safety/seaworthiness assessment procedures
- m. Divert/escort and seizure of vessels
- n. Health and comfort support to detained vessels
- o. Search and boarding of vessels
- p. Interrogation and detaining of suspect vessel crewmembers/passengers
- q. Guidelines for security teams'
- r. Review/seizing documents and cargo
- s. Use of warning shots to include pyrotechnics
- t. Use of disabling fire

## GLOSSARY

This Glossary contains abbreviations and acronyms used in this document as well as others commonly used in joint and combined operations. A comprehensive list of NATO abbreviations is contained in AAP-15, the NATO Glossary of Abbreviations Used in NATO Documents and Publications.

<b>ABO</b>	assistant boarding officer
<b>AF</b>	assault force
<b>AFC</b>	assault force commander
<b>AMC</b>	air mission commander
<b>AT</b>	anti-terrorism
<b>ATL</b>	assault team leader
<b>BO</b>	boarding officer
<b>BP</b>	boarding party
<b>BT</b>	boarding team
<b>BTB</b>	bridge-to-bridge
<b>C2</b>	command and control
<b>CESM</b>	communications electronic support measures
<b>CIC</b>	combat information centre
<b>CO</b>	commanding officer
<b>COMMS</b>	communications
<b>DC</b>	damage control
<b>DIW</b>	dead in water
<b>EEBD</b>	emergency egress breathing device
<b>EEI</b>	essential elements of information
<b>EMCON</b>	emission control
<b>EO</b>	electro-optical
<b>EOD</b>	explosive ordnance disposal
<b>ESM</b>	electronic warfare support measures

<b>ETA</b>	estimated time of arrival
<b>ETD</b>	estimated time of departure
<b>FLIR</b>	forward-looking infrared
<b>FM</b>	frequency modulation
<b>GPS</b>	global positioning system
<b>HAF</b>	heliborne assault force
<b>HAZMAT</b>	hazardous material
<b>HVBSS</b>	heliborne visit, board, search and seizure
<b>IMO</b>	International Maritime Organization
<b>IR</b>	infrared
<b>IRDS</b>	infrared detection set
<b>JFC</b>	joint force commander
<b>LLTV</b>	low-light television
<b>LPOC</b>	last port of call
<b>MCC</b>	maritime component commander
<b>METOC</b>	meteorological and oceanographic
<b>METOC Det</b>	Meteorology and Oceanography Detachment
<b>MHZ</b>	megahertz
<b>MIO</b>	maritime interdiction operation(s)
<b>MLA</b>	mean line of advance
<b>NATO</b>	North Atlantic Treaty Organization
<b>NB</b>	narrowband
<b>NIMA</b>	National Imagery and Mapping Agency
<b>nm</b>	nautical mile
<b>OIC</b>	officer in charge
<b>ONI</b>	Office of Naval Intelligence
<b>OOD</b>	officer of the deck

<b>OPAREA</b>	operating area
<b>OPGEN</b>	operation general
<b>OPORD</b>	operational order
<b>OPTASK</b>	operational tasking
<b>ORM</b>	operational risk management
<b>OSC</b>	on-scene commander
<b>OTC</b>	officer in tactical command
<b>OTH</b>	over-the-horizon
<b>PPR</b>	preplanned response
<b>RFI</b>	requests for intelligence
<b>RHIB</b>	rigid hull inflatable boat
<b>ROE</b>	rules of engagement
<b>RSP</b>	recognized surface picture
<b>SAR</b>	search and rescue
<b>SAS</b>	special air service (name of SOF/AT units from the UK, NZ, and AUS)
<b>SATCOM</b>	satellite communications
<b>SCT</b>	ship control team
<b>SOF</b>	special operations forces
<b>SOLE</b>	special operations liaison element
<b>SITREP</b>	situation report
<b>SSEE</b>	ship's signals exploration equipment
<b>TACAIR</b>	tactical air
<b>TACON</b>	tactical control
<b>TTW</b>	territorial waters
<b>UHF</b>	ultrahigh frequency
<b>UN</b>	United Nations
<b>VBSS</b>	visit, board, search and seizure



**VHF**

very high frequency

**WMD**

weapons of mass destruction

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Change 2	LEP-1, LEP-2

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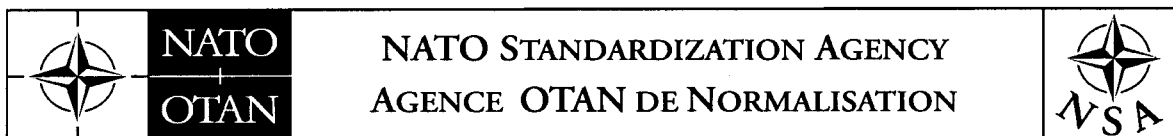


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NATO/PfP UNCLASSIFIED



**MC Maritime Standardization Board (MCMSB)**

24 January 2007

NSA(NAVAL)0065(2007)HOSTAC/1444

MCMSB

**STANAG 1444 HOSTAC (EDITION 2) - MARITIME CONSIDERATIONS ON THE CONDUCT OF FAST ROPING AND RAPPELLING (FRR)**

References:

- A. NSA(NAVAL)0896-HOSTAC/1444 of 5 October 2005 (Edition 2) (Ratification Draft 1)
- B. MAS(NAVY)0625-HOS/1444 of 31 May 2001 (Edition 1)

1. The enclosed NATO Standardization Agreement, which has been ratified by nations as reflected in the **NATO Standardization Documentation Database (NSDD)**, is promulgated herewith.

2. The references listed above are to be destroyed in accordance with local document destruction procedures.

ACTION BY NATIONAL STAFFS

3. National staffs are requested to examine their ratification status of the STANAG and, if they have not already done so, advise the Military Committee Maritime Standardization Board (MCMSB), NSA, through their national delegation as appropriate of their intention regarding its ratification and implementation.

J. MAJ   
Major General, POL(A)  
Director, NSA

Enclosure:

STANAG 1444 (Edition 2)

NATO Standardization Agency - Agence OTAN de Normalisation  
B-1110 Brussels, Belgium Internet site: <https://nsa.nato.int>  
E-mail: [nsa.naval@hq.nato.int](mailto:nsa.naval@hq.nato.int) - Tel 32.2.707.5600 - Fax 32.2.707.5718

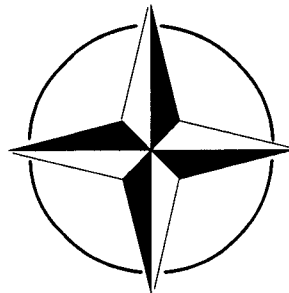
0065E-07ST1444 Ed2

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STANAG 1444  
(Edition 2)

**NORTH ATLANTIC TREATY ORGANIZATION  
(NATO)**




**NATO STANDARDIZATION AGENCY  
(NSA)**

**STANDARDIZATION AGREEMENT  
(STANAG)**

SUBJECT: MARITIME CONSIDERATIONS ON THE CONDUCT OF FAST ROPING  
AND RAPPELLING (FRR)

Promulgated on 24 January 2007

J. MAJ   
Major General, POL(A)  
Director, NSA

NATO/PfP UNCLASSIFIED

RECORD OF AMENDMENTS

N°	Reference/date of Amendment	Date entered	Signature

EXPLANATORY NOTES

AGREEMENT

1. This NATO Standardization Agreement (STANAG) is promulgated by the Director NATO Standardization Agency under the authority vested in him by the NATO Standardization Organisation Charter.
2. No departure may be made from the agreement without informing the tasking authority in the form of a reservation. Nations may propose changes at any time to the tasking authority where they will be processed in the same manner as the original agreement.
3. Ratifying nations have agreed that national orders, manuals and instructions implementing this STANAG will include a reference to the STANAG number for purposes of identification.

RATIFICATION, IMPLEMENTATION AND RESERVATIONS

4. Ratification, implementation and reservation details are available on request or through the NSA websites (internet <https://nsa.nato.int>; NATO Secure WAN <http://nsa.hq.nato.int>).

FEEDBACK

5. Any comments concerning this publication should be directed to NATO/NSA – Bvd Leopold III - 1110 Brussels - BEL.



NATO STANDARDIZATION AGREEMENT  
(STANAG)

MARITIME CONSIDERATIONS ON THE CONDUCT  
OF FAST ROPING AND RAPPELLING (FRR)

Annex: A. FRR BRIEFING GUIDE FOR AIRCREW/BOARDING PARTY

AIM

1. The aim of this agreement is to specify the detailed requirements for the safe conduct of maritime cross deck fast roping and rappelling (FRR) utilising national and/or another nation's aircraft and personnel.

AGREEMENT

2. The participating nations agree to adhere to, as a minimum, the requirements and procedures specified in this STANAG.

GENERAL

3. The requirement exists for NATO nations to be able to conduct combined joint maritime FRR operations. This may include FRR of a national helicopter and crew composition to another nation's deck as well as mixing aircraft and crews from different nations for a specific operation.

4. Before using mixed nation FRR teams for operational missions the formal bi- or multi-lateral agreement(s) of each participating nation is required. Pre briefing is a mandatory requirement before conducting cross deck FRR Operations, specifically hand signals, emergencies and method of descending are to be briefed. An intensive training phase prior to conducting multinational FRR on an operational level is mandatory. FRR operations in general should only be undertaken when it is viewed as the most efficient and practical method of completing a task. The decision to FRR will be decided based on such constraints as hover height, team member weight, etc.

PERSONNEL REQUIREMENTS AND RESPONSIBILITIES

5. FRR operations require thorough planning and a high degree of cockpit/cabin crew co-ordination. Whilst the aircraft commander retains overall responsibility for the aircraft and the conduct of the operation, the rope master is responsible to the aircraft commander for the execution of the FRR operations. Within the cabin of the aircraft the rope master is normally under the supervision of a qualified aircrew-member.

6. Specific responsibilities are as follows:

a. Aircraft commander:

- retains overall responsibility for the aircraft and the conduct of operations.
- ensures general safety of the operation.
- ensures that aircraft hardware is inspected by qualified personnel before flight.
- ensures that all personnel are adequately briefed.
- studies obstacles/hazards on the receiving ship and briefs crew/boarding party accordingly.
- determines hover-height for FRR operations in agreement with the rope master.
- selects drop zone.
- authorises deployment of the rope and dispatch of boarding party.

b. Qualified cabin aircrew-member:

- conducts aircraft safety briefing to boarding party personnel.
- demonstrates hand-signals used for:
  - prepare for FRR.
  - next person to the rope.
  - GO.
  - break off.
  - emergency stop.
  - adopt crash position.
  - carry out emergency jump.
- ensures correct attachment of FRR equipment and rope(s) to the helicopter.
- inspects equipment available (e.g. rappelling device, rope, aircraft hook) and checks its compatibility (dependant on national procedures).
- is responsible for compliance to flight safety aspects within the cabin.
- deploys rope(s) after being cleared by aircraft commander.
- carries out the following checks after rope is deployed:
  - no knots in the rope(s).
  - sufficient rope lying on the drop zone iaw national procedures.
  - hover position and height appropriate for the operation.
- retrieves/releases the rope after boarding party insertion.
- continuously informs aircraft commander about the progression of the FRR process.
- indicates completion of FRR after final team member is on the ground and clear of the rope(s).

c. Qualified Rope master (also referred to as dispatcher in some countries):

- discusses conduct of FRR operations, national FRR procedures and limitations of the team (if applicable) with aircraft commander / aircrew.
- is responsible for currency of team members.

- ensures correct attachment of FRR equipment and rope(s) to the helicopter (dependant on national procedures).
- inspects equipment available (e.g. rappelling device, rope, aircraft hook) and checks its compatibility (dependant on national procedures).
- attends briefing of the aircraft commander on the operation.
- conducts the briefing of team members after the aircrew briefing.
- ensures that all team members are correctly dressed.
- determines sequence of descent of the team member and reports it to the qualified helicopter aircrew.
- orders team members to the rope.
- passes rope to rappellers and assists them in hooking up.

In case the rope master is a team member, he should be the final team member to descend.

- d. Team members:
  - check their specific dressing and equipment to ensure no loose items or unsecured straps.
  - hook up to the rope.
  - clear the area underneath the helicopter immediately after descent.
- e. Receiving ship during training only:
  - Ensure deck and personnel preparation is completed.
  - Maintain communications with helo for co-ordination.
  - Maintain suitable course and speed for helo to hover safely.
  - Be prepared to recover helo in an emergency if flight deck fitted.
  - Be prepared to render medical and emergency services if required.

## TRAINING/CURRENCY

- 7. Aircrew and boarding party personnel are to be qualified and current in accordance with National requirements.
- 8. All personnel are to have completed a brief on the agreed procedures before commencing cross deck FRR operations.
- 9. Completion of the relevant national underwater escape trainer for boarding party members is to be iaw the flying nation's regulations.

## EQUIPMENT

- 10. Personal Protective Equipment (PPE) for the team members during transit shall be agreed to prior to mission brief. Team member operational dress shall be iaw national standards.
- 11. The FRR equipment (ropes, harnesses, rappelling devices, etc) shall be compatible and authorized with the airframe and individual equipment of team members.

## PLANNING AND BRIEFING

12. Besides the individual briefings of the aircrew and the FRR team, each FRR operation will be preceded by a general planning briefing conducted in a language understood by all participants. The briefing must be attended by the aircraft commander, aircrew and the team leader and has to cover, as a minimum, the following items:

- conduct of the operation in general.
- FRR drop zone (size, obstacles etc.).
- probable hover height, maximum and minimum acceptable hover height.
- actions in case of emergencies:
  - aircraft (engine failure, control malfunction, etc).
  - FRR (team member hung up during descent, fouled rope(s).
  - medical (team member injury).
- number of team members to descend.
- limitations of the FRR team / aircraft if applicable.
- hazards caused by external equipment, if applicable.
- method of team member recovery.

The aircrew and team members shall be briefed on the entire operation separately by the aircraft captain and team leader as guided covering the details in Annex A. For FRR training it is the aircraft commander's responsibility to brief the receiving ship's CO.

## RIGGING AND INSPECTION

13. The team leader and/or the cabin aircrew are responsible for the inspection of the aircraft and rope prior to commencing operations. This will include:

- Inspect the aircraft anchoring point(s) and attachment hardware.
- Inspect the rope(s) for wear, moisture, dirt/grease and general condition.

### Caution

If there is any doubt regarding the condition, compatibility or authorization of the equipment, it shall not be used.

14. For fast roping operations it is recommended that the fast rope be rigged with a minimum of one safety line (where possible) which must bypass all possible primary hardware failures. The safety line should be tied or spliced through the fast rope. This safety line will be secured to a secondary strong point in the aircraft so that quick release by the aircrew/team leader is possible in the case of emergency.

Note: Certain nations do not use a safety line.

## CONDUCT

15. The procedures used for FRR from helicopters may vary according to the different types of aircraft used. There are, however, basic procedures that are common to all types of helicopters.

16. The team members are only to approach the aircraft on the command of the aircraft commander. Personnel are to walk to the aircraft and approach the door as previously briefed.
17. The rope master must embark first, secure him/herself with his/her harness and ensure that the intercom (if required) is working properly
18. All personnel should be seated in the appropriate exit order keeping movement in the aircraft to a minimum; however, for particular circumstances (short transit/ bulky equipment) this can be impractical and team members may be seated on the cabin floor. Whenever possible, every effort should be made to secure the team. All personnel are to remain seated until directed to exit.
19. In the event of an in flight emergency, personnel are to remain seated and secure. They are to wait until the rotors have stopped turning before exiting the aircraft, unless directed otherwise by the aircrew.
20. At night the helicopter landing lamp may be used (if appropriate) to facilitate the boarding.
21. Specifics for Fast rope and Rappelling differ and are described separately below.

#### FAST ROPE SPECIFICS

22. Fast Ropers are to descend iaw their national procedure.
23. The aircraft commander will specifically direct the deployment of the team. After receiving permission to deploy the team the cabin aircrew/fast rope leader will direct the release of personnel using the following sequence:
  - unfasten seat belts/harness (in suitably equipped aircraft).
  - stand by (designated personnel move to the door).
  - take position (roper closest to the rope rotates towards rope and grasps it at eye level.
  - exit the aircraft.

Note: The sequence may be conducted using pre-briefed hand signals.

24. If night fast roping is required a cylume is to be place at the end of the rope with another 6 ft from the end. Additionally a third cylume should be placed at the top of the rope just above the position where the team member would grab the rope to commence the descent.

#### Caution

If the rope becomes entangled it may become a hazard to the aircraft. If this is the case, the entangled rope will be jettisoned as soon as possible.

#### WARNING

The fast rope is NEVER to be secured to the deck or surface that it has been deployed to.

## RAPPELLING SPECIFICS

25. Rappellers are to descend in accordance with their national procedure.
26. For safety reasons, the first rappeller should steady the line when reaching the ground.
27. Single/Multi-Point Rappelling -The maximum number of ropes should be determined by national procedures. Although the basic procedures are the same as those described in single rappelling procedures, there are additional drills that the rope master must use.

### **WARNING**

The rappelling rope is NEVER to be secured to the deck or surface that it has been deployed to.

## ACTIONS AFTER FRR

28. After the team is deployed, the rope(s) will be retrieved or released clear of personnel.
29. If rope(s) is (are) to be released, the aircrewman checks that all team members and stores are on the ground and clear of the rope(s). He may then drop the rope(s) and allow it (them) to fall clear of the aircraft. If the aircrewman cannot clearly see each team member on the ground for each rope, he must not drop the rope. If any doubt exists, the rope must be pulled up until the end of the rope can be clearly seen above the ground before jettisoning.
30. The cabin aircrew will clear the pilot to depart before the aircraft leaves the hover position.

## FRR EMERGENCY PROCEDURES

31. Anyone can stop the procedure at anytime if it is thought that something is wrong or unsafe.
32. In case of an emergency the helicopter may have to depart from the FRR area immediately to perform a flyaway or ditching manoeuvre. In this case the FRR process has to be stopped immediately, team members in the cabin have to remain in the helicopter and adopt the briefed crash position. In case of any minor emergencies training missions are to be aborted. During operational FRR the further course of action will be decided by the aircraft commander.
33. Should a rappeller become hung up on the rope, the helicopter must descend keeping clear of the obstacles.
34. In the event of a FRR hardware failure, no further descents will be permitted.

LIMITATIONS

35. The following limitations should be applied with any deviations being formally agreed beforehand.

- a. Maximum number of personnel on a rope is to be determined by the National procedures of the FRR team and aircraft limitations.
- b. The safest hover height for the FRR operation should be agreed upon during the brief and should be iaw the national standards of the FRR team.
- c. No loaded weapons in the aircraft during training exercises.

IMPLEMENTATION OF THE AGREEMENT

36. This STANAG is considered to be implemented when a nation accepts and adopts the criteria standardising the use of the conduct of fast roping as described above.

FRR BRIEFING GUIDE FOR AIRCREW/BOARDING PARTY

Administration

- Identify key personnel - Aircraft Commander/pilot/dispatcher (team leader).
- Complete manifest.
- Check qualification of aircrew, dispatcher and currency of team members.

Situation

- Weather forecast.
  - sea state/swell/visibility/wind/precipitation
- Personnel involved.
- Type of insertion/number.
- Aircraft description.
- Target ship
  - name/type/size.
  - landing zone details/obstacles.
  - Required hover height.
- Timings.
- Threat/hazards.
- Other aircraft (where they are approaching from and in what order).

Mission

- Aim of FRR deployment.

Equipment

- Equipment.
  - personal/stores.
- Rope length.

Execution

- Loading order.
  - stick order - load in reverse.
- Embarking in aircraft.
  - safe approach lane to aircraft.
  - seat belts - thumbs up when secure in aircraft.



- Hand signals used.
  - prepare for FRR.
  - next person to the rope.
  - GO.
  - HOLD.
  - break off.
  - adopt crash position.
  - carry out emergency jump.
- Deploying team.
  - exit location.
  - do not move until instructed by dispatcher.
  - body/hand position for exit.
  - clear rope below.
  - make positive braking.
  - clear area immediately after landing.
  - assign positions for insertion.
  - safety - stay alert/follow instruction.
  - upon reaching the ground, the first rappeller should act as a brakeman.

#### Emergency Procedures

- Helicopter emergency landing.
  - Terminate FRR procedure.
  - boarding party member on rope complete descent as rapidly as possible.
  - once on ground clear from under aircraft immediately.
- Altitude gain above rope length.
  - team member to apply braking action - lock off on rope.
  - wait for rope to return to ground before continuing.
  - immediately notify the Aircraft Commander.
- Entangled rope.
  - Boarding party member will complete descent as rapidly as possible.
  - Rope master to release rope when all boarding party are off the rope.
- If team member is 'hung' on to the rope, the dispatcher will make every effort to recover the rope, however the likely option will be to descend to the lowest possible altitude and place the roper on the deck in order that they may be freed.

#### Post Operation Procedures

- Return/Secure equipment.
- Muster for debrief – who, where, when.
- Comments on SOPs.

Safety

- Follow instructions of Aircrew and Dispatcher.
- Approach direction to aircraft / aircraft hazards.
- Use of 'hold' signal if something is wrong or unsafe.
- Ask questions if unsure.

Go/No Go

Determine Go/No Go items that require the mission to be aborted.

# **MTP 1(D)**

## **VOLUME I**

# **Multinational Maritime Tactical Instructions and Procedures**

This Multinational Manual may be released to a non-NATO nation by a NATO nation or command, on a need to know basis, without further authorization from the NSA or NATO Headquarters. This MM shall not be released by any non-NATO nation. The releasing nation is responsible for:

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**ORIGINAL**

## CHAPTER 8

# Antisurface Warfare

### SECTION 1 — GENERAL

#### 8100 GENERAL

a. This chapter contains tactical and procedural instructions for ships (including submarines) and aircraft when operating against enemy surface forces. Its purpose is to:

- (1) Specify tactics and procedures in antisurface operations.
- (2) Enable commanders to issue orders and instructions to fulfill their responsibilities.
- (3) Enable subordinates to understand and comply with orders and instructions received.

b. NOT RELEASABLE

#### 8101 *COMMAND IN ANTISURFACE WARFARE*

The OTCs functions in surface warfare, including those that may be delegated to the antisurface warfare commander (ASUWC), are summarized in Table 1-3.

#### 8102 *FORCE TRACK COORDINATOR (FTC) SURFACE AND SUBSURFACE*

The OTC may delegate surface and subsurface surveillance to one of the warfare commanders. They in turn can assign a FTC. In principle the designated force track coordinator surface and subsurface performs the tasks as described in Chapter 6, Article 6314.

#### 8103 *CONCEPT OF ANTISURFACE WARFARE*

a. Antisurface warfare must make full use of the offensive potential of own surface, submarine, and air forces in order to deny the enemy effective use of his surface forces.

b. Antisurface operations by surface ships and submarines include all actions to combat enemy surface forces. In the case of an offensive antisurface action, a SAG will be formed. A SAG may be comprised of surface ships and/or submarines. If the action is of a defensive nature, the OTC may either detach a SAG to counter the surface threat, maintain the integrity of the force, or avoid any action by altering course with the whole force, depending upon the significance of the surface threat as compared to the air and subsurface threats.

c. **Forces Employed.** Antisurface operations may be carried out by:

- (1) Ships.
- (2) Fast patrol boats.
- (3) Fixed-wing aircraft.
- (4) Helicopters.

- (5) Submarines.
- (6) Coastal batteries (tactics and procedures are a national responsibility).
- (7) Mining (see ATP 6).

#### NOTE

Submarine operations are not dealt with in this chapter. Safety precautions to be observed when cooperating with submarines are prescribed in Chapters 6 and 9.

NOT RELEASABLE

**d. Coordinated Operations.** Antisurface operations may be carried out by a combination of any of the single types of forces listed in paragraph c, in order to exploit the different advantages of their sensor, weapon, and command capabilities. The most important combinations in coordinated operations are dealt with in this chapter. The cooperation of those combinations not described must be arranged for ad hoc using the procedural principles of this chapter.

### 8104 SURFACE POLICY

**a. Surface Threat.** Whenever a surface threat is deemed to exist, the OTC should promulgate a policy for surface action. An early and comprehensive statement of intentions in an Operation Order/OPGEN/OPTASK will reduce the requirement for messages, unless the situation changes.

**b. Surface Policy.** The Surface Policy can be stated in broad terms only, or specified in detail as required. Table 8-1 contains a checkoff list, based on the phases of surface action outlined in Article 8105. They may be used to prepare orders and to update and execute them.

**c. Success of Surface Action.** The success of surface action depends on a thorough understanding of the Surface Policy, a good initial plan, and the initiative of commanding officers.

### 8105 SURFACE ACTION

**a. Phases of Surface Action.** Surface action can be broadly stated as taking place in the following phases.

#### (1) Phase 1 — Preparation.

- (a) Events leading to the detection, localization, identification, and recognition of the enemy.
- (b) A review of the situation against the established policy, planning, and tasking.

#### (2) Phase 2 — Detection, Localization, Identification, Recognition, and Target Assignment.

- (a) Assuming the optimum force offensive and defensive posture.
- (b) The decision to join the enemy in battle.
- (c) Selection and localization of particular enemy units as prime targets.
- (d) Decision to request area commanders assets or to use force assets.

Table 8-1. Surface Action Checkoff List

PHASE 1 — PREPARATIONS	PHASE 2 — DETECTION, IDENTIFICATION, AND TARGET ASSIGNMENT
<p>a. Evaluate updated threat intelligence, SSM ships will be primary threat; SAM ships must also be considered. Decide enemy's most dangerous likely courses of action, having determined whether he has already been targeted by other friendly forces.</p> <p>b. Consider surface surveillance priority in relation to ASW and AAW.</p> <p>c. Consider stationing of pickets, bulging the screen, and/or detaching SAGs or submarines.</p> <p>d. Consider use of deception and evasion.</p> <p>e. Consider best use of assets, links, and communications for targeting.</p> <p>f. Ensure emission policy is appropriate to surface threat priority.</p> <p>g. Consider retention or delegation of authority to initiate and coordinate OTH attacks by LR ASSM.</p> <p>h. Consider target identification criteria, required recognition level, required recognition confidence level, and weapons expenditure.</p> <p>i. Consider target priorities and damage criteria.</p> <p>j. Determine likely units to coordinate and conduct OTH action, after considering disposition, capabilities, etc.</p> <p>k. Consider methods of damage assessment.</p> <p>l. Reevaluate jamming tasking.</p> <p>m. Consider effects of weather, e.g., on ship's maneuverability and flying operations.</p> <p>n. Determine the execution of gridlocks, ensuring a matched picture with all participating units.</p>	<p>a. Determine employment of available surveillance assets, including provision of extra helicopters and tasking of ESM equipment of all aircraft.</p> <p>b. Determine employment of air, surface, and subsurface units, and other support facilities to provide timely, continued, and accurate target localization, identification, and recognition data.</p> <p>c. If appropriate, request support from area commanders' forces.</p> <p>d. In light of available target localization, identification, and recognition data, review force weapon release criteria.</p> <p>e. Consider employment of air, subsurface, and surface units for attack.</p> <p>f. Review previously ordered, or order appropriate Surface Action Plans.</p> <p>g. Review Emission Policy.</p> <p>h. Consider SSM Missile Seeker Free Zone (MSFZ) and Missile Seeker Tight Zone (MSTZ).</p> <p>i. Determine SAG composition after considering disposition and capabilities.</p> <p>j. Assign targets and promulgate clear directions to participating units.</p>

Table 8-1. Surface Action Checkoff List (Cont.)

PHASE 3 — LONG-RANGE ENGAGEMENT	PHASE 3 — LONG-RANGE ENGAGEMENT (CONT.)
<p>a. INITIATION.</p> <p>(1) Engage with air or, if appropriate, subsurface assets.</p> <p>(2) Unless tasks have already been assigned, the OTC or ASUWC may:</p> <p>(a) Detach a SAG with LR SSM assets and consider redistribution of remaining forces.</p> <p>(b) Order LR SSM attacks without forming a SAG.</p> <p>(c) Order OTH Standard Action Plan, and if not already specified:</p> <ol style="list-style-type: none"> <li>1. Target to be engaged.</li> <li>2. When LR SSM are to be fired, or time on target (TOT) for missiles.</li> <li>3. Communications/links to be used.</li> </ol> <p>(d) Order any other, or combination of, Standard Surface Action Plan(s).</p> <p>(3) If detaching a SAG, consider shifting remainder of force to alternate SAG net.</p> <p>b. SAG APPROACH.</p> <p>(1) SAG Commander (SAGC) orders formation, disposition, course, and speed in accordance with Action Plan(s). If no Plan is detailed, considerations are:</p> <p>(a) Formation/disposition.</p> <p>(b) Freedom to maneuver.</p> <p>(c) Mutual support.</p> <p>(d) Separation to avoid single jammer beam width.</p> <p>(e) Concealment of identities of missile-armed ships.</p> <p>(2) Communications (unless specified otherwise):</p>	<p>(a) SAG uses appropriate HF/UHF/Secure Voice circuits or visual signals, for maneuvering and picture compilation.</p> <p>(b) Establish communications with cooperating submarines, MPA, AEW, or helicopters on their previously assigned nets, ordering shift to SAG net as necessary.</p> <p>(c) The Air Strike Control Net is used to pass position and intentions to friendly attack aircraft deployed against assigned target.</p> <p>(d) Establish communications on the TF/TG OTH Command Net if necessary.</p> <p>(3) SAGC may assume duties of LAAWC, FTC-S, and ACU for the SAG.</p> <p>(4) Reassess threat, open-fire range, expected time of coming under fire, and missile advantages and disadvantages.</p> <p>(5) Reassess current electronic warfare policy.</p> <p>(6) Employment of allocated air, surface and subsurface assets to optimize OTH attacks. Considerations include:</p> <p>(a) Assessment of OTH information.</p> <ol style="list-style-type: none"> <li>1. Single passive bearing.</li> <li>2. Triangulation.</li> <li>3. Deploying a TRU.</li> <li>4. Other sources.</li> </ol> <p>(b) Updating of plots, identification/recognition, and target selection.</p> <p>(c) Obtaining best possible picture of immediate area around target for selection of optimum missile seeker settings (e.g., weather, clutter, and proximity of other units).</p> <p>(d) Selection TRU for passing accurate data by link or voice.</p> <p>(e) Stationing and protection of TRU.</p>

Table 8-1. Surface Action Checkoff List (Cont.)

PHASE 3 — LONG-RANGE ENGAGEMENT (CONT.)	PHASE 3 — LONG-RANGE ENGAGEMENT (CONT.)
<p>(f) Selection of LR SSM firing units.</p> <ol style="list-style-type: none"> <li>1. Available missiles and their seeker characteristics.</li> <li>2. Accuracy of required target data.</li> <li>3. Spacing of other enemy units in relation to intended line of SSM fire.</li> <li>4. Direction of attack.</li> </ol> <p>(g) Safety of friendly forces, including MSFZ and MSTZ.</p> <p>(7) Order coordination and employment of:</p> <ol style="list-style-type: none"> <li>(a) LR/SSM, including weapon release criteria and fire distribution.</li> <li>(b) Jammers.</li> <li>(c) Chaff-firing sectors and patterns for confusion and/or distraction.</li> </ol> <p>(8) Intentions, to include plans of approach and post-combat rendezvous, must be passed early since at a later stage communications are likely to be saturated and/or jammed.</p> <p>(9) Action in case of damage.</p> <ol style="list-style-type: none"> <li>(a) Nominate standby SAGC.</li> <li>(b) Action for own damaged ships.</li> </ol> <p>(10) Enemy contact report — SITREP to OTC/ASUWC.</p> <p>c. COMBAT.</p> <p>(1) OTH action is conducted according to the Standard Plan ordered, or as specified otherwise.</p>	<p>(2) If cooperating with surface attack aircraft, establish "time windows" for arrival of SSM. TOT for aircraft and missiles should not coincide; however, aircraft and missiles attacks should be coordinated.</p> <p>(3) After damage assessment, reattack if results do not meet OTC's Damage Criteria.</p> <p>d. POST-COMBAT.</p> <p>OTC, ASUWC, or SAGC orders action to cease and issues post-combat instructions (See Phase 4, paragraph d. below).</p>
	<p>PHASE 4 — SHORT-RANGE ENGAGEMENT</p> <p>a. INITIATION. Unless tasks have already been assigned, the OTC will:</p> <ol style="list-style-type: none"> <li>(1) If appropriate, detach a SAG and consider re-dispositions of remaining units.</li> <li>(2) Consider main body evasion.</li> <li>(3) Order Standard Action Plans, and if not already specified: <ol style="list-style-type: none"> <li>(a) Targets to be engaged.</li> <li>(b) Communications/links to be used.</li> </ol> </li> <li>(4) Verify position of own forces to avoid engagement of friendly units.</li> <li>(5) Consider shifting remainder of force to alternate SAG net.</li> </ol> <p>b. APPROACH.</p> <ol style="list-style-type: none"> <li>(1) Actions covering formation, disposition, communications, assumption of duties, reassessment of threat and enemy's intentions, and EW policy as in preceding Phase 3, paragraphs b.(1) to (5).</li> <li>(2) Employment of allocated air submarine, and surface assets.</li> </ol>



Table 8-1. Surface Action Checkoff List (Cont.)

PHASE 4 — SHORT-RANGE ENGAGEMENT (CONT.)	PHASE 4 — SHORT-RANGE ENGAGEMENT (CONT.)
<p>(a) Assessment of target information.</p> <ol style="list-style-type: none"> <li>1. Single passive bearing.</li> <li>2. Triangulation.</li> <li>3. Deploying a TRU/forward observer.</li> <li>4. Other sources (e.g., radar).</li> </ol> <p>(b) Updating plots, identification/recognition, and selection of target.</p> <p>(c) Selection of TRU/forward observer.</p> <p>(d) Selection of firing units to include available SR SSM/SASS.</p> <p>(3) Order employment of:</p> <p>(a) SR SSM/SASS — including weapon release criteria and fire distribution.</p> <p>(b) Guns.</p> <ol style="list-style-type: none"> <li>1. Methods of verification and control of fall of shot.</li> <li>2. Control of opening of weapon area.</li> <li>3. Control of opening fire.</li> <li>4. Pre-action calibration (PAC) — range from enemy to conduct — ESM aspects.</li> <li>5. Ammunition type.</li> <li>6. Wind finding.</li> <li>7. Illumination.</li> <li>8. Fire distribution.</li> </ol> <p>(c) Jammers.</p> <p>(d) Chaff-firing sectors and patterns for confusion and/or distraction.</p>	<p>(4) Action in case of damage.</p> <ol style="list-style-type: none"> <li>(a) Standby SAGC take command.</li> <li>(b) Action for own damaged ships.</li> </ol> <p>(5) Missile/gunnery advantage/disadvantage.</p> <ol style="list-style-type: none"> <li>(a) Maintain missile/gunner advantage.</li> <li>(b) Carry out action to assume advantage if not presently held.</li> </ol> <p>NOT RELEASABLE</p> <ol style="list-style-type: none"> <li>1. NOT RELEASABLE</li> <li>2. NOT RELEASABLE</li> </ol> <p>(6) NOT RELEASABLE</p> <ol style="list-style-type: none"> <li>(a) NOT RELEASABLE</li> <li>(b) NOT RELEASABLE</li> </ol> <p>(7) Enemy contact report — SITREP to OTC.</p> <p>(8) Following the OTC's policy, order type and number of SR SSM/SASS to be fired. A "cocktail mix" will make the enemy's ASMD difficult.</p> <p>(9) Consider use of surface- or submarine-launched torpedoes and long-range ASW weapons.</p> <p>c. COMBAT.</p> <ol style="list-style-type: none"> <li>(1) Open fire order — coordination of SR SSM/SASS and guns. NOT RELEASABLE.</li> <li>(2) NOT RELEASABLE.</li> <li>(3) Reassess gunnery advantage/disadvantage; change tactics accordingly.</li> </ol>

Table 8-1. Surface Action Checkoff List (Cont.)

PHASE 4 — SHORT-RANGE ENGAGEMENT (CONT.)	PHASE 4 — SHORT-RANGE ENGAGEMENT (CONT.)
<p>(4) Weapon arcs — adjust SAG formation to a course to maximize SAG weapon effectiveness.</p> <p>(5) Fire distribution — consider redistribution.</p> <p>(6) Ammunition expenditure — use burst fire initially; continue burst fire until good hitting rate achieved, then use continuous fire.</p> <p>(7) Jamming/chaff employment — continue unless interference is caused to own gun/missile control radar.</p> <p>(8) NOT RELEASABLE.</p> <p>(9) Damage reports — only if fighting capability is reduced.</p> <p>(10) Fall of shot reports — only if situation is confused.</p> <p>(11) Reassess target priorities.</p> <p>NOT RELEASABLE</p> <p>NOT RELEASABLE</p> <p>NOT RELEASABLE</p> <p>NOT RELEASABLE</p>	<p>d. POST-COMBAT.</p> <p>(1) Individual ships report to SAGC.</p> <p>(a) Damage and assistance required.</p> <p>(b) Ammunition reports. NOT RELEASABLE.</p> <p>(c) Fuel. NOT RELEASABLE.</p> <p>(2) SAGC SITREP to OTC.</p> <p>(3) Update position of post-combat rendezvous (if required).</p> <p>(4) Update OTC Rendezvous/PIM.</p> <p>(5) Order formation, course, and speed. Consider maximum sonar speed if significant subsurface threat exists.</p> <p>(6) Survivors — use helicopter assistance.</p> <p>(7) Further action — re-engage, shadow, or withdraw.</p> <p>NOT RELEASABLE</p> <p>NOT RELEASABLE</p> <p>NOT RELEASABLE</p>

(e) Decision on the use of submarines for detection, identification, and possible attack utilizing either torpedoes or ASSMs.

(f) Decision on the use of air attack units and/or employment of ASSMs to provide defense in depth.

(g) Obtaining accurate target data for possible engagement.

**(3) Phase 3 — Long Range Engagement.**

(a) Consideration of detaching air assets or submarines for long-range attacks.

(b) Detachment as necessary of long-range ASSM units in SAGs with supporting submarines as appropriate or single units for long-range engagements.

(c) Conducting long-range attacks.

(d) Post-combat.

**(4) Phase 4 — Short-Range Engagement.**

(a) Detachment of SAGs with short-range missiles, guns, and torpedoes.

(b) Conducting attacks.

(c) Post-combat.

**8106 — 8109 SPARE**

**8110 NOT RELEASABLE**

**8111 — 8119 SPARE**

## SECTION II — ANTISURFACE WARFARE BY SURFACE UNITS

### 8200 SURFACE ACTION CHECKOFF LIST

**a. Checkoff List of Surface Action.** Table 8-1 contains a checkoff list of points to be considered during the four phases of surface action. Not all of the points in the table will apply to every action, but they should be considered and disregarded if not appropriate.

**b. Enemy SSMs.** Enemy SSMs may be fired from over the horizon; that is, beyond the launching platform's active sensor ranges and at shorter or horizon range. With the horizon range threat, appropriate factors in Table 8-1 must be considered early and plans quickly promulgated. Indeed, under these circumstances, phases 2 and 4 may be compressed to run concurrently. Because of the high level of expected EW activity, success at horizon range depends on careful planning, thorough briefing, and minimal reliance on radio communications.

### 8201 SURFACE ACTION GROUP (SAG)

**a. SAG Commander.** On formation of a SAG, the SAG commander is responsible for:

- (1) The organization of the SAG and its tactical employment.
- (2) The tactical control of aircraft assigned.
- (3) EW coordination.
- (4) Local AAW coordination.
- (5) Keeping the OTC informed of the progress of the action.

**b. Composition.** SAG units should be compatible in weapons, sensors, speeds, and maneuverability; however, if a capability such as a complete EW suite is available only in an incompatible unit, that unit may have to be in the SAG despite any other shortcomings.

NOT RELEASABLE

**c. Communications.** When the formation of the SAG is preplanned and adequate warning is given, there will be no difficulty in activating a prepared communication plan. However, this may not be the case when a SAG is formed in an emergency to counter a sudden threat. In this case, the SAG may employ any already established control net as ordered by the OTC. Where appropriate, the remainder of the force should switch to alternate circuits.

**d. Electronic Warfare.**

(1) On the formation of the SAG, control of EW in the SAG is automatically assumed by the SAG commander. The SAG commander will reassign ESM tasking based on threat intelligence and retask ECM assets in order to enhance warning and defense possibilities with minimum mutual interference.

(2) Retasking of the SAGs EW equipment to concentrate on the surface threat against which the SAG has been detached requires the EWC to reconsider overall force EW tasking. Threats no longer covered by SAG units may have to be reassigned to ensure complete threat coverage within the force.

**e. Anti-air Warfare.** As soon as possible after the SAG separates from the main body, the SAG commander should become his own local AAW coordinator, controlling his own friendly aircraft if they

are available. This will add to the effectiveness of his forces, better ensure own aircraft safety, and minimize the confusion that would result in divided aircraft control.

**f. Antisurface Ship Missiles (ASSMs).**

(1) ASSM systems are divided into three categories.

(a) Short range: Up to 20 miles (to-the-horizon ranges).

(b) Medium range: From 20 to 75 miles.

(C) Long range: More than 75 miles.

The OTC or delegated authority should, if he has any choice, allocate units to the SAG with ASSM systems of sufficiently superior range and lethality to ensure success without needlessly wasting his most powerful assets.

(2) The conflicting use of SAM systems for AAW on the one hand and for SAM in the surface-to-surface (SASS) mode on the other must be carefully weighed by the OTC. Systems with more than one tracker can maintain both, although with reduced capabilities. However, most medium- and long-range SAM systems have sufficient surface-to-surface capability to favorably influence the outcome of the surface action.

**8202 SURFACE ACTION GROUP POLICY**

In defense of the main body, the primary concern must be to remain between the enemy and the main body. If the SAG has been detached to destroy, neutralize, or repel missile carrier(s), the SAG should do so as far as possible from the main body or convoy. In formulating his policy, the SAG commander must consider the following factors:

- a. Relative capabilities of own and enemy forces.
- b. Likely tactics of enemy forces.
- c. The use of ECM. The SAG commander should make use of the ECM capability of ships of the SAG to disrupt enemy fire control, surface warning sensors, missile systems, and communications.
- d. The use of deception. When approaching the enemy, the SAG commander should consider the use of physical and electronic measures designed to conceal the size and formation of the SAG. The electronic emission pattern of the SAG must conform with the deception plan in use.
- e. The formation. It is important that deployment into the chosen surface-action formation should have been completed before action commences. The surface-action formation must allow ships to engage with all their weapons, and to take avoiding action without endangering adjacent ships. Unnecessarily large intervals between ships give an enemy with superior speed the opportunity to concentrate on one part of the group at a time.
- f. Pre-action fire control settings. It is vital that these are obtained as early in the action as possible. Thus, initial settings on fire control equipment must be accurate. However, fire control is vulnerable to jamming and therefore calibration involving fire control radar transmissions may be inadvisable and should only be carried out on instruction from the SAG commander.
- g. Fire distribution.

(1) Normal fire distribution. Normal fire distribution entails the engagement of opposite numbers of the enemy force and should as far as possible leave no enemy ship unengaged. If concentration of fire is possible, major enemy ships should receive priority. Normal fire distribution is automatically in force.

(2) Targets to individual units. The SAG commander may make a fire distribution signal allotting targets to individual units at any time before or during an action. Special signal groups are available for this purpose.

h. Number of missiles to be fired in ASSM salvos.

### **8203 STANDARD SURFACE ACTION PLANS**

Three standard surface action plans exist.  
NOT RELEASABLE

**a. Plan GREYHOUND.** Plan GREYHOUND is the plan for SSM attack by ships using a target reporting unit (TRU) and is best suited for over-the-horizon (OTH) attacks.

**b. Plan GROUSE.** Plan GROUSE is the plan for SAGs, which may include helicopters, in a coordinated attack against enemy surface units other than missile-armed fast patrol boats. This plan is best suited for engagements within horizon range.

**c. Plan SNIPE.** Plan SNIPE is the plan for SAGs against missile-armed fast patrol boats.

### **8204 USE OF PASSIVE ACOUSTIC MEANS IN ANTISURFACE WARFARE**

Towed array sonar (TAS) is capable of passively detecting surface as well as subsurface contacts at extended ranges. In an area of high surface threat, the OTC may consider assigning a TAS ship to the ASUW role in addition to, or in lieu of the ASW role. In either case, the resultant effect on the forces ASW posture must be considered. Hull-mounted sonar, VDS and anti-torpedo detection systems can be employed to detect and identify any surface ship sonar transmission. These methods can be effective. ■

### **8205 PICKETS IN ANTISURFACE WARFARE**

Pickets are stationed primarily to extend the surveillance area, and in littoral areas especially to cover entrances and choke points. A picket-chain consisting of several units might be ordered to cover large areas. The ASUW picket may be a surface unit, a submarine, or an aircraft.

NOT RELEASABLE

### **8206 — 8209 SPARE**

## SECTION III — ANTISURFACE WARFARE WITH AIR COOPERATION

### 8300 GENERAL

Air assets in support of antisurface warfare operations may be used for the detection of the enemy, for locating, identification/recognition, and reporting in order to contribute to the surface picture and for target data reporting and transmission. Independent and coordinated attacks on the enemy's surface units may be included. The type of support to be provided by air assets depends on operational requirements and on the capabilities of the air assets. Air assets may also be used to distract the enemy's attention from own forces, and to disrupt the enemy's command and control.

#### 8301 ANTISURFACE OPERATIONS SUPPORT BY FIXED-WING AIRCRAFT

a. The aim of antisurface operations by fixed-wing aircraft is to ensure the detection and engagement of enemy surface forces in order to deny their effective employment. Fixed-wing aircraft may be employed in:

- (1) Attacks on enemy surface forces.
- (2) Scouting, using any sensor to acquire tactical information.

b. Armed reconnaissance, a combination of both types, is possible, depending on the tactical situation and available air assets.

NOT RELEASABLE

#### 8302 ANTISURFACE OPERATIONS BY HELICOPTERS

a. The aim of antisurface operations by helicopters is to:

- (1) Assist forces in the detection, localization, identification, recognition, and targeting of hostile surface forces.
- (2) Attack lightly defended enemy forces, especially fast patrol boats equipped with SSMS.

b. Helicopters will normally be integrated with a surface force that may or may not have other air support. They may be land based or shipborne. When two or more helicopters cooperate against a particular surface threat, they form a HAG. The best-fitted helicopter should become HAG commander (CONTROLLER).

c. Helicopters in antisurface operations may be employed in reconnaissance and attack and may carry out controlled operations or act independently, as ordered by the OTC, or the unit that the OTC has assigned duty as HCU.

**(1) Controlled Operations.** When the helicopter has two-way communications with and is within the radar range of the control unit, the helicopter is to operate under positive or advisory control.

**(2) Independent Operations.** When the helicopter is beyond radar range and/or communication range of the HCU, the helicopter is fully responsible for safety, navigation, and the accomplishment of its task.

#### 8303 COOPERATION BETWEEN FIXED-WING AIRCRAFT AND HELICOPTERS

If helicopters and fixed-wing aircraft cooperate in engaging a surface target, the following rules will apply. As the supporting aircraft approaches the target area and communications are established, the

helicopter will provide all available target information to the supporting aircraft. If it is equipped to do so, the helicopter may be requested to illuminate the target. Special precautions should be observed by attack aircraft, particularly during periods of reduced visibility and at night, to ensure that the helicopter is safely clear of dropped illumination devices, the attack flightpath, and weapon effects.

#### **8304 EMPLOYMENT OF A HELICOPTER ACTION GROUP (HAG)**

**a. Alert State.** The limited endurance of missile-armed helicopters prevents, in most cases, the keeping of a HAG at airborne alert. Missile-armed helicopters should, therefore, normally be placed at the highest possible alert state (see Chapter 1).

**b. Selection of a HAG Rendezvous.** The HAG rendezvous should normally be in the direction of the threat, in order to make best use of the short on-task time of the helicopter.

**c. Attack Procedure.** The prime requirement for a successful missile attack is precise information about the position, course, and speed of the target. The need for the missile-firing helicopter to be in visual contact with and/or be pointed in the general direction of the target mainly depends on the capability of the sensors available and the missile used. In case of a visual attack, a flare-dropping helicopter may be used.

**d. Provision of Helicopter Operating Facilities.** When a SAG is to cooperate with a HAG, units with helicopter refueling facilities should be included in the SAG to increase the effective range and endurance of the HAG.

#### **8305 HELICOPTER IDENTIFICATION/ RECOGNITION AND ATTACK TACTICS**

The aim of this procedure is to extend the range at which a surface force can identify/recognize and attack lightly armed surface units such as fast patrol boats.

**a. Employment.** Helicopters can be employed to investigate contacts held by other units. By day, helicopters should be able to make visual identification/ recognition if weather conditions permit. However, at night, a method of illumination is normally required. Identification/ recognition and attack procedures are described in paragraph c.

**b. Altitude Separation.** If more than one missile-armed helicopter is launched, it may be necessary to allocate different height bands for HAG separation. The following altitudes are recommended:

	<b>HAG 1 (Feet)</b>	<b>HAG 2 (Feet)</b>
Illuminator (CANDLE)	1,500	2,000
HAG Commander (CONTROLLER)	800	1,000
Attack Aircraft (ATTACKER)	400	600

If each HAG is operating on a separate frequency, it will be necessary for HAG commanders to man an additional common frequency for coordination. If cooperating with fixed-wing aircraft, altitude separation should be imposed and departures from these altitudes made only while under positive control.

**c. Identification/Recognition and Attack Procedures.** By day, two aircraft comprise the HAG carrying out this procedure: the CONTROLLER (control aircraft) and the ATTACKER (probe or



attack aircraft). At night, an additional aircraft will be required for illumination (CANDLE). In some circumstances, an AEW aircraft or ship may replace the control aircraft.

**d. Day Procedure.** The primary requirements for a successful attack are for the ATTACKER to see the target and to be informed when within the maximum range of the missile from the target.

NOT RELEASABLE

(1) through (7) NOT RELEASABLE

**e. NOT RELEASABLE**

Figure 8-1 — NOT RELEASABLE

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**8307 ATTACK SUPPORT**

Attack support is the generic term for all forms of tactical assistance given by a shadower to enable strike, attack, or reconnaissance aircraft to locate their targets.

**a. Surface Picture (SURPIC).** The SURPIC message format is used for contact reporting during shadowing and attack support operations.

**b. Vector-Assisted Attack (VASTAC).** VASTAC procedures enable attack aircraft to be vectored to the target by the target reporting unit (TRU). The TRU must be capable of holding both the attack aircraft and the designated target on radar.

NOT RELEASABLE

**8308 — 8309 SPARE**

**SECTION IV — NOT RELEASABLE**

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## SECTION V — THIRD-PARTY TARGETING

### 8500 GENERAL

Weapon range of ASSM exceeding the sensor range of the missile-firing unit requires the evaluation and transmission of target data by a third party acting as an external sensor. When there is a requirement to disguise the presence or identity of a missile-carrying unit from a target within the firing-unit's sensor horizon, third-party targeting may be used. Surveillance, identification, classification, recognition, and reporting as a contribution for the surface picture compilation by this external sensor is a prerequisite for the firing unit to decide target selection, weapon, and firing policy. Damage assessment after missile engagement is another important function for an external sensor.

### 8501 DEFINITIONS

**a. Third-Party Targeting (TPT).** TPT is the evaluation and reporting/transmission of data for the surface picture compilation and/or missile engagement by a target reporting unit (TRU).

**b. Over-the-Horizon Targeting (OTHT).** OTHT is the location evaluation and reporting/transmission of data for a target *outside* the active sensor horizon of a missile-firing unit by means of a TRU.

**c. Disguised Targeting.** This is the evaluation and reporting/transmission of data for an enemy within sensor range of a missile-firing unit aimed to disguise its presence.

**d. Remote Targeting.** This is the evaluation of target data for a missile engagement by means of a system-integrated remote sensor platform capable of midcourse and terminal command override.

**e. Target Reporting Unit (TRU).** TRU is a sensor platform (manned or remotely piloted). This unit is able to evaluate and report/transmit data for surface picture compilation and missile engagement to a missile-firing unit.

**f. Voice/RATT Reporting.** This is the reporting of data for surface picture compilation and missile engagement for a TRU to a missile-firing unit by voice/RATT.

**g. Link Reporting.** This is the transmission of data surface picture compilation and missile engagement from a TRU to a missile-firing unit by automatic data transmission in real time (Link).

### 8502 OVER-THE-HORIZON TARGETING CONSIDERATIONS

**a. Appropriate OPGEN or OPTASK ASUW.** The OTC normally promulgates his antisurface warfare policy using the appropriate OPGEN or OPTASK ASUW.

**b. Employment of OTHT Weapons.** Normally OTHT-capable weapons are force weapons and therefore are employed as directed by the OTC or delegated authority.

**c. Policy Considerations.** The following is a list of items to be considered for inclusion in the policy:

- (1) Retain or delegate authority to initiate OTHT and coordination.
- (2) Target priorities and desired results.
- (3) Firing units in order of preference.



- (4) TRUs in order of preference.
- (5) Force defensive action.
- (6) SAG employment.
- (7) Geographical and environmental aspects.
- (8) EMCON.
- (9) Sensor employment (including parameters of target vehicle emitters).
- (10) Weapon release criteria.
- (11) Mutual interference.
- (12) Weapon economy.
- (13) Damage assessment.

### **8503 ACCURACY OF TARGET DATA**

Because of the finite size of the search pattern of an ASSM, the greatest possible accuracy of targeting information is required to ensure a high probability of missile acquisition which depends upon:

- a. The accuracy of the sensor(s) used.
- b. The positional accuracy of, and time delay in, plotting and calculating target data (course, speed, position, and forecast movement).
- c. The ability of the missile and/or reporting unit to discriminate between targets in formation to ensure engagement of the optimum target.
- d. The positional accuracy of the data link/voice reporting reference point.
- e. The accuracy of transfer of target data to the ASSM system in the firing system.
- f. The accuracy of ASSM navigation and/or guidance systems in the flight profiles.
- g. The ability to update target data to the missile in flight.
- h. The countermeasures employed by the target and EPM capabilities of ASSM and launch or reporting unit.

### **8504 SELECTION AND STATIONING OF A TARGET REPORTING UNIT**

**a. Providing Target Data.** Where target data cannot be provided by the ASSM launch vehicles own sensors, selection of the TRU is very important to ensure provision of the most accurate and up-to-date information. Target reporting units may include:

- (1) Radar and/or ESM-fitted helicopters.
- (2) Shipborne ASW aircraft.

- (3) Maritime patrol aircraft (MPA).
- (4) Land- or carrier-based fighter/attack/reconnaissance aircraft.
- (5) EW/AEW aircraft.
- (6) Land-based ESM and radar stations, including installations, such as oil and gas platforms.
- (7) Surface units, preferably capable of data link transmissions to the firing unit.
- (8) Submarines.
- (9) Remotely piloted vehicles (RPVs).

**b. Radar-Fitted Aircraft.** These aircraft usually provide the most effective platforms by virtue of their mobility, extended sensor horizon, and endurance. Reporting accuracy may be increased if the aircraft is fitted with data link transmission facilities.

**c. NOT RELEASABLE**

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**d. TRU Stationing.** Stationing the TRU will depend upon:

- (1) Type of vehicle used, including self-defense capability of the TRU.
- (2) Sensor fit. Active sensors will provide a more accurate solution than that obtained by correlation and triangulation of passive data. The employment of active sensors will depend upon the emission policy to which the TRU is subject. The range of the TRU from the target will be a function of the discrimination possible with active sensors and the degree of risk to the TRU acceptable to the OTC.
- (3) Range of ASSM engagement.
- (4) Communication range between the TRU and the ASSM platform.
- (5) Sensors available in the firing unit.
- (6) ASSM flight profile, missile-homing search capability, and missile facility to receive midcourse guidance corrections.
- (7) Geographic and environmental constraints.
- (8) Geometric considerations, including the need for passive sensor baseline.
- (9) Enemy's defensive systems.
- (10) Rules of Engagement (ROE).
- (11) Required recognition level and required recognition confidence level.

## **8505 TARGET REPORTING**

Target data from the TRU can be transferred to the firing unit by voice/RATT report or by data link.

**a. Voice/RATT Reporting.** This has the disadvantage of being slow in data rate, prone to inaccuracy, and unless encrypted, it is not secure. Where voice transmissions are unencrypted, the use of a low-grade code is essential to avoid compromise of friendly positions. Voice/RATT reports need to be frequent and, if reports are passed in grid, a gridlock is required at the earliest opportunity.

**b. Link Reporting.** The data link can be directional to a dedicated ASSM platform, or omnidirectional to permit a number of suitable units to achieve a firing solution. The link need not be dedicated to TPT, because of the high capacity of modern data link systems, but may be usefully employed simultaneously in other fields of warfare to best exploit the capabilities of the TRU. Caution should be exercised when using data link to ensure sufficient gridlock accuracy and track quality for discriminative targeting of a multiship formation.

## SECTION VI — DEFENSE AGAINST SURFACE THREAT

### 8600 DEFENSE AGAINST MISSILE-ARMED SHIPS

a. For a successful defense against missile-armed ships, the following criteria must be considered in addition to other procedures for antisurface warfare:

- (1) Detection of the missile carrier(s).
- (2) Actions upon interception of threat radars.
- (3) Destruction or neutralization of the missile carrier(s) before reaching its engagement range against friendly forces.
- (4) Detection of missile(s) in flight.
- (5) Deception and jamming of missile before lock-on.
- (6) Measures to break lock-on of missile.
- (7) Destruction of missile.

b. Details of defense against missile attacks are set forth in Chapter 7.

### 8601 DETECTION OF MISSILE CARRIER(S)

Early warning of missile-launching surface craft is of vital importance for the defense of own forces to ensure the timely initiation of suitable defense measures. Especially, in this context ESM and airborne surface surveillance efforts must be carefully considered and coordinated.

**a. Target/Threat Radars.** The interception of electronic emissions will normally be the first indication of the enemy. Therefore, those radar frequencies should be watched continuously that are known to be surveillance or fire-control radars of missile carriers and would therefore pose an immediate threat (e.g., SQUARE TIE). Careful ESM tasking is required, including the determination of threat radars.

**b. Use of Active Sensors.** The policy for using own airborne and surface platform radars must be matched carefully with ESM tasking in order to provide maximum warning and minimum interference to ESM equipment and minimum ESM data to a launching platform.

### 8602 ACTIONS UPON INTERCEPTION OF TARGET/THREAT RADARS

**a. Target/Threat Radar Detection.** Once a target/threat radar is detected, the OTC may decide to attack the missile carrier or avoid action:

- (1) If an attack is intended, maneuver at maximum speed to bring own weapons to bear and to minimize enemy weapon effectiveness.
- (2) If action is to be avoided, turn away from missile carrier at maximum speed, try to show the smallest possible radar cross-section, and keep firing arcs open.

**b. OTCs Considerations.** In addition to the alteration of course, speed, and formation, and depending on whether the decision is to attack or to avoid action, the OTC should consider the following actions:

(1) Actions which cannot be detected by the enemy. Readiness to:

- (a) Employ chaff confusion/distraction.
- (b) Launch decoys.
- (c) Use jammers.
- (d) Employ fire-control radars and weapons immediately.

(2) Actions which are likely to be detected by the enemy. Employment of:

- (a) Chaff confusion and jammers to cause confusion to the enemy's picture of the situation.
- (b) Own active sensors.

### **8603 ANTI-FPB OPERATIONS**

Table 8-2 contains a checkoff list of points to be considered by the OTC during anti-FPB operations. Not all of these points will apply to every situation.

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### **8604 AIR ANTI-FPB OPERATIONS**

The following paragraphs describe airplans that may be employed by MPA and helicopters during anti-FPB operations.

### **8605 AIR PLAN BLUEBELL**

#### **a. Purpose and Use.**

(1) Air Plan BLUEBELL is designed for use by MPA employed on anti-FPB operations in support of a surface force. The aircraft's primary search sensor will be radar. The airplan is designed to provide warning of approaching FPBs in the following situations:

- (a) Across a given sector, when an assessment can be made of the FPBs' probable direction of approach.
- (b) All round the surface force, when the FPBs' direction of approach cannot be assessed.

(2) The OTC attempts to assess the direction from which the FPB threat can be expected and assigns MPA to execute the appropriate form of the airplan. Aircraft should report all contacts to the OTC immediately, but should not deviate from the patrol to investigate or classify contacts unless specifically ordered to do so by the OTC.

(3) Air Plan BLUEBELL is designed for use in open-ocean waters. When operating in confined waters or in areas of dense shipping, a geographic or relative airplan, such as Air Plan 5, may be considered to be more appropriate.

#### **b. Description.**

(1) Air Plan BLUEBELL is designed to provide sufficient warning across a given sector for helicopters or probe aircraft to intercept, identify, and engage FPBs before they can reach missile-firing position. When aircraft are on all-round patrol, the warning is only sufficient for interception. In both

Table 8-2. Anti-FPB Checkoff List

**PRIOR TO ATTACK**

1. Avoid FPB probability areas. Transit in daylight if possible.
2. Very bad weather conditions inhibit FPB operations. Sea states 5 or less may be advantageous to the FPB. Take this into account when planning transits.
3. Prepare/review preplanned responses.
4. Mount maximum air surveillance/reconnaissance all around the force and/or in the threat direction.
5. If threat direction is known, use pickets, barriers, or SAGs (in advanced position).
6. Identify all contacts as early as possible. Use surface and air units.
7. Select an inner or outer screen, depending on circumstances.
8. Review EMCON plan and EW tasking.
9. Review COMPLAN to ensure that it supports anti-FPB operations.
10. Assume the appropriate degree of readiness. Keep air assets at a high degree of availability.
11. Keep a clear and up-to-date surface picture in which own helicopters, direct support aircraft, and chaff are incorporated to prevent confusion and surprise.
- 12 and 13. NOT RELEASABLE.

**WHEN FPB ATTACK DEVELOPS**

1. Promulgate the appropriate threat warning.
2. Assume a higher degree of ASUW/AAW readiness.
3. Take appropriate torpedo countermeasures.
4. Ship's weapon systems are to be used in accordance with standard doctrine.
5. Firm weapon coordination is required.
6. Employ all other possible decoys.
7. Assume the highest aircraft alert state.
- 8 THRU 16. NOT RELEASABLE.

cases, an alteration of course by the force away from the FPBs will increase the time available to intercept, identify, and engage.

(2) NOT RELEASABLE

**c. through f. NOT RELEASABLE**

**13062 EVACUATION OF ANCHORAGES**

**a. Passive and Active Mine Countermeasures.** The passive and active mine countermeasures to protect merchant and naval ships from the danger of mines in anchorages, and measures to move those units to safe waters, are covered by the term, evacuation.

**b. Passive Mine Countermeasures.** Ships caught in an anchorage by an enemy surprise mining campaign should remain there until further orders, initiating passive mine countermeasures immediately.

**c. Anchorage Standing Orders.** All units will receive Anchorage Standing Orders (in accordance with Chapter 4 of ATP 6, Vol. I), for information about procedures in a mined area.

**d. OPCON Authority.** The OPCON authority will detach MCMVs, if available, to conduct active mine countermeasures, preferably:

- (1) Clearance diving in the vicinity of ships at anchor.
- (2) Minehunting in link routes, exit channels, and close to ships at anchor.
- (3) Minesweeping in channels where they are not endangering units at anchor.

**e. No MCM Vessels Available.** If no MCMVs are available, the OPCON authority will signal further intentions.

**13063 REPORTING MINE EXPLOSIONS/DETECTIONS**

Every ship detonating a mine or detecting a moored mine or a drifting mine case, whether damaged or not, shall make a mine detection report (MW signal, (see ATP 1 vol II) to the OPCON authority informing the OTC of the MCM force if in contact with that force. If doubt exists as to which unit activated a particular mine, the nearest ship is to report. The report does not substitute for any other report requested.

NOT RELEASABLE





## CHAPTER 14

# Force Protection in Harbor

### 14000 INTRODUCTION

In times of tension, as well as in war, ships at anchor or at berths are liable to clandestine attack. Such attack may take various forms (e.g., car bombs, improvised explosive devices (EOD), underwater swimmers or floating mines). It is important that provision be made within a force, as well as in individual ships, for an organization to coordinate defense and establish degrees of readiness against this threat. Command responsibilities are in Chapter 1. All operations involving divers, including bottom search operations, must be conducted in accordance with ADivP-1, Allied Guide to Diving Operations.

### 14010 NOT RELEASABLE

#### 14011 SECURITY ALERT STATES

a. The OTC or the operational commander ashore may order the following security alert states  
NOT RELEASABLE

(1) Alert State ALPHA.

NOT RELEASABLE

(2) Alert State BRAVO.

NOT RELEASABLE

(3) Alert State CHARLIE.

NOT RELEASABLE

(4) Alert State DELTA.

NOT RELEASABLE

b. The security alert states and/or selected security measures may be ordered by the appropriate signals from ATP-1, Vol. II.

**14012 — 14019 SPARE**

**14020 DEFENSE AGAINST ATTACK BY UNDERWATER SWIMMERS**

**14021 NOT RELEASABLE**

**14022 ORGANIZATION**

The commanding officer of a ship (the OTC in the case of a group of ships) shall contact the operational commander ashore (or the local (military) authorities) to obtain the following material and information if not already held:

- a. Chart showing fixed targets and facilities in the base (nets and booms, dry docks, and so forth) and their identification symbols.
- b. Chart showing the defense arrangements and the location of seaward defense weapons and facilities.
- c. Chart showing berths and anchor berths assigned to each ship.
- d. Charts showing suitable positions for beaching ships.
- e. Chart showing the track of permanent or occasional patrols by local boats.
- f. Chart showing the location and sectors assigned to the local lookout stations.
- g. through i. NOT RELEASABLE.
- j. Countermeasures to be adopted.

NOT RELEASABLE

**14023 STATES OF READINESS**

States of readiness which may be ordered either by the OTC of an anchorage or by the operational commander ashore are shown below:

NOT RELEASABLE

State	When Ordered
1	1. Actual evidence of an attack has been obtained (e.g., sighting of swimmers or their bubble tracks). 2. Intelligence reported attack imminent.
2	1. In ports known to contain hostile elements. 2. Intelligence reports attack probable at some unspecified time (e.g., not imminent).
3	On all occasions when ships may be subjected to clandestine attack but which are not covered by States 1 or 2.

**14024 NOT RELEASABLE**

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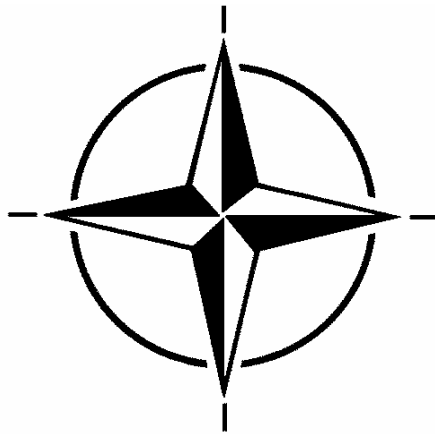
**14025 — 14029 SPARE**

**14030 ACTION AFTER ATTACK**

In warships, the search for limpet mines is the responsibility of the ships' own divers. Any limpets found are to be dealt with by an officer qualified in rendering mines safe if such an officer is available. If no such officer is available, one of the ship's officers must undertake this task in accordance with instructions based on available knowledge of enemy limpet mines. Clearing limpets from the hulls of merchant ships is the responsibility of EODTs. In either case, speed is essential; every effort is to be made to find and remove or render safe a limpet mine after it is discovered on any part of the ship as soon as possible. Ships are to take all appropriate measures to minimize the effect of an explosion should such occur before a limpet can be removed or rendered safe.

# **AJP-2.5(A)**

## **CAPTURED PERSONS, MATERIEL AND DOCUMENTS**



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# **AJP-2.5(A)**

## **CAPTURED PERSONS, MATERIEL AND DOCUMENTS**

**AUGUST 2007**

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Juan A. MORENO  
Vice Admiral, ESP(N)  
Director, NATO Standardization Agency

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**DEPARTMENT OF THE NAVY**  
NAVY WARFARE DEVELOPMENT COMMAND  
686 CUSHING ROAD  
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## RECORD OF CHANGES

Identification of Change, Reg. No. (if any), and Date	Date Entered	NATO Effective Date	By Whom Entered (Signature; Rank, Grad or Rate; Name of Command

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## RECORD OF RESERVATIONS BY NATIONS

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**RECORD OF SPECIFIC RESERVATIONS**

NATION	SPECIFIC RESERVATIONS
BEL	<p>1) Owing to the medical profession secrecy the Belgian Ministry of Defence consider the sentence "list any wounds, injuries, illnesses" in Point 27 of Appendix 1 to Annex K as non-existing</p> <p>2) The Belgian Ministry of Defence considers that, in view of Appendix 2 to Annex K, the "Medical records" will be handled according to the applicable medical profession secrecy standards.</p> <p>3) With the respect to Paragraph 0707.2,d,(4), the Belgian Ministry of Defence interprets the "safety of the CPERS" as the "medical safety of the CPERS"</p>
NLD	<p>Further to paragraph 0104 under 2 and paragraph 0105 under 1, The Netherlands will apply the Additional Protocol I (1977) and relevant sections of the Third Geneva Convention on Prisoners of War (1949) to determine the status of captured personnel during an armed conflict. The Netherlands thus considers the stipulations of the Additional Protocol I (1977) to have been incorporated into Annex V and the glossary of AJP-2.5(A).</p>
USA	<p>A. The United States of America(USA) does not subscribe to the generic application of the Geneva Conventions as implied in paragraphs 0104.1, 0302.3.b, 0303.2.d, 0702.1.a(3), and 0706.1. Not all captured personnel meet the criteria of an enemy prisoner of war(EPW) under GC3 or that of a protected person as set forth in GC4. For those individuals who do not meet the requirements of either GC3 or GC4, the USA will apply Department of Defense Policy as set forth in DOD Directive 5100.77. It is Department of Defense Policy that members of Armed Forces will comply with the law of war during all armed conflicts, no matter how they are characterized, and in all other military operations. The Law of war is defined as: That part of international law that regulates the conduct of armed hostilities. It is often called the "law of armed conflict." The law of war encompasses all international law for the conduct of hostilities binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.</p> <p>B. The USA does not subscribe to language in Para. 0104.3, the provision that any detainee who is not an enemy prisoner of war or is protected under GC4 will be handed over to competent civilian authorities. The USA will comply with US policy regarding any individual detained who does not meet the requirements of the Geneva Convention.</p> <p>C. The USA does not subscribe to the language in paragraphs 0204.1.c(1) and 0805.1.b, to the extent that captured persons (CPERS) do not meet the criteria of GC3 or GC4. The USA shall treat all CPERS humanely and in accordance with applicable law and US policy as provided in US domestic law and the laws of war.</p> <p>D. The USA does not subscribe to the 24 hours and 72 hours timelines for keeping CPERS at collecting points and holding areas as set forth in paragraphs 0302.1, 0302.2, G001.6, and G002.12. Within the operational environment, the amount of time CPERS stay at collecting points and holding areas is a function of security and operational considerations, which include ensuring the safety of CPERS. The US will keep detainees at collecting points and holding areas only as long as circumstances require based on security/operational conditions and available transportation.</p>

USA	<p>E. The USA does not subscribe to Para. 0303.2.e, as it is inconsistent with current US policy. The USA will comply with applicable law and policy as provided in US law, policy and the laws of war.</p> <p>F. The USA does not agree with the word "communicate" in Para. 0303.7. The USA will comply with Article 70, GC3, which provides that an enemy prisoner of war may "write" to his family. Further, Article 70 only applies to capture cards. It does not provide for "letters, cards and emails." The USA will comply with Article 71, GC3, with respect to correspondence.</p> <p>G. The USA does not subscribe to the International Committee of the Red Cross(ICRC) having the right to "investigate" or "inspect" USA facilities per Para. 0304.1 and Annex M, page M-1. The ICRC mission is to be an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence, and to provide them with assistance. It directs and coordinates the international relief activities conducted by the movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.</p> <p>H. The USA does not subscribe to the ICRC being allowed unfettered access to individual CPERS held in interrogation facilities as per Para. 0401.1. While the USA agrees that ICRC may have access to interrogation facilities, the Geneva Conventions specifically recognize that access to CPERS by the ICRC may be limited for reasons of "imperative military necessity" under GC3, Article 126.</p> <p>I. The USA does not use the term "international humanitarian law" in Para. 0801.2. The USA uses the term "law of war" or "Law of Armed Conflict." The USA will comply with the law of war as described in reservation "a" above.</p> <p>J. The USA does not subscribe to the practice of allowing prisoners of war (POWs) to maintain possessions of medical supplies in Annex L, Para. L004 and Annex V, POW HANDLING ORGANISATION / ACTION AT COLLECTING POINT table. USA policy is that any medical supplies, especially medications found in the possession of the POWs at time of capture, must be confiscated, placed in a locked container, and identified with POW's name and capture tag number. This ensures the POW's safety by preventing the risk of individual suicide attempts or use of medical supplies by other POWs for suicide attempts while in custody. In addition, there is no guarantee that substances reported to be prescription drugs or medical supplies are in fact prescription drugs or medical supplies. Such substances should be assessed for medical intelligence value and determined by competent medical authority to be what they are reported to be. Medical supplies can be subsequently provided in a controlled, prescribed manner. If medical personnel of an enemy force are detained as captured personnel, captured medical supplies and drugs can be distributed to them for the purpose of providing medical care to POWs within areas designated by the Coalition as POW medical treatment areas.</p>

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# CHAPTER 1

## Introduction

### 0101 Purpose

The purpose of this publication is to provide guidance on the procedures for the handling and administration of captured persons (CPERS) and their effects, for the interrogation of CPERS, as well as the procedures for the handling and reporting of captured materiel (CMAT) and documents (CDOCs) within the NATO alliance. It is also intended to improve cooperation between NATO forces during operations and provide a sound procedural base for instruction in the service schools and establishments of NATO and its member states.

### 0102 Scope

This publication is intended to cover the handling of CPERS, CMAT and CDOCs in operations across the spectrum of armed conflict. Since warfighting is the basis for the ability of NATO to conduct other types of operations, the procedures outlined in this publication are primarily applicable to conventional military operations. However, the adaptation of these procedures to other types of operations such as Non-Article 5 Crisis Response Operations (NA5CRO) and Defence Against Terrorism Operations (DATOs) is also addressed. The publication also provides general guidelines for the handling of CPERS, CMAT and CDOCs in multinational operations based on the Combined Joint Task Force (CJTF) concept with the participation of both NATO member Nations and coalition partners.

### 0103 Terms and Definitions

1. Terms, definitions, acronyms and abbreviations used in this publication are explained in the Glossary.
2. For purposes of convenience, a CPERS, either a prisoner of war (POW) or other detained person<sup>1</sup>, is referred to throughout the publication as "he". However, it should be remembered that a CPER may be male or female. Where particular procedures refer to female POWs or other detained person, this will be made clear in the text of the publication.
3. The term "Detaining Power" will, throughout this publication, have the meaning given in the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (GC3) and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (GC4).

### 0104 Prisoner of War Status

1. CPERS can be divided into two broad categories: CPERS who are POWs and other persons whose liberty has been restricted. All CPERS enjoy the protections of the GCs as set forth in GC4, Article 4, or other applicable international law while in the custody of a Detaining Power.

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<sup>1</sup> In this context the term "detained person" does not include refugees, displaced persons and other persons who have been detained for their own protection. It does, however, include retained personnel.



2. POW status is conferred on CPERS who fall within the categories listed in Article 4 of GC3. These categories are included in the definition of a POW in the Glossary, or, if ratified by the nations concerned, those who meet the expanded definition of a POW as stated in Protocol I of the 1977 Protocols<sup>2</sup>.

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3. Should any doubt arise as to whether any persons, including those appearing to be POWs, having committed a belligerent act and having fallen into Allied hands, belong to any of the categories of persons entitled to POW status pursuant to article 4 of GC3, such persons shall enjoy the protection of GC3 until such time as their status has been determined by a competent tribunal. If such a tribunal determines that an individual does not qualify for POW status, then the Detaining Power must determine whether the detained person qualifies as a "protected person" pursuant to GC4 and obtain legal advice relative to the proper course of action for dealing with such detained persons. If it is determined that these detained persons do not have POW or protected status, they will be handed over to competent civilian authorities (national, United Nations or authorities of other international organisations) or held in the custody of a NATO force in accordance with the provisions of the Memorandum of Agreement (MOA) for that particular operation or mission.

4. Furthermore, when NATO forces are engaged in NA5CROs including DATOs, the MOA should contain specific guidelines as to which individuals will have POW status in accordance with applicable international law. Directions for handling other detained persons, once their status has been determined by a competent authority, including those suspected of terrorism, crimes against humanity, war crimes or other crimes, are also to be included in the MOA relevant to that particular operation or mission. These procedures are described in general terms in Chapters 7 and 8.

5. Children captured as participants in a hostile action will be detained and handled in accordance with applicable international law<sup>3</sup>. They will be segregated from adult CPERS.

#### **0105 The Geneva Conventions**

1. Treatment of POWs as well as the handling of personal possessions including personal documents belonging to them will at all times be in accordance with GC3 and, if ratified by the nations concerned, with the 1977 Protocols<sup>2</sup>.

2. Treatment of other detained persons as well as the handling of their personal possessions and documents will at all times be in accordance with applicable international law.

#### **0106 The Detaining Power**

1. The responsibilities of the "Detaining Power" as set out in GC3 rest with the nation which initiated the capture or detention of the CPERS in question. CPERS awaiting the determination of their real status are considered as POWs. Both such CPERS and confirmed POWs may only be transferred by the Detaining Power in accordance with the conditions laid down in GC3, Article 12 (2). NATO is not a state and, therefore, cannot itself be a party to treaties and other international instruments relating

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<sup>2</sup> It should be noted that not all NATO member nations have ratified the 1977 Additional Protocols. However, nations should honour those provisions of the Protocols that they consider customary international law.

<sup>3</sup> GC4 and the Additional Protocols refer to CPERS under the age of 15 as children. GC3 does not address the issue of children captured as active participants in an armed conflict. This issue will be referred to the member nations for legal guidance and should be addressed in the MOA, if relevant to the particular operation or mission. Guidance may also be found in the UN Convention on the Rights of the Child of 20 November 1989 and in the Optional Protocol of 25 May 2000 to this Convention on the involvement of children in armed conflict. (For the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.)

to the conduct of armed conflict. Individual NATO troop contributing nations may, of course, be a party to such international instruments. In NATO-led operations, a lead nation may be designated to receive POWs from of other NATO nations participating in the operation. A MOA may be entered into to govern the procedures for transfer and the responsibilities of the designated nation following transfer. Any such arrangements must be in accordance with GC3, Article 12.

#### **0107 Knowledge of the Geneva Conventions and the 1977 Protocols**

1. The Geneva Conventions require the signatories in time of both peace and war to circulate the text of the Conventions as widely as possible within their countries. They are especially required to ensure that the provisions and implications of the Conventions are clearly understood by the members of their armed forces and by the civilians attached to them. This is especially important for those who may be called upon to deal with CPERS. It is suggested in the Conventions that instruction in them is included in the syllabus of appropriate military and civilian courses of instruction.
2. The conventions also state that any military or other authority assuming responsibility for dealing with POWs in time of war or armed conflict must be in possession of the text of the Conventions and that its personnel must be instructed in how the Conventions affect them in the execution of their duties with POWs.
3. If ratified by the nations concerned, these requirements are, by inference, also applicable to the 1977 Protocols.

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## **CHAPTER 2**

# **Procedures for Handling Persons, Materiel and Documents upon Capture**

### **0201 Introduction**

1. CPERS and their effects, CMAT and CDOCs are prime sources of information and should be exploited for intelligence purposes with a minimum of delay. Intelligence exploitation, therefore, requires expeditious and correct handling and reporting on these information sources. The procedures outlined in this chapter pertain specifically to the handling of persons, materiel and documents at the point of capture. A more detailed description of the procedures for the subsequent handling of CPERS and their effects, CMAT and CDOCs is given in Chapters 3, 4, 5, and 6 of this publication.
2. When practicable, suitably manned, trained and equipped forces should be allocated to combat units specifically to process CPERS and their effects as well as CMAT and CDOCs and subsequently evacuate them from the combat zone.
3. Especially in connection with NA5CROs, capturing units should be aware of the possibility that, depending on national or NATO directives, CPERS may be suspected of having committed acts subject to legal prosecution, and that CMAT and CDOCs may constitute evidence that could be used in legal proceedings. Therefore, such CPERS, CMAT and CDOCs should be properly tagged and subsequently handed over to the military police or other competent authorities as soon as possible.

### **0202 Persons**

1. Conditions allowing, the following procedures should be followed at the initial point of capture:
  - a. CPERS should be disarmed immediately, and their weapons made safe. Personnel conducting searches should be aware that CPERS may carry concealed explosives on their person (in order to carry out "suicide bombings"). The CPERS and his effects should be thoroughly searched. CPERS should be searched by personnel of their own gender. If that is not possible, CPERS may be searched by personnel of the opposite sex in the presence of a witness, when possible an officer or non-commissioned officer, to ensure that the search is conducted in accordance with standards of propriety relevant to that particular situation. All documents and effects of military or investigative interest as well as items that may pose a threat to the security of own forces should be removed.
  - b. CPERS with POW status may retain clothing, identity documents, protective equipment (helmets, gas masks and those articles issued for personal protection), eating utensils, personal effects etc., as stipulated in GC3, Article 18. All identification documents should be reviewed/inspected and catalogued, and then returned to the POW as soon as possible.

- c. A Capture Tag (CAPTAG) should then be filled out and provided to the CPERS. The designated parts of the tag will be attached to his personal effects and documents in accordance with the procedures outlined at Annex A.
- d. Where a group of CPERS are taken at the same time or are to be evacuated together, a Group Capture Report (GROUPECAPREP) should be completed. The format for this report is at Annex B. Category A or B CPERS (as described in paragraph 0205) are to be separately reported by an Intelligence Report (INTREP). (Refer to STANAG 2022.)<sup>4</sup> Any Category A or B CPERS should be moved to the nearest suitable interrogation unit or facility as expeditiously as practicable.
- e. It is important that the personal effects, CMAT and CDOCs taken from the CPERS accompany him to the next receiving unit. Valuable information may be lost by not having these items available during processing and interrogation.
- f. CPERS should be allowed no opportunity to exchange information among themselves, to exchange identities or to dispose of materiel, documents and personal effects.
- g. Subsequent questioning and interrogation must not be compromised by unauthorised and unsupervised contact between CPERS and personnel not concerned with interrogation duties.
- h. Within the confines of the tactical situation, CPERS are to be segregated according to rank, grade, service, sex, nationality or warring faction, and if necessary, ethnic and religious group to minimise the opportunity to prepare counter-interrogation measures. Children should be separated from adult CPERS. Furthermore, deserters, civilians and regime and other indoctrination personnel will be individually segregated from other CPERS. Such segregation shall be undertaken in a manner which does not violate applicable international law (e.g. GC3, Articles 16 and 22, for CPERS with POW status).
- i. CPERS are to be guarded in a manner, which shall deny the opportunity for self-injury, suicide, escape or sabotage. Use of force, including lethal force, will be in accordance with the established principles of self-defence and Rules of Engagement (ROE).
- j. CPERS will also be prevented from observing sensitive and critical activities, materiel and procedures involving NATO, national or allied forces.

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<sup>4</sup> An INTREP may follow one of the following formats: the “5W” format (Who, What, Where, When, Why-and How) or the “SALUTE” format (Size, Activity, Location, Unit, Time, Equipment) format.

- k. CPERS are to be escorted to the nearest initial collecting point as quickly as possible and subsequently evacuated to higher echelon's collecting point or holding area as expeditiously as possible.
- l. Naval and air force personnel should be identified and the intelligence organisation is to be notified in order that interrogation by naval/air force personnel may take place at the earliest opportunity.

## **0203 The Handling of Persons Captured at Sea**

1. The handling of persons captured at sea is in addition to GC3 governed by the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949 (GC2). In this Convention, the term 'shipwrecked' covers all eventualities at sea including sinking by enemy action and the crashing of aircraft into the sea.
2. The handling of POWs captured at sea should follow the principles and, where practicable, the same procedures set out in Chapters 1 through 6 of this publication. Although the unique nature of maritime operations and the organisation and manning of naval units may preclude strict adherence to these procedures, the GCs, in particular GC2, Article 16, and applicable international law must be respected. Additional special provisions that take the different nature of maritime and amphibious operations into account are detailed in Annex C.

## **0204 Tactical Questioning**

1. As soon as possible after capture, CPERS should be screened by interrogators or personnel trained in tactical questioning. Tactical questioning may also be conducted at sea. This tactical questioning should be carried out so that subsequent interrogations are not compromised or jeopardised. The object of tactical questioning is to screen CPERS and to obtain valuable information which would deteriorate or be lost altogether if the questioning was delayed until a trained interrogator could be made available. In order to achieve this, it is necessary that:
  - a. CPERS are thoroughly searched even though this may already have been done at the point of capture.
  - b. The tactical questioners should have been provided, by the unit commander and his intelligence staff, with clearly stated information requirements.
  - c. In the course of questioning, tactical questioners are to adhere to the following provisions:
    - (1) No physical or moral coercion shall be exercised against CPERS, in particular to obtain information from them or from third parties. (In accordance with GC4, Article 31.)

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- (2) A POW, when questioned on the subject, is bound only to give his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. Neither physical or mental torture, nor any other form of coercion may be inflicted in order to secure information of any kind whatever. They may not be threatened, insulted or exposed to unpleasant or disadvantageous treatment of any kind. (In accordance with GC3, Article 17.)
  - (3) CPERS who are incapable, for physical or mental reasons, of stating their identity are to be handed over to the unit medical staff for treatment and/or evacuation.
  - (4) Questioning of CPERS shall be carried out in a language which they can understand.
2. For each captured person, the tactical questioners produce a Tactical Questioning Report (TQREP) referring to the CPERS number (from the CAPTAG). The format of a TQREP is provided in Annex D.
  3. Tactical questioners and interrogators check that CPERS and any associated documents or effects have been correctly tagged and that these documents and effects accompany the CPERS as they are moved.

## **0205 Categorisation**

1. CPERS shall be categorised according to their assessed intelligence value as early as possible. This may be done by capturing units where a tactical questioning and language capability exists. This categorisation shall be reassessed by interrogation units (IUs) whenever they receive CPERS.
2. Categories:
  - a. **Category A.** CPERS of high value whose broad or specific knowledge of the adversary's war effort or of the activities of one of the parties in the conflict makes it necessary for them to be interrogated without delay by specialised interrogation personnel and at the highest level. Category A CPERS could include the following:
    - (1) General Officers or their equivalents.
    - (2) Chiefs of Staff of major formations, and heads of staff sections down to Army level.
    - (3) Officers in intelligence or communications organisations or appointments.
    - (4) Officers in special police units and counter-terrorist units.
    - (5) Officers and NCOs of Special Operations Forces.
    - (6) Personnel with knowledge of ciphers/cryptography.
    - (7) Personnel with knowledge of subjects of particular intelligence interest or importance like:

- (a) Scientific and technical personnel – personnel with current knowledge of radiological, biological and chemical weapons or any other new type of materiel or weapon of mass destruction.
  - (b) Psychological operations (PSYOPS) personnel.
  - (c) Regime officials.
  - (d) Indoctrination personnel (e.g. political officers).
  - (e) Other CPERS with wide knowledge of the adversary's or the particular warring faction's military capabilities or political, religious, cultural, psychological and economic factors.
  - (f) Persons with knowledge of organised crime organisations and operations. (These persons are to be reported to relevant legal and law enforcement authorities for further interrogation.)
  - (g) Persons with knowledge of terrorist organisations and operations. (These persons are to be reported to the counterintelligence and security organisations for further interrogation.)
  - (h) Persons with knowledge of terrorism, war crimes, crimes against humanity and other crimes. (These persons are to be reported to relevant legal and law enforcement authorities for further interrogation.)
  - (i) Aviation personnel/naval personnel whose mission subordination, training and knowledge of enemy locations, movements and organisation are thought likely to be of considerable interest.
- (8) CPERS who display a willingness to assist interrogation staff in the achievement of their primary task and whose assistance can be material to the achievement of that task.
- b. **Category B.** CPERS who have sufficient information of intelligence value to warrant further interrogation or who may be of assistance to interrogation staff.
  - c. **Category C.** CPERS who have information of limited, immediate tactical value, which is, therefore, time sensitive.
  - d. **Category D.** CPERS of no intelligence interest.
3. The above definitions are a broad guide only and considerable latitude shall be exercised by interrogation staff in the categorising of CPERS.
4. The timely interrogation and exploitation of CPERS in Category A and B is vital to the achievement of the primary aim of interrogation. The swift transfer of Category A and B CPERS to a Joint Interrogation Centre (JIC) or a Combined Joint Interrogation Centre (CJIC), which are described in paragraph 0402, is therefore extremely important.



5. When a capturing unit moves a CPERS who is assessed or presumed to be Category A or B to a medical facility or to a holding point, the intelligence organisation should be alerted as soon as possible to ensure the early exploitation of his intelligence potential.

## **0206 Materiel**

1. CMAT includes items necessary to equip, operate, maintain, or support military, terrorist or criminal activities without distinction as to its application for administrative or combat purposes. (However, CMAT does not include real estate, installations, and utilities.) CMAT that has no further intelligence value or value as evidence in legal proceedings will ordinarily be disposed of through appropriate logistics channels or by ordnance personnel. Generally, this CMAT will be handed over to or retrieved by service and recovery units.

2. Great care should be taken to ensure the safe handling of CMAT. The possibility that CMAT and other items having belonged to or been used by an adversary could be booby-trapped should be considered before they are handled. All weapons and armaments should be cleared or otherwise rendered safe. Ammunition should be stored so that the danger of explosion is minimised. Weapons of mass destruction and other weapons and equipment containing bio-hazardous, radioactive or toxic materials should be cordoned off, and trained personnel should be summoned to dispose of them. High-voltage equipment should be handled with great care.

3. CMAT and Associated Technical Documents (ATDs) considered of intelligence or other interest will be handled by the capturing unit in the following manner:

- a. An INTREP will be prepared by the capturing unit upon the discovery or capture of CMAT or ATDs believed to be of intelligence interest. The reporting channels are from the capturing unit through the chain of command to the first Technical Intelligence (TECHINT) element.
- b. If possible, the capturing unit will conduct a preliminary screening to obtain information of immediate technical or tactical value. A Preliminary Technical Report (PRETECHREP) as set out in Annex E will be prepared and submitted through established intelligence channels.
- c. CMAT will be tagged by the capturing unit as follows:

National identifying letters of capturing unit as prescribed in STANAG 1059—see Annex W.

Designation of capturing unit including service.

DTG of capture.

Location of capture (geographic coordinates or UTM grid reference including grid zone designation and 100,000-metre square identification).

Adversary unit or warring faction from which CMAT was captured (including national identifying letters in accordance with STANAG 1059).

Summary of circumstances of capture.

Associated CPERS.

- d. ATDs will be tagged as described in paragraph 0207.1. c.

- e. CMAT and any ATDs should be subsequently evacuated.
  - f. If the CMAT cannot be evacuated, ATDs should be forwarded with photographs, drawings or a detailed description of the CMAT to the nearest intelligence staff for exploitation. The CMAT should be kept under guard until further instructions are received.
  - g. If CMAT has to be destroyed for operational or safety reasons, unidentified items should be photographed, sketched or described in writing as documentation. This documentation will then be forwarded to the nearest intelligence staff for exploitation.
4. CMAT and ATDs that may constitute evidence in legal proceedings against CPERS suspected of crimes against humanity, terrorism, war crimes and other crimes as applicable will be safeguarded or secured separately from other CMAT and ATDs. Tags for such CMAT and ATDs should be marked "EVIDENCE". These items should be reported as soon as possible by the capturing unit or person to the military police or other personnel specially trained and authorised to handle evidence, so that they may establish a chain of custody/evidence. Guidelines for handling items to be used as evidence are detailed in Annex F.

## **0207 Documents**

1. CDOCs are important sources of intelligence and information. It should be noted that documents include all types of media that may contain, record or store information. A detailed definition of the term "document" may found in the Glossary. Therefore, specialist personnel may be required to access information from various types of media. CDOCs considered of intelligence interest will be handled by the capturing unit in the following manner:

- a. If possible, the capturing unit will conduct a preliminary screening to obtain information of immediate technical or tactical value.
- b. An INTREP identifying the CDOCs and its disposition as well as giving information considered to be of immediate tactical value will be prepared and submitted by the capturing unit.
- c. The original CDOCs should not be marked on; they should be collected and stored in watertight containers or bags and tagged. The capturing unit/person will tag the CDOC or CDOCs as follows.

National identifying letters of capturing unit as prescribed in STANAG 1059.

Designation of capturing unit including service.

Serial number of the CDOC or CDOCs. This will consist of a number allocated sequentially by the capturing unit.

DTG of capture.

Location of capture (geographic coordinates or UTM grid reference including grid zone designation and 100,000-metre square identification).

Adversary unit or warring faction from which CDOC was captured (including national identifying letters in accordance with STANAG 1059).

Summary of circumstances under which the CDOCs were obtained.

Interrogation serial number of any associated CPERS, if appropriate or known. CDOCs associated with a captured person should be marked with part C of the CAPTAG.

2. CDOCs that may constitute evidence in legal proceedings against CPERS suspected of crimes against humanity, terrorism, war crimes and other crimes as applicable will be safeguarded or secured separately from other CDOCs when practicable. Tags identifying such documents should be marked "EVIDENCE". These documents should be reported as soon as possible by the capturing unit or person to the military police or other personnel specially trained and authorised to handle evidence in order to establish a chain of custody/evidence. Guidelines for handling items to be used as evidence are detailed in Annex F.

## CHAPTER 3

### Procedures for Handling Captured Persons

#### 0301 General Handling Procedures

1. Standard administrative procedures for the handling of CPERS will be as set out below. Operational conditions may require deviations from these procedures. Where this is the case, the principles and procedures will be followed as far as circumstances allow. The provisions of applicable international law will always be observed.

The Detaining Power will at all times be responsible for the care, custody and control of CPERS. Article 12 of GC3 permits the transfer of POWs from the custody of the Detaining Power to the custody of another power that has ratified GC3 and has the will and means to uphold the provisions of the Convention.

2. The interrogation of CPERS is set out in Chapter 4 of this publication and should be read in conjunction with this chapter.

3. As soon as possible after capture, individuals are to be provided with tags in accordance with the procedures outlined in Annex A and collected at a suitable point or area where a GROUPECAPREP should be compiled (see Annex B).

4. Evacuation is to be carried out as soon as the tactical situation permits to one of the following facilities that should be situated far enough from the combat zone for the CPERS to be out of danger:

- a. Collecting points.
- b. Holding areas.
- c. Long-term detention facilities.
- d. Medical facilities.
- e. Interrogation units (usually collocated with a-c above).

5. Figure 3-1 illustrates the CPERS evacuation chain and lists recommended actions at each stage in the CPERS handling process.

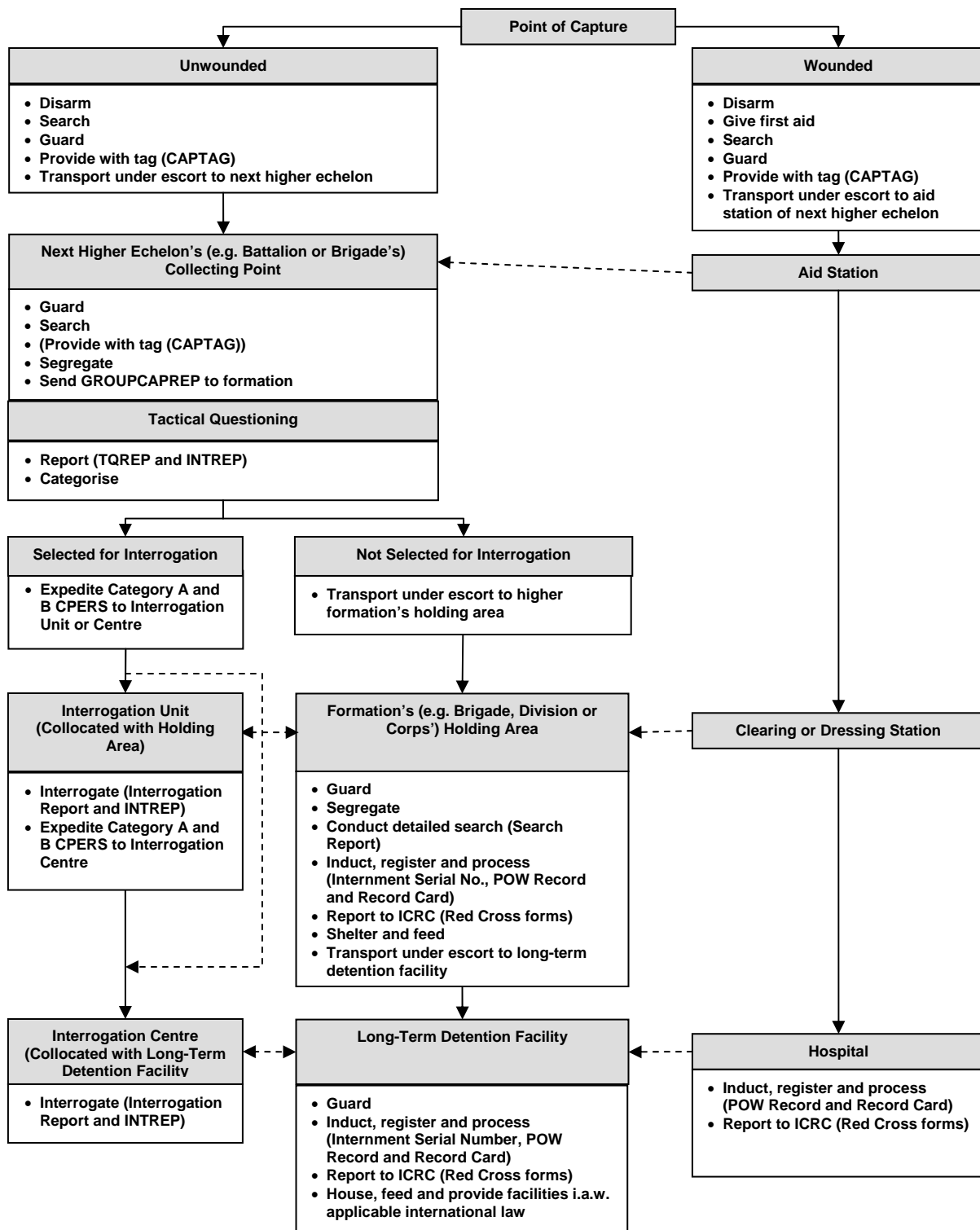


Figure 3-1: CPERS Evacuation Chain.

## 0302 Facilities

1. **Collecting Points.** These are usually established at battalion or brigade level, but may also be established at any appropriate command level. A central collecting point may be established at division level. Collecting points are intended to hold CPERS for up to 24 hours. They should be evacuated as soon as the tactical situation permits. Interrogation units may be collocated with them. R
2. **Holding Areas.** These will usually be temporary areas located at division and corps level, but in certain operations may also be located at brigade level. Holding areas are intended to hold CPERS for up to 72 hours from time of capture. They should be evacuated as soon as the tactical situation permits. At corps level holding areas for accommodating large numbers of CPERS for longer periods of time may be established. Interrogation units may also be collocated with these. R
3. **Long-Term Detention Facilities.** These include POW facilities and other detention facilities.
  - a. **POW Facilities.** POW facilities are of a more established nature and are designed for the extended internment and complete administration of POWs. These facilities may be established in the Communications Zone, the Rear Combat Zone or other location away from the battlefield, or outside the area of operations. POWs not selected for interrogation may be transported directly to a POW facility. Interrogation units or centres may be collocated with POW facilities. POWs will be treated in accordance with GC3.
  - b. **Other Detention Facilities.** Other detention facilities include internment facilities and other installations separate from POW facilities that are designed for the extended incarceration of other detained persons pending decision on their status and disposition. CPERS held in such facilities are entitled to treatment in accordance with international law including GC4 when applicable. In all cases, internment will occur only when absolutely necessary to the security of the Detaining Power and will be in accordance with the provisions of GC4 when applicable. R
  - c. **Medical Facilities.** CPERS will receive proper medical treatment to include dispatch to the nearest facility as necessary. They will remain the responsibility of the CPERS administration organisation while undergoing treatment.
  - d. **Interrogation Units.** CPERS assessed to have information of immediate tactical value may be subjected to tactical questioning. Based on the results of tactical questioning, an evaluation of effects or the circumstances of capture, CPERS who are assessed as Category A or B as defined in Chapter 2 of this publication, are to be sent to the nearest suitable interrogation unit. These units will normally be collocated with the collecting points and holding areas. The early exploitation of a captured person's intelligence potential may make it necessary for interrogation units to come forward to the initial point of capture.
  - e. **Guidelines.** Guidelines for establishing collecting points, holding areas and long-term detention facilities are contained in Annex G.

## 0303 Processing of POWs and Other CPERS

1. **Stage 1 – The Capture.** Whenever conditions allow, the procedures outlined in Chapter 2 of this publication are to be followed by the capturing unit.

2. **Stage 2 – Evacuation and Holding.** The tasks set out in Chapter 2 of this publication shall be completed at the collecting point if they have not been done at the point of capture. The duties and procedures of escorts and guards are detailed in Annex H. At holding areas registration of CPERS should take place and the following processes should be completed.

- a. POWs are to be informed of their rights under GC3 as summarised in Annex I.
- b. POWs are to be issued an Internment Serial Number (INTERNSN). The INTERNSN is a unique serial number allocated by the national POW handling organisation to enable the identification and tracking of the POW during his internment. A recommended format for an INTERNSN is detailed in Annex J.
- c. Records and record cards for POWs are to be initiated (Annex K). All records for POWs and other CPERS should be digitised when possible and maintained in databases accessible to intelligence and law enforcement agencies. Biometric data may be used in addition to photographs and fingerprints to ensure unmistakable identification of CPERS.
- R d. Civilians who do not have POW status may be interned and will be treated in accordance with GC4 and applicable international law. They shall be accommodated and administered separately from POWs and from persons deprived of liberty for any other reason.
- R e. CPERS other than those with POW status suspected of terrorism, war crimes, crimes against humanity and other crimes will be handed over to the law enforcement agencies or judicial authorities appointed by NATO to deal with them as determined by the MOA.

3. POWs may be transferred from/to collecting points and holding areas into or from the custody of interrogation units. The responsibility for the guarding, feeding, medical treatment and safety of POWs remains with the unit which has custody of the POWs.

4. GC3 stipulates that a nation transferring POWs to another nation still has the obligation to ensure that treatment of the transferred POWs is in accordance with the GC3 and other applicable international law. Any such transfer should be conducted in accordance with the operational plan.

5. **Stage 3 – POW Facilities.** If any of the above procedures or duties have not been carried out, they will be completed by the facility authorities at the earliest opportunity.

6. POWs may be transferred to the custody of interrogation units or interrogation centers and from such custody as described above. If not already allocated, it will be the responsibility of the facility staff to allocate a POW INTERNSN to CPERS who have been interrogated before completion of processing and registration. Interrogation Serial Numbers (INTGSNs) shall not be used for this purpose. The responsibility for the safeguarding, feeding and medical treatment of CPERS so transferred remains with the unit having custody of them. When CPERS are transferred to a holding area or POW facility under the control of another NATO nation's armed forces or of a NATO nation acting as the Detaining Power on behalf of the nations participating in a NATO force, the transferring nation or formation will ensure that the information required by this publication is transferred together with the CPERS. The receiving forces will be responsible for completing the documentation required by their own forces or those required by this publication.

R 7. As soon as possible after capture and not more than one week after arrival at a temporary or long-term holding facility or a hospital every POW shall be given the opportunity to communicate with his family and – in wartime – the Central Prisoner of War Agency. Resulting letters, cards and e-

mails will be forwarded as quickly as possible after inspection by intelligence personnel or appropriate authority.

8. **POW Personal Property.** The procedure for handling, recording and safeguarding the personal property taken from POWs as set out in Annex L shall be used.

9. **Financial Accountability.** GC3 establishes how the financial matters of POWs should be handled. This includes records of pay, accounts and work records. The officer commanding the POW facility will ensure that all such GC3 requirements are met.

10. **POW Rights.** GC3 requires that POWs have access to copies of GC3 in their own language. This is the responsibility of the Detaining Power. This responsibility may be delegated to the officer commanding the POW facility.

### **0304 Inspections, Media Operations, Visits and Photography**

1. **Inspections.** Representatives and delegates of Protecting Powers and International Committee of the Red Cross (ICRC) delegates have the right to investigate the treatment and administration of CPERS and other CPERS wherever they may be in accordance with GC3, GC4 or other applicable international law. They are to be given every assistance in this work. This right may only be suspended for reasons of “imperative military necessity” by the national authority of the detaining power, and then only as an exceptional and temporary measure. Legal advice must be sought before taking such action. The provision of full and open inspection facilities will assist in establishing a favourable impression of the quality of the treatment of CPERS. The role of the ICRC is explained in Annex M. R

2. **Media Operations.** The increased ability of the international press to focus on the treatment of CPERS could lead to adverse publicity and pressure. This could in turn damage domestic and international support for an operation. Also, media exposure could jeopardise military and law enforcement operations. The section responsible for media operations within the headquarters is to be kept informed of operations and data pertaining to CPERS within the Command’s Area of Responsibility (AOR). The Command should issue a policy regarding media access to CPERS and facilities holding CPERS consistent with applicable international law.

3. **Visits.** The Command should issue a policy regarding the authorisation of visits by persons who are not representatives or delegates of a Protecting Power or the ICRC. Such visits should serve an official purpose and be limited in frequency, scope and duration. Operational security within CPERS facilities should be strictly maintained. Exposure of CPERS to the media and other visitors to facilities holding CPERS must not violate the provisions of the Geneva Conventions and other applicable international law especially regarding protection against public curiosity.

4. **Photography.** All photography of CPERS and facilities holding CPERS must serve an official purpose and be approved by the Commander or the senior officer responsible for the handling of CPERS. The GCs (inter alia GC3, Articles 13 and 14) must be complied with.



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## CHAPTER 4

### Interrogation of Captured Persons

#### 0401 General Provisions

1. **Geneva Conventions.** The treatment of CPERS held for interrogation will comply with the provisions of the Geneva Conventions, or other applicable international law. The responsibilities of the Detaining Power as set out in GC3 and GC4 shall rest with the capturing or detaining nation. The term "Detaining Power" will have the meaning as understood in GC3 and GC4. The ICRC is to be allowed access to individual CPERS held in interrogation facilities, but not to sensitive areas (e.g. operations and communications rooms). R
2. **Interrogation Personnel.** A lead interrogator should be designated with responsibility for the conduct of the interrogation. Interrogators must be trained and qualified to conduct systematic and extended questioning of CPERS to obtain information of intelligence value. They should have the necessary language skills to conduct interrogations in the area of operations. If interpreters are used, it should be noted that this may diminish the interrogators' effectiveness and may entail security problems.
3. **Aim.** The primary aim of interrogation is the timely extraction of information from CPERS following tactical questioning, and the timely dissemination of information and intelligence resulting from interrogations to relevant commands in order that it may be used in the production of intelligence estimates and in decision making. In order to achieve this aim, CPERS should be screened by trained personnel as soon as possible after their capture in order to obtain information of immediate tactical value and to categorise them according to their assessed intelligence or counter-intelligence value to ensure the effective allocation of interrogation resources. Category A or B CPERS (as assessed in accordance with paragraph. 0205) during tactical questioning (as described in paragraph 0204) should be transferred as soon as possible to an interrogation unit or centre. The categorisation of a CPERS may be changed based on the results of an interrogation and with the passage of time.
4. **Responsibilities.** The responsibilities are as follows:
  - a. The operational commander through his intelligence organisation is responsible for the interrogation of CPERS in order to obtain information of intelligence or counter-intelligence value.
  - b. Information obtained during operational interrogation may not be admissible as evidence in criminal proceedings unless certain legal procedures have been followed. Therefore, interrogation of CPERS for the purpose of obtaining evidence to be used in criminal proceedings should be the responsibility of competent law enforcement agencies or judicial authorities. If criminal activity is uncovered during interrogation the appropriate law enforcement agencies or judicial authorities must immediately be involved to process the information for legal consideration. Ordinarily, where criminal activity is suspected, questioning by law enforcement agencies or judicial authorities should take place first. Failure to do so may taint any evidence obtained by questioning. This, in turn, may prevent a successful prosecution for the criminal activity concerned. If it is deemed desirable for military intelligence personnel to be present during a law enforcement interview of a

suspect legal advice should be obtained first to determine the effect this may have upon the admissibility of the evidence gathered during the interview. Ultimately, in a NATO operation, the commander of the NATO force may have to decide whether interrogation for the purpose of intelligence collection or an interview to obtain evidence in accordance with legal standards has the highest priority in a particular case.

- c. The responsibility for the handling, guarding, administration and welfare of CPERS in custody of NATO forces shall rest with the CJ1 staff. The guard force and administrative staff shall not conduct interrogation operations.
- d. CPERS should be held by the interrogation organisation for the minimum time consistent with the effective exploitation of their intelligence potential. It is not the intention that interrogation staff should assume administrative responsibility for CPERS.

5. **Handling of CPERS During the Interrogation Phase.** If practicable, throughout the interrogation phase, CPERS should be:

- a. Segregated according to rank, grade, service, sex, nationality or warring faction, and if necessary, ethnic and religious group to minimise the opportunity to prepare counter-interrogation measures. Children should be separated from adult CPERS. However, young children should not be separated from immediate family members, if captured with them. Furthermore, civilians, deserters, regime officials, indoctrination personnel and persons deemed to require protection from other CPERS will be individually segregated. Such segregation shall be undertaken in a manner which does not violate applicable international law (e.g. GC3, Articles 16 and 22).
- b. Allowed no opportunity to exchange information among themselves, to exchange identities or to dispose of materiel, documents and effects of intelligence interest. Whenever possible facilities should allow for prisoners to be segregated from each other to prevent communication with and observation of each other while in transit to and from the interrogation facility.
- c. Allowed no opportunity to compromise interrogation operations by unauthorised and unsupervised contact with personnel not concerned with interrogation duties.
- d. Allowed no opportunity to observe sensitive and critical activities, materiel and procedures involving NATO or national forces.
- e. Guarded in a manner, which shall deny the opportunity for self-injury, suicide, escape or sabotage. Use of force, including lethal force, will be in accordance with the established ROE.
- f. Provided necessary medical care and regularly examined by medical personnel.

6. **Other CPERS Treated As POWs.** The procedures for the debriefing of defectors and adversary deserters and the questioning of other combatants shall be the same as those for POWs. Such categories shall be segregated from other CPERS during interrogation and holding wherever practicable.

## **0402 Organisation**

1. It is important that the interrogation organisation is as flexible and straightforward as possible. An Interrogation Unit (IU) and a Joint Interrogation Centre (JIC) may comprise the basic interrogation organisation.

- a. **IU.** The primary aim of IUs is to exploit the time-sensitive intelligence potential of CPERS in Categories A, B and C, and to identify Category A and B CPERS in order to arrange their early transfer to a JIC. IUs may be set up and employed at any appropriate command level. Such units would form part of the appropriate command or task force's intelligence organisation. They may operate at holding areas for CPERS or elsewhere to meet the commander's intelligence requirements. IUs will, therefore, operate as closely as possible to collecting points, holding areas, and, possibly, long-term holding facilities as possible to avoid the need for separate guard forces as well as medical, catering and other administrative staffs. Only personnel who are trained and qualified to conduct interrogations should be employed as interrogators. Naval, army and air force interrogation staffs may be attached to IUs where appropriate, thus forming, Joint Interrogation Units (JIU). Interrogation personnel from two or more nations may form Combined Joint Interrogation Units (CJIU). IUs may be supported by one or more teams capable of, and responsible for, providing linguistic and technical support to interrogations and translating and exploiting CDOCs. These teams should consist of linguists and technical specialists capable of retrieving information from electronic media.
- b. **JIC.** JICs may be set up and employed at any appropriate joint command level. Combined Joint Interrogation Centres (CJICs) may be established. Ideally JIC/CJICs would be collocated at POW facilities and other long-term detention facilities in order to facilitate interrogation operations and minimise the need for administrative and logistic support. The primary aim of JIC/CJICs is the extensive and, where necessary, extended interrogation of CPERS in order that their tactical, operational and strategic intelligence potential can be fully exploited. Appropriate navy, army or air force interrogation staffs should be organic to those centers. JIC/CJICs should also have organic teams capable of, and responsible for, providing linguistic support to interrogations and translating and exploiting CDOCs. These teams should consist of linguists and technical specialists capable of retrieving information from electronic media.

2. The aim of the above organisations is to ensure the effective use of the interrogation resources in an armed conflict. Where IUs or JICs are established, they should not only report their products through national reporting channels but also those reporting channels of the relevant NATO command.

3. Nations which do not have a need or organisation for the formation of a JIC may delegate this responsibility to an IU, a JIU or a CJIC.

## **0403 Procedures at Interrogation Units**

1. IUs, JIUs and CJIUs receiving CPERS shall adopt the following procedures:
  - a. Allocate an Interrogation Serial Number to CPERS selected for interrogation in accordance with the procedure set out at Annex N.

- b. Review the GROUPCAPREP, the TQREP and any associated documents and materiel.
- c. Conduct a thorough search of the CPERS to ensure that he has been properly disarmed and that all material of intelligence interest has been recovered. During the search of the CPERS his physical and mental condition should be observed and all items in his possession should be thoroughly inspected and evaluated for intelligence value and for their potential danger to own personnel and to the CPERS himself. Effects and articles essential to his safety will be returned to him after the search has been completed. The principles set out in applicable international law shall be strictly observed. Results of the search including observations of the CPERS physical and mental condition as well as information of intelligence value gathered from documents, effects and other articles should be recorded in a Search Report (SEARCHREP). A sample format for a SEARCHREP is shown in Annex O. This information may also be included in the Interrogation Report (INTGREP).
- d. At the end of each interrogation an INTGREP will be submitted by the most appropriate means. The INTGREP is described in Annex P.
- e. On completion of interrogation at the IU, POWs shall be sent to a JIC/CJIC for further specialised interrogation, if warranted. If the POWs are deemed to be of no further intelligence interest, they shall be forwarded to a POW facility established by the Detaining Power in accordance with the current administrative instructions.
- f. CPERS who are not POWs will be processed in accordance with instructions from higher national or NATO command.

#### **0404 Procedures at Joint Interrogation Centers and Combined Joint Interrogation Centers**

- 1. JICs and CJICs receiving CPERS shall adopt the following procedures:
  - a. Allocate an Interrogation Serial Number (INTGSN) to CPERS selected for interrogation in accordance with the procedure set out at Annex N, if one has not already been allocated.
  - b. Review any pertinent reports (such as INTREPS and Intelligence Summaries) as well as any reports from previous questioning and interrogation as well as any associated documents and materiel.
  - c. Search the CPERS to ensure that they are properly disarmed and that all objects of intelligence interest have been recovered. If an extensive and thorough search has been conducted by an interrogation unit at lower echelon, results of the search should be reported in a Search Report or included in the INTGREP; if a search has not been conducted, this should also be recorded in the INTGREP. Effects and articles essential to CPERS' safety will be returned to them after inspection to ensure that they contain no material of intelligence interest and cannot be used to harm interrogation and guard personnel or to inflict self-injury.
  - d. At the end of each interrogation an INTGREP will be submitted by the most appropriate means.

2. On completion of interrogation, POWs shall be sent to a POW facility established by the Detaining Power in accordance with the current administrative instructions and applicable international law.
3. CPERS who are not POWs will be processed in accordance with instructions from higher national or NATO command.
4. POWs sent to POW facilities and other detained persons who remain in custody after interrogation may be subjected to further interrogation should the need arise.

#### **0405 Reporting**

1. **INTREPs.** The capturing unit should identify any category A or B CPERS and report them by submitting an INTREP. These CPERS will be moved to the nearest suitable interrogation unit or facility as expeditiously as practicable.
2. **Interrogation Serial Number.** Every individual selected for interrogation will be given an INTGSN. This number, once issued, will remain with the captured person throughout his interrogation at whatever level and should not be changed. This number is issued for intelligence source identification. This number shall not be confused with the POW Internment Serial Number (INTERNSN), which should NOT be used for this purpose. The INTGSN will be composed as detailed in Annex N.
3. **Search Report.** The Search Report is used to record the results of the thorough and extensive search conducted by IUs and JICs. Results of the search including observations of the CPERS physical and mental condition as well as information of intelligence value gathered from documents, effects and other articles should be recorded in a Search Report. A sample format for a Search Report is shown in Annex O. This information may also be included in the INTGREP.
4. **Interrogation Reports.** INTGREPs may also be used to report results gathered from the search and tactical questioning (or screening), if this has not been done previously. INTGREPs shall be forwarded to the Command intelligence organisation as quickly as possible. One copy shall remain in the captured person's file which shall accompany him through all phases of the interrogation process. These reports will remain in the intelligence channels and shall not be forwarded to the administrative authorities when CPERS are sent to detention facilities or other holding facilities. A sample format for an INTGREP is shown in Annex P.
5. **Intelligence Reports.** The preparation of full INTGREPs shall not delay the communication of important interrogation products to the Command. Where such information has been sent in advance of the INTGREP in the form of, for example, an INTREP, this fact should be mentioned and any relevant message identification and DTG should be referred to in the report.
6. **CDOC Exploitation.** Information and intelligence obtained from the exploitation of CDOCs will normally be separately reported in accordance with Chapter 6 of this publication. INTGREPs will refer to such exploitation, particularly where CPERS are prepared to confirm such information/intelligence.

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## CHAPTER 5

### Captured Materiel and Associated Technical Documents

#### 0501 General

1. Exploitation of CMAT, and ATDs should be carried out carefully and promptly. Some of this materiel may be unknown or only partially known in its design, construction, technical data, function, capabilities, modes of employment, etc. Therefore, it is of utmost importance to gain information for possible counteractivities and necessary protective measures to support friendly operations. Materiel and ATDs of special intelligence interest should be stated in the intelligence staff's information and other intelligence requirements and included in the Intelligence Collection Plan.
2. CMAT and ATDs of interest to a particular component or nation should preferably be handed over to that component or nation at the earliest possible moment for exploitation.
3. Procurement of technical experts and the way they should be utilised for exploitation are to be decided by the nations. Nations may decide to establish Joint Captured Materiel Exploitation Centres (JCMECs) on a permanent or ad hoc basis. Guidance on this matter is offered in Annex Q.
4. The results of the exploitation of CMAT and ATDs shall be made available to the commander and to other NATO or national commanders and authorities in accordance with stated intelligence requirements and reporting procedures consistent with national laws and policy. In combined operations TECHINT as well as photographic documentation of the CMAT and copies of ATDs should be shared among all the troop-contributing nations. If a command intelligence database has been established such intelligence and information may be stored in it.
5. TECHINT personnel and units often operate under the operational control of the intelligence staff. However, logistic staff must provide transportation support for the evacuation of CMAT from the combat zone to a facility where intelligence exploitation can take place. Furthermore, workshops and other logistic facilities may have to be placed at the disposal of TECHINT personnel and staff in their work.
6. Procedures for handling CMAT and ATDs that may constitute evidence in criminal proceedings are detailed in Annex F.

#### 0502 Safety

Great care should be taken to ensure the safe handling of CMAT. When necessary, trained personnel (e.g. Explosive Ordnance Disposal specialists) should be tasked to handle or dispose of weapons, armaments, ammunition and explosives. All weapons and armaments should be cleared or otherwise rendered safe. Ammunition should be stored so that the danger of explosion is minimised. Weapons of mass destruction and other weapons and equipment containing bio-hazardous, radioactive or toxic materials should be cordoned off, and specialists should dispose of them. High-voltage equipment should be handled with great care. The possibility that CMAT and other items having belonged to or been used by an adversary could be booby-trapped should be considered before they are handled.



### 0503 Exploitation

1. Intelligence exploitation of CMAT and ATDs is in principle a national responsibility to be undertaken by the capturing nation, but this responsibility may be assumed by a NATO Command or Force. Wherever forces of two or more NATO nations are operating together, mutual support for the purposes of proper and timely exploitation should be given. This is especially important when the capturing nation does not have the necessary technical capability to exploit particular CMAT and ATDs. In that case such CMAT and ATDs should be turned over to an allied nation that has such a capability as expeditiously as possible. In cases where responsibility for exploitation is handed over to an allied nation, that nation will keep the capturing nation fully informed of the results obtained and will forward copies of ATDs and reports prepared. The exploiting nation will be responsible for reporting as described in this Chapter.
2. During the exploitation process, CMAT and the original copy of ATDs must be kept together. When exploitation has been completed, the CMAT must be handed over to appropriate national agencies for utilisation or disposal, with copies of ATDs as appropriate. A copy of the ATDs will be forwarded to the document exploitation unit of the national JIC or, if applicable, the CJIC (see Chapter 4 of this publication), or other national or NATO agency responsible for CDOCs. When possible, photographs of the CMAT should be taken and removed with the CMAT/ATDs.
3. In the exploitation of CMAT and ATDs, close coordination should be exercised between elements at various levels within the intelligence organisation where linguistic and technical assistance could be sought. CPERS associated with CMAT and ATDs should, if possible, be kept available for questioning during the exploitation process, but the evacuation and interrogation of CPERS have higher priority.
4. CMAT and ATDs considered to be of intelligence or other interest will be exploited through the following process. Whenever feasible, in order to expedite handling, the processing stages may be combined.
  - a. **Reporting.** The capturing unit reports the capture or discovery of CMAT or ATDs believed to be of intelligence or other interest through higher headquarters to the first TECHINT element in the chain of command by means of a PRETECHREP (as at Annex E) or an INTREP.
  - b. **Preliminary Screening.** Preliminary screening and reporting of information of immediate technical, operational or other value through established intelligence channels will be accomplished by the capturing unit.
  - c. **Complementary Examination.** Complementary examination and reporting may be carried out in the field by technical experts or Technical Exploitation Teams (TETs). (See Annex Q.) If possible, the preliminary screening, translation and categorization of ATDs should be carried out by translators specialized in the exploitation of technical documents.
  - d. **Detailed Exploitation.** If special circumstances require it, detailed exploitation may be undertaken outside the AO. (See Annex Q.)
5. CMAT and ATDs will be tagged as follows by the first technical exploitation specialist or team performing exploitation for intelligence or other purposes:
  - a. **CMAT.**

- Serial number of CMAT of intelligence interest.
  - Serial number of ATDs if applicable.
- b. **ATDs.**  
As for CMAT above, with the serial number(s) of associated CMAT and clearly marked with the flagword "TECHDOC".
- c. **Associated CPERS.** The capture tag number and the interrogation serial number (if allocated) will be recorded on the CMAT and ATD tags in order to facilitate interrogation to obtain information of technical, operational or other value.

#### **0504 Reporting**

1. Reports will be submitted in accordance with relevant reporting procedures. Copies of all reports should follow the CMAT during the exploitation process. The following reports are required:
  - a. **INTREP.** An INTREP will be prepared by the capturing unit upon the discovery or capture of CMAT or ATDs believed to be of intelligence interest. The reporting channels are from the capturing unit through the chain of command to the first element with technical exploitation capability.
  - b. **Preliminary Technical Report.** A PRETECHREP may be prepared and submitted by the capturing unit or a Technical Exploitation Team (TET) after preliminary screening. (See Annex E.)
  - c. **Complementary Technical Report.** A COMTECHREP type A, B or C will be prepared and submitted by proper authority or TET after complementary examination in the field. (See Annexes R, S and T.)
  - d. **Detailed Technical Report.** A DETECHREP will be prepared and submitted by proper authority or Specialist Team after detailed exploitation in rear areas. This report has no set format. The flagword DETECHREP should be used as report identifier, and the report will include necessary data identifying the CMAT and its disposition.
  - e. INTREPs may, as the circumstances dictate, be submitted in advance but not in lieu of the reports listed above.

#### **0505 Further Handling**

1. An appropriate national or NATO commander or staff will direct and coordinate the exploitation process and decide when CMAT can be handed over for utilisation or disposal. Intelligence staff will ensure that duplicate photographs of CMAT and copies of ATDs are provided and distributed for further exploitation by technical and other elements as appropriate.
2. When exploitation is complete, final disposition of the materiel will be carried out as determined by the commander or his staff or in accordance with agreed procedures.

**0506 Security**

1. CMAT and ATDs will be classified in accordance with the applicable security classification guidance, also considering the circumstances of capture and the value of denying the opposing forces the knowledge that a particular document or piece of materiel is in NATO hands.
  
2. At all stages during the intelligence exploitation process, the CMAT and ATDs will be placed under guard in order to prevent looting, misuse or destruction. No item is authorised for retention as a war trophy or souvenir. CMAT and ATDs to be used as evidence in legal proceedings against CPERS suspected of terrorist acts, crimes against humanity, war crimes and other crimes are to be safeguarded separately from other CMAT and ATDs and should be in the custody of the military police or other investigative authority. (Guidelines for the handling of such CMAT and ATDs may be found in Annex F.) The investigative authority will assist in the intelligence exploitation of such evidence.

## CHAPTER 6

### Captured Documents

#### 0601 General

1. CDOCs are valuable sources of information and should be exploited for intelligence or law enforcement purposes with a minimum of delay. It should be noted that documents include all types of media that may contain, record or store information. Therefore, specialist personnel may be required to access information from various types of media. A detailed definition of the term “document” may be found in the Glossary.
2. ATDs, which are marked “TECHDOC”, will be handled as described in Chapter 5. All other types of CDOCs will be handled as described in this Chapter.
3. Nations may decide to establish Joint Captured Document Exploitation Centres (JCDECs) on a permanent or ad hoc basis. A CJTF may decide to establish a Combined Joint Captured Document Exploitation Centres (CJCDEC) on a permanent or ad hoc basis. Guidance on this matter is offered in Annex U.

#### 0602 Categorisation

1. CDOCs should be categorised according to their assessed intelligence or other value as soon after capture as possible. The categorisation of each CDOC should be reassessed as it is exploited and assessed by document exploitation elements at each level in the chain of command.
2. In order to ensure the timely exploitation of time-sensitive CDOCs of intelligence or other value, CDOCs are to be divided into categories as follows:
  - a. **Category A.** Documents which because of their special intelligence or other value require priority removal and/or special handling and are of interest to another command, collection agency or other agency i.e. TECHINT, air force, navy, PSYOPS, cryptography, law enforcement etc. These documents should be translated as quickly as possible to exploit information of intelligence or other value to operations and to force protection. Specific examples of Category A documents change according to the Priority Intelligence Requirements and will be set forth in each document exploitation element's standing operating procedures. Documents to be used as evidence in legal proceedings against CPERS suspected of terrorism, crimes against humanity, war crimes and other crimes will be handled as Category A documents.
  - b. **Category B.** Documents containing information of intelligence or other interest to the supported field command (answering operational-level intelligence requirements). These documents should also be translated as quickly as possible to exploit information of intelligence or other value to operations and to force protection.
  - c. **Category C.** Personal documents and items containing no perceived information of intelligence or other interest but still requiring special administrative accountability i.e. currency, works of art, family photos, or letters. Category C is the lowest category of CDOCs that can be assigned by field elements.

- d. **Category D.** Documents containing no known information of immediate intelligence or other value. This designation should be applied only by the echelon at which appropriate document exploitation expertise exists.

3. In principle, CDOCs are the responsibility of the nation of the capturing unit. However, in order to ensure that information of intelligence or other interest is efficiently utilised, such documents should be handled through command channels in the initial phases of the exploitation process. Final and thorough exploitation will be the responsibility of the capturing nation, the NATO Force or NATO Command in accordance with national law and policies or the MOA.

### **0603 Exploitation**

1. Exploitation of CDOCs is in principle a national responsibility to be undertaken by the capturing nation, but this responsibility may be assumed by a NATO Command or Force. Wherever forces of two or more NATO nations are operating together, mutual support for the purposes of proper and timely exploitation should be given. This is especially important when the capturing nation does not have the necessary capability to exploit CDOCs. In that case such CDOCs should be turned over as expeditiously as possible to an allied nation that has such a capability. In cases where responsibility for exploitation is handed over to an allied nation, that nation will keep the capturing nation fully informed of the results obtained and will forward copies of CDOCs and reports prepared. The exploiting nation will be responsible for reporting as described in this Chapter.

2. CDOCs will be forwarded as expeditiously as appropriate to the document exploitation unit of the national JIC or, if applicable, the CJIC (see Chapter 4 of this publication), or other national or NATO agency, such as a JCDEC or Combined Joint Captured Document Exploitation Centre (CJCDEC), responsible for captured documents.

3. CDOCs associated with CPERS should, if possible, follow the CPERS from whom it was taken during the interrogation and exploitation process. If specialist exploitation is necessary, copies of the CDOC may follow the CPERS in lieu of the original CDOC.

4. CDOCs considered to be of intelligence or other interest will be exploited through the following process. Whenever feasible, in order to expedite handling, the processing stages may be combined.

- a. **Reporting.** The capturing unit reports the capture or discovery of CDOCs believed to be of intelligence or other interest through higher headquarters to the first document exploitation element in the chain of command by means of an INTREP.
- b. **Preliminary Screening.** If possible, preliminary screening, translation, categorisation should be accomplished by translators specialised in the exploitation of military and technical documents. Therefore, tactical questioners should forward CDOCs to DOCEX specialists in (C)JICs or (C)JCDECs as soon as possible, or these specialists should be detached to lower tactical levels. Reporting of information of immediate tactical value gained from CDOCs through established intelligence channels will be accomplished by personnel conducting tactical questioning for the capturing unit.
- c. **Supplementary Examination.** Supplementary examination should be carried out by translators specialised in the exploitation of military or technical documents. Therefore, interrogators should forward CDOCs to DOCEX specialists in (C)JICs or (C)JCDECs as soon as possible, or these specialists should be detached to lower tactical levels. CDOCs of

special intelligence or other interest will be reproduced and disseminated to intelligence and other staffs, as appropriate.

- d. **Detailed Exploitation.** Detailed exploitation and reporting may take place at a (C)JIC or at a (C)JCDEC by DOCEX specialists.

5. Information technology may be used to support the translation of documents and to scan them for reproduction and dissemination.

## **0604 Translation**

1. **Levels of Translation.** Translation of CDOCs is often a time-consuming task. Therefore, depending on the assessed intelligence or other value of the CDOCs, the following levels of translation may be carried out:

- a. **Summary Translation.** A summary translation should consist of a concise outline of the contents in the CDOC and highlight information of intelligence or other value.
- b. **Extract Translation.** Specific parts of a CDOC containing specific information of intelligence or other value may be translated in full.
- c. **Full or Complete Translation.** A full or complete translation of a CDOC may be made when the entire contents of a CDOC are of such intelligence or other value as to warrant a complete translation.

2. A CDOC may go through several levels of translation. As the result of a preliminary screening, it may initially be translated in summary form before being forwarded to the next higher echelon. After complementary examination and evaluation, a translation of excerpts of intelligence or other interest to this or a higher echelon may be made. Finally, a full or complete translation may be made in order to facilitate a detailed exploitation of the CDOC.

## **0605 Tagging and Handling of CDOCs**

- 1. Capturing units shall do everything possible to preserve the integrity of captured documents. CDOCs should be placed in appropriate protective containers for transit and storage (file folders, ration cases, watertight bags, etc).
- 2. The capturing unit will tag or otherwise identify the container holding the CDOC in accordance with the procedures stated in Chapter 2, para 0204. It is important that the original CDOC not be marked or otherwise altered. CDOCs associated with a CPERS should be tagged with part C of the Captured Personnel and Personal Effects Tag. If this CPERS has been interrogated, the INTGSN should be noted on the tag.
- 3. CDOCs will be categorised as described in paragraph 0602. 2. The CDOC containers or tags should be clearly marked with the letters "CDOC CAT" followed by the category letter.

**Example: CDOC CAT "C".**

4. Documents constituting evidence to be used in legal proceedings against persons suspected of terrorism, crimes against humanity, war crimes and other crimes will be marked "EVIDENCE". Such documents will be kept separate from other documents and will be stored under guard or in a secure area in order to ensure an unbroken chain of custody/evidence. Procedures for handling such CDOCs are outlined in Annex F. Copies of CDOCs assessed to be of intelligence or other value will be provided to the intelligence element of the capturing nation.
5. CDOCs, even if assessed to be damaged in the field, should not be disposed of or destroyed until reviewed by DOCEX specialists.

## **0606 Reporting, Reproduction and Dissemination**

1. The reporting of information and intelligence obtained from documents should be as expeditious as possible. The use of information technology makes it possible to transfer documents and translations of documents with great speed to experts for exploitation and to intelligence and other customers. Databases should, therefore, be established to retrieve stored documents, and link analysis should be employed to exploit information obtained from these documents by identifying links to persons, places and events.
2. Reports will be submitted in accordance with relevant reporting procedures. Copies of all reports should follow the CDOCs through the exploitation process. NATO information systems such as the Battlefield Information Collection and Exploitation System (BICES) and Crisis Response Operations in NATO Open Systems (CRONOS) should be used for the widest dissemination to NATO and coalition forces (through plug-in systems) to process and disseminate CDOCs in a uniformed and expeditious manner. The following reports are required:
  - a. **Intelligence Report.** An INTREP identifying the CDOC and its disposition, and giving information considered to be of immediate value, will be prepared and submitted by the capturing unit and other exploiting elements as appropriate.
  - b. **Detailed Document Report.** A Detailed Document Report (DEDOCREP) will be prepared and submitted after a complementary and detailed examination/exploitation has found the CDOC to be of current intelligence or other value. This report has no set format. An adapted INTREP format could be used. It should include, at minimum, a summary translation. The flagword "DEDOCREP" will be used as the report identifier, and the report will include necessary data identifying the CDOC and its disposition.
3. **Reproduction and dissemination of CDOCs and translations as necessary will be carried** out at the earliest possible stage of the exploitation process. Copies of CDOCs considered of interest or translations thereof and lists of exploited documents, whether disseminated or not, will be submitted to appropriate national and NATO staffs.

## **0607 Handling of Category "A" Documents**

All Category A documents require special, restricted handling. The national and NATO Command or Force headquarters should be kept informed of the seizure and disposition of such documents as soon as possible. If appropriate, they are to be handed over to the relevant component or nation without delay. Here they should be handled in close coordination with the intelligence and other relevant specialist staff.

## **0608 Handling of Special Documents**

1. **Unmarked Maps, Charts, Air Imagery, Etc.** Unmarked maps, charts, air imagery and other types of cartographic material and information should be forwarded to the nearest geographic staff, survey unit or topographical section for exploitation. Copies may be retained to meet operational needs.
2. **Marked Maps, Charts and Air Imagery.** Marked maps, charts and air imagery will be immediately forwarded to the nearest national supporting intelligence centre or other all-source analysis facility for analysis, but relevant geographic staffs, survey units and topographical sections are to be informed of their existence, with scale, series, edition and other identification data.
3. **Personal Papers.** Personal papers belonging to a captured person, such as identity papers, personal letters and photographs that are not to be used as evidence, etc., if examined and determined to be of no intelligence or other value, will be returned to him in accordance with applicable international law. Copies of such papers will be made and forwarded to the appropriate agency, e.g. a DOCEX unit.

## **0609 Further Handling**

Further handling is to be carried out in accordance with the procedures for handling CMAT/ATDs as described in Chapter 5.

## **0610 Security**

1. CDOCs will be classified in accordance with national and NATO security regulations and protected in accordance with their intelligence or other value based on their operational sensitivity and in order to ensure protection of the information as well as sources and collection methods. The DOCEX or other intelligence element initially handling the CDOC should determine its classification. Circumstances of capture and the value of denying the opposing forces the knowledge that a particular piece of materiel or document is in own or NATO hands are also important considerations in determining the proper classification of a CDOC. The original classification markings on CDOCs should, therefore, not necessarily serve as a guideline. The classification of a CDOC may subsequently be reviewed as to its continued intelligence or other relevance.
2. CDOCs to be used as evidence in legal proceedings against CPERS suspected of terrorist acts, crimes against humanity, war crimes and other crimes are to be safeguarded separately from other CDOCs and should be in the custody of the military police or other investigative authority. (Guidelines for the handling of such CDOCs may be found in Annex F.) Copies of such CDOCs should be supplied to intelligence and other appropriate staffs. The investigative authority will assist in the intelligence and other exploitation of such evidence.



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## CHAPTER 7

# Captured Persons, Materiel and Documents in Combined Joint Operations

### 0701 General

1. This Chapter is intended to provide guidance to NATO forces and other forces participating in a NATO Combined Joint Task Force (CJTF) operation on the handling and processing of persons, materiel and documents captured during that operation. Furthermore, the aim of this Chapter is to describe the responsibilities of the Commander of the CJTF and his staff. It provides guidelines for the planning necessary to ensure that CPERS with various types of status are handled in accordance with international law or other applicable law. It also provides guidance on how to handle CMAT and CDOCs so that they may be exploited for intelligence and other purposes.
2. NATO member countries and other countries participating under the auspices of NATO in a coalition must be prepared to conduct operations across the spectrum of conflict. In the course of these operations, NATO and Coalition forces will have to be prepared to deal with CPERS of various categories. They must be able to handle CMAT and CDOCs correctly and expeditiously to extract information of intelligence and other value, including evidence for use in legal proceedings against CPERS suspected of war crimes, crimes against humanity, or terrorism. The handling of CPERS, CMAT and CDOCs needs to be taken into consideration by the commander, at each echelon, in all aspects of planning for operations and in subsequent conduct of operations.
3. The greatest number of CPERS may be expected to come from the Land Component Command's AO. Therefore, the main emphasis of this Chapter is on the handling of persons, materiel and documents captured in the land environment. Nevertheless, the principles of planning and preparation for dealing with CPERS, CMAT and CDOCs are valid for other environments and for commanders at all levels within the AO.

### 0702 Responsibilities

1. **The Nations and NATO.** The member Nations must have a common understanding of the definitions and procedures regarding CPERS, CMAT and CDOCs and their handling prior to forming a CJTF. NATO, in conjunction with the troop-contributing nations to a CJTF, develops ROE applicable to the particular operation or mission. The member Nations support NATO in manning the CJTF staff and units to provide the necessary manpower to handle CPERS, CMAT and CDOCs.
  - a. The nations participating in the CJTF should formulate a Memorandum of Agreement which includes:
    - (1) A common definition of a POW consistent with the provisions of the GCs and other applicable international law as they pertain to the particular operation or mission.
    - (2) Procedures for determining the status of CPERS who do not immediately fall under these pre-defined categories (e.g. by convening a tribunal to determine POW status).

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- (3) Measures to ensure that all CPERS regardless of status are treated in accordance with the GCs or other applicable international law.
  - (4) Procedures for the transfer of CPERS to a CJTF organisation handling CPERS so that the obligations of the detaining member nation of the CJTF in accordance with applicable international law are fulfilled. In general, the handover of CPERS with POW status between nations and to a CJTF may require:
    - The designation of a Nation that assumes the responsibilities of the detaining power on behalf of all nations contributing troops to the CJTF. This Nation will provide the commander of the CJTF organisation handling CPERS.
    - The written authorisation of the government of each Nation contributing troops to the CJTF permitting the transfer of its CPERS to the lead nation charged with the handling of CPERS on behalf of all troop-contributing nations.
    - Provisions for regular inspections by representatives of the troop-contributing nations with CPERS in the custody of the CJTF.
  - (5) Conditions and procedures for the handover of CPERS who have not been accorded POW status to:
    - Appropriate civil authorities in the host nation (if it has a functioning law enforcement and judicial system meeting recognised international standards for the treatment of detained persons and for fair and impartial judicial proceedings),
    - An international police authority (e.g. the United Nations Civilian Police), or
    - An international tribunal.
  - (6) If relevant, conditions and procedures for the extradition of CPERS who have not been accorded POW status to:
    - A NATO member state,
    - A non-NATO member state participating in the CJTF, or
    - Another state requesting extradition.
  - (7) Agreed interrogation methods and techniques.
  - (8) Provisions for release of persons in accordance with GCs or other applicable international law
  - (9) Provisions for inspections by representatives and delegates of Protecting Powers and ICRC delegates including a mechanism for suspending such inspections on the grounds of imperative military necessity.
  - (10) Procedures regarding the exploitation of CMAT and CDOCs. This is to include provisions for the transportation and storage of such CMAT and CDOCs.
  - (11) Procedures regarding the final disposition of CMAT and CDOCs including final ownership of these items and financial and logistical responsibility for their final removal or destruction.
  - (12) Procedures regarding the sharing of intelligence and information obtained through interrogation and the exploitation of CMAT and CDOCs by the troop-contributing nations.

- (13) Standards ensuring the interoperability of communications and information systems, thus enabling the expeditious reporting of intelligence and information obtained from all sources including interrogation and the exploitation of CMAT and CDOCs.
  - (14) Provisions for the establishment of intelligence databases in accordance with AIntP-3 data exchange standards. These databases should be accessible by the intelligence staffs of all component commands and multinational and single nation formations and units.
  - (15) Standards and procedures for the collection, processing, recording and storage of personal data on CPERS, including, if applicable, biometric data.
  - (16) Regulations and procedures regarding the photography of CPERS and CPERS facilities including the prohibition of private photography of such persons and facilities.
- b. NATO drives efforts to meet the Statement of Requirements developed by the CJTF for personnel to be contributed by the member Nations and coalition partners to man staff positions in the CJTF headquarters and for units to handle CPERS, CMAT and CDOCs. In developing the operational plans with annexes and ROE, NATO should include procedures for dealing with special categories of CPERS such as those suspected of committing or conspiring to commit war crimes, crimes against humanity or terrorist acts.

2. **The CJTF Commander.** The CJTF Commander is responsible for planning and conducting operations within the constraints and restraints of the GCs or other applicable international law. Therefore, he must also have exact knowledge of his responsibilities for CPERS and their handling. This Chapter only lists the main responsibilities which the Commander and his staff must discharge. The Commander and his staff must, therefore, be familiar with the provisions of the GCs or other applicable international law in as much detail as possible. The moral and political importance placed on the correct and humane treatment of CPERS in all types of conflicts makes it essential that the Commander receives competent legal, political, medical and intelligence advice in these matters.

The commander's main responsibilities regarding the treatment of CPERS are to ensure that:

- a. The individual members of his force comply with the provisions of the GCs or other applicable international law.
- b. Persons captured by the CJTF are treated in accordance with the GCs or other applicable international law.

3. **The Staff.** Although the commander bears the overall responsibility for the handling of CPERS, CMAT and CDOCs, he delegates responsibility for certain aspects of the process to his staff. The following discussion identifies tasks and suggests staff sections and special staff that could execute them. It is not a complete list. In a CJTF these tasks may be delegated or assigned in a number of different ways.

- a. **CJ1 Staff.** The CJ1 has overall staff responsibility for the handling of CPERS within the Combined Joint Task Force Headquarters (CJTfHQ). He will be assisted by CJ2 for intelligence and CJ3 for operational matters, CJ4 for logistical and medical matters, the Legal Advisor for matters pertaining to the GCs or other applicable international law and

the Provost Marshal for matters pertaining to the physical detention and guarding of CPERS. CJ1 may be responsible for :

- (1) Developing policy for the handling of CPERS within the CJTF AO in conformity with the GCs or other applicable international law.
- (2) Issuing instructions for the safe custody, welfare, discipline and, if necessary, evacuation of CPERS from the AO.
- (3) Determining the format of the INTERNSN to be used by the CJTF.
- (4) Issuing instructions for the administration of CPERS including submission of reports and returns in accordance with the GCs or other applicable law (in connection with e.g. transfers, deaths, repatriations).
- (5) Issuing instructions on the collection, processing, recording and storage of personal data on CPERS. These instructions may include guidelines for the use of biometrics.
- (6) Appointing officers and staffs to run CJTF collection points and holding areas for CPERS and the Combined Joint Detention and Interrogation Facility (CJDIF) within the AO and the issuing of orders for the operation of these collection points and holding areas and facilities.
- (7) Providing on the advice of CJ2, interpreters for CJTF and CJDIF collection points and holding areas, and Interrogation Teams as well as interpreters for CDOC and CMAT Exploitation Centres and Teams.
- (8) Determining the status of CPERS and convening boards of inquiry where necessary to include review and appeal boards.
- (9) Arranging for the transfer of CPERS to other nations; or to international legal bodies, consistent with GCs or other applicable international law. Additionally, CJ1 is responsible for the transfer of CPERS from the nations' forces participating in the CJTF, and from the other component commands to CJTF collection points and holding areas for CPERS as well as to the CJDIF.
- (10)                   Assisting in the repatriation of CPERS with POW status during and after hostilities.
- (11)                   Provisions for regular inspections by representatives of the troop-contributing nations with CPERS in the custody of the CJTF.
- (12)                   Developing media policy as it pertains to the handling of CPERS and policy regarding visits to CPERS facilities.

b. **CJ2 Staff.** CJ2 may be responsible for:

- (1) Producing estimates of likely numbers of POWs before the beginning of an operation (assisted by the CJ3 and CJ5 Staff as well as national intelligence organisations).
- (2) Organising the formation of CJ2, including CJ2X, and the Interrogation Element of the CJDIF (assisted by CJ1).

- (3) Tasking the CJDIF in accordance with the Commander's Priority Intelligence Requirements to collect information and intelligence through interrogation of CPERS and exploitation of CMAT, CDOCs and personal effects belonging to CPERS.
  - (4) Processing and disseminating information and intelligence collected by the CJDIF.
  - (5) Determining security policy regarding CPERS and CPERS facilities, including photography of CPERS, CPERS facilities, CMAT and CDOCs.
- c. **CJ3 Staff.** CJ3 may be responsible for:
- (1) Selecting locations for collection points and holding areas for CPERS and the location of the CJDIF (assisted by CJ2 and CJ4) and issuing orders to units for their construction.
  - (2) Issuing instructions for the activation of CJTF collection points and holding areas for CPERS and the CJDIF.
  - (3) Identifying units to act as guards and escorts for CPERS and to reinforce military police and issuing orders for execution of these tasks.
- d. **CJ4 Staff.** CJ4 may be responsible for:
- (1) Procuring and providing construction materials and stores for the establishment of collection points, holding areas and long-term detention facilities for CPERS, storage facilities for CMAT and the CJDIF.
  - (2) Producing Administrative Instructions covering the feeding, clothing, movement and accommodation of CPERS.
  - (3) Planning for the provision of sufficient resources to meet the requirements for the handling of the projected numbers of CPERS and expected amount of CMAT.
  - (4) Issuing instructions for the medical examination and treatment of CPERS.
  - (5) Recovering or disposing of CMAT after it has been examined.
- e. **Force Provost Marshal.** The Force Provost Marshal (FPM) is the NATO Commander's principal staff advisor on Military Police matters. (He may, or may not, be double-hatted as the NATO Military Police Commander. If he is also the NATO Military Police Commander, he is empowered to execute Operational Command of allocated military police resources.) He may be responsible for:
- (1) Providing guidelines and policy for the guarding and escort of CPERS by other military units within the AO.
  - (2) Planning military police operations to handle CPERS.
  - (3) Supporting the CJTF staff in the planning process as it pertains to the handling of CPERS.

- (4) Providing guidance for the guarding of CPERS at CJTF collection points, handling areas and long-term detention facilities.
- (5) If he is also the NATO Military Police Commander, he may be responsible for supervising all military provosts or police assigned to the CJTF in the execution of their duties in handling CPERS.
- f. **Additional Responsibilities.** The Commander should furthermore delegate responsibility for the following tasks:
  - (1) Inspection and validation of all handling procedures for CPERS, and of all detention facilities, to ensure compliance with the provisions of the GCs or other applicable international law.
  - (2) Liaison with the ICRC.
  - (3) Development of agreed biometric standards as well Standard Operating Procedures for collecting, processing, transmitting and storing biometric data from CPERS.

### **0703 The Handling of CPERS and the Operational Planning Process**

1. The impact of persons captured by the CJTF on the Commander's plan will vary according to the type of operation. This is especially relevant when dealing with several types of CPERS in the same operation. In general, the impact on operations of having to handle CPERS may be described as follows:

- a. The obligation to protect and the need to guard CPERS reduces the numbers of troops available for operations or other duties.
- b. Guarding and escorting CPERS generally requires that troops assigned to these duties receive special training.
- c. The logistical requirements of dealing with CPERS place an additional burden on the CJTF's logistic resources.
- d. The transport of CPERS places an additional burden on the transport system.
- e. CPERS may hamper the conduct of operations and inhibit the commander's operational flexibility.
- f. The administration of CPERS creates additional pressures on the CJTF staff.
- g. CPERS contribute to improved intelligence about military, political, criminal and terrorist actors in the CJTF Area of Intelligence Responsibility and Area of Interest.

2. A number of steps may be taken in conjunction with the Operational Planning Process to determine the impact of CPERS on an operation and provide the basis for making the necessary preparations to deal with persons captured by the CJTF during the operation. These steps are:

- a. **Step 1.** CJ2 assesses whether the operation will result in the capture of POWs or other persons, and the category and projected numbers of the anticipated CPERS.

- b. **Step 2.** If the assessment in Step 1 indicates the operation will result in the capture of POWs or other persons, this should then be considered in the planning process as 'Other Relevant Factors'. Early consideration of religious, cultural and ethnic factors will facilitate the planning and conduct of CPERS operations.
  - c. **Step 3.** Having considered the impact of POWs and other CPERS on the plan, measures for handling POWs and other CPERS should be considered as a possible task. Troops and other necessary resources should subsequently be allocated to the task. This will normally include guard personnel, interpreters, logistical support, transport and medical support.
  - d. **Step 4.** Once the Commander has selected his course of action, details of his plan for handling POWs and other CPERS are included in the 'Execution' paragraph of his orders. Depending on the potential impact of POWs and other CPERS on the operation, the need to make a specific plan for their handling may be reflected in the 'Concept of Operations'. However, POWs and other CPERS will always be included in the 'Coordinating Instructions' for the execution of the plan.
3. Dealing with CPERS will nearly always affect an operation in unexpected ways. The Commander and staff of the CJTF will rarely be able to make a plan for the handling of CPERS with any assurance that it will succeed without significant difficulty. Therefore, it is necessary to base the plan on a worst-case scenario and prepare to allocate sufficient resources to meet that challenge. In the non-linear battlespace, POWs and other persons may be captured by different units of different nationalities. The unplanned arrival of large numbers of CPERS in a commander's AO can create enormous problems for the conduct of the operation.

#### **0704 The Organisation for Handling CPERS**

1. An organisation and a chain of command for the handling and exploitation of CPERS, CMAT and CDOCs should be established if the CJTF is to deal effectively with these issues.
2. In the pre-deployment planning phase of an operation, the CJTF may establish an organisation, e.g. a CJDIF, for handling CPERS commensurate in size with the estimated number of POWs and other persons to be captured during the operation or campaign. If a CJDIF is established, the CJTF should identify units to conduct the handling of CPERS.
3. This organisation for handling CPERS assumes responsibility for all aspects of the evacuation and custody of CPERS once they have been delivered to a CJTF collection point, leaving unit and formation commanders free to conduct operations. A diagram showing the relationship between the CJTF headquarters and the organisation for handling CPERS, e.g. a CJDIF, is shown in Figure 7-1.



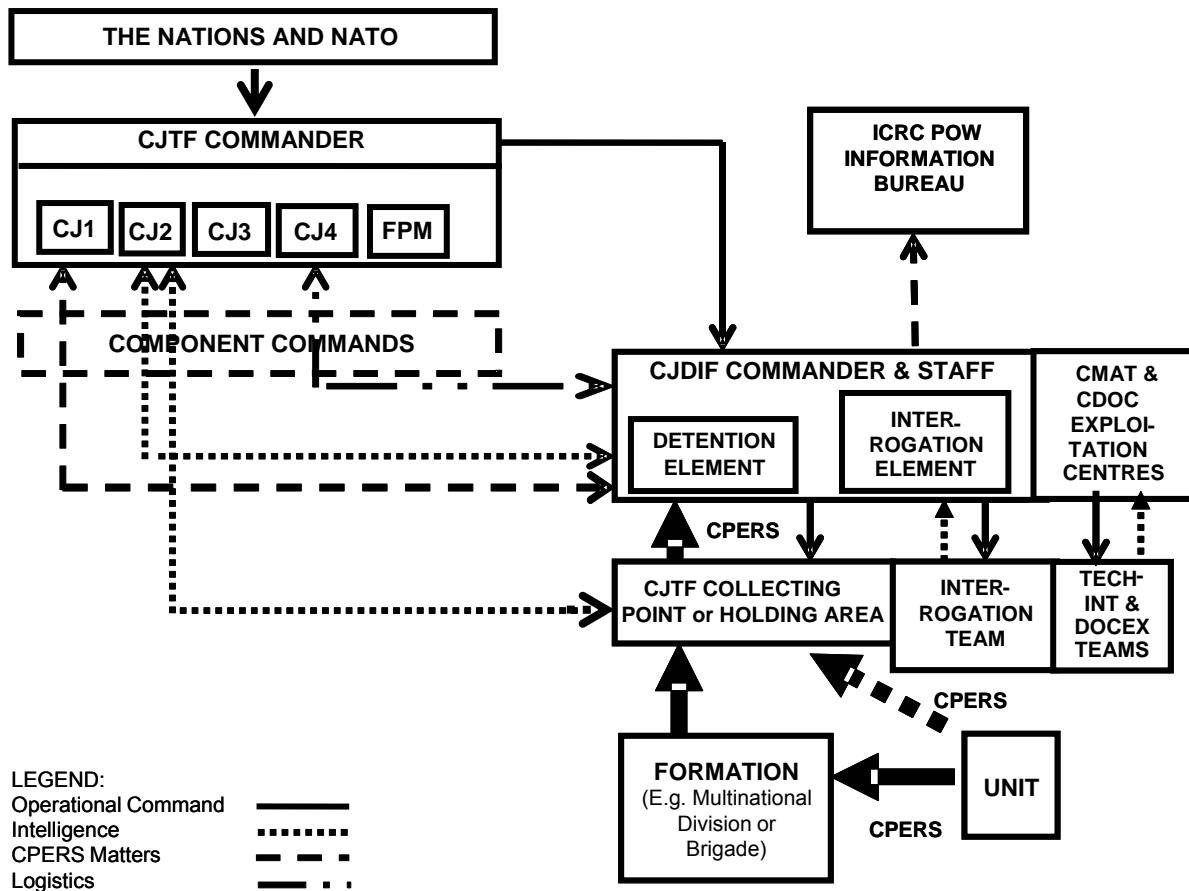


Figure 7-1. Example of CJTF Organisation for Handling CPERS.

4. The organisation for handling CPERS, CMAT and CDOCs should be flexible, adapting to the size of the operation or campaign and the CJ2 assessment of the expected numbers of POWs and other CPERS. CJTF intermediate collection points and holding areas may be established in direct support of formations and units; however, in principle, formations and units are responsible for guarding and transporting CPERS to the CJTF collection point. The size of the AO, the availability and type of transport and the numbers of CPERS involved, will determine if intermediate holding areas and collection points are required.

#### 0705 The CJDIF

1. A CJDIF may be established within the framework of a CJTF. It may also be established within the framework of a multinational formation (e.g. division or brigade), a sector or an agreement between two or more participating nations. (In these cases the term Multinational Detention and Interrogation Facility—or something to that effect—may be more appropriate.)

2. The mission of the CJDIF is:

- a. To assume custody of CPERS resulting from a combined joint operation either as POWs in an armed conflict or as other CPERS apprehended during a NA5CRO.

- b. To provide for their long-term detention until a decision has been reached on their final disposition.
- c. To conduct competent interrogations of POWs and other CPERS by trained interrogators for the purpose of gathering information of intelligence and other value.
- d. To provide support to law enforcement personnel and other legal authorities in the questioning of CPERS for the purpose of obtaining evidence to be used in legal proceedings.

#### **0706 Responsibilities Pursuant to the Geneva Conventions or Other Applicable International Law as They Pertain to the CJDIF**

1. The responsibilities of the “Detaining Power” as set out in GC3 rest with the nation which initiated the capture or detention of the CPERS in question. POWs may only be transferred by the Detaining Power in accordance with the conditions laid down in GC3, Article 12 (2). NATO is not a state and, therefore, cannot itself be a party to treaties and other international instruments relating to the conduct of armed conflict. Individual NATO troop contributing nations may, of course, be a party to such international instruments. In NATO-led operations, a lead nation may be designated to receive POWs from other NATO nations participating in the operation. The lead nation, which should subsequently fill the position of Commander of CJTF, will be responsible to each nation transferring POWs to the CJDIF for ensuring that the treatment of POWs is in accordance with international law, including GC3 or, where civilians are detained, in accordance with GC4. A MOA may be entered into to govern the procedures for transfer and the responsibilities of the designated nation following transfer. Any such arrangements involving POWs must be in accordance with GC3, Article 12.

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2. GC3 also stipulates that a nation transferring POWs to another nation still has the obligation to ensure that treatment of the transferred POWs is in accordance with the GC3 or other applicable international law. Ideally, this responsibility could be met by requiring each nation to appoint its senior officer serving in the CJDIF as its representative responsible for ensuring that the treatment of persons captured by its troops is in accordance with GC3 or other applicable international law, thus fulfilling its obligations in accordance with GC3.

#### **0707 Organisation**

1. The organisation of the CJDIF will invariably be based on the type of combined joint operation being conducted, the estimated or real number of CPERS to be detained and interrogated, and the adjusted Statement of Requirements based on contributions from the participating nations. An example of how a CJDIF may be organised is shown in Figure 7-2.

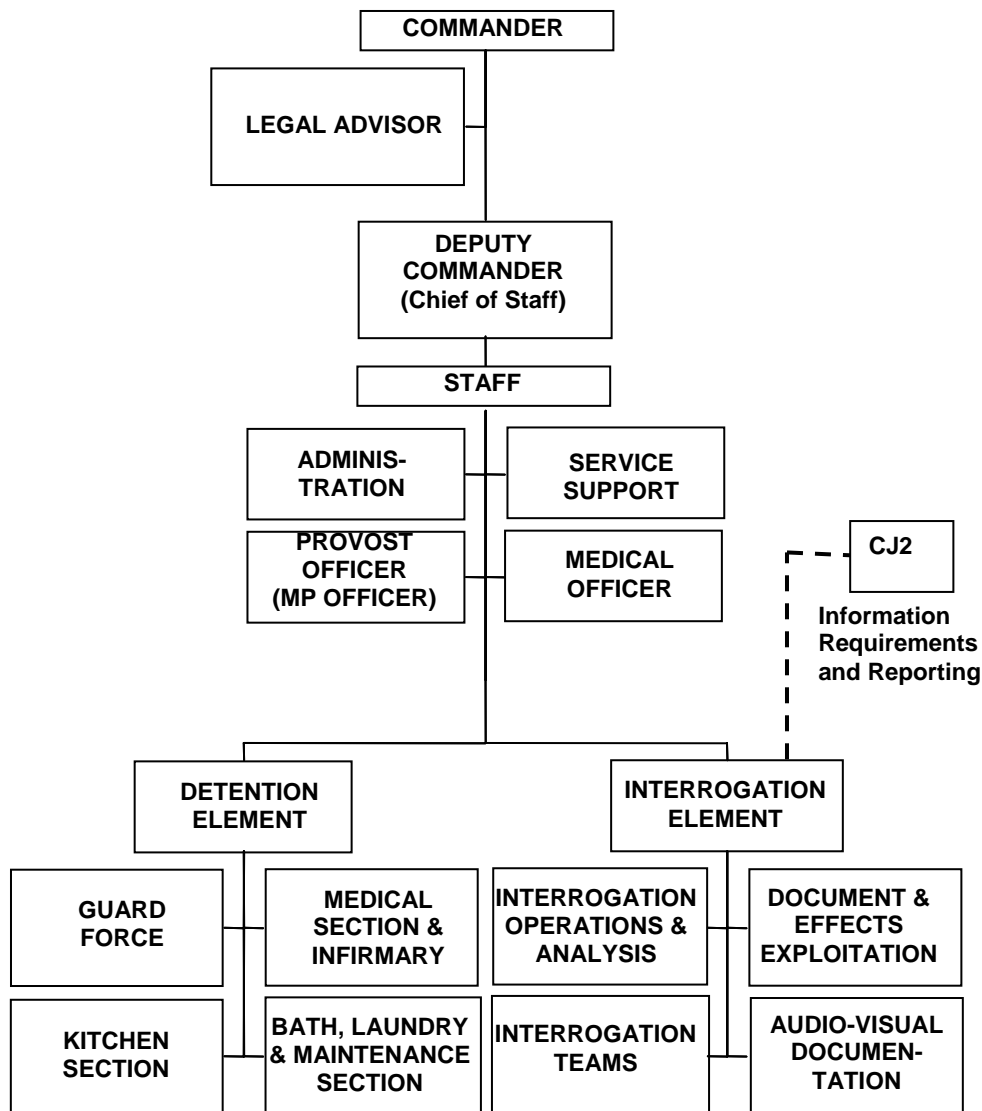


Figure 7-2. Example Organisation of a CJDIF

2. A CJDIF may comprise the following functions and elements:
  - a. Commander. The Commander has overall responsibility for the operation of the CJDIF. He is especially responsible for ensuring that the treatment of CPERS in his custody is in accordance with the GCs or other applicable international law.
  - b. Legal Advisor. The operation of the CJDIF is governed by a wide range of international laws, including the GCs, and regulations. Breaches of these laws and regulations may have serious consequences for both the violators and the Commander. Therefore, the Commander should have a qualified legal advisor to assist him in ensuring compliance with all applicable conventions, laws and regulations.
  - c. Deputy Commander. The Deputy Commander assumes command of the CJDIF in the Commander's absence. He is also Chief of the facility's Operations Staff. In this capacity

he is responsible to the Commander for the planning, coordination and conduct of operations within the facility.

- d. Staff. The work of the Staff is directed by the Deputy Commander. The Staff may consist of the following functions and elements:
  - (1) Administration. Administration is mainly responsible for receiving, processing, maintaining and transferring records and documents concerning the administration of CPERS in the custody of the CJDIF.
  - (2) Service Support. This section provides the service support necessary to operate the CJDIF. This includes supply, maintenance, construction, transportation etc. Depending on the size of the CJDIF, budget and finance can either be a separate function or integrated in the Service Support Section.
  - (3) Provost Officer (Military Police Officer). The Provost Officer (Military Police Officer) is the staff officer responsible for planning and supervising detention operations. He advises the CJDIF Commander on matters pertaining to detention procedures. As delegated by the Commander, he conducts inspections to ensure that relevant regulations are followed and that the detention facilities and the treatment of CPERS in the custody of the CJDIF are in compliance with all applicable conventions, laws and regulations. In that capacity, he should have powers of arrest over all personnel serving in the CJDIF. He may also serve as the CJDIF security officer.
  - (4) Medical Officer. The Medical Officer is the staff officer responsible for medical services within the CJDIF. In this capacity he is responsible to the Commander for the health and safety of the CPERS in the custody of the CJDIF. He advises the Commander on matters pertaining to health, hygiene and sanitation. He supervises the CJDIF Medical Section and Infirmary. In a smaller CJDIF he also provides medical treatment to all personnel in the absence of other physicians.
- e. Detention Element. The Detention Wing guards, escorts, handles, houses, clothes and feeds the CPERS in the custody of the CJDIF. Furthermore, it provides medical treatment and bath and laundry facilities for the detained persons.
- f. Interrogation Element. The Interrogation Wing plans and conducts interrogations based on the Information Requirements determined by CJ2. Information collected from interrogations and from the exploitation of documents and effects is reported to CJ2. To support subsequent interrogations and to record interrogations for documentation purposes, an audio-visual documentation section may be included in the organisation of the Interrogation Wing.

#### **0708 CMAT and CDOCs**

1. In general, the procedures for handling CMAT and CDOCs will be in accordance with the guidelines given in Chapters 2, 5 and 6 of this Publication. Specific procedures may be adapted to the requirements of a particular operation or campaign.
2. Available resources for the handling and exploitation of CMAT and CDOCs will also determine the size and capabilities of the organisations designated to carry out these tasks. Where possible, a CJCMEC and a CJCDEC as outlined in Annexes Q and U respectively will provide the most capable organisational structure for the handling and exploitation of CMAT and CDOCs. They

may be attached to the CJDIF. TETs and DOCEX Teams, may be detached to support interrogation units in the field. The tasks of the TETs are described in Annex Q and those of the DOCEX Teams in Annex U.

## CHAPTER 8

### Non-Article 5 Crisis Response Operations

#### 0801 General

1. This Chapter is intended to provide guidance to NATO forces in the handling and processing of CPERS, CMAT and CDOCs during the conduct of Non-Article 5 Crisis Response Operations (NA5CROs).

2. NA5CROs are described in Allied Joint Publication 3.4, *Non-Article 5 Crisis Response Operations*, as "multifunctional operations which encompass those political, military and civil activities, initiated and executed in accordance with international law, including international humanitarian law, contributing to conflict prevention and resolution, and crisis management in the pursuit of declared Alliance objectives".

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3. The purpose of NA5CROs is to conduct missions that contribute to international peace and security. They are intended to respond in a timely and co-ordinated manner to crises that could either affect the security of NATO nations, or threaten stability and lead to conflict on the periphery of the Alliance. NA5CROs range from support operations that are primarily associated with civil agencies; e.g. support to humanitarian operations, support to disaster relief operations, support to non-combatant evacuation operations, extraction operations, military aid, enforcement of sanctions; through operations in support of peace to combat operations.

4. Since the mid-1990s NATO has focused on two types of operations:

- Peace Support Operations (PSOs) and
- Defence Against Terrorism Operations (DATOs).

#### 0802 Peace Support Operations

1. Operations in the support of peace are recognised as an aspect of NA5CROs. PSOs are normally conducted in support of an internationally recognised organisation such as the United Nations or the Organisation for Security and Cooperation in Europe. They involve military forces and diplomatic and humanitarian agencies. The purpose of a PSO is to achieve a long-term political settlement or other specified conditions. PSOs include peacekeeping and peace enforcement as well as conflict prevention, peacemaking, peace building, and humanitarian operations.

2. PSOs contain their own unique characteristics and problems for NATO forces conducting them. In many cases the conflict is undeclared, and there are armed personnel engaged with militia or irregular forces who are not easily identified. In some cases, NATO forces conducting a PSO will be required to stabilise conflict areas with or without the assistance of the local government. These forces may also be called upon to assist local officials in minimising criminal activities; and if authorised, to apprehend persons suspected of crimes against humanity and war crimes.

### **0803 Defence Against Terrorism Operations**

1. Even though MC 327/2, *NATO Military Policy for Non-Article 5 Crisis Response Operations*, does not at present recognise DATOs as an aspect of NA5CROs, the purpose and nature of DATOs are, for the purpose of this publication, assumed to be governed by the same principles as NA5CROs.
2. Defence against terrorism comprises counterterrorism and anti-terrorism as well as measures to combat criminal activities in support of terrorism. Counterterrorism is defined in AAP-6 as “all offensive measures taken to neutralise terrorism before and after hostile acts are carried out. (Note: such measures include those counterforce activities justified for the defence of individuals as well as containment measures implemented by civilian organisations or military forces.)” Military operations executed by NATO forces in response to terrorism may be conducted by conventional forces or by specially organised, equipped and trained counterterrorism assets. Anti-terrorism is commonly defined as those measures, usually passive, that are meant to reduce vulnerabilities to terrorist acts.
3. DATOs contain their own unique characteristics and problems for NATO forces conducting them. DATOs may be conducted in the context of an undeclared conflict against state-sponsored or transnational, autonomous armed groups who are not easily identified, and who often do not fall under the categories of combatants defined in the GC3 or applicable international law. NATO forces engaged in a DATO may be required to operate in conflict areas with or without the assistance of the local government. These forces will usually be authorised to apprehend persons suspected of terrorist acts as well as crimes against humanity, war crimes and other crimes.

### **0804 Responsibilities**

1. If there is no functioning local system of law enforcement, the NATO Force may be responsible for maintaining basic law and order in the AO. In that case guidance must be provided on the procedures to be followed in incidents resulting in NATO personnel detaining civilians and/or hostile forces or belligerents. This guidance may be expressed in a memorandum of agreement, the ROE, the operational order and other directives.
2. In a NA5CRO conducted within an AO under the sovereignty of a recognised national government that has functioning police and court structures, the government of the host nation must determine its own status and responsibilities under international law and its national laws with regard to persons captured by its forces on its territory and is not affected by NATO decisions regarding the handling of CPERS, CMAT and CDOCs. In any case, the transfer of CPERS to the host country is contingent on its compliance with the GCs or other applicable international law. Procedures for handling nationals of the host country and foreign nationals detained by the NATO Force must be negotiated with the government of the host country by NATO, the nations participating in the NA5CRO or the international body providing the mandate for the operation.
3. The NATO Force and the nations participating in the NA5CRO will under all circumstances adhere to the provisions of the GCs and applicable international law. Furthermore, it is the responsibility of the NATO Command charged with the operation and the nations whose forces are engaged in a particular NA5CRO to include, in the operational plan, specific ROE to be followed in that NA5CRO and also to include specific directions for the handling of CPERS including CPERS suspected of terrorism, crimes against humanity, war crimes and other crimes.

## 0805 Treatment of CPERS

1. All CPERS, regardless of capture or detention circumstances, shall be treated in a humane manner in accordance with the GCs or other applicable international law. Their personal possessions and documents, except for effects that may constitute evidence in legal proceedings, will also be handled in accordance with applicable international law. This is reflected in the following rules of behaviour towards CPERS:

- a. CPERS shall be treated humanely.
- b. CPERS shall not be physically or mentally abused.
- c. Contact with CPERS shall not be of a sexual nature.
- d. Members of the NATO force shall not accept bribes nor engage in commercial dealings with CPERS.

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## 0806 General Procedures

1. Where practicable, CPERS, CMAT and CDOCs will be dealt with in accordance with the procedures outlined in Chapters 1-6 and relevant Annexes of this Publication. However, special measures may have to be taken regarding the handling of certain CPERS as they may pose a greater threat to guards and other personnel dealing with them than is the case with typical POWs and other CPERS.

- a. **Use of Force.** The use of force against any person to effect detention, and particularly against civilians, shall be in accordance with the principles of necessity and proportionality. No more force is to be used than that which is reasonable and necessary for the detention of the person or persons in question in accordance with the principles of self-defence and established ROE.
- b. **Disarming and Confiscation.** Persons captured or detained in the course of a NA5CRO are to be disarmed. Weapons and other articles that constitute a threat to members of the NATO Force or the individual being detained as well as items that are to be used as evidence in legal proceedings shall be confiscated. Confiscated items must be safeguarded, the appropriate records kept and a receipt given. Unless otherwise instructed, such items will follow the CPERS as he is processed.
- c. **Search.** Searches are conducted to remove documents and effects of military or investigative interest as well as items that may pose a threat to the security of own forces or to the CPERS himself. Such items may be removed except for clothing, identity documents, protective equipment etc, as stipulated in applicable international law. All identification documents should be reviewed/inspected and catalogued, and then returned to the CPERS. Searches should be conducted in accordance with the following procedures:
  - (1) Searches are not to be used to humiliate or intimidate.
  - (2) CPERS should be searched by personnel of their own gender. If that is not possible, CPERS may be searched by personnel of the opposite sex in the presence of a witness, when possible an officer or non-commissioned officer, to ensure that



the search is conducted in accordance with standards of propriety relevant to that particular situation.

- (3) Vehicles or beasts of burden will be searched.
- (4) Searchers must neither be overly friendly nor overbearing.
- (5) Searches will always be conducted by two or more persons so as to maintain security.
- (6) Searches must be carried out, when possible, in such a way as to avoid unnecessary damage.
- (7) Searches will be promptly and fully reported in accordance with the Standing Operating Procedures.
- (8) Care should be taken in handling articles of a religious or cultural nature so as not to unnecessarily offend the person being searched..

- d. **Detention.** Again, CPERS are at minimum to receive the same treatment that is accorded to POWs by GC3 until their status is determined. However, in certain circumstances it may be necessary to seek guidance from higher echelon's Provost Officer (Military Police Officer) or Legal Branch to ascertain the appropriate level of detention for the CPERS. For example, certain CPERS will have to be segregated from individuals held for other reasons, and special measures may have to be taken to restrain them so that they cannot escape, destroy evidence, inflict self-harm or communicate with their accomplices.
- e. Figure 8 – 1 illustrates the handling process for CPERS in NA5CRO.

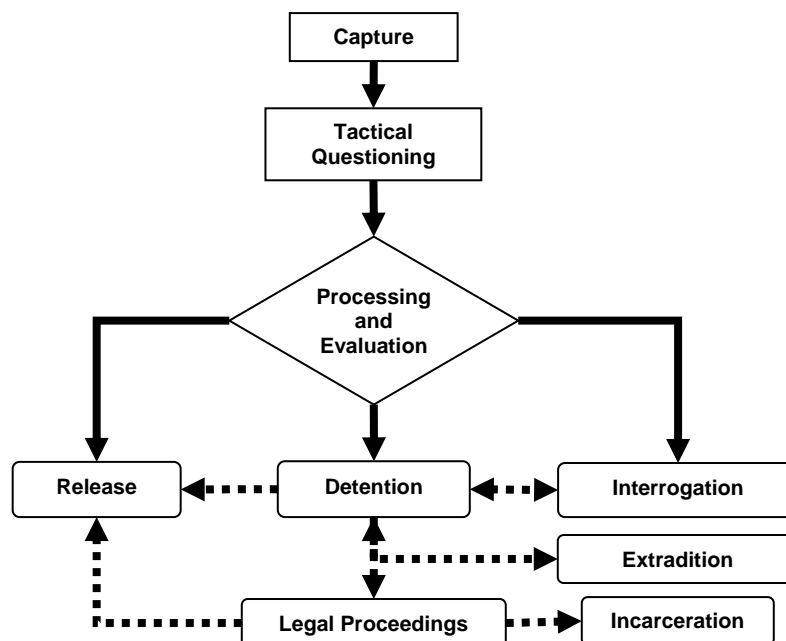


Figure 8 – 1. CPERS Handling Process in a NA5CRO

### **0807 CPERS Suspected of Committing or Conspiring to Commit Terrorist Acts, War Crimes, Crimes Against Humanity or Other Crimes**

1. If a CPERS is suspected of having committed, been involved in, or having knowledge of terrorist acts, crimes against humanity, war crimes or other crimes, the Legal Branch and Force Provost Marshal (Military Police Officer) will be notified and will be involved as soon as possible. An uncontaminated, unbroken chain of custody/evidence is imperative to ensure a fair hearing if the CPERS is brought to trial. (Guidance is provided in Annex F.) The individual and all pertinent records, documents, photographs, and items pertaining to the alleged crime will be segregated from the other CPERS. The CPERS will be held in a separate facility (if possible) and will be given a CAPTAG, as shown in Annex A of this document. The tag will indicate in the additional remarks section the suspicion of involvement in or knowledge of terrorist acts, crimes against humanity, war crimes and other crimes. All associated documents and items will be tagged and processed in accordance with Chapters 5 and 6 of this Publication. All documents and other items will accompany the CPERS as he is processed through the system until handover to the legal authorities. The documents and other items will be guarded. As soon as possible a "chain of evidence" will be established by NATO forces and maintained by the CPERS administration system, and all other concerned authorities until handover has been completed.
2. The capturing unit will notify the higher echelon's headquarters as soon as possible of the CPERS's capture. If appropriate, preliminary questioning may be carried out by the capturing unit to obtain information of immediate value. Tactical questioning should subsequently be conducted by qualified personnel. Any incriminating information divulged by the CPERS should be reported as well. However, this information may not necessarily be admissible as evidence. Subsequent interrogation should, therefore, be conducted by appropriate law enforcement agencies and judicial authorities. The CPERS will be processed through the system as outlined in this Publication, until such time as higher authority determines that other procedures are required. The NATO Force Commander will contact higher (i.e. NATO) authority, who will determine whether the CPERS is to be turned over to civilian authority and whether a full investigation is warranted. It may be appropriate for him to appoint an officer (e.g. the Force Provost Marshal (Military Police Officer) or the Legal Advisor) to liaise with the competent international authorities.

### **0808 Additional Procedures**

1. **Reporting.** All cases of detention are to be reported through the chain of command in accordance with the procedures outlined in this Allied Joint Publication and with the directives issued by the commander of NATO force or command conducting the NA5CRO. All the particulars and details of the detention should be included in the report in order that the status of the CPERS and his continued detention can be reviewed.
2. **Release.** Guidelines for the release of the CPERS should be issued by the commander of NATO force or command conducting the NA5CRO. Generally, a CPERS may only be released by the Commander after consultation with the Force Provost Marshal and Legal Branch.
3. **Records.** The Military Police, or other element as ordered by the Commander, is at all times to maintain and store a full record of the detention, including the medical record and the medical release form, and a record of the procedures followed during the period of custody. All circumstances relating to the apprehension and detention of the CPERS must be recorded and reported up the chain of command, including:

- a. When and why a person is detained.
  - b. When a person is searched.
  - c. When items are confiscated.
  - d. When a person is questioned.
  - e. When a person is released.
4. **Segregation.** POWs are to be separated in accordance with GC3. Other CPERS shall be segregated according to citizenship. As the circumstances require, these CPERS may be further segregated in the following categories:
- a. Ethnic or religious groups.
  - b. CPERS suspected of having committed, been involved in, or having knowledge of terrorist acts, crimes against humanity, war crimes and other crimes. (These CPERS should be segregated from each other as well as from other CPERS.)
  - c. Members of warring factions.
  - d. Within these categories, males shall be segregated from females.
  - e. Other CPERS as necessary (e.g. mentally disturbed or disabled CPERS, children, etc.).

#### **0809 Media Operations**

1. The increased ability of the international media to focus on the treatment of CPERS could lead to adverse publicity and pressure and jeopardise military and law enforcement operations. The section responsible for media operations within the NATO force or command's headquarters should be involved in the CPERS planning process and kept informed of CPERS operations and data.
2. Exposure of CPERS to the media must not violate the provisions of the GCs, in particular GC3, Articles 13 and 14, or other applicable international law.

## **ANNEX A**

### **Capture Tag**

#### **A001 General**

1. The need to ensure that CPERS, POWs as well as other CPERS, their effects, their equipment and documentation are cross-related/identified is important to the intelligence and law enforcement effort. Therefore, a means of preserving the link between the CPERS and his equipment should be established at the earliest practicable moment after capture.
2. The CAPTAG, is shown at Appendix 1 to this Annex. However, this degree of administration may be impossible in confused war conditions and where linguistic difficulties arise. The CAPTAG should be completed as fully as possible and at the earliest stage possible. The administration of the CAPTAG system must not be allowed to interfere with the speedy exploitation of the intelligence potential of the CPERS. An incomplete CAPTAG and/or capture report, and early transfer, is preferable to a CPERS being held at the point of capture until time is available for the administrative procedures to be fully completed.
3. The CAPTAG should not be used to label CMAT and CDOC which are not associated with an individual. The procedures for dealing with such items are contained in Chapters 5 and 6.
4. The CAPTAG is in three parts:
  - a. Top Marked – PART A. This shall be provided to the captive in a manner which ensures, as far as practicable, that interchange between CPERS is difficult. While specific arrangements will be left to the discretion of the capturing unit, the ideal arrangement would be to attach the tag to the captured person's body directly by use of a plastic wrist or leg band rather than to attach it to the captive's clothing.
  - b. Middle Marked – PART B. This shall either remain attached to PART A, or be detached and held by the prisoner guard/escort, and turned over to the first interrogation unit or element located at the collecting point or CPERS holding facility. Use of PART B is at the discretion of the NATO or national forces having custody of CPERS.
  - c. Bottom Marked – PART C. This shall be attached to the documents or effects found in the possession of the CPERS and turned over to the prisoner guard/escort. Where possible, these items shall be placed in a single container and sealed in order that the items may not become detached from the tag.
5. An example of a CAPTAG is set out at Appendix 1 to this Annex.
6. It shall be the responsibility of the capturing unit to cross-refer the CAPTAG to the Group Capture Report (see Annex B) wherever possible.
7. Capture Tag Serial Numbers. The CAPTAG shall be clearly marked with a serial number which shall be in the following format.

- a. Nationality of Capturing Unit. In accordance with the identification letters set out in STANAG 1059 – Codes for Geographical Entities. (See Annex W.)
  - b. A serial number allocated in numerical sequence by the capturing unit. Nations and NATO commands are responsible for allocating blocks of serial numbers to formations/units under their command.
8. The Capture Tag Serial Number shall be used as a temporary identification only. CPERS will be issued an Internment Serial Number (INTERNSN) when they arrive at the Holding Area or other CPERS holding facility. (See Annex J.)

## APPENDIX TO ANNEX A

### Capture Tag Format

(Reinforced Section)

<div style="text-align: center;">O</div> <div style="border: 1px solid black; padding: 5px;">ATTACH TO CAPTURED PERSON (CPERS)</div> <div style="border: 1px solid black; padding: 5px;"> <p align="center">PART A</p> <p>CAPTURE SERIAL NUMBER OF TAG DTG OF CAPTURE LOCATIONS OF CAPTURE CPERS NAME CPERS RANK CPERS SERVICE NO CPERS DATE OF BIRTH CPERS NATIONALITY POWER SERVED BY CPERS CAPTURING UNIT</p> <p>PART C ATTACHED TO EQUIPMENT OR DOCUMENTS YES/NO COMMENTS OR REMARKS ON REVERSE OF PART B YES/NO</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p align="center">PART B</p> <p>CAPTURE SERIAL NUMBER OF TAG DTG OF CAPTURE LOCATIONS OF CAPTURE CPERS NAME CPERS RANK CPERS SERVICE NO CPERS DATE OF BIRTH CPERS NATIONALITY POWER SERVED BY CPERS CAPTURING UNIT</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p align="center">PART C</p> <p>CAPTURE SERIAL NUMBER OF TAG DTG OF CAPTURE LOCATIONS OF CAPTURE CPERS NAME CPERS RANK CPERS SERVICE NO CPERS DATE OF BIRTH CPERS NATIONALITY POWER SERVED BY CPERS CAPTURING UNIT</p> </div>	<div style="text-align: center;">O</div> <div style="border: 1px solid black; padding: 5px;"> <p>REMARKS:</p> <p>INCLUDE ANY INFORMATION WHICH MAY ASSIST THE INTELLIGENCE EFFORT, E.G., CIRCUMSTANCES OF CAPTURE.</p> <p>ASSOCIATED PERSONS CAPTURED AT THE SAME TIME/LOCATIONS, WITH CPERS UNIT ETC.</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p>ADDITIONAL COMMENTS OR REMARKS, AS REQUIRED</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p align="center">(PERFORATION) (REINFORCED SECTION)</p> <p>ATTACH TO CPERS EQUIPMENT OR DOCUMENTS</p> <p>ENSURE ALL DOCUMENTS/EQUIPMENT ARE SECURE IN ONE PACKAGE MARKED WITH X IN BOX BELOW, IF OF PARTICULAR INTELLIGENCE IMPORTANCE.</p> </div>
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## **ANNEX B**

### **Group Capture Report**

#### B001 GENERAL

1. The capturing unit will complete a GROUPOCAPREP at the time of capture whenever circumstances allow. The GROUPOCAPREP shall alert the CPERS handling organisation to facilitate the planning, movement, care and disposition of CPERS.
2. A copy of the GROUPOCAPREP should be held by the escort accompanying the CPERS, and this copy should be handed to the authority receiving the CPERS. It should also list the tag numbers of the CPERS in the group, and may also contain any remarks by the capturing unit or the escort on the behavior or conduct of individuals at capture or during evacuation
3. Capturing units should complete the GROUPOCAPREP as well as the capture tag (in accordance with Appendix 1 to Annex B) as fully as circumstances allow but should not delay the transfer of CPERS to CPERS handling facilities because it has not been possible to complete them. The guiding principle is that an incomplete GROUPOCAPREP and early transfer to next echelon's CPERS handling facility is preferable to a full report and late transfer. Where an incomplete GROUPOCAPREP is sent, amplifying or follow-up reports should be sent as soon as circumstances allow.
4. Where the capturing unit has the ability to categorise CPERS, this should be done and the category noted in the GROUPOCAPREP.



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## APPENDIX TO ANNEX B

### Sample Format of a Group Capture Report

(The GROUPOCAPREP should be as complete as circumstances allow. It should ideally contain the following information).

1. Designator of Capturing Unit:

2. Date/Time Group of Capture:

D	D	T	T	T	T	Z	M	M	M	Y	Y
---	---	---	---	---	---	---	---	---	---	---	---

3. Location of Capture:

a. UTM/Grid Reference.

N	N	A	A	A	N	N	N	N	N	N
---	---	---	---	---	---	---	---	---	---	---

b. Latitude/Longitude

N	N	N	N	N	N	N	A	■	N	N	N	N	N	N	N	A
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

4. Numbers of Captured Persons (CPERS): (Use one-up numerics, i.e. OM0001, OM0002).

a. Officers-Male

O	M				
---	---	--	--	--	--

b. Officers-Female

O	F				
---	---	--	--	--	--

c. NCOs-Male

N	M				
---	---	--	--	--	--

d. NCOs-Female

N	F				
---	---	--	--	--	--

e. Other Ranks-Male

S	M				
---	---	--	--	--	--

f. Other Ranks-Female

S	F				
---	---	--	--	--	--

g. Others (Description)-Male

C	M				
---	---	--	--	--	--

h. Others (Description)-Female

C	F				
---	---	--	--	--	--

5. Captured Documents (CDOCs): (Numbers, type, nationality).
6. Captured Materiel (CMAT): (Numbers, type, nationality).
7. Circumstances of Capture: (include wherever possible direction of movement, size of force, speed of movement, etc.).
8. Location at Time of Report.
9. Evacuation Intentions: (To where, when and by what means).

## ANNEX C

### Special Provisions for the Handling of Persons Captured at Sea

**C001. General Principles.** Persons captured at sea—be they from enemy ships or destroyed aircraft—are to be dealt with under the same principles as detailed in Chapter 2.

**C002. After an Engagement at Sea.** After each engagement at sea GC2 places a duty on all Parties to the conflict to take all possible measures to, whenever circumstances permit, search for and rescue those who have been wounded and shipwrecked as a result of the action.

**C003. Hospital Ships.** A belligerent warship may approach a military or civil hospital ship and free from it those of its own forces held there as POWs. It may also capture those members of an opposing force who are being treated on the hospital ship. These actions may only be carried out if the wounded and sick are medically capable of being moved and if the capturing warship can provide suitable medical care.

**C004. Neutral Ports.** Unless other arrangements are made between the belligerents and the neutral power, POWs who are landed at a neutral port will be interned by the neutral power and prevented from taking any further part in the conflict.

**C005. CPERS Documentation.** The capturing ship is to record details of each CPERS and forward them up the chain of command as soon as possible. This information will then be transmitted through the national or NATO appropriate agency to the Protecting Power or, if so designated, the ICRC.

**C006. Reports.** Ships capturing POWs and other CPERS are to forward a GROUPCAPREP through their chain of command as soon as possible.

**C007. Tactical Questioning and Interrogation.** Tactical questioning may be conducted at sea in order to obtain information of immediate value and to determine whether CPERS should be subject to further interrogation. Interrogation may be conducted onboard vessels until evacuation to more suitable facilities ashore is possible.

**C008. Evacuation of CPERS.** Consistent with international law, CPERS can only be held temporarily on board a naval vessel. CPERS and their associated documentation are to be transferred to a CPERS handling facility on land as soon as possible. During the transfer from the ship they are to be escorted by military police or trained guards where possible. The escort for such transfers may be from either the organisation handling CPERS or another military unit depending on the circumstances prevailing at the time.

**C009. Transfer of CPERS Between Ships.** CPERS taken aboard by minor war vessels, ships with small ships' companies and auxiliary ships with limited military personnel are, where possible, to be transferred to major units where the infrastructure will enable more effective CPERS handling.

**C0010. Guidelines for Guarding and Handling CPERS at Sea.** It is difficult to be prescriptive with guidance on guarding and handling of CPERS at sea, as each class of ships' capability will differ, as will the size of the crew and its skills. As part of his military decision making

process, the Maritime Component Commander or the amphibious task force commander will need to consider the possibility of taking prisoners in his plan. This will typically be the responsibility of the Force or Group Logistic Co-ordinator. At a lower level individual units deployed as part of the Task Force will be required to develop contingency plans for dealing with CPERS. These plans should cover accommodation, feeding, exercise and medical treatment of CPERS held onboard. Where possible CPERS should be given the same standard of accommodation, food and facilities as those of the Detaining Power. However, practically it may be impossible to give CPERS domestic accommodation onboard and they may have to be held in vehicle decks and hangers until evacuation ashore can be arranged.

**C0011. Removal of CPERS to Maritime Units in Amphibious Operations.** CPERS taken by amphibious forces deployed alongside land forces are to be processed through the land forces CPERS handling organisation. However, CPERS taken during amphibious raids or in the initial stages of an amphibious landing may need to be brought back to maritime units when:

- a. The landing force is withdrawn to sea, and no assets left ashore and the operation is terminated.
- b. Where only a limited beachhead has been established and the retention of CPERS in the AO would put them at significant risk from the continuing battle.

The removal of large numbers of CPERS to sea may overwhelm the capacity of the amphibious task force to deal effectively with them. A decision may have to be taken as to how many CPERS and of what category are to be held or released.

## ANNEX D

## Sample Format of a Tactical Questioning Report

CPERS CATEGORY: A B C D		
CPERS NUMBER:		EVACUATION DATE
<b>PERSONAL</b>	SURNAME:	
	FIRST NAME:	
	OTHER NAMES:	
	GENDER: MALE FEMALE	
	SERVICE/ ID NO:	
	DATE OF BIRTH:	
	PLACE OF BIRTH:	
	NATIONALITY:	
	LANGUAGES:	
	MARITAL STATUS: SINGLE MARRIED DIVORCED WIDOW(-ER)	
STATUS: MILITARY / CIVILIAN / PARAMILITARY / OTHER:		
<b>ADMIN</b>	SCREENER: SCREENING DTG:	
	APPROACHES:	
<b>MILITARY</b>	BRANCH: ARMY AIR FORCE NAVY MARINES/NAVAL INFANTRY OTHER SERVICE:	
	CONSCRIPTED: YES NO	
	RANK:	
	ADVERSARY UNIT DESIGNATION:	
	DUTY POSITION:	
	JOB:	
	SKILLS:	
	EXPERIENCE:	
<b>CAPTURE</b>	DTG:	CAPTURING UNIT:
	PLACE:	DOCUMENTS:
	CIRCUMSTANCES:	
		WEAPONS/EQUIPMENT/MATERIEL:
CPR NUMBER:		
<b>CIVILIAN</b>	OCCUPATION:	
	ETHNICITY:	
	PLACE OF RESIDENCE:	
ORGANISATION:		

	DUTIES:
	SKILLS:
ASSESSMENT	PHYSICAL CONDITION:
	EDUCATION:
	INTELLIGENCE: ABOVE AVERAGE AVERAGE BELOW AVERAGE-
	MENTAL STATE:
	LEVEL OF COOPERATION: HIGH MEDIUM LOW NONE
INTELLIGENCE VALUE: HIGH MEDIUM LOW NONE (Explain in Remarks.)	
ON WATCH OR WANTED LIST: YES NO	
REMARKS	
PIR / IR	

## ANNEX E

### Preliminary Technical Report (PRETECHREP)

1. To be submitted by accelerated intelligence reporting procedures immediately following the acquisition of significant equipment.
  2. Only use those letters for which information is available.
- 

- a. DTG of report.
- b. Rank, name and unit of person submitting report.
- c. Equipment
  - (1) Type<sup>5</sup>.
  - (2) Name.
  - (3) Quantity.
- d. Nationality and designation of unit or organisation to which the equipment belongs (using national identifying letters in accordance with STANAG 1059—see Annex W).
- e. Technical characteristics of immediate tactical value.
- f. Locations.
  - (1) Capture  
DTG and location (geographic co-ordinates or UTM grid reference including grid zone designation and 100,000 m square identification) of capture.
  - (2) Present  
Present location (geographic co-ordinates or UTM grid reference including grid zone designation and 100,000-m square identification) of captured equipment.
- g. Description/characteristics of equipment as applicable:
  - (1) Country of manufacture (using national identifying letters in accordance with STANAG 1059—see Annex W).

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<sup>5</sup> Term to be in accordance with AIntP-3. Refer to STANAGs pertaining to designation of aircraft and ships.



- (2) Manufacturer and factory of origin.
- (3) Dimensions, weight, caliber, etc.
- (4) Condition, cause of failure.
- h. Description/characteristics of unusual equipment subsystems as applicable<sup>6</sup>:
- i. Details of associated technical documents as appropriate.
- j. Recommended disposal.
- k. Imagery of equipment or subsystems.
- l. Other information.

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<sup>6</sup> To be repeated as often as necessary.

## **ANNEX F**

### **Guidelines for Handling Evidence**

#### **F001 General**

This Appendix provides general guidelines for the handling of CMAT and CDOCs to be used as evidence in legal proceedings against CPERS suspected of crimes against humanity, terrorism, war crimes and other crimes. The detailed procedures for identifying, handling, storing, transferring, releasing and disposing of CMAT and CDOCs used as evidence should follow accepted international legal standards and may be set down in national manuals or regulations or in Standing Operating Procedures for a NATO force.

#### **F002 Evidence Custody**

1. CMAT and CDOCs constituting evidence should be reported as soon as possible by the capturing unit or person to the military police or other personnel specially trained and authorised to handle evidence in order to ensure proper handling.
2. It is the responsibility of all military police or other law enforcement personnel to take every precaution to preserve the integrity of evidence in its original condition. Evidence must be entered into the custodial system as soon as possible after its collection, seizure, or surrender.
3. The Force Provost Marshal should establish and operate an evidence custodial system. This custodial system could consist of:
  - a. An evidence custodian (designated in writing by the Force Provost Marshal).
  - b. An alternate evidence custodian (designated in writing by the Force Provost Marshal).
  - c. Evidence storage facilities.
  - d. An evidence log.
  - e. An active evidence custody record or file.
  - f. A final evidence disposition record or file.
4. The evidence custodian or, in his absence the alternate evidence custodian, has responsibilities which cannot be further delegated. He should ensure that:
  - a. Evidence is properly inventoried, tagged, packaged, and marked prior to acceptance for storage. The evidence tag should include the name, date of birth—and if applicable—the rank and service number of the associated CPERS. The tag should also include an identifying number, such as the INTERNSN, that connects the evidence to the CPERS.
  - b. Evidence custody documents are properly completed by military police personnel delivering the evidence for safekeeping prior to acceptance for storage.

- c. Evidence is properly safeguarded.
- d. The evidence log, active evidence custody record and final evidence disposition files are properly maintained.
- e. Inventories of evidence holdings are conducted regularly.
- f. Evidence is disposed of in accordance with proper national or NATO force procedures.

### **F003 Evidence Submission**

1. The capturing unit or person should tag the CMAT or CDOC as follows:

National identifying letters of capturing unit as prescribed in STANAG 1059. (See Annex W.)

Designation of capturing unit including service.

DTG of capture.

Location of capture (geographic coordinates or UTM grid reference including grid zone designation and 100,000-metre square identification).

Captured from Unit (enemy or warring faction) (including national identifying letters in accordance with STANAG 1059—see Annex W).

Summary of circumstances of capture.

Associated CPERS.

The law enforcement person first assuming custody of evidence will subsequently mark the evidence itself for future identification as evidence. If such marking is not possible, the evidence will be put in a container that can be marked. The marking should consist of time and date of acquisition and the rank and name of the person who assumed custody of the evidence. When any person submits evidence to the evidence custodian, it shall be properly tagged, in appropriate containers if needed.

2. All evidence being submitted shall be carefully examined, counted and weighed, as appropriate, by the accepting custodian. The submitting individual must ensure those items being retained have some evidentiary value. Any items which do not have evidentiary value will be promptly returned or disposed of by the submitting individual, in accordance with authorised procedures.

The evidence custodian should not accept items that are not evidence nor should he accept evidence which is not properly tagged and accompanied by the stipulated documentation such as a custody receipt. Each item of evidence should therefore have a case control number or an equivalent designator identifying the police report that pertains to the evidence seized.

### **F004 Evidence Storage Facilities**

All property received as evidence will be physically safeguarded and stored in a separate and distinct "evidence room." The evidence room should be of sufficient size to allow for the handling, storage, and processing of volumes of evidence consistent with the size of the law enforcement operation. It must also provide for the secure storage of the evidence. When a room has been designated as an evidence room, other equipment and property, personal or official, shall not be stored in it under any circumstances.

## **F005 Evidence Inventory**

1. When evidence is first received into custody by law enforcement personnel, whether confiscated during an investigation or received from a unit or command representative, the receiving party must inventory the evidence personally. Subsequently, when evidence is transferred between parties for any reason, the inventory must be verified by the receiving individual unless it has been placed in a sealed container by law enforcement personnel. Money and controlled substances will be verified even if in a sealed container.
2. When an inventory is taken, it shall be accomplished by the evidence custodian, and a disinterested officer outside of the provost marshal office. An entry shall be entered into the evidence log reflecting the inventory and the participating personnel.

## **F006 Transfer and Shipment of Evidence**

Physical evidence coming into the possession of military law enforcement personnel will, from time to time, require its transfer and shipment to another agency where the chain-of-custody must be maintained. Shipment shall be made by reliable and secure means. Documentation proving an unbroken chain-of-custody shall be maintained.

## **F007 Disposal of Evidence**

1. The final disposal of evidence requires authorisation as follows:
  - a. Approval for the final disposal of evidence shall be obtained from appropriate authority, and entered in the final disposal section of the appropriate documentation, such as an evidence custody receipt.
  - b. Obtaining authorisation for disposal of evidence will be accomplished by the evidence custodian.
  - c. Any evidence which was used in any court action shall not normally be disposed of until the initial trial and subsequent appeals have been completed. Authorisation for disposal must be obtained from the commander, the appropriate legal officer or his representative.
  - d. Any evidence which is entered into the evidence custody system and which is not utilised in judicial or administrative action may be disposed of upon authorisation from the provost marshal or his designated representative.
2. Specific guidelines for evidence disposal are as follows:
  - a. Evidence which is obtained during the course of an investigation and is the personal property of an individual shall, whenever possible, be returned to that person, with the exception of items, the mere possession of which is unlawful. Such items would include narcotics, unlawfully obtained drugs, illegal firearms, explosives, counterfeit currency, or counterfeit identification. When personal property is returned to the owner or his authorised representative, the individual receiving the property will be required to sign for it.
  - b. Evidence which, by its nature, cannot be returned to the owner or entered into a national supply system for disposal, such as narcotics, illegal firearms or other contraband, shall be

destroyed. Such destruction shall be accomplished by or in the presence of the evidence custodian and either a Staff Non-commissioned Officer or Commissioned Officer assigned to the provost marshal's office. Such destruction shall be of a nature so as to make the evidence unusable for any lawful or unlawful purpose other than residual scrap.

## **ANNEX G**

### **Holding Facilities for Captured Persons**

#### **G001 General**

1. The GC3 provides very specific requirements for the construction and operation of Holding Areas and Facilities for POWs. In summary, they require that:
  - a. POWs, and by inference, other CPERS are only to be detained in facilities which are based on land and in circumstances which guarantee the maintenance of adequate standards of hygiene and health.
  - b. POWs are not normally to be detained in prisons.
  - c. POWs are to be quartered under conditions as favourable as those for the forces of the Detaining Power that are billeted in the same area. These conditions shall make allowance for the habits and customs of the POWs and must be in no way prejudicial to their health. This requirement applies particularly to the arrangements made for POW dormitories.
  - d. Accommodation is to be protected from damp, adequately heated and lighted, particularly at night and protected against fire. Latrine facilities for use both by day and night are to be provided. Baths and showers are to be provided together with sufficient supplies of water for personal toilet and laundry. Adequate facilities are to be provided for messing.
  - e. A medical facility capable of accommodating sick POWs is to be provided. Adequate premises and the necessary equipment for POWs to take exercise are also required whenever military considerations permit.
  - f. POW Holding facilities are to be marked so as to be easily identifiable from the air by day.
2. Collecting Points, Holding Areas and Holding Facilities should be sited so that CPERS are not able to observe sensitive installations or operational activities of friendly forces.
3. With the exception of initial collecting points, construction of all CPERS holding facilities is an engineer responsibility. The tasking of engineer support is the responsibility of the operations staff and the provision of construction materials is a logistics responsibility. Since the construction of CPERS holding facilities requires considerable resources, planning and allocation of resources should be initiated as early as possible.
4. Existing structures should be used when possible to reduce construction requirements.

## G002 Collecting point

- Figure G-1 shows an example layout of an initial collecting point.

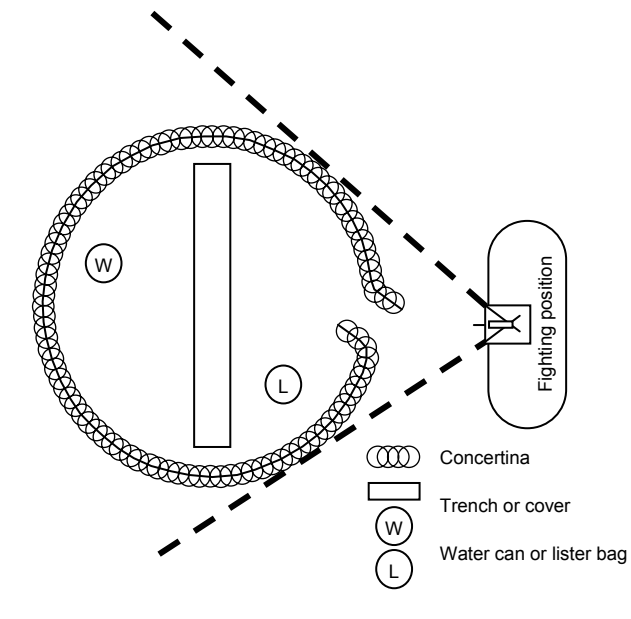


Figure G-1: Example of an Initial Collecting Point.

- Function.** The Collecting Point is a facility where individual CPERS and small groups of CPERS are consolidated into larger groups before being moved up the CPERS handling chain. While it is not possible to set firm limits for the time a CPERS will remain in a Collecting Point, the aim should be for them to be moved within 24 hours of their arrival.
- Siting.** The Collecting Point is to be established at battalion or brigade level, but may also be established at any appropriate command level. A central collecting point may be established at division level. An example is shown in Figure G-2. It is likely that there will be one Collecting Point in each brigade area although this will depend on the overall size of the Area of Operations (AO). Proximity to the Main Supply Route (MSR) will speed up the evacuation process. Collecting Points must be able to move with little or no notice.
- Construction.** The Collecting Point should, where possible, be based on an existing building. This increases the shelter available for CPERS and reduces the need for engineer support to erect perimeter wire and overhead shelter (CPERS can be made to dig for their own protection). There is no formal design for a Collecting Point but it must be built to suit the climate, the weather and the operational situation.

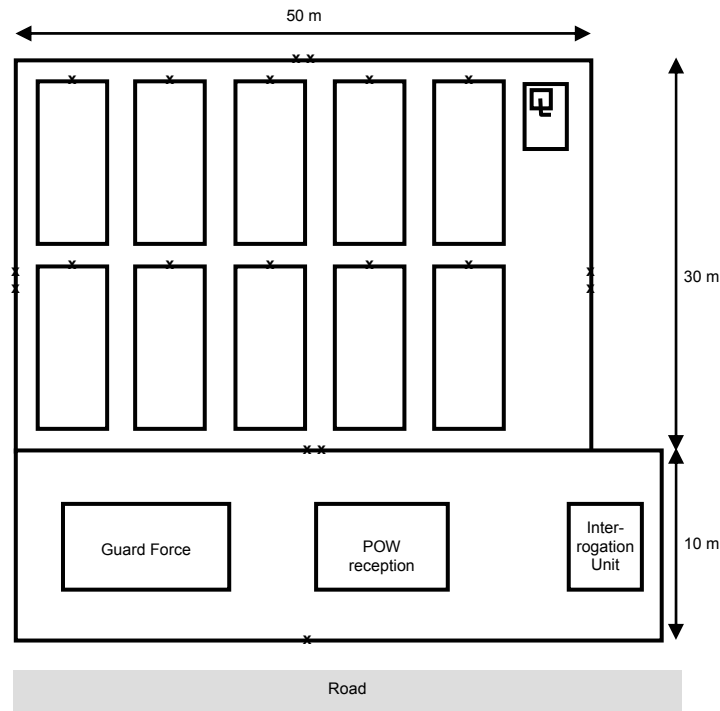


Figure G-2: Example of a Central Collecting Point (200 man capacity).

5. The size and configuration of compounds and the placement of internal facilities, field registration and processing sites, intelligence screening sites, close-confinement areas for disruptive captives and medical facilities vary depending on the situation.
6. Construction supplies include general purpose medium-size tents (approximately 20 captives per tent), concertina wire, barbed or razor wire, screening materials, long and short pickets, staples, anchors and water cans.
7. The Interrogation Unit must be located far enough from the CPERS to perform its function effectively and should be screened from the CPERS, including routes in and out of the interrogation area.

### **G003 Holding Area**

1. **Function.** The CPERS Holding Area is an intermediate stage in the evacuation of CPERS to their final destination in a CPERS long-term holding facility. The CPERS Holding Area can accommodate more CPERS than Collecting Points and ideally CPERS should not stay for more than 72 hours. CPERS will require segregation in accordance with the procedures outlined in Chapters 2 and 3 of this publication.

Figure G-3 shows an example layout of a holding area.

2. **Numbers.** The CPERS Holding Area should be built on a modular basis. For planning purposes the CPERS Holding Area should be capable of accommodating 500 CPERS in transit to a CPERS long-term holding facility.



3. **Siting.** The CPERS Holding Area should be sited so that it will support CPERS operations and facilitate transit to a CPERS long-term holding facility. The holding area will normally be established away from an area of immediate danger in a location with access to a MSR.

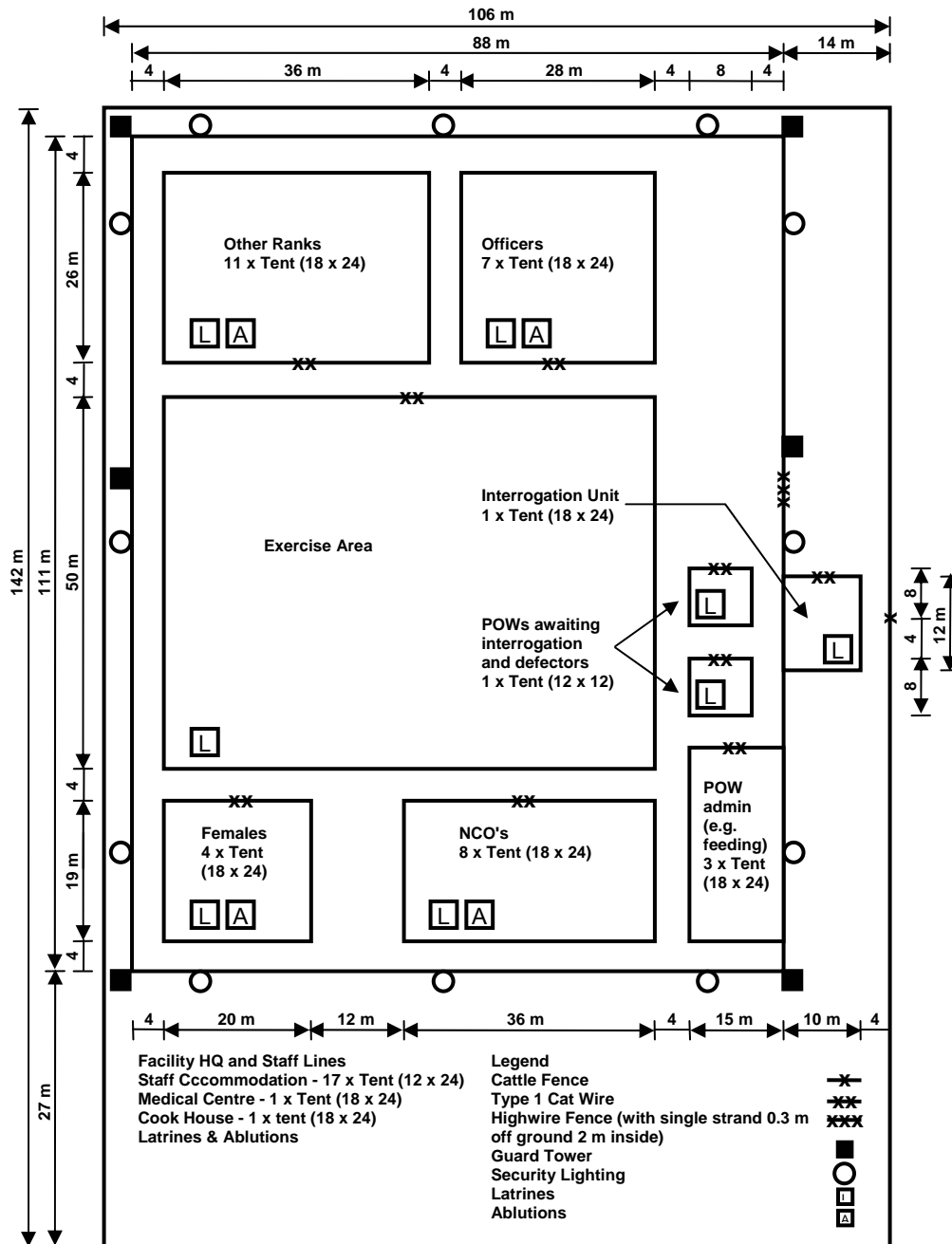


Figure G-3: Example of a Holding Area (500 man capacity).

### G004 Long-Term Holding Facility

1. The Long-Term Holding Facility is the final stage in the CPERS handling process. It is a purpose built facility capable of accommodating large numbers of CPERS for an indefinite period.

The essential difference between the CPERS Holding Area and the Long-Term CPERS Holding Facility is the nature of its construction. Figure G-4 shows an example layout of a long-term holding facility for POWs. A Long-Term Holding Facility for other CPERS should contain facilities for segregation according to type or status. Prisons<sup>7</sup> and other suitable buildings may be used to accommodate these CPERS. The Long-Term Holding Facility provides more durable accommodation and generally more solid construction methods for perimeter fences, guard towers, interrogation facilities and administrative offices.

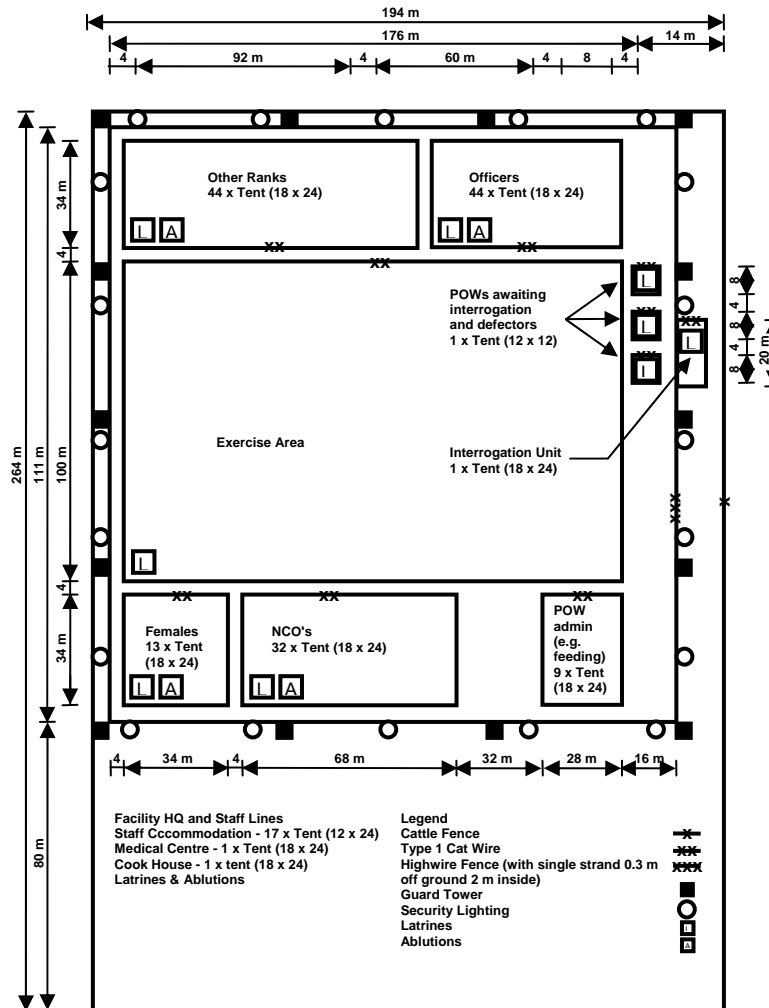


Figure G-4: Example of a POW Long-Term Holding Facility.

### G005 Facilities for Processing CPERS

1. The processing of CPERS as described in Chapter 3 of this Publication will usually take place at a holding area or may also be completed at a long-term facility. Figure G-5 shows an example of the layout of a CPERS processing facility.

<sup>7</sup> The psychological impact on the local population and CPERS of using prison facilities that have been the site of grievous human rights violations should be considered.

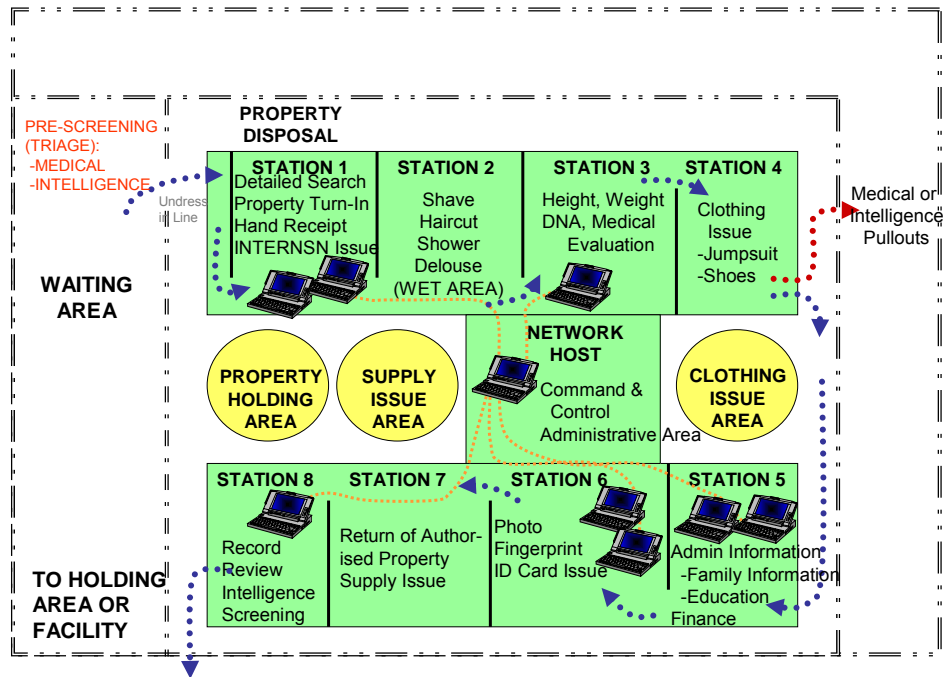


Figure G-5: Example of a CPERS Processing Facility.

### **G006 Planning Factors for Holding Areas and Long-Term Holding Facilities**

1. The following factors should be taken into consideration when selecting a particular area for the establishment of a holding area or a long-term holding facility:
  - a. Whether there are any features of the ground such as marshes or swamps that might promote conditions affecting the health of CPERS.
  - b. Sufficient water supplies to meet the needs of the long-term holding facility.
  - c. The availability of suitable electrical power supplies.
  - d. Existing buildings or structures which can be adapted, thus avoiding unnecessary construction work.
  - e. The availability of local construction materials.
  - f. Proximity to potential target areas.
  - g. Proximity to existing infrastructure such as road (MSR), rail or airhead.
  - h. Additional logistic support which the establishment of a holding area or facility in the Area of Operations will require.
  - i. The attitude of the local population.

- j. The threat of guerrilla or terrorist activity in the area.
- k. The general attitude of the CPERS, i.e. aggressive and uncooperative or subdued and cooperative.
- l. The influence of the terrain on construction, access and security.
- m. Any climatic considerations.

### **G007 Construction Recommendations**

1. The construction of holding areas and long-term holding facilities is an engineer task. The following are the construction standards that are considered to be necessary in order to satisfy security, sanitation and safety requirements for holding facilities:

- a. **Fences.** Perimeter fencing is to consist of:
  - (1) A double barbed wire fence around the perimeter of each of the one or more enclosures, which make up the holding area or long-term holding facility.
  - (2) Top guards with two or more strands of barbed wire at the top of the outside perimeter fence.
  - (3) A 4-meter lane, free of any vegetation between the inside and outside perimeter fences.
- b. **Guard Towers.** Towers are to be sited around the perimeter of each enclosure constructed to meet the following requirements:
  - (1) Of sufficient height to permit unobstructed observation of the section of perimeter which they are sited to cover.
  - (2) Placed immediately outside the perimeter and where the perimeter is a double fence, sited in such a manner as to allow an unrestricted view of the lane between the fences.
  - (3) Low enough to allow an adequate field of fire.
  - (4) Spaced to provide optimum observation. In conditions of poor visibility, extra guard posts may have to be established between towers outside the outer perimeter fence.
  - (5) Of sufficient size to allow the mounting of crew served automatic weapons.
  - (6) Fitted with retractable ladders.
- c. **Lighting.** Generators (including stand-by equipment) and lighting sets are to be provided to enable the following lighting requirements to be met:
  - (1) Sufficient lighting of fences or walls to enable the detection of CPERS attempting to escape at night.
  - (2) Sufficient lighting at strategic points within the holding area or facility to enable security to be maintained at night within the compound.

- (3) All light fittings to be protected against breakage where necessary.
- (4) All lighting to be shaded so that tower and other perimeter guards are not dazzled.
- d. **Access for Vehicles.** Construction work is to be carried out to allow:
  - (1) Full vehicular access to the inside of the compound.
  - (2) Vehicle patrols full access to the perimeter fence along its complete length.
- e. **Communications.** Telephone communications are to be established between perimeter towers and other guard posts and the compound headquarters or operations centre. A secondary means of communication, possibly by radio, is also to be in place.
- f. **Separation.** A four-compound (2000 CPERS) facility is the maximum size of any one enclosure. If it is assessed that the holding requirement is likely to exceed this figure, further enclosures will be established.
- g. **Waste Disposal.** An important aspect of the construction and management of CPERS facilities is the requirement for an efficient waste disposal system. This must be considered under two headings:
  - (1) **Human Waste.** A system must be put in place at the outset of construction for disposing of the human waste from latrines in compounds and enclosures. For anything other than the initial collecting point, the deep trench latrine will not suffice and a more effective form of latrine must be provided. Depending on the resources available, this will range from simple chemical toilet to a fully fledged disposal system equipped with flushing lavatories and connected to either a local sewage system or to cess pits. Failure to make provision for disposal of human waste will almost inevitably lead to the rapid spread of disease among the CPERS.
  - (2) **Other Waste.** Arrangements must be made for the collection and disposal of the waste and rubbish resulting from the wide range of activities taking place in detention facilities. The amount of rubbish generated in a holding area for 2,000 CPERS each day will be considerable and unless an organised system of rubbish collection and disposal is set up from the first occupation of the facility, environmental and health problems will arise.
  - (3) **Waste Collection.** The GC3 allows the use of POWs for tasks connected with camp maintenance. The operation of sewage systems and waste disposal are tasks which fall within this category provided that POWs employed on them are given appropriate training and suitable protective equipment and clothing.
- h. **Fire Precautions.** Fire fighting equipment must be provided in all CPERS facilities to the same standard as that required for own forces accommodated in similar conditions. Where piped water is not readily available, there may be a requirement for emergency water supply tanks or reservoirs to be constructed close to the detention compound or enclosure.
- i. **Marking of Holding Areas and Facilities.** GC3 provides protected status to POW facilities. Roofs and walls of holding areas and long-term holding facilities for POWs are to

be clearly marked with the letters “PW” or “PG” (Prisonnier de Guerre) so as to be visible from both ground and air.

j. **Facilities.** The following facilities are to be provided in each long-term holding facility:

- (1) A facility command post and administration office.
- (2) A medical centre.
- (3) A facility for the storage and issue of clothing and equipment and where appropriate the operation of a POW Canteen.
- (4) A facility for the conduct of religious services and intellectual pursuits for POWs.

Each separate compound within the long-term holding facility will have the following facilities:

- (5) Accommodations.
- (6) Kitchen and Messing Facilities.
- (7) Bath and washing facilities.
- (8) Latrines.

### **G008 Interrogation Facility**

1. The facility must provide the requisite number of rooms to service the volume of interrogations. The rooms must be large enough to comfortably contain a minimum of four persons with appropriate lighting and climate control with a table and chairs. Furthermore, they should be soundproof so that CPERS undergoing interrogation cannot hear or be heard by other CPERS in the facility. Adequate screening to obscure observation of the approaches to and from the interrogation facility is required. Latrine facilities must be located in close proximity to the interrogation facility (within the screened area). The interrogation facility should have space for guards and medical personnel, since they must be available at all times during interrogations in very close proximity to the interrogation rooms. The facility should also have rooms for observation through two-way mirrors or by means of surveillance cameras.
2. The interrogation facility should be located far enough from the CPERS holding area or facility that observation of interrogation operations and movement of CPERS to and from the interrogation facility is not possible.
3. The interrogation facility should also contain a suitable room for the operations and analysis cell. This room should have adequate space for necessary files, map boards, computers and workstations and be located with discretion to the interrogation rooms.
4. Also, the interrogation facility should have office space for the interrogators, storage space for CPERS effects, CMAT and CDOCs that are used in the interrogations.
5. Access control into the interrogation facility (by guards) must be tightly observed.
6. An example of the layout of an interrogation facility is shown in Figure G-6.

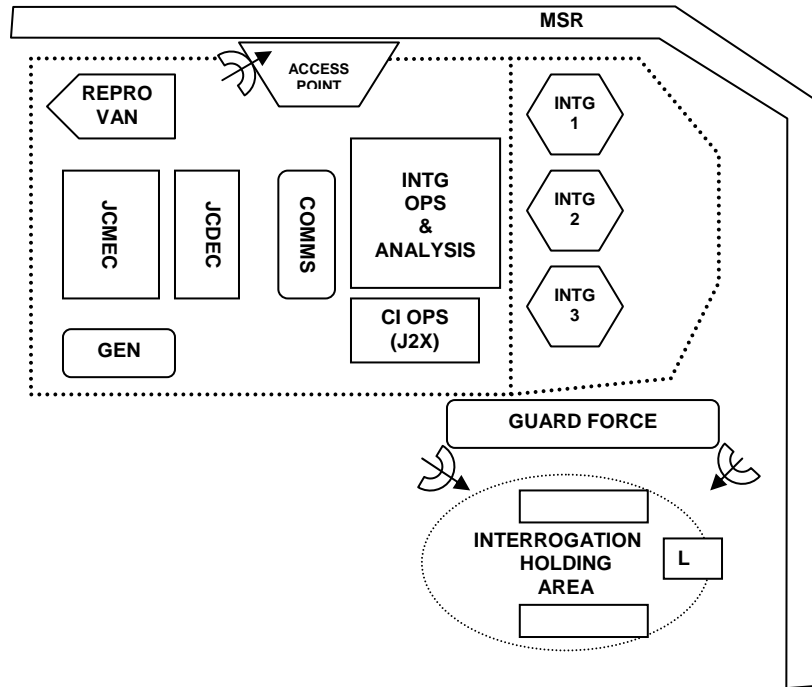


Figure G-6: Example of an Interrogation Facility

## ANNEX H

### Escorts and Guards

#### H001 Introduction

1. From the moment of capture to the time when released from captivity, the CPERS will be escorted or guarded by members of the armed forces of the Detaining Power. The procedures for escorting and guarding CPERS must be well known by those who carry out these tasks in order to prevent CPERS from escaping from custody.
2. As the ultimate method of preventing a CPERS from escaping may be the use of lethal force, it is essential that an effective system for escorting and guarding CPERS should be in place in order to prevent the need for lethal force.
3. The purpose of this annex is to set out principles for the escorting and guarding of CPERS.

#### H002 Definitions

1. The terms escort and guard are defined as follows:
  - a. **Escort.** An escort is an individual or a formed body of military personnel whose task it is to prevent the escape of CPERS in the course of their movement from one CPERS facility to another.
  - b. **Guard.** A guard is an individual or a formed body of military personnel whose task it is to prevent the escape of CPERS from CPERS facilities and to maintain discipline among the CPERS within the facility.

#### H003 The Escort

1. **Role of the Escort.** The role of the escort is to prevent CPERS from escaping in the course of their movement from CPERS facility to another. The responsibility of an escort begins at the dispatching facility and ends when they are handed over.
2. **Provision of the Escort.** The escort may be detached from the capturing unit, or from other units as designated by CJ3 at Force HQ.
3. **The Size of Escorts.** The basic principle of escorting is that the minimum escort should consist of no less than the basic 4 man team.
4. **Planning the Move.** The basic information required for the planning process is as follows:
  - a. **The Number of CPERS to be escorted.** This will determine the size of the escort.



- b. **Availability of Restraints.** The availability of means of restraint (e.g. handcuffs) may reduce the need for escorts. However, the use of such means of restraint must be in accordance with provisions of GC3 and other applicable international law.
  - c. **The Condition and Morale of the CPERS.** Tired and co-operative captives do not need as many escorts as those who are fresher and better motivated. Some CPERS e.g. from special operations forces, may require a proportionally larger escort than other CPERS.
  - d. **The Method of Movement.** Movement on foot offers more opportunities for escape than vehicle movement. Certain types of movement such as movement by truck, train and air require specific precautions to be taken by the escort.
  - e. **The Terrain.** The terrain across which the CPERS are to be moved will influence the numbers in the escort and the method of escorting the CPERS. Close terrain will require more escorts than desert.
  - f. **Enemy Activity.** Any likelihood of enemy interference with the move will require an escort capable of taking offensive action to protect itself while still accomplishing its mission.
  - g. **The Location of Other Units on the Route.** Before departure, the escort should familiarise itself with the location of units on its planned route in order to be able to seek assistance or make rest stops in the course of the journey.
  - h. **The Communication Plan.** The escort is to be in communication at all times with the headquarters of the formation through whose AO it is moving.
5. **CPERS Transport.** It is unlikely that there will be dedicated transport for the evacuation of CPERS. Their movement will be based on the return journeys of vehicles and aircraft delivering combat supplies forward to the general area from which the CPERS are to be moved. Transport arrangements will be co-ordinated by the J1/G1 and J4/G4 staffs at the formation headquarters concerned. The movement of CPERS on foot will only be carried out where there is no transport available and immediate evacuation is essential for operational or security reasons.
6. **Briefing of CPERS.** CPERS should be briefed through an interpreter before the move takes place. The briefing is to include:
- a. The meaning of basic directions such as "Stop!", "Go!", "Lie Down!", "Hands Up!" etc.
  - b. The escort's orders for opening fire (providing the ROE permits firing upon escaping CPERS).
  - c. That the 'Silence Rule' applies at all times throughout the move (No talking to the escort, no talking to each other).
  - d. The actions which CPERS are to take in the case of an emergency.
7. **Briefing of the Escort.** Before the move takes place the escort is to be briefed. This briefing is to include:

- a. The destination, method of movement and route for the evacuation.
  - b. The understanding by the escort of its responsibility for the CPERS and the need to safeguard them.
  - c. The requirement for CPERS to follow orders and instructions.
  - d. The need for all members of the escort to be aware of potential opportunities for the CPERS to escape in the course of the move and of measures to prevent this happening.
  - e. The understanding that CPERS are only to be spoken to when it is necessary to give orders and maintain control.
  - f. What the appropriate actions are in the event of an enemy attack or other emergency.
  - g. What actions are to be taken to prevent escape attempts.
  - h. The rules for opening fire or the use of force.
8. **CPERS Documentation.** The escort commander is to ensure that he is provided with:
- a. A nominal roll of the CPERS who are to be escorted.
  - b. The appropriate CPERS documentation.

#### **H004 The Guard**

1. **Role.** The role of the Guard is to prevent the escape of CPERS from a CPERS facility, to maintain discipline and to provide security within such facilities. Guards will also have a subsidiary role in the day to day administration of the facility. The commander of the Guard Force is responsible for ensuring that the Guard personnel under his command perform their duties in a professional and detached manner. He must also ensure that the Guard Force is not pressured or subverted in the performance of their duties.
2. **Provision of the Guard Force.** The Guard Force is to be found from all or part of a formed unit or units, designated at the outset of operations by CJ3 at Force HQ. The designated unit or units are to have no other task apart from the provision of guards for CPERS facilities.
3. **Organisation of the Guard Force.** The Guard Force is to be composed of four elements:
  - a. **External Guards.** External guards secure the perimeter of the facility by manning guard towers and gate posts. Their main role is to ensure that CPERS remain confined inside the facility but they also have the subsidiary role of protecting the facility against attack or attempts to infiltrate the area from outside.

- b. **Internal Guards.** Internal guards maintain segregation and order within the facility and restrict access to areas where the possibility of escape may exist such as buildings sited close to the perimeter of the compound.
- c. **Roving Sentries.** Roving sentries, operating in pairs, carry out random patrols within the perimeter of the compound.
- d. **The Quick Reaction Force (QRF).** The roles of the QRF will include:
  - (1) Reinforcing the external and internal guards where necessary.
  - (2) Defending the perimeter against outside attack.
  - (3) Pursuing and re-capturing escaped CPERS in the immediate area of the facility.
  - (4) Resolving any internal breakdown of CPERS discipline.
- e. **Dogs.** Wherever possible, the guard force is to be augmented with trained dogs and handlers. The dogs should include at least one tracker dog in their number.

#### **H005 Control of CPERS**

1. **General.** The effective control of CPERS in holding areas and camps is essential to the conduct of humane internment operations within the requirements of the GCs. Effective CPERS control can be achieved through a combination of:
  - a. **Forward Planning.** Staffs must ensure that plans exist for adequate CPERS facilities, escorts, guard forces, transport and general administration and that these plans can be implemented speedily and efficiently.
  - b. **Abiding by the Geneva Conventions.** NATO personnel at each stage in the CPERS handling process from the point of capture to the CPERS Holding Facility must scrupulously abide by, and be seen to be abiding by, the detailed requirements of the GCs.
  - c. **An Effective System of CPERS Discipline.** There are a number of components that constitute an effective system of CPERS discipline.
    - (1) **A Definitive CPERS Regime.** There is a requirement for a framework on which CPERS can base an ordered life style and a system of discipline. This is provided in CPERS facilities by:
      - (a) Establishing a disciplinary policy and implementing it in a firm but equitable manner.
      - (b) Promulgating the rules, regulations, instructions and orders which CPERS are expected to obey in the CPERS' own language.
      - (c) Providing CPERS with copies of the GCs in their own language.

## **H006 Conclusion**

The efficient escorting and guarding of CPERS is the key to the conduct of an effective and humane CPERS internment system. The brief guidelines set out in this annex should enable those involved in the escorting and guarding of CPERS to make a quantifiable contribution to the successful conduct of operations. It is stressed that the NATO Military Police are high value, limited assets and must not be used to guard ordinary CPERS.

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## APPENDIX TO ANNEX H

### Guidelines for the Movement of Captured Persons

GENERAL INSTRUCTIONS			
1. Segregate CPERS by category, maintain segregation as far as is possible throughout journey. 2. Search captives and baggage before loading in any transport. 3. If the use of restraints is specifically authorised, CPERS' hands may be secured in front of them using 'Plasticuffs'. 4. If food is provided, do not allow the use of metal cutlery and can openers.			
ON FOOT			
Type of Formation	CPERS Numbers	Escorts Required <sup>8</sup>	Location of Escorts
Marching Column	300 – 500	40	Front, rear and flanks and in accompanying transport.
WHEELED VEHICLES			
Type of Transport	CPERS Load	Escorts Required	Location of Escorts
Light Utility Truck	8	2	One in vehicle cab, other in following vehicle.
Medium Utility Truck	10	2	One in vehicle cab, other in following vehicle.
4/8-Tonne Cargo	25	3	One in vehicle cab, the others in following vehicle.
14-Tonne Cargo	40	4	One in vehicle cab, the others in following vehicle.
Military Bus	54	5	One at front of vehicle, two at rear of vehicle, two in following vehicle.
<b>For Vehicle Movement.</b> The following special instructions apply:  a. The proportion of escort to vehicles carrying CPERS is dependent on the size of the vehicle and numbers of CPERS. The proportion may be increased at night or in bad visibility.  b. Drivers are to be fully briefed on routes, speeds and actions in the event of attack or escape of CPERS.			

<sup>8</sup> The numbers of escorts detailed under the various categories are for planning guidance.

RAIL			
Type of Transport	CPERS Load	Escorts Required	Location of Escorts
Freight Car	25	3	In mesh enclosure in centre of wagon.
Passenger Car	50	10	At either end of the coach.
<b>For Train Movement.</b> The following special instructions apply: <ul style="list-style-type: none"> <li>a. Escorts are to be briefed to dismount at halts and to secure a perimeter around the train.</li> <li>b. Where CPERS are in passenger coaches, Escorts are to ensure that windows are locked closed and are to carry out periodic checks of windows.</li> </ul>			
AIRCRAFT <sup>9</sup>			
Type of Transport	CPERS Load	Escorts Required	Location of Escorts
Lynx or equivalent	7	2	Escorts to guard exits and prevent CPERS access to flight deck.
Sea King or equivalent	12 – 14	2 – 3	
Merlin or equivalent	25 – 30	3 – 4	
Puma or equivalent	14	3	
Chinook or equivalent	36	4	
C-130 Hercules or equivalent	100	12	
<b>For Aircraft Movement.</b> The following special instructions apply: <ul style="list-style-type: none"> <li>a. Load CPERS and escorts under instructions from aircrew or ground staff.</li> <li>b. Before loading remove from aircraft any equipment which could be used as a weapon.</li> <li>c. Before departure, inform CPERS in their own language that the area of the flight deck/controls is out of bounds to them at all times.</li> <li>d. Order CPERS to keep seat belts fastened throughout flight.</li> <li>e. Designate specific lavatories for the use of CPERS and remove locks from lavatory doors. If practicable, remove doors.</li> </ul>			
SHIPS			

<sup>9</sup> Note that aircraft load limits may vary with different aircraft types.

GC 3 prohibits the establishment of CPERS holding facilities at sea. Ships are, therefore, most likely to be used to remove CPERS from the area of operations and/or to repatriate them on cessation of hostilities. Clearly the type of vessel used and the number of CPERS embarked will determine the size of the guard force, and how they will be deployed. CPERS being repatriated are less likely to be aggressive than those being removed from the area of operations while hostilities are continuing. Warships are unlikely to be tasked with such an activity; the most likely type of ship is a passenger vessel taken up from trade. There is the possibility that officials from an organisation such as the ICRC will be permitted onboard vessels repatriating CPERS. In such circumstances national authorities or the NATO Joint Forces Command will give guidance as to the formal relationship between such personnel and the Guard Commander. The national force commander or the CJTF Commander will detail the military guard force. The Captain or Ship's Company of the vessel should not be used for the supervision and handling of CPERS.

**For ship movement.** The following specific instructions apply:

- a. Wherever possible CPERS are to be kept in domestic areas which have only one entry/exit route.
- b. When possible CPERS are to have a period of recreation on the upper deck each day. Numbers undertaking recreation at any one time are to be commensurate with the size of the guard force available. CPERS recreation is to be taken separately from the Ship's Company.
- c. If CPERS meals are taken in a Ship's Dining Hall, they are to be taken separately from the Ship's Company. It may be that the CPERS administration will determine that meals are taken within accommodation areas.



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## **ANNEX I**

### **Summary of Geneva Conventions Which Should Be Communicated to Prisoners of War**

Pertinent  
Articles  
of  
III Convention

1. The purpose of the Geneva Conventions of 1949 is to determine the treatment of victims of war and to relieve and reduce suffering thereby.

There are four conventions:

I -wounded and sick in the armed forces in the field

II -wounded, sick, and shipwrecked in the armed forces at sea

III -treatment of prisoners of war

IV -protection of civilians in time of war.

2. Whichever nation captures you is responsible for your care. Your individual captor is aware that he is responsible to his nation for your well-being. (12)

3. You have and will retain individual privileges under the 3<sup>rd</sup> Convention according to your status and rank if you abide by the rules of the Convention and state your true surname, first names and rank, date of birth, and service number. (17)

4. You will be treated humanely and respectfully as detailed in the 3<sup>rd</sup> Convention. If you are wounded, injured or sick you will receive medical treatment. (13, 14)

5. You will be removed from dangerous areas as soon as possible and every effort will be made to protect you from harm. (19)

6. You will not be humiliated or abused. (3, 13, 14)

7. You will be disarmed and have all warlike military equipment removed from you except articles required to protect you from harm and to help you maintain your health. You may keep your identification documents, gas mask, NBC clothing, water bottle, and while in the combat zone, your personal protective equipment. You will receive sufficient clothing and blankets to protect you from the environment. (18)

8. You will be supplied with food and potable water sufficient in quantity and quality. Your captor will consider any dietary requirements due to your (20, 26)

Pertinent  
Articles  
of  
III Convention

racial, religious or environmental requirements.

- |  |          |
|--|----------|
| 9. Your personal documents and effects may be removed temporarily but will accompany you and be returned later after examination. Your identification documents will be shown for examination and administrative purpose to your captor upon demand. | (18)     |
| 10. You will be segregated according to your nationality, sex, rank and physical condition but you will not be treated any differently by this action.   | (16)     |
| 11. You will be allowed to write to your family and to the Central POW Information Agency informing them of your capture, address and state of health.   | (70)     |
| 12. You will be allowed to receive correspondence, plus parcels, and send at least two letters and four post cards per month.  | (71, 72) |
| 13. You will be allowed to address complaints and requests to the military authorities of your captor.   | (78)     |



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# **AJP 3.1**

# **ALLIED JOINT MARITIME**

# **OPERATIONS**

**April 2004**



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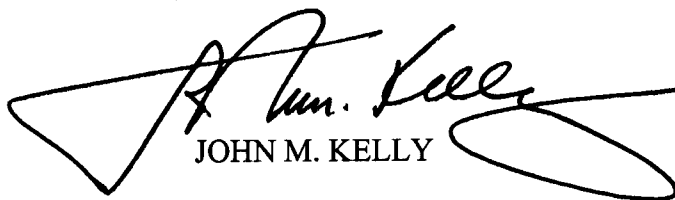


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## RECORD OF RESERVATIONS

NATION	SPECIFIC RESERVATIONS
GRC	Para 0250.5c. The text of the paragraph is not acceptable to Greece. There are cases when MCC might not be able to exercise the OPCON of CATF (e.g., geographic constraints). Nevertheless, MCC is the only appropriate commander to decide whether this is possible or not. In any case, the OPCON should be exercised through MCC, since the MCC is considered to be an inseparable component of the chain of command. Therefore, paragraph 0250.5c has to be revised as, quote “The CATF is under OPCON of the JFC through MCC. This may be appropriate when the MCC decides that it is impractical to exercise the OPCON of the CATF. In this case, C2 arrangements between the CATF and other component commanders must be clearly defined to ensure effective execution and coordination of operations within the battlespace.”
USA	<p>The United States does not concur with the phrases “land effect” and “effect on land.” AJP 3.1 introduces them in paragraph 0127, subparagraph 3; in paragraph 0140, subparagraph 1; and in paragraph 0140, subparagraph 6b; to describe the objective of allied power projection of maritime forces and the conduct of maritime offensive combat operations.</p> <p>“Land effect” and “effect on land” are neither defined in allied joint doctrine, nor is the effects-based approach to planning associated with creating such an effect adequately described in allied joint doctrine.</p>

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## **FOREWORD**

Allied Joint Publication (AJP) 3.1, Allied Joint Maritime Operations, outlines the basic principles, doctrine, and practices of North Atlantic Treaty Organization (NATO) maritime forces in a joint environment. It is intended to influence thinking and provide guidance to NATO joint and maritime staffs about the application of maritime power in Allied joint operations. AJP-3.1 derives its authority from and complements AJP-3, Allied Joint Operations, which presents NATO doctrine for planning and conducting joint operations. AJP-3 provides overarching doctrine on Allied joint operations, while AJP-3.1 focuses on the unique characteristics and employment considerations for maritime forces in joint operations. It addresses the fundamental factors that influence the employment of maritime power and the key aspects of command and control from the command perspective. Although intended primarily for NATO forces, AJP-3.1 also applies to operations within the framework of a combined joint task force in a multinational force of NATO and non-NATO nations.



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## CHAPTER 1

## Characteristics of Maritime Power

## SECTION I — THE MARITIME ENVIRONMENT

## 0101 Maritime Environment

1. Maritime power, in the broadest sense, is military, political, and economic power exerted through the use of the sea, and exercised by sea, air, and land resources. Maritime power has traditionally been employed to control the sea lines of communications (SLOC) for the general economic welfare or survival of sea-dependent states, and for support of allied, joint, and combined operations on land. Maritime power has long been used to project power ashore through amphibious operations and carrier-based aircraft. Power projection capabilities have been greatly expanded with the advent of sea-based missiles and improved gun systems.

2. NATO maritime doctrine is concerned specifically with the application of sea power at and from the sea. NATO maritime forces, under most circumstances, will operate at the strategic and operational levels alongside the other components. This section examines the features of the maritime environment that shape the employment of allied maritime forces in a joint environment.

3. In accordance with rights and jurisdictions recognised under international law, the preponderance of the sea and airspace above it remains essentially neutral and uninhabited. Maritime operations, therefore, contrast with land operations in that the sea cannot be possessed in the same way as land. Nations may have interpretations of international law that differ subtly or materially from those of other allies, partners or adversaries.<sup>1</sup> The maritime force commander must be cognisant of national differences in interpretation and the impact that may have on operations.

## 0102 The Sea

1. **Coverage.** The sea covers over 70 percent of the Earth's surface, and provides a fluid medium for the efficient transport of large and bulky items. In addition, the sea is increasingly exploited for its economic resources.

2. **Influence.** Approximately 90 percent of the world's population lives within 300 n.m. of a coastline. An estimated 80 percent of the world's major cities and a majority of financial centres are within 100 n.m. of a coastline. Thus, the sea provides vital strategic access.

3. **Physical Environment.** Sea areas can range from large open oceans to the more confined waters of coastal regions. Environmental conditions will affect the ability of maritime forces to conduct operations. However, skilful seamanship and tactics can help to minimize these effects, and the inherent mobility of maritime forces may allow them to move to an area where the conditions are more favourable. A good knowledge of the environments in which maritime forces operate is essential. There is, therefore, a need for maritime forces to maintain expertise in oceanography and meteorology.

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<sup>1</sup> For example, interpretation of hostile intent, innocent passage, or claimed territorial waters.

**4. International Law.** Maritime forces generally may exercise unrestricted freedom of navigation and overflight in international waters and airspace. NATO maritime forces can legally operate close to the territorial waters of a nation without prior approval of the government concerned. This gives them an unrivalled freedom of navigation to position relatively close to shore. A commander should always maintain situational awareness with regard to operating forces and the lawful and excessive legal boundaries and demarcations of the seas, airspace and land territory claimed by coastal states. When time permits, a commander should seek the advice of a legal advisor during the planning and conduct of Allied joint maritime operations.

### **0103 Multidimensional Maritime Battlespace**

1. NATO maritime forces operate above, on, and below the sea throughout the joint operations area (JOA). The oceans and the littoral<sup>2</sup> provide three-dimensional space in which maritime forces can operate and manoeuvre at a time of political choosing, and an international arena for the demonstration of capability and the will to use force. However, a threat can come from any direction. The recognised maritime picture (RMP), including the adversary's positions and movements, is established through three-dimensional surveillance. All assets, including space- and air-based sensors, which can cover large areas quickly, must be used to maintain a continuous information flow. The sea, however, is largely opaque to many sensors. It can, therefore, be used as a hiding place, as demonstrated by the effectiveness of sea mines and submarines. NATO maritime commanders must always consider these vulnerabilities when positioning maritime forces to support allied operations ashore.

2. Surface warships can be located by satellite or air surveillance. However, their mobility often makes them hard to locate and track with the precision necessary for engagement, especially if they do not give away their identity through emissions.

3. Activities closer to shore involve limitations on the freedom of movement or direction of approach, and the possible need to pass through geographical or adversarial created chokepoints. This will limit the options of a NATO commander, give warning of possible movement, and provide opportunities for the positioning of hostile forces at key locations. Surveillance and weapon systems must deal with the complicated conditions close to shore and the different environment over the land. allied maritime forces must be capable of conducting military operations in open ocean and the littorals.

4. Maritime forces are most effective when they form a part of a larger joint force. The commander's concept of operations capitalises on the ability to use open ocean and the littorals to manoeuvre to a positional advantage, thus supporting attainment of the joint force commander's (JFC's) objectives. Additionally, maritime forces conducting amphibious or strike operations may be the only way for land forces to obtain access. Even when this is not the case, land forces may be prevented from achieving their objectives without maritime forces to safeguard their lines of communication and resupply.

### **0104 – 0109 Spare**

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<sup>2</sup> The littoral means: In military operations, a coastal region consisting of the seaward area from the open ocean to the shore that must be controlled to support operations ashore, and the landward area inland from the shore that can be supported and defended directly from the sea. Control of the area in the littorals is often essential to dimensional superiority. Maritime operations in the littorals can support other components of the joint force in many ways that are described later in this publication. One example is the seizure of an adversary's port, naval base or coastal air base to allow entry of other joint force elements. (This definition does not have any implication on rules of international law of the sea and rights and duties of states arising from rules of international law of the sea.)

## SECTION II — MARITIME FORCE CHARACTERISTICS

## 0110 Concepts of Maritime Power

1. Maritime operations include any actions performed by forces on, under, or over the sea to gain or exploit command of the sea, sea control or sea denial, and/or to project power from the sea. In a joint environment, maritime forces do more than simply pursue the maritime objectives of the JFC's campaign. Their utility lies in being able to contribute effectively as a component of a joint operation, whose main effects will invariably be focused ashore. Maritime operations can influence land and air operations by poising at sea and acting as a coercive force, reducing the need for host-nation support (HNS), manifesting deterrence, enabling access to the JOA, providing battlespace dominance, projecting power ashore and providing sustainable logistics.

2. Maritime operations contribute to all three NATO military missions: Article 5 Collective Defence, Non-Article 5 Crisis Response Operations (NA5CRO), and Consultation and Cooperation. They can encompass demonstrations of force and humanitarian assistance, warfighting operations at sea, protection of SLOCs, strikes against an adversary's maritime, air and land forces, amphibious operations, information operations (INFO OPS), and other activities throughout the range of military operations to attain JFC and national objectives.

## 0111 Inherent Characteristics of Maritime Forces

Maritime forces possess the following inherent characteristics:

**a. Poise.** The ability to poise navy, amphibious, air, land, and special operations forces (SOFs) in international waters avoids the political complications and military risks of deploying forces ashore.

**b. Readiness.** One of the strengths of maritime forces lies in their immediate availability to respond to contingencies. Preparedness for warfighting closely parallels many non-warfighting military functions, such as presence, logistic and health service support. By maintaining proficiency in the capabilities necessary to resolve major conflicts, maritime forces can provide a wide range of services in support of peacetime operations in benign environments and throughout the full spectrum of conflict.

**c. Flexibility.** The inherent flexibility of maritime forces permits political leaders and commanders to shift focus, reconfigure and realign forces quickly to handle a variety of contingencies by providing a wide range of weapons systems, military options, and logistic/administrative skills. Maritime forces offer presence without occupation and deterrence without commitment. In tasks ranging from forcible entry and strike operations to noncombatant evacuation operations (NEOs), disaster relief and humanitarian assistance, maritime forces can control the seas and provide diplomatic leverage in peace or time of crisis. The strategic, operational and tactical command and control (C2), and intelligence, surveillance and reconnaissance capabilities of maritime forces provide for a uniquely controllable force to complement diplomatic efforts.

**d. Self-Sustainment.** The degree of self-sustainment achieved by maritime forces will be determined by the nature of the operation and the types of units committed by the participants. NATO maritime forces, with their ability to conduct replenishment at sea, are capable of operating in forward areas without significant land-based supply structures for

prolonged periods. Maritime forces have their organic C2 capabilities, which can be used with flexibility for many tasks.

**e. Mobility.** Mobility enables maritime forces to respond from over the horizon, becoming selectively visible and threatening to adversaries, as the situation requires. Maritime forces, with their inherent strategic and tactical mobility, provide the JFC with the ability to monitor a situation, remain poised on station for a sustained period, and respond to a crisis rapidly. If diplomatic, political or economic measures succeed in stabilising a situation, maritime forces can quickly be withdrawn without further action ashore. Maritime forces can also respond to indications of pending crises by relocating rapidly from one end of a JOA to another, or from one strategic area to another, usually independent of fixed logistics. In combat, the ability to manoeuvre maritime forces quickly provides commanders with a significant tactical and operational advantage.

## **0112 Essential Operational Capabilities of Maritime Forces**

1. NATO forces must possess seven essential operational capabilities to carry out the three military missions of Alliance strategy. (See Article 0110, paragraph 2.) Maritime force characteristics contribute to each of these capabilities. They are: effective engagement, effective intelligence, deployability and mobility, timely force availability, effective C2, logistic sustainability, and survivability and force protection.

### **2. Effective Engagement.**

a. Maritime forces can establish long-term presence, crisis response, and extended deterrence within and beyond the NATO area of responsibility, while minimising the need for HNS and force protection in comparison to forces stationed ashore. In low-intensity operations, their presence and benign engagement (for example, in defence diplomacy or disaster relief) may be sufficient in themselves to meet political objectives with minimal complication. At higher levels of intensity, building on a range of capabilities that enable secure JOA access and freedom of navigation, they can rapidly exploit the sea to complement and support manoeuvre on the ground, thereby complicating and constraining an adversary's military options. This will add to the JFC's range of choices for intervention, while avoiding irrevocable commitment and premature reliance on a complex exit strategy.

b. The mere presence of a maritime force can be a significant factor in preventing or containing conflict. The early effect of ready, mobile forces can be decisive. If conflict nevertheless occurs, maritime presence can compel an adversary to defend a broader front, while allowing the Allies to concentrate their maritime forces at a time and place of their choosing. Once a decision has been made to engage, approach from the sea and/or applied pressure on the maritime flank of the JOA can help define and exploit the JOA to NATO advantage, and to establish a more favourable ground and air situation for the main point of joint effort ashore. Maritime forces can project power into the JOA at graduated levels of intensity to achieve discrete effects required by the JFC in synergy with other components of the joint force. Furthermore, maritime platforms offer relatively protected bases from which to command and control the allied engagement effort, and to support complementary INFO OPS, public information (PI), and civil-military cooperation (CIMIC) activities.

**3. Effective Intelligence.**

a. Effective intelligence is a crucial enabler that allows commanders at all levels to identify operational risks, threats, and opportunities and provides essential support to joint contingency and operational planning. Intelligence assets designed to provide indications and warnings (I&W), which in turn drive timely force availability, logistics considerations, survivability and force protection, have particular utility in the preliminary stages of crisis response. To be effective, intelligence support must include emphasis on relevant forward areas, possibly beyond Alliance borders, in order to identify, monitor and analyse potentially threatening developments.

b. The fusion of all-source intelligence data produces the common operational picture (COP). Joint staffs have a key and continuous responsibility to produce the COP required by a JFC. The maritime contribution to the COP is the RMP. The RMP, typically from forward-deployed maritime platforms, is derived from scouting (surveillance and reconnaissance), signals intelligence (SIGINT), human intelligence (HUMINT), and acoustic intelligence (ACINT). For example, the ability of forward-deployed submarines to provide I&W can act as a valuable force multiplier, providing early indication of the need to deploy follow-on elements of a joint force.

c. Many intelligence sources are under national rather than Alliance control and are subject to restrictions on releasability and access. A primary consideration in the delivery of effective intelligence is not only the means by which data is gathered, but also the process for fusing, analysing and distributing data to provide a comprehensive, continuous and accurate intelligence picture to the JFC. The prospect of future Alliance engagement beyond the area of responsibility reinforces the need to further develop maritime support to strategic, operational, and tactical intelligence gathering, dissemination, and exploitation.

**4. Deployability and Mobility.**

a. Sea-based forces are globally mobile and deployable. They are able to exploit freedom of navigation, transiting to and arriving in the JOA in fully operational mode to establish a scalable, sustained military presence, and to demonstrate finely measured political intent. Early arrival in the JOA provides a potentially significant psychological and political impact for allied forces, lending credible weight to manage and contain crises. They may be particularly valuable in the preliminary stages of an emerging crisis, where early influence, coercion or military intervention may help to prevent deterioration into conflict. Once in the JOA with significant force, the maritime component offers the JFC a range of options to influence the operation, from sea-based command and presence at one end of the spectrum, to power projection at the other.

b. The principal prerequisites for these roles include: high readiness, long-range deployability, self-sustainment, interoperability, role-versatility, integral force protection, and self-contained command facilities. A wide range of maritime forces, from a single unit to a full NATO expanded task force (NETF) or a combined joint task force (CJTF) supported by a sea-based joint C2 system, provide the capability required for rapid and flexible operational manoeuvre. Deployability and mobility also embrace the ability of strategic sealift to move freely and flexibly into and within the JOA. The natural advantages enjoyed by maritime forces can thus be exploited to support the broader joint campaign.

**5. Timely Force Availability.** Force generation requirements vary from smaller forces that are configured for humanitarian assistance operations and available to deploy on short notice to more capable and substantial forces, including headquarters (HQ) forces, deployed in support of the joint campaign. Future security challenges are unpredictable and demand speed and flexibility of response, a state of balanced readiness, and capabilities to face a wide range of contingencies. Timely force availability encapsulates these qualities and provides essential military support to political decision-making in crisis. NATO maritime forces currently offer considerable flexibility in terms of capability, platform versatility, readiness and well-practised multinational cooperation and interoperability. These qualities enable mission-oriented task forces (TFs) and task groups (TGs) to be formed relatively quickly and efficiently. Standing naval forces (SNFs) are already formed and available for these tasks. In this way, maritime forces can be deployed and pre-positioned, without commitment, in the earliest stages of crisis management.

**6. Effective Command and Control.**

a. Effective C2, properly supported by a joint operations planning process, is essential to the success of future NATO joint operations. It relies on cohesion and interoperability at and between military strategic, operational, and tactical levels. At the military strategic level, political imperatives and the Alliance's core mission of collective defence have determined many of the characteristics of NATO existing C2 structure (the NATO command structure) and planning policy as described in Military Committee (MC) 133/3. The responsiveness of this structure to wider missions will be improved by further evolution of existing systems and processes, and the development of new approaches, including the CJTF concept. In particular, these should address the requirement for the efficient C2 of deployed, joint maritime forces operating external to the reach of the NATO command structure and include efficient access to the use of civilian communications in crisis response operations (CRO).

b. Maritime units can rapidly provide operational level C2 facilities for the JFC during the initial stages of an operation, where speed of reaction and the effective collation, management and use of information are paramount. Effective C2 at the joint operations level demands high-speed, high-data-rate communications networks and reliable long haul, rear-link systems in sufficient numbers and capacity. Such capabilities exist only on a few select maritime platforms.

**7. Logistic Sustainability.**

a. Maritime forces are in themselves largely self-sustaining with organic logistic support that enables them to operate independently of HNS for prolonged periods, thus allowing the JFC considerable freedom of action in deployment and employment options for maritime forces. Such independence will be particularly valuable in the early stages of a land campaign when logistic resupply may not be fully established. Early deployment of maritime forces can contribute significantly to a graduated and optimised logistic footprint ashore and enable leaner land and air forces by the provision of a logistically self-sustaining, sea-based power projection capability.

b. Since JOAs in the case of CRO might need to be established beyond NATO area of responsibility, the majority of logistic support by volume will need to be transported by sea. This may also apply to combat and combat support personnel entering the JOA behind the initial echelons of the joint force. Safe and timely delivery of such support will require secure SLOCs, protected maritime holding areas in and outside the JOA, and secure means of delivery; either through established seaports of debarkation (SPODs) or by joint logistics

over-the-shore transit systems where adequate SPOD facilities do not exist. Accordingly, NATO needs guaranteed short-notice access to substantial volumes of logistic shipping, along with escort forces and mine countermeasure (MCM) and local maritime defensive forces, in order to dominate the destination points in the JOA.

## **8. Survivability and Force Protection.**

a. The survivability of joint forces is a crucial consideration in strategic planning and decision-making, with implications that extend well beyond the military mission and into issues such as public support, political cohesion, and other areas that could be exploited by an adversary. Maritime forces can contribute significantly to the wider protection of joint forces in the JOA. In particular, maritime fire support and air power, intelligence, surveillance, target acquisition and reconnaissance, reinforcement operations and theatre ballistic missile defence, will offer the JFC significant additional force defence.

b. Maritime forces will normally enjoy a high degree of survivability using organic means. Additionally, operating with the natural protection of the sea reduces their vulnerability to asymmetric warfare and nuclear, biological, radiological, and chemical threats. However, as expeditionary operations prompt greater use of the littorals, and as weapon sophistication and weapons of mass effect and mass destruction proliferate, with the exception of submarines, the inherent protection afforded to maritime forces will diminish. The achievement of sea control, as an important factor in effective engagement from the sea, will invariably be time consuming and resource intensive in any scenario where adversarial capabilities, aimed at sea-denial or access-denial, can be effectively employed.

**0113 – 0119 Spare**



**SECTION III — ROLES OF MARITIME FORCES AND TYPES OF MARITIME OPERATIONS****0120 Roles of Maritime Forces**

1. Maritime power provides the JFC a long-term, flexible presence and fighting capability that can be employed throughout the spectrum of conflict from benign to high-intensity warfighting. Allied maritime forces can exploit the vast area of the sea and influence events ashore through deployment, concentration and manoeuvre.

2. Maritime operations include any actions performed by forces on, under or above the sea to gain or exploit command of the sea, sea control, or sea denial and/or to project power from the sea.

**a. Command of the Sea.** Command of the sea gives maritime forces the freedom to use the sea and to deny its use to an adversary. Total command of the sea, in the sense that maritime forces are unchallenged anywhere and that an adversary is unable to carry out any maritime operations, can be achieved only by the destruction or elimination of the adversary's maritime forces. It is more practicable to limit the objective of command of the sea in time or place. This is referred to as sea control.

**b. Sea Control.** Sea control allows the use of the sea in specified areas for specified periods of time. The early achievement and retention of a level of sea control is a likely requirement across the entire range of military operations and will be a probable prerequisite of an Allied joint campaign or operation. The level of sea control required will be a balance between the desired freedom of action and the degree of acceptable risk. Sea control comprises the control of the surface and subsurface environments and the airspace above the area in which control is required. The minimum requirement for control of the airspace is to secure and maintain a favourable air situation, but air superiority will be a requirement for robust sea control where an adversary's challenge from the air is likely to occur.

**c. Sea Denial.** Sea denial is exercised when one party, unable to control a maritime area, denies another control of the same area. Sea denial is not a concept distinct from sea control, as denial of an adversary's freedom of action is an aspect of sea control. However, the concept is applicable only when full sea control is not exercised by choice or necessity. At the operational level, a zone of sea denial may be used as part of the outer defence of a force or area, or as a way of containing opposition forces. At the strategic level, sea denial can be used in warfare by sustained attack on an adversary's shipping to prevent reinforcement and sap national morale and the ability to wage war.

**d. Maritime Power Projection.** Maritime power projection is the use of, or threat of the use of, maritime power to influence events on land. It exploits sea control to achieve access to the littorals and to deliver power ashore in the forms of amphibious forces, organic aircraft, land attack weapons and SOF. Forces engaged in maritime power projection will also contribute to INFO OPS. Maritime power projection is a concept that has broad application during crisis management and in hostilities. Maritime forces remain one of the most politically acceptable and versatile forms of military presence, since they are able to demonstrate the Alliance's resolve and political intent without violating an adversary's, or potential adversary's, territorial waters or airspace. During hostilities, maritime forces use the sea to provide access to territory that is less accessible to land forces or to create a forward operating base (FOB) for other components.

3. In joint operations, maritime forces can be employed in the littorals for the conduct of power projection operations to achieve force protection or to assist in the provision of force protection and support missions. Maritime power projection, including amphibious operations, integrates ships and aircraft and ranges from benign operations with negligible military threat (such as presence and surveillance), through operations in times of tension (such as CRO), to warfighting operations at sea (such as protection of SLOCs, where defence against threat has to be three-dimensional). Amphibious operations integrate ships, submarines, aircraft, and landing forces (LFs) in a concerted joint military effort in an environment ranging from permissive to hostile.

4. Conflicts at sea rarely exist in isolation from land operations or the pursuit of territorial objectives. Even when the maritime component is operationally dominant, the ultimate outcome in the JOA is likely to depend on success ashore. Maritime operations can influence land operations by deterrence, providing access to the JOA, assisting in providing battlespace dominance, projection of power ashore and provision of sealift and sea-basing. Maritime operations encompass and contribute to the full range of joint operations, through the application of naval and air forces and, during amphibious operations, the projection and support of amphibious and land forces. Land-based forces can support maritime operations with intelligence, surveillance, target acquisition, reconnaissance, fires and force protection, INFO OPS, logistics and air assets.

### **0121 Types of Maritime Operations**

For the purpose of this publication as joint doctrine, a useful distinction can be made between applications of maritime power from the sea, which equates broadly to power projection operations, and at sea, of which sea control operations are the essence. Power projection operations have a natural close relation to joint operations, whereas sea control operations are purely naval in nature, but contribute to joint objectives. Articles 0122 thru 0128 describe the operations that could normally be assigned to a maritime force commander in an allied defence plan, contingency plan, operation plan (OPLAN) or other operational directive.

### **0122 Surveillance and Reconnaissance**

Surveillance and reconnaissance, also known as scouting, is a basic maritime task involving the locating, identifying and tracking of aircraft, surface vessels and submarines and, where relevant, shore facilities. Implicit to all operational maritime tasks, surveillance and reconnaissance forms the core activity for many operations in response to a crisis, such as maritime interdiction operations (MIO), and missions in support of peace. In the context of CRO, for some missions this may be the sole tasking for allied maritime forces.

### **0123 Coastal Defence Operations**

Coastal defence encompasses those tasks related to protecting friendly ports and seaward approaches from adversary intrusion. This threat may be posed by overt actions of an amphibious or naval force, or covert actions of SOFs or terrorists. Shore-based installations often contribute to coastal defence. Maritime forces with their inherent mobility and flexibility can contribute, depending on the threat, to surveillance and reconnaissance operations, barrier operations against submarines and/or surface forces and sea minelaying operations.

### **0124 Protection of Shipping**

A NATO commander who is tasked with the protection of shipping has to make an important choice between a deterrent concept, perhaps employing distant or close escort, and the establishment of

robust sea control across a wider area. This decision involves the following factors:

**a. Sea Control.** If the threat to shipping is sufficiently great, protection will require mobile or static sea control methods or a combination of both. Merchant shipping may benefit from a wider sea control plan that will offer protection in the waters through which it will pass; or a specific sea control operation may be devoted to the sea lanes under threat using accompaniment, active protection, convoying or defended lanes. Both concepts can of course be used within a wider sea control plan if resources permit.

**b. Distant and Close Escort.** If there is regional tension, or where there is a threat of piracy or attack by irregular forces, destroyers, frigates, and other vessels can be on hand in the JOA to deter attack. When the threat is greater, distant or close escort provides more specific protection. Allied maritime forces can provide surveillance against threats. Naval vessels can be positioned in the vicinity of concentrations of merchant shipping (distant escort) or accompany selected ships (close escort). While conducting both close and distant escort, allied maritime forces offer a measure of defence; but the concept is to deter attack by the threat of reprisals. It will rarely be possible to escort and defend every vessel, although it is possible to fit portable defensive systems (and embark military protection parties) to some merchant ships to enhance their defensive capability.

**c. Naval Cooperation and Guidance for Shipping.** In periods of crisis where there is a significant risk to maritime trade, NATO may offer specific protection to sealift and merchant shipping through special procedures. Participation would be voluntary by ships' owners and operators within a clearly defined geographical area under naval cooperation and guidance for shipping (NCAGS). In the higher end of the threat scale, the NCAGS may organize routing of shipping while under risk of attack. Under certain situations, allied forces may be called upon to protect ships of many nationalities carrying cargoes of interest to the Alliance.

**d. Convoying.** Convoying is an important and tested method of reducing the scale of the sea control problem when there are risks to maritime trade or NATO sealift shipping. Gathering shipping into convoys reduces the area and time over which sea control must be exercised for their protection. Convoying may complicate the attacker's task in finding targets and concentrates escorting forces so that they can take action against the attackers at an opportune time. Convoying is disruptive to trade. The strategic or operational decision to convoy requires a careful risk/benefit assessment including the prospect of drawing the enemy into decisive action.

## 0125 Sea Control Operations

Sea control operations are static and conducted using long-range surveillance and airborne weapon delivery systems over large areas of sea. Their targets are principally enemy aircraft, ships, and submarines that are in transit to attack positions. Careful coordination of C2 is required to allow a mobile force, under afloat command with its layered defences of moving close and distant screens, to pass through areas of operations under the control of NATO commanders ashore without mutual interference and fratricide.

**a. Establishment and Maintenance of a Recognised Maritime Picture.** In all maritime operations, ranging from peacetime through increasing tension to hostilities, it is necessary to establish and maintain a picture of the surface, air, and subsurface situation. In peacetime, this is normally under national responsibility. In accordance with MC 367,

surveillance coordination centres coordinate NATO surveillance operations in order to optimise the information obtained for the dissemination of the RMP.

**b. Shaping Operations.** Shaping operations are conducted before the arrival of a main force, particularly a power projection force, in its area of operations. They shape the battlespace to enable Alliance operations and could include neutralising enemy sea denial forces such as submarines and sea mines. Shaping operations in the littorals may take a considerable time to achieve clearance to acceptable levels of risk. Although they may be conducted as part of a deception plan, shaping operations should not compromise operational or tactical surprise.

**c. Barrier Operations.** Barriers of sea control forces can be set up where geographic, oceanographic features, or operational constraints will channel or concentrate attacking enemy forces.

**d. Layered Defence.** Moving layers of air and antisubmarine defence are organised about a unit, formation of high value, or sea area of importance in screens and patrol areas. Specific units or formations within the screens are allocated sectors or zones of responsibility. Sectors or zones ensure economy of effort and prevent mutual interference.

**e. Exclusion Zones.** Exclusion zones have been justified, in part, as a reasonable measure to contain the geographic area of a conflict or to keep neutral shipping at a safe distance from the areas of actual or potential hostilities. To the extent that such zones serve to warn neutral vessels away from belligerent activities and reduce their exposure to collateral damage and incidental injury, and to the extent that they do not unreasonably interfere with legitimate neutral commerce, they are undoubtedly lawful. However, the establishment of such a zone does not relieve the proclaiming belligerent of the obligation under the law of armed conflict to refrain from attacking vessels and aircraft that do not constitute legal targets.

## 0126 Maritime Power Projection Operations

1. Maritime combat power can be projected ashore by sea-based attack aircraft, submarine and surface-launched cruise missiles, naval fire support, amphibious forces, and SOF. Operations against the land will usually be joint operations, requiring effective cooperation and a clearly understood command structure.

**2. Maritime Air Strikes.**<sup>3</sup> Maritime forces can contribute to attacks against targets ashore using carrier-based strike aircraft or sea-launched cruise missiles. In maritime operations, particularly in the littorals, air forces work in close cooperation with maritime forces to ensure the most effective use of available air assets in strike roles. Air strike operations are divided into:

**a. Major Strike.** A major strike is a coordinated attack by a large number of aircraft, fighter sweep/escort, combat air patrol, and support aircraft, all deployed in a single or multiple packages.

**b. Limited Strike.** A limited strike is similar to a major strike, but with a smaller number of aircraft. This type of strike is preferred for sustained operations, or when the requirement is to get a moderate number of aircraft to the objective in the shortest possible time.

<sup>3</sup> In this context, the term strike is used in the conventional weapons sense.

**R 3. Amphibious Operations.** An amphibious operation is a military operation launched from the sea by a naval and landing force embarked in ships or craft, with the principal purpose of projecting the LF ashore tactically into an environment ranging from permissive to hostile. Amphibious operations can be demonstrations, raids, assaults and withdrawals. Amphibious forces supported by organic aircraft can contribute to a ground campaign by specific manoeuvre operations from the sea such as envelopment, turning movements, or infiltration, and by interdiction of key vulnerabilities ashore. By poising, power projection forces afloat can provide land effect at the operational level. An uncommitted, credible amphibious force will always be a factor in an adversary theatre commander's estimate and may cause the commander to deploy a disproportionate number of forces to defend the littorals, making them unavailable for other operations. Raids or demonstrations can enhance the effect of surprise and distraction. Chapter 3 describes amphibious operations in greater detail.

**4. Special Operations Forces.** Maritime SOFs are specially organised, trained and equipped to operate in the naval environment. They can be covertly inserted ashore using an air, surface or subsurface unit to conduct activities such as reconnaissance and surveillance, direct action, support and influence operations, or combat search and rescue (CSAR).

#### **0127 Maritime Support to Joint Air Defence**

1. In joint operations, the air defence commander (ADC), controls all air defence efforts. The air component commander (ACC) and ADC are designated by the JFC and may be the same individual or maritime commanders. It is of great importance that the C2 relationship between the ADC and officer in tactical command (OTC)/anti-air warfare commander (AAWC) is clear to all involved. The exchange of liaison staff between air and maritime forces is essential to this purpose.

2. Maritime forces contribute to joint air defence by providing ship-borne surveillance and warning, airborne early warning (AEW), electronic warfare (EW), and C2 and weapons platforms (surface-to-air missiles and fighter aircraft). Depending on the availability of assets and overall priorities, these capabilities may be completely committed to joint air defence or alternatively may be made available to the joint ADC, if this does not conflict with their primary tasking. Procedures for this cooperation are termed coordinated air/sea procedures and are found in AJP-3.3.3, Air Maritime Coordination Handbook. This publication also provides guidance on the air/sea liaison structure.

#### **0128 Other Maritime Operations**

**1. Maritime Interdiction Operations.** Maritime interdiction operations are *conducted to enforce prohibition on the maritime movement of specified persons or material within a defined geographic area*. They encompass seaborne enforcement measures to interdict the movement of certain types of designated items into or out of a nation or specific area.

**2. Embargoes and Quarantine.** An embargo means a prohibition on the entry or exit of shipping into and out of a country. Today, the term is sometimes associated with the United Nations Security Council Resolution sanctions that prohibit the movement of specific cargoes in and out of a country. Quarantine is an expression used loosely to mean a restriction on the exit or entry of certain types of cargo. Enforcement of embargoes and quarantines involve maritime interdiction force operations.

**3. Blockade.** Blockade is considered an act of war that prevents access to, or departure from, a defined area of an enemy's coast and waters, for all shipping and air traffic. It can be used operationally as a method of achieving full sea control or sea denial through containment.

Strategically, it may also be used as an extreme form of sanctions enforcement and, during full hostilities, a method of preventing reinforcement, resupply, and maritime trade, thereby depriving an opponent of national materiel and moral resources to continue hostilities. To be recognised under international law, a blockade must have been declared and notified to all concerned, and be applied impartially to ships of all nations. A blockading force has the legal right to seize in prize any merchant ship, enemy or neutral, which attempts to run the blockade either inwards or outwards. The blockade can be either close, denying an opponent access to or from ports, or distant, denying the access through a sea area which all ships must pass in order to reach the opponent's territory.

**0129 Spare**

## SECTION IV – OPERATIONS IN THE LITTORALS

**0130 Operations in the Littorals**

Maritime operations include any actions performed by forces above and under the sea to gain or exploit command of the sea, sea control or sea denial, and/or to project power from the sea. The oceans and the littorals provide three-dimensional space in which maritime forces can operate and manoeuvre, and an international arena for the demonstration of capability and the will to use force. Allied maritime forces must be capable of conducting military operations in open ocean and in the regions of the littorals of the world.

**0131 Environment in the Littorals**

Operations in the littorals are affected by a unique set of environmental conditions. The following paragraphs highlight some of these special conditions, particularly in contrast to open sea operations, and their requirements in operational planning.

**a. Geography.** The geographical scope of the coastline ranges from clear and/or flat to jagged and rugged coastline up to an archipelago-like environment. If operating close or within the hostile coast, the topography degrades detection ranges and reduces the reaction time available for evaluation, decision and response. In addition to land-based defence, the more irregular the coastline, the more maritime forces can thoroughly defend it. For the offensive force, the defensive measures of the opponent remain covered to a great extent. In fjord environment, with mountainous landscape, the height of radar and electro-optical sensors favours the detection range of the defenders. Land-based defence might be based on fortified installations. Mountainous environment hampers electromagnetic propagation; however, a defender may install landline communications to overcome that shortfall. Fjord inshore areas may be very narrow, thus restricting freedom of movement, employability of weapons, force and self-defence. The closer a TG/TF operates towards a coastline, the greater the shore-based threat up to single combatants armed with hand-held weapons. Picture compilation gets more complicated, as density of traffic and complexity of environment increase, and situations develop more rapidly producing decreasing reaction times.

**b. Hydrography.** Mine threat is high in the littorals. Underwater target detection is hampered by ground, coast and layer reflections. The use of underwater weapons may be restricted by shallow water. Low water depth enables the installation of fixed-passive surveillance means. Access to the beaches for amphibious operations needs good knowledge.

**c. Atmosphere.** Atmospheric changes (layers and humidity) may occur and effect complex electromagnetic propagation conditions. It is necessary to carefully observe the atmosphere to identify the actual propagation conditions and subsequently the detection ranges of sensors.

**d. Population.** Dense population in areas of the littorals causes immense electronic signal heaviness, resulting in interception difficulties. Land targets require high position accuracy weapons and careful consideration of the collateral damage they may cause.

**e. Military Factors.** Offensive employment in the littorals exposes forces to land, air and maritime threats. Forces must be able to counter all these threats. The closer they operate to or within the coast, the smaller the size of employable units. That means that those units are

more dependent on closely located and more frequent logistic support and that logistic support in a hostile area is highly threatened. In general, coastal areas are advantageous to the defender. Any kinds of sea mines are likely to be laid in those waters and pose a threat to submarines and surface ships. Coastal defence systems, such as radar stations and/or batteries, armed with surface-to-surface missiles, guns or torpedoes, are often positioned at chokepoints. Fast patrol boats are a significant threat due to their high mobility, ease of concealment and potent weapons systems on small platforms. Helicopters are also versatile threats in warfare in the littorals and may be used for reconnaissance, identification or third party targeting, as well as a weapon platform for air-to-surface missiles. Additionally, a submarine operating in the vicinity of a coast may pose a serious threat to operations. The most dangerous threat is a combination of the above systems operating in coordination.

### 0132 Employment in the Littorals

Figure 1-1 illustrates offensive or defensive employment in the littorals for projecting power from the sea or gaining or exploiting sea control or sea denial.

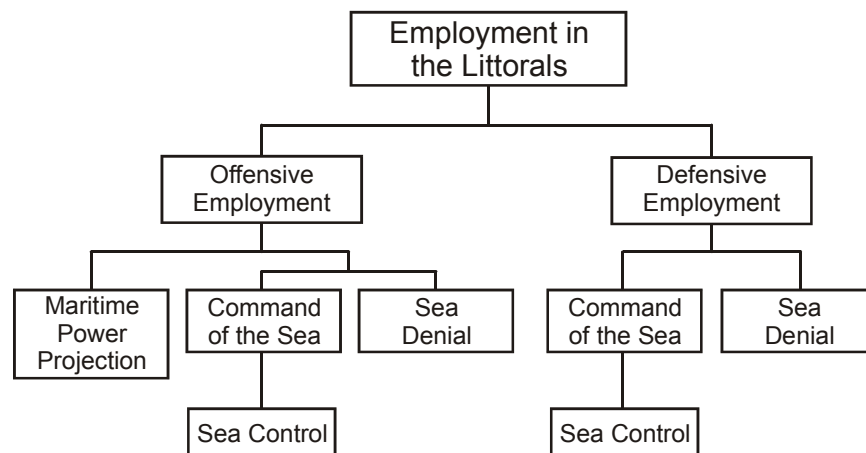


Figure 1-1. Employment in the Littorals

### 0133 Offensive Employment in the Littorals

1. Typical examples for an offensive employment in the littorals are employments to exercise sea control as an enabling measure for maritime power projection, to exercise sea control for the purpose of protecting SLOCs along a hostile coast, to prevent hostile action from a hostile coast towards the sea, to provide cover to an evacuation operation, or to support a maritime interdiction operation. A common basis is to operate against a neutral to hostile coast where no support is expected from the shore.

2. If there is a need to operate a force in the littorals of an adversary, shaping operations to eliminate hostile (sea denial) forces should be carried out. This may compromise operational and tactical surprise. A combination of MCM forces to ensure safe passage, fighter-bomber aircraft and/or helicopters equipped with air-to-surface weapons, FOBs, submarines, amphibious and SOFs operating



in coordination is the best maritime means to oppose threats in the littorals. Table 1-1 illustrates typical required actions in an offensive employment in the littorals aiming at exercising sea control.

Table 1-1. Offensive Employment in the Littorals

Required Action	Means
Intelligence	Air and space reconnaissance and surveillance
Destroy/Neutralize/Deter Shore-Based Threats	Air interdiction and maritime air strikes
Tactical Scouting	Tactical air reconnaissance and surveillance by maritime units and supporting air operations
Clearing Minefields	MCM force
Protecting MCM Force	AAW; DCA; Antisurface operations by maritime units; ASFAO
Destroy/Neutralize/Deter Hostile Forces Afloat (Surface and Subsurface)	ASUW/ASW; ASFAO in the maritime environment (AMC)
Destroy/Neutralize/Deter Hostile Shore Facilities	Naval fire support; Close air support; ASFAO in the land environment; SOF
Protecting Forces Against Air Threat	Offensive counter-air operations; DCA; AAW; ASFAO
Occupying Key Positions/Areas	Naval units
Combat Service Support	Support ashore/afloat

**a. Intelligence.** Maritime operations need current and adequate intelligence, well in advance, through air and space reconnaissance and surveillance concerning a possible land-based or mine threat and the specific EW environment.

**b. Destroy/Neutralize/Deter Shore-Based Threats.** Air interdiction and maritime air strike operations may be needed prior to the offensive employment of sea control forces in the littorals to eliminate or reduce threats to friendly maritime forces operating there.

**c. Tactical Scouting.** Scouting by air and other means is necessary to gain a surface situation picture and provide target information. The aim is to locate and identify threats and targets at sea, ashore and above the ground/sea. Since the results of ship-borne sensors are limited, locating and identifying threats and targets ashore requires, apart from ship-borne sensors, airborne capabilities that might be provided by organic assets or by supporting air operations (tactical air reconnaissance and surveillance).

**d. Clearing Minefields.** Whenever possible, enemy minefields, if detected, should be cleared to provide freedom of movement to maritime forces.

**e. Protecting Mine Countermeasure Force.** If an MCM force is employed, sufficient protection should be given to that force. In addition to the protecting effect of offensive and defensive counter-air (DCA) operations, anti-air warfare (AAW), antisurface operations by maritime units, and antisurface force air operations (ASFAO) contribute to that protection.

**f. Destroy/Neutralize/Deter Hostile Forces Afloat (Surface and Subsurface).** Antisurface warfare (ASUW) and antisubmarine warfare (ASW), supported by ASFAO in the maritime environment, is to be exercised.

**g. Destroy/Neutralize/Deter Hostile Shore Facilities.** Naval fire support, close air support and ASFAO in the land environment (i.e., the air attack support element of an amphibious force) might be employed to eliminate coastal threats posed by shore-based weapons, command, control, communications, computers, and intelligence (C4I) systems, and other facilities.

**h. Protecting Forces Against Air Threat.** Protection against the air threat is vital when operating towards a hostile coast or within the hostile coastal waters, where building up an air threat favours the opponent. Offensive and DCA operations, as well as AAW, contribute to this protection.

**i. Occupying Key Positions/Areas.** Once the littorals and coastal areas have been sanitized, key/chokepoint/areas at sea might be physically occupied in order to deny hostile infiltration in the sanitized area.

**j. Combat Service Support.** Combat service support is the support provided to maritime forces, primarily in the field of administration and logistics. In principle, the maritime logistics and support regulations are valid. Protection of logistic and supply units is vital. The more the operation shifts to operation close to or within the coast, the smaller the size of employable combat units (with considerably reduced endurance compared to ships). Therefore, those units are more dependent on closely located logistic support. Attention should be given to establishing an instant support on the battlefield with small and fast support units, capable of providing petroleum, oil(s) and lubricants, ammunition, spare parts for instant repair, and food and crew-exchange. The small support units will be replenished at open sea or nearby friendly harbours. This option is preferred, instead of having the small combat units' shuttle between forces at open sea for replenishment and the battlefield close to shore.

#### **0134 Planning Considerations — Offensive**

**1. Communications and Information Systems.** Timely and efficient CIS are essential to effectively coordinate and execute employment in the littorals. As the geography may disrupt electromagnetic propagation, robust communications planning is necessary, considering the use of the whole frequency spectrum, relay stations (airborne to gain height might be necessary) and back-up circuits in order to provide redundancies in case of communications failure.

**2. Picture Compilation.** In all maritime operations, it is necessary to establish and maintain a picture of the surface, air, and subsurface situation (i.e., the RMP). Operations in the littorals include maintaining the picture of the ground situation in the area of operations as well. The complexity of the environment close to the coast, the limited availability of the electromagnetic spectrum, and high density of shipping hamper picture compilation.

**3. Gathering Information.** During operations in the littorals, extensive use of standoff, airborne, and highly mobile sensors are recommended to overcome the disadvantages of environment and threat. Gathering information on land targets may as well be supported by the use of electro-optical and infrared sensors, electronic warfare support measures (ESM), and imaging radars. Selecting a short revisiting cycle is necessary in order to detect mobile targets. Employment of SOFs for rescue ashore may be considered as well as launching INFO OPS against hostile information equipment. In general, employment of a diversity of sensors (radar, tactical SIGINT) is recommended in order to reduce the effects of the vulnerability of each sensor in an environment that favours the opponent.

**4. Transfer of Information.** Transferring information via data link is preferable. The more joint assets are employed and the number of participating units increase, the more complex the evaluation, correlation and coordination of the recognized maritime picture. Having all assets in one net at the same time makes the use of the tactical data system (TDS) preferable. However, there are some shortfalls. For example, the equipment of the different assets might vary and might not be interoperable; the capacity of the TDS might not allow for the necessary number of participants; and the correlation of the received information might become too complex. Therefore, a core data net, including all units afloat, should be considered. The importance to execute the duty of force track coordination is stressed. Collocated to the task force commander should be a picture coordination element of the littorals, receiving all picture compilation information from all participating assets, equipped with all information exchange and display devices in use within the TF in the littorals. It should be tasked to evaluate, correlate and coordinate incoming information and to deliver essential information into the various information exchange circuits and nets. The aim is to maintain the highest degree of situational awareness within the entire force.

**5. Situational Awareness and Weapon Employment.** The closer the force operation in the littorals is to the hostile coast, the more complex the environment becomes, and the more essential the need to coordinate the whole operation by means of area coordination. This coordination is paramount in order to provide very good situational awareness and deconflict friendly forces to avoid fratricide engagements. Protection against air threats needs to be coordinated by zones. (See AJP-3.3 series.) For the employment of the surface forces, a method of area coordination for prevention of mutual interference and deconflicting in the littorals (e.g., see PLAN CASTLE in Allied Tactical Publication (ATP) 31, NATO Above Water Warfare Manual) should be used, taking into account established zones for protection against air threats. If forces are operating ashore (i.e., SOF, spotter etc.), fire support coordination measures such as establishing no-fire, free-fire, restrictive-fire areas or fire support coordination lines, should be implemented and well synchronized with air zone and surface area coordination. Collocated to the picture coordination element in the littorals should be a joint area/zone coordinator, tasked to establish, activate or deactivate zones and areas, based on information gained from the picture coordination element. The aim is to provide quick response to the development of the situation for the purpose of effective engagement, situational awareness and safety of forces.

**6. Command and Control Issues.** An important factor in successful employment in the littorals is adequate liaison between employed joint assets. The liaison structure required during an operation must be addressed as part of the operational planning process. The supporting force should carefully consider the targeting cycle if the operation is supported by non-organic air assets (e.g., DCA, ASFAO).

**7. Electronic Warfare.** The expected density of the electromagnetic environment and the techniques employed from ashore requires specifically tailored ESM/electronic countermeasures

(ECM) equipment and a very high degree of coordination and specific EW tactics. The area of EW in the littorals is discussed in greater detail in AJP-3.6, Allied Joint Electronic Warfare Doctrine.

### 0135 Defensive Employment in the Littorals

1. Typical examples for defensive employment in the littorals might be national defence or the defence of allied territory against an amphibious attack, the defence against embargoes of SLOCs, or the disruption of sea control/denial operations of an adversary in adjacent waters. The common basis is to operate from a coastline or a friendly coast, possibly supported by maritime action from the high seas. Table 1-2 reflects typical actions in a defensive employment in the littorals aimed at exercising sea control.

Table 1-2. Defensive Employment in the Littorals

Required Action	Means
Intelligence	Air and space reconnaissance and surveillance
Tactical Scouting	Tactical air reconnaissance and surveillance by maritime units and supporting air operations
Clearing Minefields	MCM force
Blocking Coastal Areas by Mining	Naval or aerial mining
Protecting MCM Force	AAW; DCA; Ground-based air defences; Antisurface operations by maritime units; ASFAO
Destroy/Neutralize/Deter Hostile Forces Afloat (Surface and Subsurface)	ASUW/ASW; ASFAO in the maritime environment (AMC)
Protecting Forces Against Air Threat	Ground-based air defences; Offensive counter-air operations; DCA; AAW; ASFAO
Occupying Key Positions/Areas	Naval units
Combat Service Support	Support ashore/afloat

2. The main difference between offensive and defensive employment in the littorals is the truly joint nature of defensive employment, involving all services in picture compilation and engagement of the enemy. In defensive employment, the advantage of the operation rests within the maritime forces. As more land and air forces participate in defensive employment than in offensive employment operations, the coordination requirement remains, but is far more extensive. The following comments address defensive actions and are exceptions to subjects addressed by offensive employment in the littorals.

**a. Tactical Scouting.** Approaching from the sea, threats and targets are to be located and identified. Land-based assets are to be included apart from the use of ship-borne sensors and airborne capabilities.

**b. Protecting Forces Against Air Threat.** Ground-based air defences make additional contributions.

**c. Occupying Key Positions/Areas.** Once the littorals and coastal areas are under sea control, key/chokepoint/areas at sea might be physically occupied or secured by employing land-based surveillance and weapon systems in order to deny hostile infiltration in the sanitized area.

**d. Combat Service Support.** Land-based support is possible.

### 0136 Planning Considerations — Defensive

**1. Communications and Information Systems.** CIS may overcome geographic restrictions through the use of land-based communications transmitting and receiving stations and by the use of landlines.

**2. Picture Compilation.** An integrated system of sensors and information distribution devices might be installed, using all means of services. The need of a core data net, including all units afloat and the importance to execute the duty force track coordination, is stressed. In view of extensive land-based support, establishment of a picture coordination element in the littorals, receiving all picture compilation information from all participating assets, has to be considered. It should be equipped with all information exchange and display devices in use within the TF, and, tasked to evaluate, correlate and coordinate incoming information, and to deliver essential information into the various information exchange circuits and nets.

**3. Situational Awareness and Weapon Employment.** As land-based surveillance and weapon systems employment is used, coordination is stressed to provide the best degree of situational awareness and deconfliction of friendly forces, and prevent fratricide engagements. Situational awareness is the key for success.

### 0137 Shaping Operations

These are operations conducted before the arrival of a main force, particularly a power projection force in its area of operations, to shape the battlespace to enable Alliance operations. Shaping operations aim to prepare the entire battlespace for follow-on operations and include both sea control operations to neutralise enemy sea denial forces such as submarines and sea mines, power projection operations such as maritime air strikes, some types of amphibious operations, and special operations. Shaping operations in the littorals may take a considerable time to complete to achieve clearance to acceptable levels of risk. Care should be taken not to compromise operational or tactical surprise by shaping operations, although they may be employed as part of a deception plan.

### 0138 Operations in a Nuclear, Biological, and Chemical Environment

**1.** Many countries and some terrorist organizations have, or are seeking to acquire, nuclear, biological and chemical (NBC) weapons. Maritime forces may be targeted directly or be exposed to a downwind spread of an N, B or C hazard from land targets. Additional hazards may be encountered, including radiological contamination from so-called “dirty” weapons that use radioactive material

spread using conventional explosives, and toxic materials such as those arising from commercial accidents or damage to industrial facilities during conflict.

2. The greatest threat to allied maritime forces will occur in the littorals, during passage through navigational choke points and when in harbour. The direct effects of nuclear explosions will be immediately apparent, while N, B or C contamination must be detected using all means available. Survival will depend on accurate threat information, sound preparation, training, and the immediate application of individual and collective protection.

3. Evasive manoeuvring should be used to avoid, to the maximum practicable degree, the immediate and residual hazards resulting from nuclear detonations and chemical and biological attacks, although modern warships have closed working and living quarters (citadels) that enable them to continue the majority of their operations in a contaminated environment. Precautions for the passage of a contaminated area should be stated well in advance.

**4. Nuclear and Radiological Hazards.** The effects of a nuclear weapon will depend upon its size and whether it is a surface, sub-surface, air or exo-atmospheric burst. Effects will include light, blast, heat, initial gamma radiation and electromagnetic pulse. Maritime forces may also be affected by underwater shock or base surge. Fallout will be a consideration downwind for a surface burst. ATP-45, Reporting Nuclear Detonations, Biological and Chemical Attacks, and Predicting and Warning of Associated Hazards and Hazard Areas (Operators Manual), provides further information on plotting, warning and reporting. Guidance for maritime tactics is provided in ATP-1 Volume I, Allied Maritime Tactical Instructions and Procedures. Enhanced radiation weapons are designed to maximise prompt radiation output at the expense of other effects and radiological weapons are specifically designed to disseminate radioactive material, possibly using conventional explosive. These hazards need to be managed using the same principles as the radioactive hazards arising from nuclear weapons.

**5. Chemical Hazards.** Chemical warfare agents and commercial toxic substances can produce incapacitating or lethal effects through inhalation, ingestion or absorption through the skin. Chemical Warfare agents may be delivered against maritime forces at sea by aircraft, bombs, shells or missiles that may release vapour or spray in the vicinity of the target or breach the citadel of a unit directly. There are significant differences between vapour and liquid agents. A persistent liquid will have long lasting effect and deny access to affected areas until decontamination can be achieved.

**6. Biological Hazards.** Biological warfare is of considerable concern in view of its widespread effects and ease of manufacture of agents with high lethality. Weaponisation is difficult but simple spray systems, including crop-spraying aircraft, are effective. The very limited availability of biological detectors means that medical vigilance and trend analysis in conjunction with medical countermeasures offers the best response. Incubation times favour strategic rather than tactical use and the difficulty of identifying the source could allow the aggressor to avoid detection. Maritime forces should be particularly vigilant for signs of biological contamination following periods in harbour, where the covert delivery of agents is significantly simpler.

**0139 Spare**

**SECTION V — MARITIME WARFARE AREAS****0140 Maritime Power Projection Warfare Areas**

- R** Maritime missions and tasks encompass a full range of activities requiring the application of naval and maritime air combat power. Sea control includes operations that locate, classify and track surface vessels, submarines and aircraft, and, if necessary, apply force against them. It may also include cooperation with merchant shipping and blockades or embargoes against commercial and military shipping. Power projection, on the other hand, involves using maritime offensive combat power to achieve decisive effect on land. Fundamental to all maritime operations is the ability to use force at sea and against the land. This ability to use force is categorised into distinct warfare functions or warfare areas. During NATO operations, the degree of effort in each warfare area will depend on the size and scope of the maritime operation, and the military threat against allied forces.

**0141 Anti-air Warfare**

AAW in the maritime environment, part of air defence at sea, is the term used for the defence of friendly forces against the threat of aircraft and airborne weapons, whether launched from air, surface, or subsurface platforms. AAW is the maritime term for DCA operations and is part of the joint air defence system. Maritime units execute AAW as part of the overall air defence effort, as coordinated by the ADC. AAW is based on the principles of defence in depth and layered defence, defeating air attacks at the maximum possible distance from maritime forces, using organic and shore-based aircraft, long and medium range surface-to-air missile systems, point defence missile systems, guns, close-in weapons systems and decoys and jammers. These layers are necessary to gain early warning, counter the adversary's surveillance and targeting effort, destroy attacking aircraft before they can release their weapons, and to destroy or decoy missiles before they can hit friendly forces. Maritime units execute AAW simultaneously with other maritime operations, such as mine warfare and amphibious operations. Both in planning and execution, liaison exchange, and subsequently close coordination, between maritime and air components is essential. Critical items of coordination are a clearly understood command structure, information exchange and weapon coordination.

**0142 Antisubmarine Warfare**

ASW comprises operations with the intention of denying the opponent the effective use of submarines. The ASW protection of a force depends on defence-in-depth and close coordination between ships, helicopters, maritime patrol aircraft (MPA), shore-based facilities and friendly submarines. The complexity of such coordination, and the special environmental factors involved makes the submarine threat one of the most difficult problems to counter. Organic submarines provide the JFC a range of options for strategic and tactical employment. They can operate in high threat areas, which might be untenable to other maritime forces, and are capable of sustained independent operations in pursuit of sea denial or as part of a larger TG in sea control operations. ASW capable nuclear and conventional submarines may be employed to enhance the mix of surface and air forces in ASW operations, and these composite ASW forces form the forward forces for ASUW operations. Submarines are most commonly used to provide I&W and reconnaissance in advance of hostilities. Subsequently they can be used to interdict SLOCs for sea denial, or to enforce sea control when acting as part of a larger TG.

**0143 Antisurface Warfare**

ASUW is defined as the actions necessary to detect, identify and counter an adversary's surface capability. ASUW operations, which may include sea control and sea denial operations, disruption of SLOCs, defence of friendly forces from surface attack, or a combination of all, seek to ensure that the necessary actions are conducted in a timely fashion, denying any adversary the ability to employ forces in an effective manner. It is normally controlled by the antisurface warfare commander (ASUWC) utilising organic and shore-based aircraft, and ships, and may be supported by submarines. In the littorals, fast attack craft and fast inshore attack craft that are operated by many nations, pose a particular threat to allied operations. Groups of friendly fast attack craft, together with armed helicopters may offer a viable solution to counter this threat, particularly when combined with larger units offshore providing advanced C2, supporting fire with long-range weapons and helicopter support facilities.

**0144 Naval Mine Warfare**

Mine warfare is divided into two areas: laying of mines and actions to counter the threat of an adversary's mines (referred to as MCM). Minelaying, or the threat of mining, can either be protective, defensive or offensive. Protective sea minefields are laid inside friendly waters with the aim of protecting friendly forces or shores. Defensive sea minefields are laid in international waters, straits or other chokepoints with the aim of restricting or channelling any adversary's movements. Offensive sea minefields are laid in adversary waters or water under enemy control in order to force the adversary to take action such as closing ports or rerouting shipping, thus disrupting military and economic supply and naval deployments. MCM in general includes all measures for countering sea mines by reducing or preventing danger or damage to ships and personnel. This may involve actions taken to prevent an adversary from successfully laying sea mines by attacking adversary's minelayers, laying allied sea minefields or damaging facilities required for the support of adversary's minelaying, such as employment of MCM units, routing of shipping around high threat areas or through cleared routes, and those actions taken to reduce ship's magnetic, acoustic and pressure signatures.

**0145 Amphibious Warfare**

Amphibious warfare incorporates virtually all types of ships, submarines, aircraft, weapons, and LFs in a concerted military effort launched from the sea by a naval and landing force embarked in ships or craft, with the principal purpose of projecting the LF ashore tactically into an environment ranging from permissive to hostile. The inherent naval character of an amphibious operation is reflected in the principles that govern the organization of the forces involved, and the conduct of an operation.

1. Amphibious forces offer great operational mobility together with both political and military flexibility. Because they do not require specific points of entry such as ports or airfields, they pose significant operational problems for an adversary. However, amphibious operations are complex and require detailed planning, training and specialist equipment.
2. Amphibious forces require defence of shipping (ASW, AAW, ASUW and NMW) and control of ship-to-objective movement either by surface craft and/or helicopters. Amphibious forces supported by organic aircraft can contribute to the land campaign by specific manoeuvre operations from the sea such as envelopment, turning movements, or infiltration<sup>4</sup>

<sup>4</sup> Infiltration – a technique and process in which a force moves as individuals or small group over, through, or around enemy positions without detection.



and by interdiction of key vulnerabilities ashore. Refer to Article 0323 for details on the different types of amphibious operations. By poising, power projection forces afloat can provide land effect at the operational level. Raids and/or demonstrations can enhance the effect of surprise, distraction and confusion within the adversary commander's decision cycle.

#### **0146 Strike Warfare<sup>5</sup>**

Strike Warfare consists of those maritime operations to destroy or neutralise enemy targets ashore, including attacks against strategic or tactical targets such as manufacturing facilities and operating bases from which the enemy is capable of conducting or supporting air, surface, or subsurface operations against friendly forces. Maritime forces can contribute to strikes against targets ashore using sea-based aircraft, sea-launched and/or subsurface-launched cruise missiles, and naval guns. In maritime operations, particularly in the littorals, air forces work in close cooperation with naval forces to ensure the most effective use of available air assets in strike roles.

#### **0147 Naval Cooperation and Guidance for Shipping**

The purpose of NCAGS is to cooperate with merchant shipping in periods of crisis and conflict, including crisis response shipping and neutral shipping under charter to allied nations, in order to enhance their safety and deconflict shipping from military operations. (See ATP-2, Naval Cooperation and Guidance for Shipping (NCAGS) Manual.)

#### **0148 Electronic and Acoustic Warfare**

The three divisions of electronic and acoustic warfare (EAW) are parallel and complementary. All military forces make extensive use of the electromagnetic and acoustic spectrums. Most maritime operations seek to dominate the use and exploitation of these spectrums. Naval ships and aircraft are equipped with a variety of systems that utilise or exploit the electromagnetic and acoustic spectrums. The coordination of these systems in a joint force requires a detailed plan to manage use of the spectrums, control emissions, ensure comprehensive monitoring and avoid mutual interference. (See AJP-3.6.)

1. Electronic warfare comprises three divisions:

**(a) Electronic Warfare Support Measures.** ESM involves actions taken to search for, intercept and identify electromagnetic emissions and locate their sources for the purpose of immediate threat recognition. ESM provides a source of information required for immediate decisions involving ECM, electronic protective measures (EPM), and other tactical actions. (See Allied Administrative Publication (AAP) 6, NATO Glossary of Terms and Definitions.)

**(b) Electronic Countermeasures.** ECM involves actions taken to prevent or reduce an adversary's effective use of the electromagnetic spectrum through the use of electromagnetic energy in the form of electronic jamming, electronic deception, and electronic neutralisation. (See AAP-6.)

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<sup>5</sup> In this context, the term "strike" is used in the conventional weapons sense.

**(c) Electronic Protective Measures.** EPM involves actions taken to ensure friendly effective use of the electromagnetic spectrum despite the adversary's use of electromagnetic energy, through the use of active and passive electronic protective measures. (See AAP-6.)

2. Acoustic warfare also is subdivided into three divisions:

**(a) Acoustic Warfare Support Measures.** AWSM involves the search, interception, location, recording and analysis of radiated underwater acoustic energy for the purpose of exploiting such radiation. The use of AWSM involves no intentional underwater acoustic emission and is generally not detectable. (See AAP-6.)

**(b) Acoustic Countermeasures.** ACM prevents or reduces the use of the acoustic spectrum by an adversary and involve intentional underwater acoustic emissions for deception and jamming. (See AAP-6.)

**(c) Acoustic Protective Measures.** APM ensures the effective friendly use of the acoustic spectrum by countering hostile acoustic warfare measures. APM involves anti-acoustic warfare support measures and anti-acoustic warfare countermeasures, and may not involve underwater acoustic emissions. (See AAP-6.)

**3. Emission Control.** EMCON is the frequency management of emitted electromagnetic or acoustic energy to deconflict and coordinate all emissions throughout a maritime force, with particular concern that safety frequencies are adequately assigned. To best exploit its potential, EAW policies and activities must be harmonised with other warfare areas and force/component commands. After coordination with the JFC's electronic warfare coordination cell, the maritime component commander (MCC) promulgates emission policy. All requirements are then incorporated into an EMCON plan that is promulgated by an operation order (OPORD) or signal.

**4. EAW Tasking.** The objective of EAW tasking is to ensure that all emissions likely to be intercepted are covered by detection and analysis facilities, and active assets such as radars, active sonars, jammers, decoys, etc., are deployed, briefed and pretuned to counter the threat. The overall tasking policy has to consider the equipment availability and should be adjusted to meet changes in the tactical situation.

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## CHAPTER 2

## Command and Control

## SECTION I— THE COMMAND SYSTEM

## 0201 Scope

As a system, maritime C2 has three components — the C2 organization, information, and C2 support. The C2<sup>6</sup> organization encompasses the commander and the chain of command that connects superior commanders with subordinate commanders. Information is the lifeblood of the entire C2 system. It includes the people, equipment, and facilities that provide information to commanders and subordinates. This chapter describes the organizational aspects of maritime C2.

## 0202 Authority

1. **Person.** An authority is a person vested with the power to make decisions and issue orders.
2. **Individual Power.** Authority is also the individual power to make decisions and issue related orders imposing those decisions. Such power may be limited in scope, time, and location.
3. **Responsibility.** Authority automatically confers the responsibility to carry out tasks and report results to the assigning authority.

## 0203 Command

1. Command is defined as the authority vested in an individual of the armed forces for the direction, coordination, and control of military forces. (See AAP-6.) The aim of command is to achieve the maximum operational and/or administrative efficiency.

**a. Direction.** The process of planning decision-making, establishing priorities, formulating policies, and imposing decisions.

**b. Coordination.** The establishment in operations, according to a changing situation, of an orderly correlation in time and place of planned actions in order to achieve the best overall result. In the maritime environment, the term coordination may include certain specified control functions.

**c. Control.** Authority exercised by a commander over part of the activities of subordinate organizations, or other organizations not normally under command, which encompasses the responsibility for implementing orders or directives. All or part of this authority may be transferred or delegated.

2. Exercising command presupposes the existence of a chain of command and a C2 system. Some functions arising from direction, coordination, or control may be delegated to subordinates. This is normally done in large or widely dispersed forces where decentralised decision-making is required. However, a centralised command is the most direct way a commander uses experience and ability.

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<sup>6</sup> Certain AAP-6 definitions that appear in this chapter are expanded to clarify their meaning within the context of maritime command.

## 0204 Delegation of Authority

Delegation of authority is the action by which a commander assigns authority commensurate with the assigned task to a subordinate commander. While ultimate responsibility cannot be relinquished, delegation of authority carries with it the imposition of a measure of responsibility. The extent of the authority delegated must be clearly stated. (See AAP-6.) Delegation to a subordinate commander creates a new responsibility for a specific task. Subordinates should be kept aware of the policies and intentions of their superiors, so that they can act accordingly when faced with unexpected circumstances. A subordinate should never await instructions beyond the time for action.

## 0205 Chain of Command

The chain of command is the succession of commanding officers from a superior to a subordinate through which command is exercised. (See AAP-6.) The chain of command establishes the interdependencies that exist at various levels between a superior and subordinate. Command functions may be exercised at any one of these levels. The organization (task, type, or warfare) adopted for the forces employed automatically defines the chain of command.

## 0206 Methods of Control

1. Historically, in striking a balance between orchestrating operations and granting freedom of action to subordinates, commanders have used two methods of control — *detailed control* and *mission command mission type orders*.

**a. Detailed Control.** When using detailed control, a commander manages with a tight rein. Command and control is centralized. Orders and plans are explicit, as when a formation of ships is conducting tactical manoeuvring. Such control emphasizes vertical information flow, with information flowing up and orders flowing down the chain of command. Detailed control is often the preferred method when time is not a critical factor, when procedures must be closely adhered to for safety reasons, or when restrictive rules of engagement (ROE) demand close monitoring and extensive reporting of events. Detailed control, however, neither works well in a rapidly changing situation; nor does it function well when the vertical flow of information is disrupted. Therefore, it is not the preferred method of control under conditions of great uncertainty and time constraints.

**b. Mission Command.** In contrast, mission command seeks to cope with the effects of uncertainty and time by creating a system that can respond quickly in combat. Rather than seeking certainty prior to making decisions, a commander lowers the degree of certainty needed before deciding to act. When using mission command, a commander controls with a loose rein. Command and control is decentralised and flexible. Orders and plans are succinct. In addition to keeping the commander informed, mission command emphasizes horizontal information flow among subordinate commands. The commander guides the actions of subordinates by imparting an understanding of mission requirements, and allowing them freedom of action. Unity of effort is not attained by conformity imposed from above, but grows instead from spontaneous cooperation among all elements of the force. By decentralising decision-making authority, the tempo of operations is heightened and the force's ability to deal with rapidly changing situations is improved. Moreover, because it relies on implicit understanding of mission requirements, mission command is much less vulnerable to disruption than detailed control. Mission command has the following key elements:

- (1) Orders given in a manner that ensures that subordinates understand the commander's intentions, the mission, and the context of the mission.
- (2) Telling subordinates what affect they are to achieve and the reason why it needs to be achieved.
- (3) Allocating sufficient resources to subordinates to carry out their missions.
- (4) Using a minimum of control to avoid limiting subordinate freedom of action.
- (5) Allowing subordinates to decide within their delegated freedom of action how to best achieve their missions.

**c. Command by Veto.** In many aspects of maritime warfare, it is necessary to preplan the actions of a force to an assessed threat and to delegate some command functions to a subordinate. Once such functions are delegated, the subordinate is to take the required action without delay, always keeping the commander informed of the situation. The commander retains the power to veto any particular action.

2. In practice, no commander will rely solely on either detailed control, mission command or command by veto. The type of control used will depend on the nature of the operation or task, the environment, the nature and capabilities of the enemy, and, perhaps most of all, the qualities of the force. Detailed control may be more appropriate in performing specific, precise tasks of a procedural or technical nature, such as controlling airspace, but it is less effective in the conduct of high-tempo operations where judgment, creativity, and initiative are required. Mission command is the more demanding, as it requires the highest standard of interoperability and understanding of the commander's intent.

**0207 – 0209 Spare**

**SECTION II — COMMAND AND CONTROL OF MARITIME FORCES****0210 Operational Command**

OPCOM is the authority granted to a commander to assign missions or tasks to subordinate commanders, to deploy units, to reassign forces, and to retain or delegate operational and/or tactical command (TACOM) as may be necessary. It does not include responsibility for administration or logistics. It may also be used to denote the forces assigned to a commander. A strategic commander (SC) normally maintains OPCOM. (See AAP-6.)

**0211 Operational Control**

OPCON is the authority delegated to a commander to direct forces assigned so that the commander may accomplish specific missions or tasks which are usually limited by function, time, or location; to deploy units concerned, and to retain or assign tactical control (TACON) of those units. It does not include authority to assign separate employment of components of the units concerned. Neither does it, of itself, include administrative or logistic control. (See AAP-6.)

**0212 Change of Operational Control**

CHOP is the date and Greenwich Mean Time (GMT) at which the responsibility for OPCON of a force or unit passes from one operational control authority (OCA) to another. (See AAP-6.) When it is intended that a force or unit CHOP, the operation order should state in explicit terms the manner of execution for the CHOP. This may be done in terms of GMT, position, or boundary crossing. Subject to the EMCON plan, units executing CHOP should report to both OCAs and to the authority vested with OPCOM over the force or unit. When a CHOP occurs, task organization commanders should inform the OCA of changes in the composition of their forces and major deviations from their normal capabilities.

**0213 Transfer of Authority**

Within NATO, transfer of authority (TOA) is an action by which a member nation or NATO command gives OPCOM or OPCON of designated forces to a NATO command. (See AAP-6.)

**0214 Joint Force Commander**

1. The JFC will normally have OPCON of maritime forces and exercises that control by delegating the appropriate level of authority to the maritime component commander.
2. The JFC:
  - a. Exercises C2 as delegated by the SC (normally OPCON) over all force components provided. The JFC should also exercise coordinating authority over all forces remaining under national control that are operating in or transiting to the JOA. Coordinating authority should be granted, as a minimum, for area security, for positioning and reporting, movement control, and ROE.
  - b. Plans and executes the operation to accomplish operational objectives. Issues directives and guidance to component commanders, approves their OPLAN and coordinates their operations. The operational objectives contained in the directives should be clear and

concise, applicable, attainable and measurable (an indicator of the success required, not necessarily quantifiable).

- c. Plans and orchestrates the operation to accomplish objectives. Assigns, within the limits of command/control authority, tasks to component commanders, coordinates their operations and approves their missions. The JFC needs to clearly state intentions, designate the objectives to be achieved and provide the resources and authority required by the forces to accomplish their tasks. In addition, the JFC should grant forces as much latitude as possible.
- d. Designates the airspace control authority (ACA) and appoint the ADC.
- e. Seeks approval of the campaign plan either by the SC or regional commander (RC).
- f. Establishes the targeting priorities via a joint targeting coordination board (JTCCB) and approves the joint integrated prioritised target list, within the limit of delegated target approval authority, in the respect of SCs and component commanders nominations.
- g. Appoints supporting commanders for specific tasks, as appropriate. These may be defined by time, activity or location.
- h. Synchronises operations and activities to build consensus and achieve unity of effort with other military forces, local government officials, and non-governmental organizations in the JOA.
- i. Establishes liaison with the commands and authorities operating in support of the campaign or independently in the JOA, as well as between the components of the force.
- j. Develops CIMIC policy in the JOA in accordance with the general instructions of the SC.

## **0215 Maritime Component Commander**

1. Maritime operations include any actions performed by forces on, under or over the sea to gain or exploit command of the sea, control of the sea or sea denial, and to project power from the sea. The MCC is responsible for the maritime aspects of the JFC's mission.<sup>7</sup> The MCC coordinates operations with other component commanders, ensures unity of effort, and establishes liaison accordingly. If not the joint force air component commander (JFACC), the MCC ensures that land and sea-based maritime air assets, above what is needed to fulfill the maritime mission, are made available to the JFACC, and are integrated into JFACC operations. The MCC should establish a maritime liaison element within the joint air operations centre (AOC), if appropriate. Retained maritime air assets also need to be coordinated with the JFACC for inclusion into the air operations directive.
2. The MCC:
  - a. Plans and executes maritime operations and employs designated maritime forces in support of the JFC's concept of operations.
  - b. Exercises OPCON and/or TACOM/TACON over forces assigned to him.
  - c. Advises the JFC on the proper employment of all forces under MCC control.

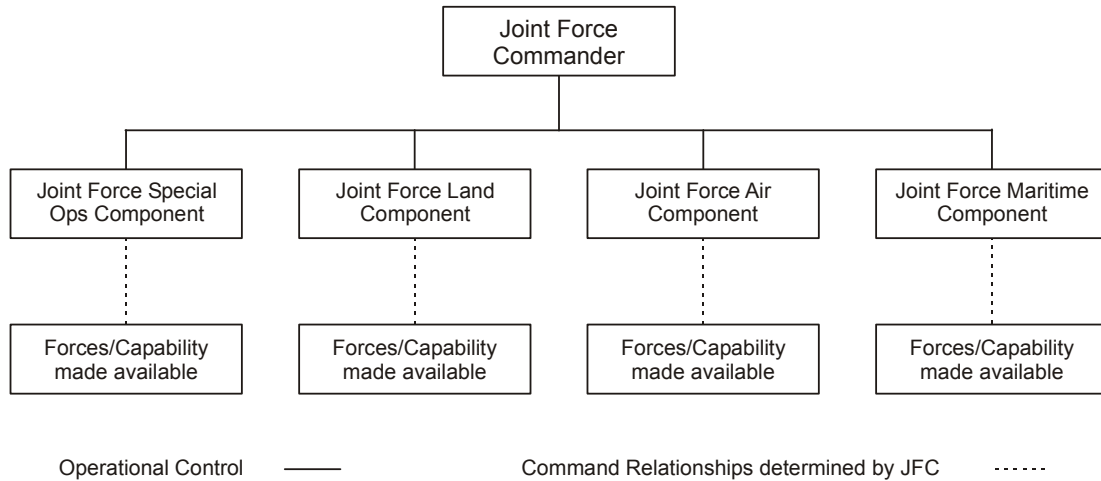
<sup>7</sup> AJP-01 uses the term joint force maritime component commander to refer to the C2 of maritime forces by the maritime component commander.



- d. Selects units for assignment to subordinate TF/TGs according to capabilities, JFC's intention, and required missions.
- e. Acts as a supporting commander within the designated maritime area of operations unless otherwise directed by the JFC. Synchronises and integrates movement and manoeuvre, firepower, and interdiction within the designated area of operations. Provides support to other component commanders.
- f. Provides to the JFC a recommendation on target priorities within the targeting cycle. Serves as a member of the JTCB, if established, and designates the target priorities, required effects, and timing within the maritime area of operations.
- g. Requests required logistic support from the JFC.
- h. Provides the CIS services that are required for the C2 of subordinate formations.
- i. Supports JFC INFO OPS by developing INFO OPS requirements that support maritime operations and synchronising the maritime force assets when directed.
- j. Establishes combat identification standing operating procedures and other directives based on JFC guidance.
- k. Coordinates air maritime coordination (AMC) procedures with the JFACC.
- l. Coordinates targeting and combat assessment with the JFC and other component commanders.
- m. Conducts liaison with the ACA for air space control and the ADC for air defence matters, particularly for the naval TG air defence area of interest. (Refer to AJPs 3.3, 3.3.5 and 3.3.7 for further discussion of the roles of the JFACC/ACA/ADC.)
- n. Ensures that cross-component support is provided as directed by the JFC and agreed by the respective national contingent commander.
- o. Provides liaison support to the JFC staff.
- p. Evaluates the results of maritime operations to include the effectiveness of interdiction operations and forwards these results to the JFC to support the overall combat assessment effort.
- q. Keeps the JFC and other component commanders informed of the situation, with emphasis on developments that may require changes in the concept of operations or the need for additional resources.
- r. Conducts PI activities as directed by the JFC.
- s. Maintains liaison with the submarine operating authority (SUBOPAUTH).

3. Figure 2-1 illustrates MCC relationships to JFC and other components. TACOM/TACON of all or part of these forces can be delegated to an OTC for each selected task force, group, or unit. The OTC

may retain TACOM/TACON authority or may delegate certain functions to subordinate commanders. The OTC is always responsible for accomplishing the mission of the force. Section VI, Articles 0250 thru 0255, provides a description of C2 amphibious operations. Figure 2-2 provides an example of MCC relationships. The authority and delegated functions for the execution of the OTC's policy can be delegated to a composite warfare commander (CWC).



Note: Other components may exist as determined by the JFC.

Figure 2-1. Maritime Component Command Relationships to JFC and Other Components

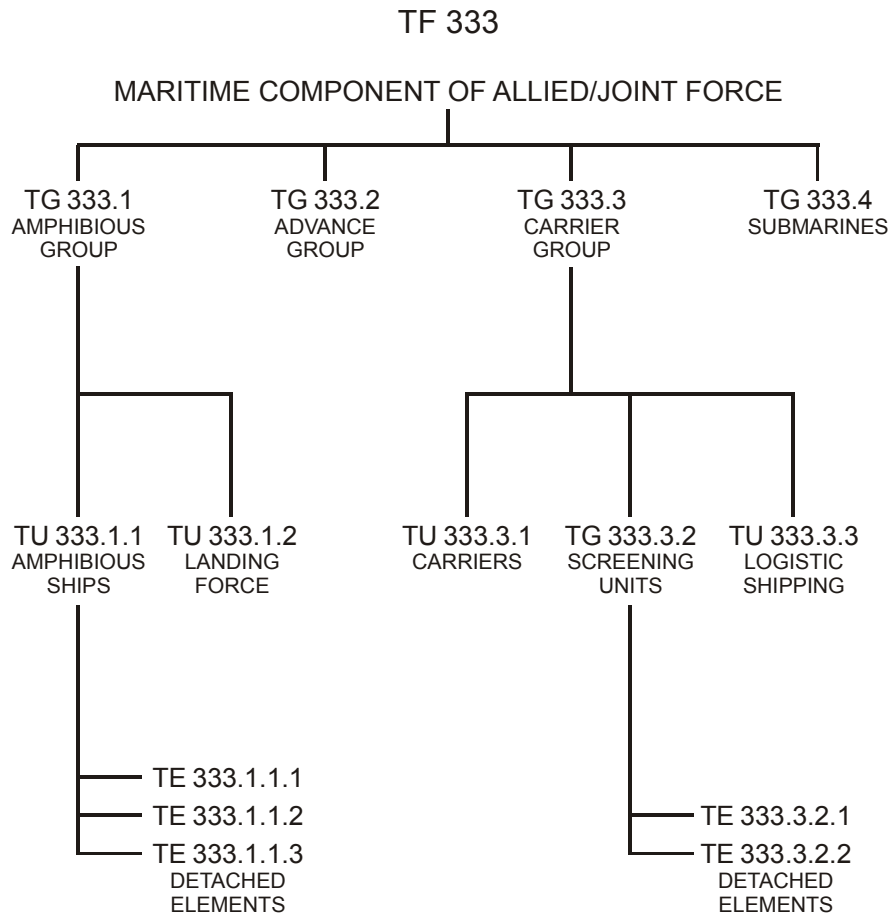


Figure 2-2. Maritime Component Command Relationships

*Note.* This diagram is only an example (e.g., submarines may not come under the OPCON of the maritime component command).

## 0216 Tactical Command

TACOM is the authority delegated to a commander to assign tasks to forces for the accomplishment of the mission assigned by higher authority. It involves responsibility for the conduct of the tasks pertaining to the mission, that is issuing detailed orders and ensuring their correct execution. It also involves responsibility for the general safety of assigned units, although ultimate responsibility remains with the commanding officers. TACOM of units temporarily attached does not include authority to give them tasks inconsistent with the mission previously allocated to them. TACOM of forces also includes retention or assignment of TACON.

## 0217 Officer in Tactical Command

The OTC is the senior officer present who is eligible to assume command, or the officer to whom TACOM is delegated. (See AAP-6.) When a task organization is established, the OTC shall be named in the order creating it. If the OTC is unable to exercise command, the next senior officer present in the task organization will assume and retain command unless otherwise ordered. When a task organization has not been established and the higher authority has not selected the OTC, the senior

officer present eligible to command will act as OTC. The OTC will normally be under the OPCON of the MCC or RC. The OCA will provide direction that specifies the mission, tasking, and forces assigned to the OTC, and will also delegate tactical C2 of those forces to the OTC. The OCA may self-designate as the OTC of the constituted forces(s) or group(s), or the TF/TG commander, or another command as appropriate. The OTC must design the C2 organization to accomplish the assigned mission and effectively defend the force. Some functions arising from direction, coordination, or control may be delegated to subordinates.

**0218 Tactical Control**

TACON is the detailed and usually local direction and control of movements or manoeuvres necessary to accomplish missions or tasks assigned. The authority exercising OPCOM, OPCON, or TACON grants this authority to a subordinate commander to assume some function concerning direction, coordination, or control of movements, manoeuvres, and actions relative to a specific task for a limited period of time. The officer exercising TACON is also responsible for the safety of assigned units. TACON is subordinate to TACOM.

**0219 Spare**

**SECTION III — SPECIFIC COMMAND CONSIDERATIONS****0220 Commanders of Allied Forces**

When allied task forces of units of two or more nations are formed, the commander shall be named in the order creating them. The commanders of national units joining an allied task force at sea should not displace the designated Allied commander by virtue of their national seniority or date of commission unless specifically so directed by the senior in the chain of allied command.

**0221 National Caveats**

When allocating forces to NATO, nations may specify restrictions on their employment, notwithstanding the formal definition of command state in force. This may include ROE related issues or instructions to maintain national task group integrity. Such restrictions may have an impact upon commanders' flexibility of employment.

**0222 Command during Task Force Operations**

Potential threats to freedom of the seas and/or operations executed in the littorals may dictate the use of a TF instead of a single TG. For example, power projection operations against a significant threat may require multiple aircraft carriers (CV/CVN) and amphibious forces acting in concert. In a TF, C2 is more complex, and some of the procedures described in Articles 0230-0233 are modifications to cope with the increased complexity and take advantage of the opportunities offered by additional assets. Guidelines for other TF operations are presented in Article 0234.

**0223 Command of Maritime Air Operations**

Maritime air operations are an integral part of the maritime component and are used to support the maritime campaign. The MCC will provide the ACC with an air operations directive feeder, which includes the priorities and objectives for maritime air operations. Excess maritime air sorties are offered to the ACC for tasking. The MCC retains OPCON of maritime air and delegates TACOM/TACON as appropriate.

**0224 Command in Submarine Operations**

Traditionally, submarine operations have been conducted independent of aircraft and surface ships, and have required a centralised command system. Improvements in submarine communication capabilities along with refocusing of maritime objectives have brought about much closer cooperation and interoperability of submarines and other maritime forces. In all types of operations, submarines remain under the OPCON of the SUBOPAUTH. TACOM, in cases of integrated operations, and TACON, for direct support, would be delegated as appropriate to the mission. If one or more submarines are operating in support of surface forces, a submarine-qualified officer (e.g., a submarine element coordinator) and submarine advisory team should be embarked as part of the TF/TG commander's staff.

**0225 Command of Naval Cooperation and Guidance for Shipping**

The naval commander responsible within a specified geographic area for NCAGS is the OCA.

- a. Naval Cooperation and Guidance for Shipping Commander.** When NCAGS is implemented, the OCA is the naval commander designated as NCAGS commander

(NCAGSC) and is responsible for cooperation with merchant shipping while they are in the NCAGS area.

**b. Naval Supervision of Shipping (NSS).** The naval commander exercises NSS when mandatory routing of merchant shipping is introduced. This requires the commander responsible for each sea area to undertake the functions of the OCA.

**c. Implementation of Naval Cooperation and Guidance for Shipping.** In time of crisis, NCAGS will be the responsibility of the authority nominated by the SC as the NCAGSC. This can be either a shore-based commander or the MCC afloat. The choice of which commander will be dictated by the location of the crisis area and the type of crisis. Given that the NCAGS area will not accord with any existing boundaries, it is important that appropriate liaison with other commanders is maintained. In the event that NSS is established, control will be compulsory and exercised by the OCA.

**0226 – 0229 Spare**

## SECTION IV — COMMAND DURING SUPPORT OPERATIONS

## 0230 Support Situations

Occasions may arise when one force provides support to another force. The commander ordering the support will specify the degree, manner, and duration of support which forces provide each other. The supporting force OTC should be provided with the necessary information concerning the situation, and the mission of the force in need of support, at the time when the support is needed. The commander ordering the support will indicate which of the following relationships apply.

**a. Situation A.** The supporting force is to join and integrate with the other force. The senior officer present, or the officer to whom TACOM is delegated, is to become the OTC of the combined force.

**b. Situation B.** The supporting force does not integrate. Unless otherwise ordered, the senior OTC of the two forces is to coordinate the tactical operations of the two forces.

**c. Situation C.** The supporting force commander has discretion how best to provide support. This situation may be ordered when, for example:

(1) There is requirement for a force to provide simultaneous support to more than one force, or to provide support to any number of forces entering a designated area.

(2) When the majority of ships or aircraft are under the OPCON or TACOM of the supporting commander.

## 0231 Support Operations — Situation A

The following considerations are applicable under Situation A:

**a. Delegation of Tactical Command.** The OTC of the overall force may delegate TACOM or TACON of designated forces to subordinate commanders for the execution of assigned tasks.

**b. Tasking of Forces.** The OTC of the overall force will issue tasking directives, specify reporting requirements, establish tactical communication circuits, order overall force dispositions, and issue other direction as required by the situation.

## 0232 Support Operations — Situation B

Under the conditions of Situation B, the coordination between forces will depend upon the following considerations:

- a. Distance between forces.
- b. Whether the supporting force is providing craft for overall force defence.
- c. Whether only surface support is afforded.
- d. Communications requirements and capabilities.

- e. Threat.
- f. Weather.
- g. Sensor capabilities and limitations.
- h. Cover and deception plans.

### 0233 Support Operations — Situation C

The following considerations are applicable under Situation C:

**a. General Support.** Situation C differs from Situations A and B in that the missions of the respective forces may be different. When the supporting force commander is ordered to support a particular force under Situation C, the supporting force commander will decide what support can be provided as dictated by the constraints of the assigned mission. Coordination between respective OTCs is required to eliminate mutual interference and enhance conservation of resources.

**b. Location of Operations.** When the supporting force commander is ordered to support a particular force under the conditions of Situation C, the commander should decide whether:

- (1) To operate in a central location and thus be better placed to meet any expected commitments, or
- (2) To move close to the particular force. Taking into consideration the circumstances above, it may be decided to adopt Situation A or Situation B.

**c. Duration of Support.** The duration of the support is to be decided by the supporting force commander in the absence of orders to the contrary. If the OTC of the force being supported wishes to retain the supporting force beyond this time, approval of appropriate authorities must be obtained.

**d. Support in a Designated Area.** The supporting force commander may be ordered to provide support in a designated area through which a number of forces may be passing. If the forces are not simultaneously in the same area, the supporting force commander may adopt the procedures in subparagraph b.

### 0234 Other Support Operations

Individual units may be assigned to provide support to forces at sea. This support may be in one of four forms:

**a. Area Operations.** Area operations are normally conducted in a geographic area, not related to the protection of a specific force. Areas may be related to the protection of maritime forces scheduled to enter the area, or to provide defence in depth to distant forces. TACOM of units conducting area operations remains with the assigning authority.

**b. Associated Support.** A unit assigned in associated support operates independently of the supported force, but may be tasked to provide contact information to, and receive intelligence from, the OTC who is being supported. The designated unit operates under the



TACON of the assigning authority who coordinates the tasking and movement of the supporting unit in response to the supported OTC's requirements.

**c. Direct Support.** The support provided by a unit or formation not attached or under command of the supported unit or formation, but required to give priority to the support required by that unit or formation. A unit assigned in direct support will operate under the TACON of the OTC who is being supported. OPCON and TACOM remain with the assigning authority. The direct support unit will report to the designated controlling authority for employment.

**d. Integrated Operations (*Submarines only*).** Upon receiving TACOM, the OTC assumes the responsibility for all operations and safety of assigned submarines, including local waterspace management and prevention of mutual interference for their designated area. (See ATP-18, Allied Manual of Submarine Operations.)

**0235 – 0239 Spare**

## SECTION V — TACTICAL COMMAND AT SEA

## 0240 Introduction

**1. General.** The OTC will always be responsible for accomplishing the mission. The OTC may delegate authority for the execution of various activities in some or all of the areas of maritime warfare (e.g., ASUW, ASW and AAW) to designated subordinate warfare commanders and/or coordinators. Requirements for air coordination, EW coordination, and surveillance coordination concern more than one area of warfare and so assume particular importance in the devising of a command structure.

**2. Development of Command Structure.** In the development of a command structure at sea, the OTC must identify the activities that will be required by the assigned task and determine who will be accountable for their execution. For the purposes of this publication, the following conventions have been adopted for describing the activities in the OTC's chain of command.

**a. Responsibility.** The obligation placed upon an individual for correct and timely execution of a task assigned by a superior that cannot be delegated. Responsibility also entails accountability for the exercise of the authority delegated when tasking was assigned. Responsibility cannot be delegated and thus accountability cannot be shifted. When a duty is assigned, the fact that some tasking can be delegated further down the chain will not lessen the obligation of the holder of the intermediate authority to a superior. The term responsibility is also used to describe an activity that is specific to a duty and cannot be delegated further.

**b. Duty.** An identified block of related functions within a larger command structure assigned to a single subordinate. Assignment automatically delegates the requisite authority for the C2 required to fulfil the tasking. With the delegation of authority comes the inherent responsibility of the subordinate to the assigning superior for execution of the task in accordance with known orders and procedures.

**c. Function.** A defined activity that may be delegated to subordinates through specific assignment or as part of a duty within the force command structure. Functions are listed and grouped by warfare area in Tables 1-1 thru 1-11 of ATP-1 Volume I. When any function is delegated, it is assumed that the necessary authority for command, control, direction or coordination required for the execution of that function has also been delegated.

## 0241 Command of Large Forces

A fundamental component of command effectiveness is the ability of the commander and commanded units to communicate. This is particularly so in the case of large or dispersed forces. If there are inadequacies in the communications capabilities of individual units, these must be identified and assessed before a disposition is ordered. There will thus be occasions when the communications capability of a force will impact upon the OTC's concept of operations.

## 0242 Delegation of Command Functions

A centralised command is the most direct way of allowing a commander to make use of his experience and ability. However, circumstances and command facilities can make delegation necessary. Some factors are:

- a. Mission.
- b. The threat.
- c. Need for quick action or reaction.
- d. Necessity to carry out many actions in different places at the same time.
- e. Practical inability of the commander to exercise all functions because of excessive workload or the requirements of some actions for specific knowledge of facilities.
- f. Lack of appropriate display and communications facilities.
- g. Force size and composition.

### 0243 Command and Control Options

The OTC is always responsible for formulating and promulgating policy; however, other functions, including warfare functions, may be delegated to subordinates within the constraints of stated policy and the ROE in force. (For existing approved doctrine on ROE, refer to Chapter 3, AJP-01, Allied Joint Doctrine, and MC 362.)

The OTC has the following options for the three principal warfare areas:

- a. The OTC retains command in the principal areas of warfare by retaining all the warfare functions.<sup>8</sup>
- b. The OTC delegates to one subordinate commander one or more warfare functions.
- c. The OTC delegates to more than one subordinate commander several warfare functions.
- d. The OTC delegates to subordinates within geographic areas (or sectors) warfare functions relevant to that area, but may retain any part of the overall function for himself. A principal warfare commander (PWC) can use this form of delegation as well.
- e. A special form of delegation as described in item b. is that the OTC of a large force may allocate all warfare functions for the defence of a force to a CWC, while retaining overall responsibility for the mission. The CWC may, in turn, delegate some or all warfare functions as described above. Figure 2-3 illustrates the CWC organization.

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<sup>8</sup> Article 0243, subparagraph a, describes centralised command while subparagraphs b thru e describe forms of decentralised command.

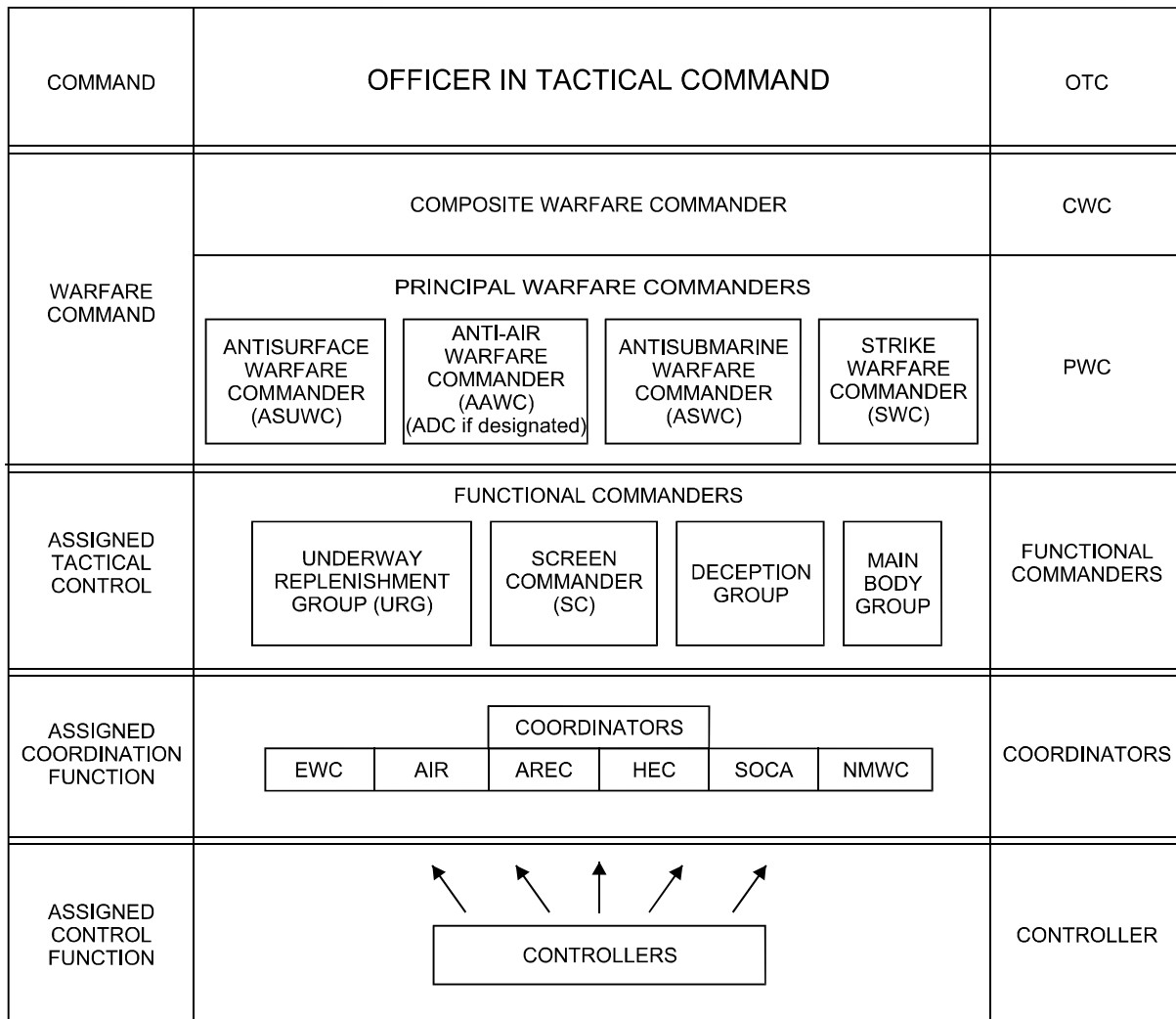


Figure 2-3. Levels of Command and Control within the OTC Warfare Organization

#### 0244 Officer in Tactical Command Responsibilities

**1. OTC Responsibilities.** The OTC has overall responsibility for accomplishing the mission of the force and executing defence. The OTC's policy and procedure for succession of command authority, as well as designation of the standby OTC, should be specified by orders in advance of the operation. The chain of command between the OTC and, when designated, the CWC, PWC, coordinators, supporting commanders, and the forces under their TACOM/TACON, shall be specified by the OTC. This may be done by task number designation or by stipulating which task groups, units, or elements are designated for each commander. The OTC's responsibilities cannot be delegated. ATP-1 Volume I, lists detailed responsibilities for mission execution and defence of the force by the OTC.

## 2. Principal Warfare Area Responsibilities.

a. In exercising command, the OTC must consider both the threat to the force and the units that are available to counter the threat. However, no single threat may be considered in isolation; consequently, no tactic to counter a specific threat may be employed without considering its effect on the security of the force from other threats which may subsequently materialize. A detailed list of the OTC's functions are found in ATP-1 Volume I, and are divided into two categories:

(1) Those functions of the OTC that may be delegated to a CWC.

(2) Those functions which may be delegated to warfare commanders, coordinators, or others to control assets and take action necessary to execute the promulgated policy.

b. The PWC will be responsible for the collection of information in particular areas and the dissemination to the OTC and forces of evaluated information in those areas. Warfare commanders will maintain continuous liaison with each other to ensure timely flow of mutually supporting information and avoid mutual interference. Some warships have weapons systems with effective ranges that extend beyond the local area in which the ship is operating. Since warfare commanders are normally assigned authority to employ these weapons, this may cause situations in which one commander has TACON of a ship and another has control of that ship's force weapons systems. If firing the weapon does not interfere with the tasking of the ship, there is generally no problem. However, if significant manoeuvring is required, coordination between the appropriate warfare commanders is vital in prosecuting the threat. A temporary shift of TACON might be required, but C2 should remain clear. The OTC (or CWC if designated) should resolve disagreement between the warfare commanders.

**3. Coordination Responsibilities.** Coordinators are asset and resource managers. They carry out the policies of the OTC and respond to the specific tasking of the warfare commanders. Coordinators may also exercise control of specified assets.

**4. Air Coordination.** The OTC is responsible for coordinating all friendly air movement within the force air coordination area (FACA). To ensure coordination, deconfliction and to prevent fratricide, maritime air missions should be published on the air tasking order (ATO). The OTC is to ensure that airspace requirements such as FACA, missile engagement zone, entry gates etc. are coordinated with the ACA and that airspace control means and/or airspace control orders, issued by the ACA, are adhered to. These coordination functions may be delegated to an air coordinator.

**a. The Air Coordinator.** The air coordinator exercises coordination within the FACA. This duty may be collocated with the AAWC, air resource element coordinator (AREC), helicopter element coordinator (HEC), or antisubmarine warfare commander (ASWC).

**b. The Air Resource Element Coordinator.** The AREC is a resource manager. The AREC may, under certain circumstances, exercise TACON for particular aircraft (e.g., for aircraft projecting power ashore), but the AREC's primary role remains that of asset allocation and of informing the warfare commander of the status of these assets, the results achieved by them, and the information gained from their sensors.

**c. The Helicopter Element Coordinator.** When two or more ships other than an aircraft carrier are helicopter equipped, a central scheduling authority for flight operations

from these ships is useful. In a multi-threat environment, the assets controlled by this coordinator may be in demand by any of the PWCs. The HEC's functions, therefore, will in many ways parallel those of the AREC, with whom the HEC should coordinate, concerning helicopters. The OTC will delegate the HEC functions generally to the senior commanding officer of helicopter-equipped ships. These coordinating functions will normally not apply to amphibious force and logistic helicopters. Requests for helicopters embarked in other than aircraft carrier, amphibious and logistic ships will be directed to the HEC. The OTC must be made aware of helicopter scheduling, tasking, and flight operations in order to be able to resolve potential requirement conflicts. The HEC should promulgate a daily flight schedule.

**5. Electronic and Acoustic Warfare Coordination.** The OTC is responsible for determining and promulgating EAW policies for the force. Force EAW functions may be delegated to the electronic warfare coordinator (EWC). However, the planning and execution of these functions must take overall joint force EAW issues into account; thus strong linkages must exist with the electronic warfare coordination cell, which operates at the joint force level. The EWC is the principal advisor to the OTC in all matters pertaining to the employment and exploitation of the electromagnetic and acoustic spectrum. Accordingly, the EWC has broad responsibilities, which impact upon task group planning as well as the management and control of all active and passive weapons, sensors, and electronic communications equipment which operate in, or target the electromagnetic spectrum/environment to include: ESM, ECM, EPM, EMCON, operational deception (OPDEC), operations security (OPSEC), SIGINT (which includes COMINT and ELINT), signals security (SIGSEC), and communications and electronic security (COMSEC)/(ELSEC). The extent, to which the EWC exercises actual control over assets is scenario dependent, should be clearly stated by the OTC, and understood by the PWCs. The EWC's planning and management responsibilities encompass several areas.

- a. The EWC ensures that force assets are employed to support the requirements of the OTC and PWC. Coordination between the EWC and the PWC is vital to ensure that all assets with ESM, ECM, and EPM capabilities are managed effectively.
- b. The EWC is the principal manager of the electromagnetic and acoustic spectrums. The EWC formulates, promulgates, controls, and monitors the EMCON plan based upon the OTC's emission policy. The ASWC operates force acoustic emitters within the effective EMCON plan. The ASWC has the authority to break acoustic EMCON in defence of the force. The ASWC must, however, notify the EWC of this action.
- c. The EWC ensures that the force deception plan and assets are employed in a manner that facilitates the mission and policy of the OTC.
- d. The EWC ensures that cryptologic assets, both organic and nonorganic, are employed in a manner that facilitates responsiveness to the AAW, ASW, ASUW, and EW information needs of the OTC.

**6. Surveillance.** The OTC is responsible for establishing the surveillance areas for each area of maritime warfare within the overall guidelines of the general picture compilation plan. Surveillance functions may be delegated to warfare commanders.

**7. Naval Mine Warfare Coordination.** The OTC is responsible for formulating and promulgating the naval mine warfare (NMW) policy. NMW functions may be delegated to a designated naval mine warfare coordinator (NMWC). The NMWC is the principal advisor to the OTC on matters pertaining to NMW. The NMWC is responsible for coordinating the laying of sea

minefields in support of the OTC and the efforts of supporting MCM forces, which are usually not under the direct command or control of the OTC/CWC. Specific functions of the NMWC include:

- a. Employment of tactical sea mining against targets of opportunity, using force assets.
- b. Coordination with appropriate commanders for the laying of tactical sea minefields and the execution of sea mining plans.
- c. Tasking of MCM forces assigned to the TACOM of the OTC/CWC.
- d. Coordination with appropriate local commanders for response to enemy mining of chokepoints, safe havens, or operating areas, and for the execution of MCM plans.
- e. Maintaining and disseminating a plot of relevant NMW information to the force.

**8. Accompaniment.** NCAGS can recommend accompaniment which is a voluntary arrangement in which participating merchant ships may be organised for passage through a specific area of increased risk in company with military assets. It should be noted that the escorting military units might not be in a legal position, according to international law and the ROE in force, to actively protect merchant ships under attack. Their response may be possible under the international law pertaining to the defence of self and others. Sailing in accompaniment does not suspend the master's responsibility for the safe navigation of the ship. The merchant ships will not be under military command or control of maritime units, but will receive navigational advice and threat information by the OTC if applicable during the entire accompaniment period.

**9. Convoys.** Convoys are only authorised under naval supervision of merchant shipping and are the ultimate measure of NCAGS exercised by naval authorities of mandatory routeing and/or convoy organization of merchant ships. It does not include the employment or active protection of such ships. This will be implemented only with North Atlantic Council (NAC)/Defence Planning Committee (DPC) approval.

#### **0245 Delegation of Authority**

The OTC may retain TACOM and TACON authority or may delegate some of that authority (i.e., TACON) to subordinate commanders and coordinators. Such delegation does not mean that the OTC relinquishes authority over subordinates. It does mean that the subordinate is given some or all of that same authority over forces assigned by the OTC.

#### **0246 Delegation Considerations**

**1. General.** The following general considerations are provided for selection and location of warfare commanders:

- a. Availability of interoperable data link and access to required displays.
- b. Sufficiency and interoperability of communications equipments.
- c. Availability of sufficient skilled personnel and state of training (staff augmentation if necessary).
- d. Living/working space available in units.

- e. No undue limitations imposed by electromagnetic radiation hazards restrictions.
- f. Level of tension/state of hostilities.
- g. Threat assessment.
- h. Area of operations and formation/disposition required.
- i. Emission policy including need for silence on unique emitters.
- j. Compatibility of unit force weapons and sensors employment with proposed warfare command functions.
- k. The desirability of delegating all functions in a single warfare area to a single subordinate.

**2. Specific Anti-air Warfare Commander Considerations.**

- a. Availability of communication systems and space for coordination with the ACC/ACA/ADC and sector AAWCs; adequate voice and data communications for coordination with and direct control of support aircraft. (Staff augmentation will normally be required.)
- b. Easy access to EW information.
- c. Possibility of using AEW aircraft as sector or standby AAWC.
- d. Access to air defence planning information such as: air navigation charts, radar performance data, current atmospheric data, mutual interference planning tools, AEW/air defence aircraft availability information, etc.

**3. Specific Antisubmarine Warfare Commander Considerations.**

- a. Availability of communication systems and space required for coordination with support submarines and the SUBOPAETH. (Staff augmentation will normally be required.)
- b. Availability of air ASW expertise.
- c. Requirement for specialised oceanographic expertise.

**4. Specific Antisurface Warfare Commander Considerations.**

- a. Access to aircrew post mission debriefs.
- b. Access to AEW and strike warfare expertise.
- c. Access to adequate targeting data.

**5. Authority and Responsibility.** In deciding what degree of control is to be delegated, and when, the OTC must observe one cardinal principle: *To operate effectively, each unit and command must know in detail its obligation to the OTC, warfare commanders and coordinators, and other units.* To achieve this, it is essential that the OTC clearly specify the chain of command. Although control of



different force weapons systems in a single ship may be delegated to different warfare commanders, only one commander may exercise control over the movements of an individual unit at any one time. Should it be necessary to change TACON to meet specific circumstances, the OTC must clearly specify under what circumstances, and when such change is to take place. Should another commander wish to move a unit to better carry out duties in a warfare field, the order must go through the commander having TACON of that ship or unit, as specified in the task organization, with the OTC or CWC adjudicating any differences.

**0247 – 0249 Spare**

## SECTION VI — COMMAND AND CONTROL OF AMPHIBIOUS FORCES

## 0250 Command of Amphibious Forces

**1. Operation.** An amphibious operation is a military operation launched from the sea by a naval and landing force embarked in ships and craft, with the principal purpose of projecting the LF ashore tactically into an environment ranging from permissive to hostile. Types of amphibious operations include demonstrations, raids, assaults and withdrawals.

**2. Force.** An amphibious force is a naval and landing force together with supporting forces that are trained, organised and equipped for amphibious operations. In naval usage, it is the administrative title of the amphibious type command of a fleet (i.e., national amphibious capability).

a. An amphibious task force (ATF) is the task organization formed to conduct an amphibious operation. An ATF always includes a Navy force and LF, with their organic aviation, and may include maritime ships and air forces when appropriate.

b. A LF is a task organization of ground and aviation units assigned to an amphibious operation.

**3. Unity of Command.** The JFC ensures unity of effort in achieving amphibious objectives by establishing unity of command over amphibious forces. The JFC may establish unity of command by retaining OPCON over the forces executing the amphibious operation, or by delegating OPCON, TACOM, or TACON to a subordinate commander. Forces, not command relationships, may be transferred between commands. When forces are transferred, the command relationship that the gaining commander will exercise (and the losing commander will relinquish) must be specified.

**4. Operational Level of Command and Control.** C2 of amphibious operations will be as directed in the initiating directive issued by the cognizant operational commander. The directive designates the commander, amphibious task force (CATF), commander landing force (CLF), and other commanders involved in the operation. It would also state what command relationships are to apply following termination of the amphibious operation. Commanders of subordinate task groups within an ATF, if they were not named in the initiating directive, would be designated by the CATF or CLF as appropriate. If air forces are assigned to the amphibious operation, the command relationships should be specified in the initiating directive. The initiating directive may take the form of a campaign plan, an operation plan or order (OPLAN or OPORD), a letter of instruction, or an order to execute an existing plan.

**5. OPCON of amphibious operations could be based upon one of three models.**

a. The CATF and CLF are under OPCON of the MCC. This is the most conventional model.

b. The CATF is also the MCC. This may occur when the sole or primary maritime operation is the amphibious operation.

c. The CATF is under OPCON of the JFC vice MCC. This may be appropriate when it is impractical for the MCC to exercise OPCON of the CATF. In this case, C2 arrangements between the CATF and other component commanders must be clearly defined to ensure effective execution and coordination of operations within the battlespace.

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**6. Command Authority Options.** The command relationships established among the CATF, CLF, and other designated commanders within the amphibious force is an important decision. The type of relationship chosen by the common superior commander for the amphibious force should be based on mission, nature and duration of the operation, force capabilities, C2 capabilities, and recommendations from subordinate commanders.

#### **0251 Parallel Chains of Command in the Amphibious Task Force**

Elements of the ATF may be embarked for what could be extended periods of time on the same platforms, but responsible to different or parallel chains of command. Such parallel chains of command create special requirements for coordination. Except in emergencies, no significant decision contemplated by a commander in the chain of command, that affects the plans, disposition or intentions of a corresponding commander in another chain of command, will be made without consultation with the commander concerned. In emergency situations, the commander making an emergency decision will notify corresponding commanders of action taken at the earliest practicable time.

#### **0252 Designation of Commanders**

The CATF and CLF are designated in the initiating directive. Commanders of subordinate TGs within the amphibious force, if they have not been named in the initiating directive, are designated by the CATF or CLF as appropriate. Should air forces be assigned, their commander will also be designated in the initiating directive.

#### **0253 Relationships during Planning of Amphibious Operations**

Regardless of the command relationships, when the order initiating planning for the amphibious operation is received (i.e., the initiating directive), unique relationships are observed during the planning phase. The commanders designated in the initiating directive are coequal in planning matters and decisions. All decisions must be reached on the basis of common understanding of the mission, objectives, and procedures and on a free exchange of information. If a change in the mission occurs after the commencement of amphibious operations, or if an amphibious operation is initiated from a posture afloat, coequal planning relationships (either as described above or as specified in the initiating directive) will apply to any subsequent planning.

#### **0254 Command during Amphibious Operations**

1. The CATF, upon the commencement of amphibious operations, assumes responsibility for the entire ATF and for the operation, and is vested with the commensurate authority to ensure success of the amphibious operation.
2. The CATF exercises command authority through the commanders of the task organization. These commanders, in turn, exercise their authority through their chains of command.
3. Within the amphibious objective area (AOA), the CATF is given specific command authority as prescribed by the commander having overall authority for the operation. The CATF will exercise control, as prescribed in the initiating directive, over forces not a part of the ATF, when such forces are operating within the AOA after the arrival of the advance force or the ATF. When such forces are merely passing through the AOA, control will be exercised only to the extent of preventing or minimising mutual interference.

4. Subject to the overall authority of the CATF, the CLF has responsibility for the conduct of operations ashore, and for the security of all personnel and installations located within the area of operations.

**0255 Consultation between Commanders**

In the exercise of command authority, the CATF obtains and considers the opinion of appropriate commanders, particularly in cases involving a decision requiring the use of professional judgement in their operational fields. This practice in no way limits the CATF's command authority.

**0256 – 0259 Spare**

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# **THE COMMANDER'S HANDBOOK ON THE LAW OF NAVAL OPERATIONS**

**EDITION JULY 2007**

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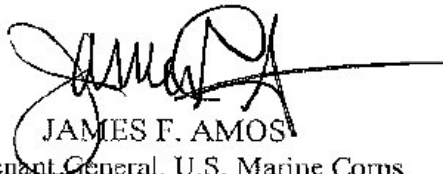
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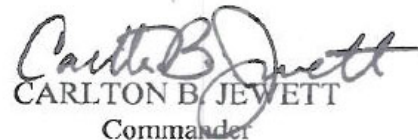
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JAMES F. AMOS

Lieutenant General, U.S. Marine Corps  
Deputy Commandant for Combat Development  
and Integration



CARLTON B. JEWETT  
Commander

Navy Warfare Development Command



W. D. BAUMGARTNER  
Rear Admiral, U.S. Coast Guard  
Judge Advocate General



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2. Summary. This revision expands the treatment of neutrality, targeting, and weapons; addresses land mines, maritime law enforcement, and land warfare. This revision also responds to the Navy strategy set forth in "...From the Sea" and its focus on littoral warfare.

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# PREFACE

## SCOPE

This publication sets out those fundamental principles of international and domestic law that govern U.S. naval operations at sea. Part I, Law of Peacetime Naval Operations, provides an overview and general discussion of the law of the sea, including definitions and descriptions of the jurisdiction and sovereignty exercised by nations over various parts of the world's oceans; the international legal status and navigational rights of warships and military aircraft; protection of persons and property at sea; and the safeguarding of national interests in the maritime environment. Part II, Law of Naval Warfare, sets out those principles of law of special concern to the naval commander during any period in which U.S. naval forces are engaged in armed conflict. Although the primary emphasis of Part II is upon the rules of international law concerned with the conduct of naval warfare, attention is also directed to relevant principles and concepts common to the whole of the law of armed conflict.

## PURPOSE

This publication is intended for the use of operational commanders and supporting staff elements at all levels of command. It is designed to provide officers in command and their staffs with an overview of the rules of law governing naval operations in peacetime and during armed conflict. The explanations and descriptions in this publication are intended to enable the naval commander and his staff to comprehend more fully the legal foundations upon which the orders issued to them by higher authority are premised and to understand better the commander's responsibilities under international and domestic law to execute his mission within that law. This publication sets forth general guidance. It is not a comprehensive treatment of the law nor is it a substitute for the definitive legal guidance provided by judge advocates and others responsible for advising commanders on the law.

Officers in command of operational units are encouraged to utilize this publication as a training aid for assigned personnel.

## APPLICABILITY

Part I of this publication is applicable to U.S. naval operations during time of peace. Part I also complements the more definitive guidance on maritime law enforcement promulgated by the U.S. Coast Guard.

Part II applies to the conduct of U.S. naval forces during armed conflict. It is the policy of the United States to apply the law of armed conflict to all circumstances in which the armed forces of the United States are engaged in combat operations, regardless of whether such hostilities are declared or otherwise designated as "war." Relevant portions of Part II are, therefore, applicable to all hostilities involving U.S. naval forces irrespective of the character, intensity, or duration of the conflict. Part II may also be used for information and guidance in situations in which the United States is a nonparticipant in hostilities involving other nations. Part II complements the more definitive guidance on land and air warfare promulgated, respectively, by the U.S. Army and U.S. Air Force.

## STANDING RULES OF ENGAGEMENT

The President and the Secretary of Defense or their duly deputized alternates or successors approve and the Chairman of the Joint Chiefs of Staff promulgates standing rules of engagement (SROE) for US forces (Chairman of the Joint Chiefs of Staffs Instruction 3121.01B). These rules delineate the circumstances under which forces will initiate and/or continue engagement with other forces encountered. Combatant commanders may augment the SROE as necessary to reflect changing political and military policies, threats, and missions specific to their area of responsibility. Such augmentations to the standing rules are approved by the President and/or Secretary of Defense and promulgated by the Joint Staff, J-3, as annexes to the SROE.



*This publication provides general information, is not directive, and does not supersede guidance issued by such commanders or higher authority.*

## INTERNATIONAL LAW

For purposes of this publication, international law is defined as that body of rules that nations consider binding in their relations with one another. International law derives from the practice of nations in the international arena and from international agreements. International law provides stability in international relations and an expectation that certain acts or omissions will effect predictable consequences. If one nation violates the law, it may expect that others will reciprocate. Consequently, failure to comply with international law ordinarily involves greater political and economic costs than does observance. In short, nations comply with international law because it is in their interest to do so. Like most rules of conduct, international law is in a continual state of development and change.

### Practice of Nations

The general and consistent practice among nations with respect to a particular subject, which over time is accepted by them generally as a legal obligation, is known as customary international law. Customary international law is the principal source of international law and is binding upon all nations.

### International Agreements

An international agreement is a commitment entered into by two or more nations that reflects their intention to be bound by its terms in their relations with one another. International agreements, whether bilateral treaties, executive agreements, or multilateral conventions, are the second principal source of international law. However, they bind only those nations that are party to them or that may otherwise consent to be bound by them. To the extent that multilateral conventions of broad application codify existing rules of customary law, they may be regarded as evidence of international law binding upon parties and nonparties alike.

### U.S. Navy Regulations

U.S. Navy Regulations, 1990, require U.S. naval commanders to observe international law. Article 0705, Observance of International Law, states:

*At all times, a commander shall observe, and require their commands to observe, the principles of international law. Where necessary to fulfill this responsibility, a departure from other provisions of Navy Regulations is authorized.*

Throughout this publication, references to other publications imply the effective edition.

Report administrative discrepancies by letter, message, or e-mail to:

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## CHANGE RECOMMENDATIONS

Procedures for recommending changes are provided below.

### WEB-BASED CHANGE RECOMMENDATIONS

Recommended changes to this publication may be submitted to the Navy Warfare Development Doctrine Discussion Group, accessible through the Navy Warfare Development Command (NWDC) website at: <http://www.nwdc.navy.smil.mil/>.

### URGENT CHANGE RECOMMENDATIONS

When items for changes are considered urgent (as described in Paragraph 3.4.2), send this information by message to the Primary Review Authority, info NWDC. Clearly identify and justify both the proposed change and its urgency. Information addressees should comment as appropriate. See accompanying sample for urgent change recommendation format on page 23.

### ROUTINE CHANGE RECOMMENDATIONS

Submit routine recommended changes to this publication at any time by using the accompanying routine change recommendation letter format on page 24 and mailing it to the address below, or posting the recommendation on the NWDC Doctrine Discussion Group site.

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### CHANGE SYMBOLS

Revised text in changes is indicated by a black vertical line in either margin of the page, like the one printed next to this paragraph. The change symbol indicates added or restated information. A change symbol in the margin adjacent to the chapter number and title indicates a new or completely revised chapter.

### WARNINGS, CAUTIONS, AND NOTES

The following definitions apply to warnings, cautions, and notes used in this manual:



#### WARNING

An operating procedure, practice, or condition that may result in injury or death if not carefully observed or followed.



#### CAUTION

An operating procedure, practice, or condition that may result in damage to equipment if not carefully observed or followed.

**Note**

An operating procedure, practice, or condition that requires emphasis.

**WORDING**

Word usage and intended meaning throughout this publication is as follows:

“Shall” indicates the application of a procedure is mandatory.

“Should” indicates the application of a procedure is recommended.

“May” and “need not” indicate the application of a procedure is optional.

“Will” indicates future time. It never indicates any degree of requirement for application of a procedure.

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ENCL: (List Attached Tables, Figures, etc.)

1. The following changes are recommended for NTTP X-XX, Rev. X, Change X:

a. CHANGE: (Page 1-1, Paragraph 1.1.1, Line 1)  
Replace "...the ~~National Command Authority~~ President and Secretary of Defense establishes procedures for the..."  
REASON: SECNAVINST #####, dated #####, instructing the term "National Command Authority" be replaced with "President and Secretary of Defense."

b. ADD: (Page 2-1, Paragraph 2.2, Line 4)  
Add sentence at end of paragraph "See Figure 2-1."  
REASON: Sentence will refer reader to enclosed illustration.  
Add Figure 2-1 (see enclosure) where appropriate.  
REASON: Enclosed figure helps clarify text in Paragraph 2.2.

c. DELETE: (Page 4-2, Paragraph 4.2.2, Line 3)  
Remove "Navy Tactical Support Activity."  
"...~~Navy Tactical Support Activity~~, and the Navy Warfare Development Command are is responsible for..."  
REASON: Activity has been deactivated.

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## CHAPTER 1

# Legal Divisions of the Oceans and Airspace

### 1.1 INTRODUCTION

The oceans of the world traditionally have been classified under the broad headings of internal waters, territorial seas, and high seas. Airspace has been divided into national and international airspace. In the latter half of the 20<sup>th</sup> century, new concepts evolved, such as the exclusive economic zone and archipelagic waters, that dramatically expanded the jurisdictional claims of coastal and island nations over wide expanses of the oceans previously regarded as high seas. The phenomenon of expanding maritime jurisdiction and the rush to extend the territorial sea to 12 nautical miles and beyond were the subject of international negotiation from 1973 through 1982 in the course of the Third United Nations Conference on the Law of the Sea. That conference produced the 1982 United Nations Convention on the Law of the Sea (1982 LOS Convention), which came into effect on 16 November 1994.

In 1983, the United States announced that it would neither sign nor ratify the 1982 LOS Convention due to fundamental flaws in its deep seabed mining provisions. Further negotiations resulted in an additional Agreement regarding Part XI, which replaced the original deep seabed mining provisions. This Agreement contains legally binding changes to the 1982 LOS Convention and is to be applied and interpreted together with the Convention as a single treaty.

On 7 October 1994, the President of the United States submitted the 1982 LOS Convention and the Part XI Agreement reforming its deep seabed mining provisions to the Senate for its advice and consent to accession and ratification, respectively. In February 2004, the Senate Foreign Relations Committee unanimously recommended Senate advice and consent. As of the date of this publication the Senate has not acted on this recommendation.

### 1.2 U.S. OCEANS POLICY

Although the United States is not a party to the 1982 LOS Convention, it considers the navigation and overflight provisions therein reflective of customary international law and thus acts in accordance with the 1982 LOS Convention, except for the deep seabed mining provisions. President Reagan's 10 March 1983 Oceans Policy Statement provides:

First, the United States is prepared to accept and act in accordance with the balance of interests relating to traditional uses of the oceans [in the 1982 LOS Convention]—such as navigation and overflight. In this respect, the United States will recognize the rights of other States in the waters off their coasts, as reflected in the Convention, so long as the rights and freedoms of the United States and others under international law are recognized by such coastal States.

Second, the United States will exercise and assert its navigation and overflight rights and freedoms on a worldwide basis in a manner that is consistent with the balance of interests reflected in the Convention. The United States will not, however, acquiesce in unilateral acts of other States designed to restrict the rights and freedoms of the international community in navigation and overflight and other related high seas uses.

### **1.3 GENERAL MARITIME REGIMES UNDER CUSTOMARY INTERNATIONAL LAW AS REFLECTED IN THE 1982 LOS CONVENTION**

The legal classifications (“regimes”) of ocean and airspace areas directly affect maritime operations by determining the degree of control that a coastal nation may exercise over the conduct of foreign merchant ships, warships, and aircraft operating within these areas. The nature of these regimes, particularly the extent of coastal nation control exercised in those areas, is set forth in the succeeding paragraphs of this chapter. The Department of Defense (DOD) 2005.1-M, Maritime Claims Reference Manual contains a listing of the ocean claims of coastal nations and may be accessed at [www.dtic.mil/whs/directives/corres/html/20051m.htm](http://www.dtic.mil/whs/directives/corres/html/20051m.htm).

While the legal classifications are thoroughly discussed in the remainder of this chapter, the below represents a brief summary of the primary zones affecting navigation and overflight (Figure 1-1).

#### **1.3.1 Internal Waters**

Internal waters are landward of the baseline from which the territorial sea is measured.

#### **1.3.2 Territorial Seas**

The territorial sea is a belt of ocean that is measured seaward up to 12 nautical miles from the baseline of the coastal nation and subject to its sovereignty. Ships enjoy the right of innocent passage in the territorial sea. Innocent passage does not include a right for aircraft overflight of the territorial sea.

#### **1.3.3 Contiguous Zones**

A contiguous zone is an area extending seaward from the baseline up to 24 nautical miles in which the coastal nation may exercise the control necessary to prevent or punish infringement of its customs, fiscal, immigration, and sanitary laws and regulations that occur within its territory or territorial sea. Ships and aircraft enjoy high seas freedoms, including overflight, in the contiguous zone.

#### **1.3.4 Exclusive Economic Zones (EEZ)**

An Exclusive Economic Zones (EEZ) is a resource-related zone adjacent to the territorial sea—where a State has certain sovereign rights (but not sovereignty) and may not extend beyond 200 nautical miles from the baseline. Ships and aircraft enjoy high seas freedoms, including overflight, in the EEZ.

#### **1.3.5 High Seas**

The high seas include all parts of the ocean seaward of the EEZ.

### **1.4 MARITIME BASELINES**

The territorial sea and all other maritime zones are measured from baselines. In order to calculate the seaward reach of claimed maritime zones, it is first necessary to comprehend how baselines are drawn.

#### **1.4.1 Low-Water Line**

Unless other special rules apply, the normal baseline from which maritime claims of a nation are measured is the low-water line along the coast as marked on the nation’s official large-scale charts.

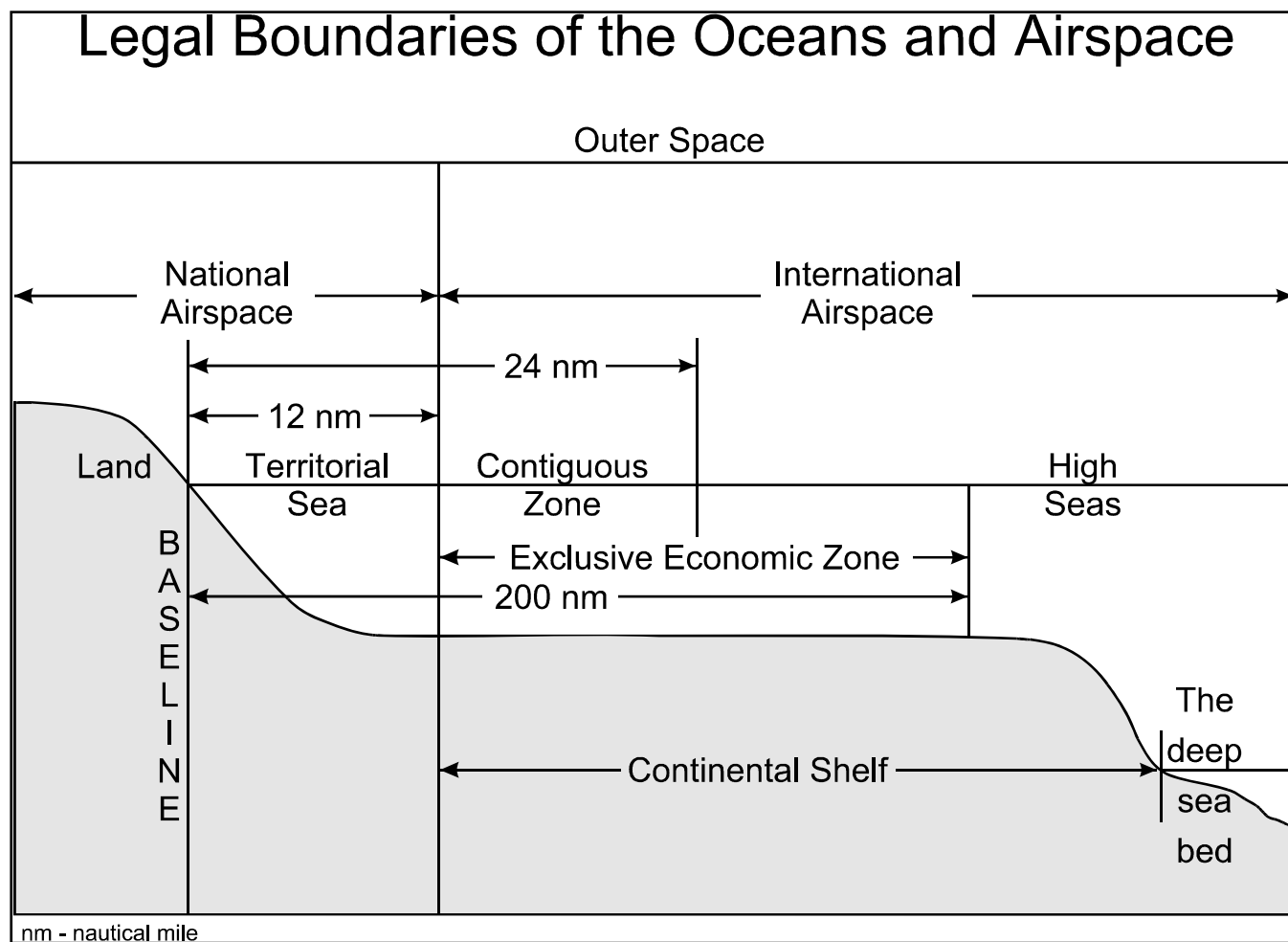


Figure 1-1. Legal Boundaries of the Oceans and Airspace

### 1.4.2 Straight Baselines

Where the coastline is deeply indented or where there is a fringe of islands along the coast in its immediate vicinity, the coastal nation may employ straight baselines. The general rule is that straight baselines must not depart from the general direction of the coast, and the sea areas they enclose must be closely linked to the land domain. A coastal nation that uses straight baselines must either clearly indicate them on its charts or publish a list of geographical coordinates of the points joining them together (Figure 1-2). The United States does not employ this practice and restrictively interprets its use by others.

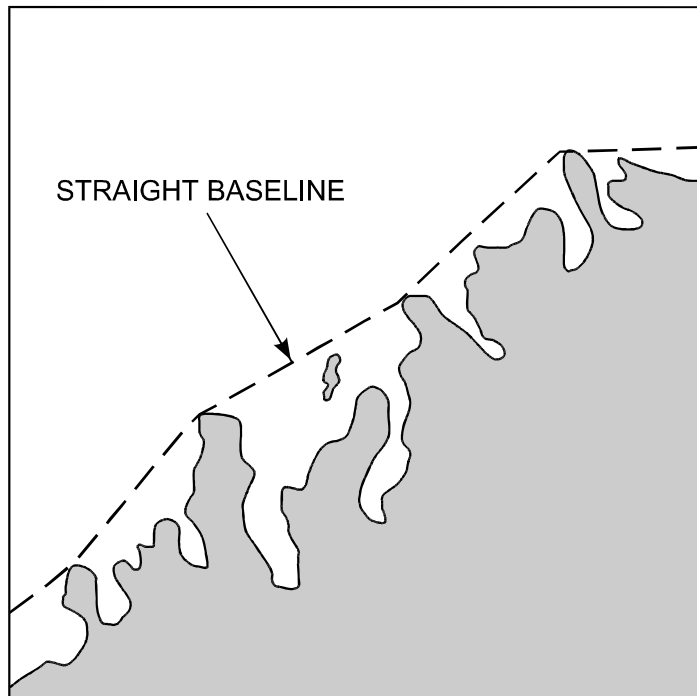
#### 1.4.2.1 Unstable Coastlines

Where the coastline is highly unstable due to natural conditions, e.g., deltas, straight baselines may be established connecting appropriate points on the low-water line. These straight baselines remain effective, despite subsequent regression or accretion of the coastline, until changed by the coastal nation.

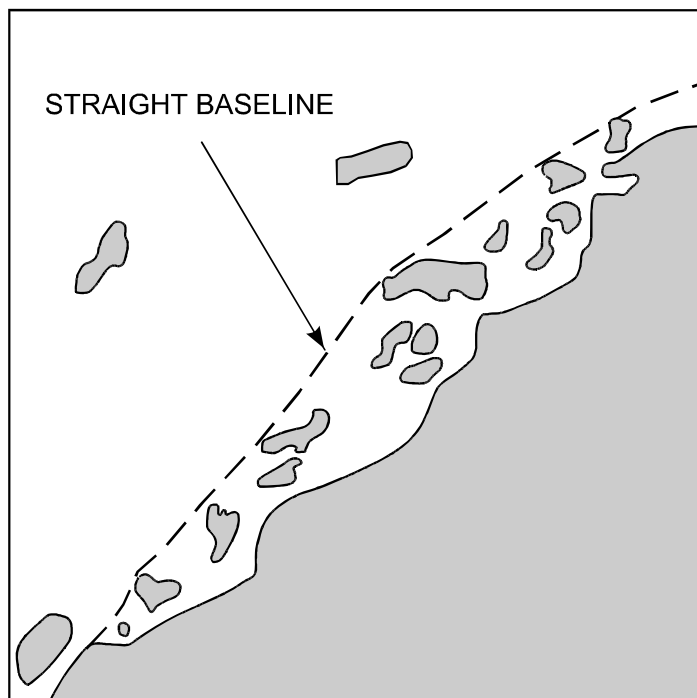
#### 1.4.2.2 Low-Tide Elevations

A low-tide elevation is a naturally formed land area surrounded by water and that remains above water at low tide but is submerged at high tide. As a rule, straight baselines may not be drawn to or from a low-tide elevation unless a lighthouse or similar installation, which is permanently above sea level, has been erected thereon.





A. Deep Indented Coastline



B. Fringing Island

Figure 1-2. Straight Baselines

### 1.4.3 Bays, Gulfs, and Historic Bays

There is a complex formula for determining the baseline closing the mouth of a legal bay or gulf. For baseline purposes, a “bay” is a well-marked indentation in the coastline of such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. The water area of a “bay” must be as large as or larger than that of a semicircle whose diameter is the length of the line drawn across the mouth (Figure 1-3). Where the indentation has more than one mouth due to the presence of islands, the diameter of the test semicircle is the sum of the lines across the various mouths (Figure 1-4).

The baseline across the mouth of a bay may not exceed 24 nautical miles in length. Where the mouth is wider than 24 nautical miles, a baseline of 24 nautical miles may be drawn within the bay so as to enclose the maximum water area (Figure 1-5). Where the semicircle test has been met, and a closure line of 24 nautical miles or less may be drawn, the body of water is a “bay” in the legal sense.

So-called historic bays are not determined by the semicircle and 24-nautical mile closure line rules described above. To meet the international standard for establishing a claim to a historic bay, a nation must demonstrate its open, effective, long-term, and continuous exercise of authority over the bay, coupled with acquiescence by foreign nations in the exercise of that authority. The United States has taken the position that an actual showing of acquiescence by foreign nations in such a claim is required, as opposed to a mere absence of opposition.



Figure 1-3. The Semicircle Test

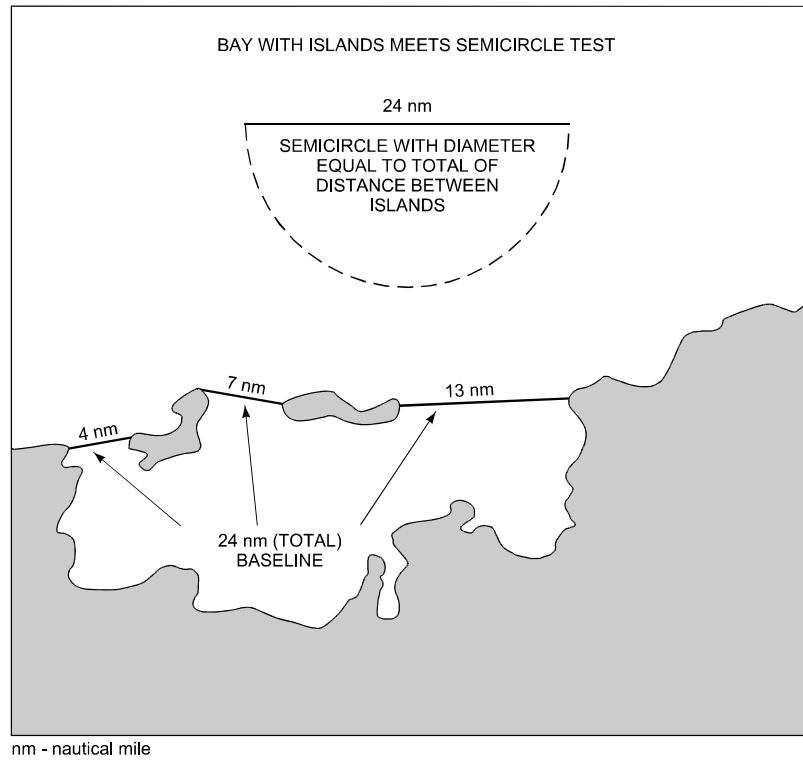


Figure 1-4. Bay with Islands

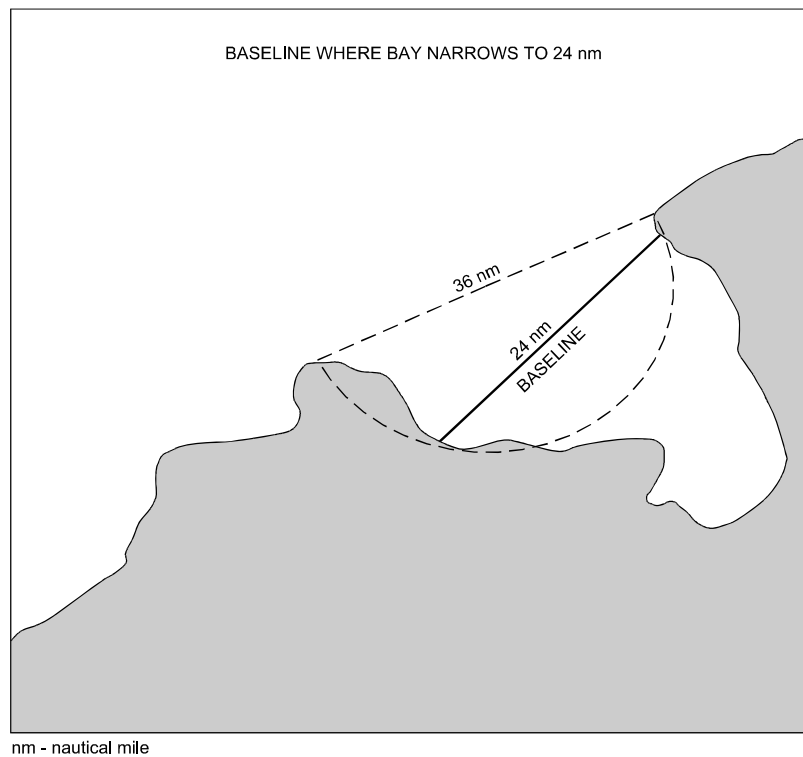


Figure 1-5. Bay with Mouth Exceeding 24 Nautical Miles

#### 1.4.4 River Mouths

If a river flows directly into the sea, the baseline is a straight line across the mouth of the river between points on the low-water line of its banks.

#### 1.4.5 Reefs

The low-water line of a reef may be used as the baseline for islands situated on atolls or having fringing reefs.

#### 1.4.6 Harbor Works

The outermost permanent harbor works, which form an integral part of the harbor system, are regarded as forming part of the coast for baseline purposes. Harbor works are structures, such as jetties, breakwaters and groins, erected along the coast at inlets or rivers for protective purposes or for enclosing sea areas adjacent to the coast to provide anchorage and shelter.

### 1.5 NATIONAL WATERS

For operational purposes, the world's oceans are divided into two parts. The first includes internal waters, territorial seas, and archipelagic waters. These *national waters* are subject to the territorial sovereignty of coastal nations, with certain navigational rights reserved to the international community. The second part includes contiguous zones, waters of the exclusive economic zone, and the high seas. These are *international waters* in which all nations enjoy the high seas freedoms of navigation and overflight. International waters are discussed further in paragraph 1.6.

#### 1.5.1 Internal Waters

Internal waters are *landward* of the baseline from which the territorial sea is measured. Lakes, rivers, some bays, harbors, some canals, and lagoons are examples of internal waters. From the standpoint of international law, internal waters have the same legal character as the land itself. There is no right of innocent passage in internal waters, and, unless in distress (see paragraph 2.5.1), ships and aircraft may not enter or overfly internal waters without the permission of the coastal nation. Where the establishment of a straight baseline drawn in conformity with the 1982 LOS Convention has the effect of enclosing as internal waters areas that had previously not been considered as such, a right of innocent passage exists in those waters.

#### 1.5.2 Territorial Seas

The territorial sea is a belt of ocean measured seaward from the baseline of the coastal nation and subject to its sovereignty. The United States claims a 12-nautical-mile territorial sea and recognizes territorial sea claims of other nations up to a maximum breadth of 12 nautical miles.

#### 1.5.3 Islands, Rocks, and Low-Tide Elevations

Each island has its own territorial sea and, like the mainland, has a baseline from which it is calculated. An island is defined as a naturally formed area of land, surrounded by water, which is above water at high tide. Rocks are islands that cannot sustain human habitation or economic life of their own. Provided they remain above water at high tide, they too possess a territorial sea determined in accordance with the principles discussed in the paragraphs on baselines. Rocks, however, have no exclusive economic zone or continental shelf. A low-tide elevation (above water at low tide but submerged at high tide) situated wholly or partly *within* the territorial sea may be used for delimiting the territorial sea as though it were an island. Where a low-tide elevation is located entirely *beyond* the territorial sea, it has no territorial sea of its own (Figure 1-6).

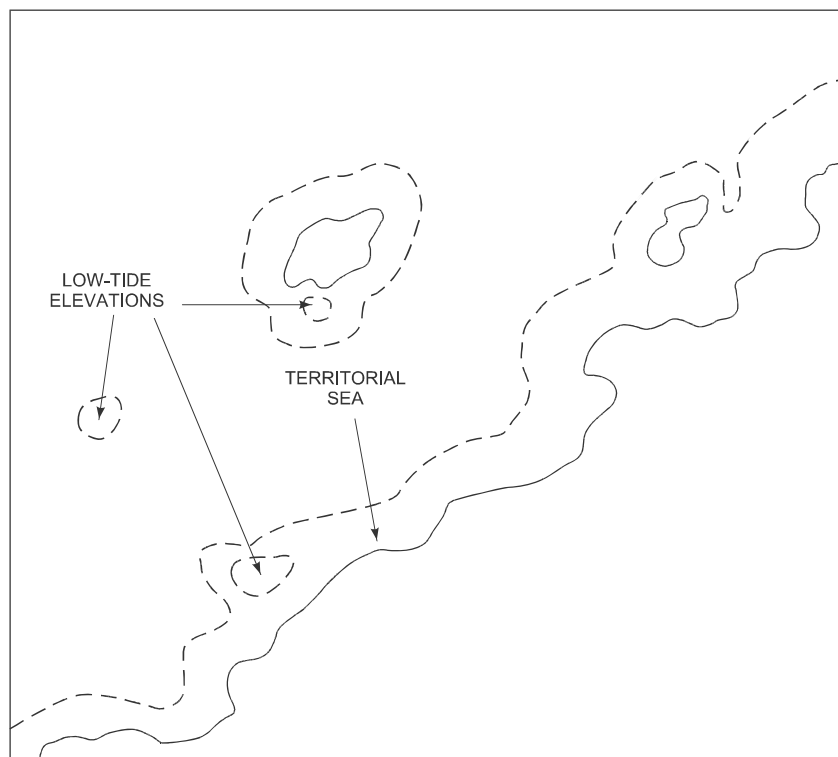


Figure 1-6. Territorial Sea of Islands and Low-Tide Elevations

### 1.5.3.1 Artificial Islands and Off-Shore Installations

Artificial islands and off-shore installations have no territorial sea of their own (see, however, paragraph 1.8).

### 1.5.3.2 Roadsteads

Roadsteads normally used for the loading, unloading, and anchoring of ships, and which would otherwise be situated wholly or partly beyond the outer limits of the territorial sea, are included *in* the territorial sea. Roadsteads must be clearly marked on charts by the coastal nation.

## 1.5.4 Archipelagic Waters and Sea Lanes

An archipelagic nation is a nation that is constituted wholly of one or more groups of islands. Such nations may draw straight archipelagic baselines joining the outermost points of their outermost islands, provided that the ratio of water to land within the baselines is between 1:1 and 9:1. The waters enclosed within the archipelagic baselines are called *archipelagic waters*. (The archipelagic baselines are also the baselines from which the archipelagic nation measures seaward its territorial sea, contiguous zone, and exclusive economic zone.) The United States recognizes the right of an archipelagic nation to establish archipelagic baselines enclosing archipelagic waters provided the baselines are drawn in conformity with the 1982 LOS Convention. (See paragraph 2.5.4 regarding navigation and overflight of archipelagic waters.)

Archipelagic nations may designate archipelagic sea lanes through their archipelagic waters suitable for continuous and expeditious passage of ships and aircraft. All normal routes used for international navigation and overflight are to be included. If the archipelagic nation does not designate such sea lanes, the right of archipelagic sea lanes passage may nonetheless be exercised by all nations through routes normally used for international navigation and overflight. If the archipelagic nation makes only a partial designation of archipelagic sea lanes, a vessel or aircraft must adhere to the regime of archipelagic sea lanes passage while transiting in the established

archipelagic sea lanes but retains the right to exercise archipelagic sea lanes passage through all normal routes used for international navigation and overflight through other parts of the archipelago.

## **1.6 INTERNATIONAL WATERS**

For operational purposes, international waters include all ocean areas *not* subject to the territorial sovereignty of any nation. All waters seaward of the territorial sea are international waters in which the high seas freedoms of navigation and overflight are preserved to the international community. International waters include contiguous zones, exclusive economic zones, and high seas.

### **1.6.1 Contiguous Zones**

A contiguous zone is an area extending seaward from the territorial sea to a maximum distance of 24 nautical miles from the baseline. In that zone, the coastal nation may exercise the control necessary to prevent or punish infringement of its customs, fiscal, immigration, and sanitary laws and regulations that occur within its territory or territorial sea (but not for purported security purposes; see paragraph 1.6.4.). The United States claims a 24-nautical-mile contiguous zone.

### **1.6.2 Exclusive Economic Zones**

An EEZ is a resource-related zone adjacent to the territorial sea. An EEZ may not extend beyond 200 nautical miles from the baseline. As the name suggests, its central purpose is economic. The United States recognizes the sovereign rights of a coastal nation to prescribe and enforce its laws in the exclusive economic zone for the purposes of exploration, exploitation, management, and conservation of the natural resources of the waters, seabed, and subsoil of the zone, as well as for the production of energy from the water, currents, and winds. The coastal nation may exercise jurisdiction in the zone over the establishment and use of artificial islands, installations, and structures having economic purposes; over marine scientific research (with reasonable limitations); and over some aspects of marine environmental protection (including implementation of international vessel-source pollution control standards). (For a discussion of marine scientific research, hydrographic surveys and military surveys in the EEZ, see paragraphs 2.6.2.1 and 2.6.2.2.) In the EEZ all nations enjoy the right to exercise the traditional high seas freedoms of navigation and overflight, of the laying of submarine cables and pipelines, and of all other traditional high seas uses by ships and aircraft that are not resource related. The United States established a 200-nautical mile EEZ by Presidential Proclamation 5030 on 10 March 1983.

### **1.6.3 High Seas**

The high seas include all parts of the ocean seaward of the exclusive economic zone. When a coastal nation has not proclaimed an exclusive economic zone, the high seas begin at the seaward edge of the territorial sea.

### **1.6.4 Coastal Security Zones**

Some coastal nations have claimed the right to establish military security zones, beyond the territorial sea, of varying breadth in which they purport to regulate the activities of warships and military aircraft of other nations by such restrictions as prior notification or authorization for entry, limits on the number of foreign ships or aircraft present at any given time, prohibitions on various operational activities, or complete exclusion. International law does not recognize the right of coastal nations to establish zones during peacetime that would restrict the exercise of nonresource-related high seas freedoms beyond the territorial sea. Accordingly, the United States does not recognize the validity of any claimed security or military zone seaward of the territorial sea that purports to restrict or regulate the high seas freedoms of navigation and overflight. (See paragraph 2.5.2.3 for a discussion of temporary suspension of innocent passage in territorial seas. See also paragraph 4.4 for a further discussion of declared security and defense zones in time of peace and paragraph 7.9 for a discussion of exclusion zones and war zones during armed conflict.)

## 1.7 CONTINENTAL SHELVES

The juridical continental shelf of a coastal nation consists of the seabed and subsoil of the submarine areas that extend beyond its territorial sea to the outer edge of the continental margin *or* to a distance of 200 nautical miles from the baseline used to measure the territorial sea where the continental margin does not extend to that distance. The continental shelf may not extend beyond 350 nautical miles from the baseline of the territorial sea *or* 100 nautical miles from the 2,500-meter isobath, whichever is greater. Although the coastal nation exercises sovereign rights over the continental shelf for purposes of exploring and exploiting its natural resources, the legal status of the superjacent water is *not* affected. Moreover, all nations have the right to lay submarine cables and pipelines on the continental shelf.

## 1.8 SAFETY ZONES

Coastal nations may establish safety zones to protect artificial islands, installations, and structures located in their internal waters, archipelagic waters, territorial seas, and exclusive economic zones, and on their continental shelves. In the case of artificial islands, installations, and structures located in the exclusive economic zones or on the continental shelf beyond the territorial sea, safety zones may not extend beyond 500 meters from the outer edges of the facility in question, except as otherwise authorized by generally accepted international standards.

## 1.9 AIRSPACE

Under international law, airspace is classified as either *national* airspace (that over the land, internal waters, archipelagic waters, and territorial seas of a nation) or *international* airspace (that over contiguous zones, exclusive economic zones, the high seas, and territory not subject to the sovereignty of any nation). Subject to a right of overflight of international straits (see paragraph 2.5.3) and archipelagic sea lanes (see paragraph 2.5.4.1), each nation has complete and exclusive sovereignty over its national airspace. Except as nations may have otherwise consented through treaties or other international agreements, the aircraft of all nations are free to operate in international airspace without interference by other nations.

## 1.10 OUTER SPACE

The upper limit of airspace subject to national jurisdiction has not been authoritatively defined by international law. International practice has established that airspace terminates at some point below the point at which artificial satellites can be placed in orbit without free-falling to earth. Outer space begins at that undefined point. All nations enjoy a freedom of equal access to outer space and none may appropriate it to its national airspace or exclusive use.

## CHAPTER 2

# International Status and Navigation of Warships, Naval Craft, and Military Aircraft

### 2.1 SOVEREIGN IMMUNITY

#### 2.1.1 Sovereign Immunity Defined

As a matter of customary international law, all vessels owned or operated by a state, and used, for the time being, only on government noncommercial service are entitled to sovereign immunity. This means that such vessels are immune from arrest or search, whether in national or international waters. Such vessels are also immune from foreign taxation, exempt from any foreign state regulation requiring flying the flag of such foreign state either in its ports or while passing through its territorial sea, and are entitled to exclusive control over persons onboard such vessels with respect to acts performed on board. The privilege of sovereign immunity includes protecting the identity of personnel, stores, weapons, or other property on board the vessel. The United States asserts the privilege of sovereign immunity for all United States ship (USS) and United States Coast Guard cutter (USCGC) vessels described below.

#### 2.1.2 Sunken Warships, Naval Craft, Military Aircraft, and Government Spacecraft

Sunken warships, naval craft, military aircraft, and government spacecraft retain their sovereign immune status and remain the property of the flag nation until title is formally relinquished or abandoned, whether the cause of the sinking was through accident or enemy action (unless the warship or aircraft was captured before it sank). As a matter of policy, the U.S. government does not grant permission to salvage sunken U.S. warships or military aircraft that contain the remains of deceased service personnel or explosive material. Requests from foreign countries to have their sunken warships or military aircraft, located in U.S. national waters, similarly respected by salvors, are honored.

### 2.2 WARSHIPS

#### 2.2.1 Warship Defined

International law defines a warship as a ship belonging to the armed forces of a nation bearing the external markings distinguishing the character and nationality of such ships, under the command of an officer duly commissioned by the government of that nation and whose name appears in the appropriate service list of officers, and manned by a crew that is under regular armed forces discipline (the mere presence of a number of civilians onboard a warship does not alter the status of the vessel). In the U.S. Navy, those ships designated “USS” are “warships” as defined by international law. U.S. Coast Guard vessels designated “USCGC” under the command of a commissioned officer are also “warships” under international law.

#### 2.2.2 Warship International Status

As a matter of customary international law, warships enjoy sovereign immunity from interference by the authorities of nations other than the flag nation. Police and port authorities may board a warship only with the permission of the commanding officer. A warship cannot be required to consent to an onboard search or inspection, nor may it be required to fly the flag of the host nation. Although warships are required to comply with coastal nation traffic control, sewage, health, and quarantine restrictions instituted in conformance with the



1982 LOS Convention, a failure of compliance is subject only to diplomatic complaint or to coastal nation orders to leave its territorial sea immediately. Moreover, warships are immune from arrest and seizure, whether in national or international waters, and are exempt from foreign taxes and regulation and exercise exclusive control over all passengers and crew with regard to acts performed on board. U.S. Navy policy requires warships to assert the rights of sovereign immunity.

### **2.2.3 Crew Lists**

It is US policy that providing a list of crew members (to include military and nonmilitary personnel) or any other passengers on board a USS or USCGC vessel as a condition of entry into a port or to satisfy local immigration officials upon arrival is prohibited. For more information concerning US policy in this regard see CNO WASHINGTON DC 101814Z Nov 05 (NAVADMIN 288/05).

### **2.2.4 Nuclear-Powered Warships**

Nuclear-powered warships and conventionally powered warships enjoy identical international legal status.

## **2.3 OTHER NAVAL CRAFT**

### **2.3.1 Auxiliary Vessels**

Auxiliary vessels are vessels, other than warships, that are owned by or under the exclusive control of the armed forces. Because they are State owned or operated and used for the time being only on government noncommercial service, auxiliary vessels enjoy sovereign immunity. This means that, like warships, they are immune from arrest and search, whether in national or international waters. Like warships, they are exempt from foreign taxes and regulation, and exercise exclusive control over all passengers and crew with respect to acts performed on board.

U.S. Navy, U.S. Coast Guard and U.S. Army vessels that, except for the lack of a commissioned officer as commanding officer would be warships, are also auxiliary vessels.

### **2.3.2 Military Sealift Command (MSC) Vessel Status**

The Military Sealift Command (MSC) Force includes: (1) United States Naval Ships (USNS) (i.e., U.S. owned vessels or those under bareboat charter, and assigned to MSC); (2) the National Defense Reserve Fleet (NDRF) and the Ready Reserve Force (RRF) (when activated and assigned to MSC); (3) privately owned vessels under time charter assigned to the Afloat Prepositioned Force (APF); and (4) those vessels chartered by MSC for a period of time or for a specific voyage or voyages. All USNS, APF, NDRF and RRF vessels are entitled to full rights of sovereign immunity. As a matter of policy, however, the U.S. claims only freedom from arrest and taxation for those MSC Force time and voyage charters not included in the APF. The United States, also as a matter of policy, does not currently claim sovereign immunity for MSC foreign flagged voyage or MSC foreign flagged time-chartered vessels. For more information concerning MSC Sovereign Immunity Policy, to include information concerning the provision of crew lists, see CNO WASHINGTON DC 101814Z Nov 05 (NAVADMIN 288/05).

### **2.3.3 Small Craft Status**

US Navy and US Coast Guard motor whale boats and other small boats deployed from larger vessels are sovereign immune craft whose status is not dependent upon the status of the launching platform.

### **2.3.4 Unmanned Surface Vehicles Defined**

Unmanned surface vehicles (USVs) are water craft that are either autonomous or remotely navigated and may be launched from surface, subsurface, or aviation platforms. The anticipated stealth, mobility, flexibility of employment, and network capabilities of USVs are expected to make them extremely valuable as force multipliers, particularly in the littoral environment. Potential missions envisioned for USVs include laying

undersea sensor grids, antisubmarine warfare (ASW) prosecution, barrier operations, sustainment of carrier operating areas, mine countermeasures (MCM), intelligence, surveillance, and reconnaissance (ISR), bottom mapping and survey, and special operations support.

### **2.3.5 Unmanned Underwater Vehicles Defined**

Unmanned underwater vehicles (UUVs) are underwater craft that are either autonomous or remotely navigated and may be launched from surface, subsurface, or aviation platforms. Towed systems, hard-tethered devices, systems not capable of fully submerging such as USV, semi-submersible vehicles, or bottom crawlers are not considered UUVs. The sea services may employ UUVs for a wide variety of missions, including, but not limited to: ISR, MCM, ASW, Surveillance, Inspection/Identification, oceanography, communication/navigation network nodes, payload delivery, information operations (IO), time critical strike, barrier patrol (homeland defense, antiterrorism/force protection), and barrier patrol (sea base support).

### **2.3.6 Unmanned Service Vehicles/Unmanned Underwater Vehicles Status**

USVs and UUVs engaged exclusively in government, noncommercial service are sovereign immune craft. USV/UUV status is not dependent on the status of its launch platform.

## **2.4 MILITARY AIRCRAFT**

### **2.4.1 Military Aircraft Defined**

Military aircraft include all aircraft operated by commissioned units of the armed forces of a nation bearing the military markings of that nation, commanded by a member of the armed forces, and manned by a crew subject to regular armed forces discipline, as well as unmanned aerial vehicles (see paragraph 2.4.4).

### **2.4.2 Military Aircraft International Status**

Military aircraft are “State aircraft” within the meaning of the Convention on International Civil Aviation of 1944 (the “Chicago Convention”), and, like warships, enjoy sovereign immunity from foreign search and inspection. Subject to the right of transit passage, archipelagic sea lanes passage, and entry in distress (see paragraph 2.5.1), State aircraft may not enter national airspace (see paragraph 1.9) or land in the sovereign territory of another nation without its authorization. Foreign officials may not board the aircraft without the consent of the aircraft commander. Should the aircraft commander fail to certify compliance with local customs, immigration or quarantine requirements, the aircraft may be directed to leave the territory and national airspace of that nation immediately.

### **2.4.3 Auxiliary Aircraft**

Auxiliary aircraft are State aircraft, other than military aircraft, that are owned by or under the exclusive control of the armed forces. Civilian owned and operated aircraft, the full capacity of which has been contracted by the DOD and used in the military service of the United States, qualify as “auxiliary aircraft” if they are designated as “State aircraft” by the United States. In those circumstances they too enjoy sovereign immunity from foreign search and inspection. As a matter of policy, however, the United States normally does not designate Air Mobility Command-charter aircraft as State aircraft.

### **2.4.4 Unmanned Aerial Vehicles Defined/Status**

Unmanned aerial vehicles (UAVs) are pilotless aircraft that are either autonomous or remotely piloted and may be launched from surface or aviation platforms or land bases. Per DOD Directive 4540.1, use of Airspace by US Military Aircraft and Firing Over the High Seas, manned and unmanned aircraft and remotely piloted vehicles are to be considered “military aircraft.” UAVs have been integrated into all levels of military operations and offer an unprecedented reconnaissance and intelligence capability.

All UAVs operated by the DOD shall be considered “military aircraft” and retain the overflight rights under customary international law as reflected in the LOS Convention. Since DOD-operated UAVs are considered “military aircraft,” all domestic and international law pertaining to “military aircraft” is applicable. This includes all conventions, treaties, and agreements relating to “military aircraft,” “auxiliary aircraft,” “civil aircraft” and “civilian airliners.”

## **2.5 NAVIGATION IN AND OVERFLIGHT OF NATIONAL WATERS**

### **2.5.1 Internal Waters**

As discussed in the preceding chapter, coastal nations exercise the same jurisdiction and control over their internal waters and superjacent airspace as they do over their land territory. Because most ports and harbors are located landward of the baseline of the territorial sea, entering a port ordinarily involves navigation in internal waters. Because entering internal waters is legally equivalent to entering the land territory of another nation, that nation’s permission is required. To facilitate international maritime commerce, many nations grant foreign merchant vessels standing permission to enter internal waters, in the absence of notice to the contrary. Warships and auxiliaries, and all aircraft, on the other hand, require specific and advance entry permission, unless other bilateral or multilateral arrangements have been concluded.

Exceptions to the rule of nonentry into internal waters without coastal nation permission, whether specific or implied, arise when rendered necessary by *force majeure* or by distress, or when straight baselines established in accordance with customary international law as reflected in the 1982 LOS Convention have the effect of enclosing, as internal waters, areas of the sea previously regarded as territorial seas or high seas. In the latter event, international law provides that the right of innocent passage (see paragraph 2.5.2.1) or that of transit passage in an international strait (see paragraph 2.5.3) may be exercised by all nations in those waters.

### **2.5.2 Territorial Seas**

#### **2.5.2.1 Innocent Passage**

International law provides that ships (but not aircraft) of all nations enjoy the right of innocent passage for the purpose of continuous and expeditious traversing of the territorial sea or for proceeding to or from internal waters. Innocent passage includes stopping and anchoring, but only insofar as incidental to ordinary navigation, or as rendered necessary by *force majeure* or by distress. Passage is innocent so long as it is not prejudicial to the peace, good order, or security of the coastal nation. Activities considered to be prejudicial to the peace, good order, or security of the coastal nation, and therefore inconsistent with innocent passage, are:

1. Any threat or use of force against the sovereignty, territorial integrity, or political independence of the coastal nation, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations
2. Any exercise or practice with weapons of any kind
3. Any act aimed at collecting information to the prejudice of the defense or security of the coastal nation
4. Any act of propaganda aimed at affecting the defense or security of the coastal nation
5. The launching, landing, or taking on board of any aircraft
6. The launching, landing, or taking on board of any military device
7. The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws, and regulations of the coastal nation
8. Any act of willful and serious pollution contrary to the 1982 LOS Convention

9. Any fishing activities
10. The carrying out of research or survey activities
11. Any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal nation
12. Any other activity not having a direct bearing on passage.

Foreign ships, including warships, exercising the right of innocent passage are required to comply with the laws and regulations enacted by the coastal nation in conformity with established principles of international law and, in particular, with such laws and regulations relating to the safety of navigation. Innocent passage does *not* include a right of overflight. A vessel does not enjoy the right of innocent passage if, in the case of a submarine, it navigates submerged, or if, in the case of any ship, it engages in an act aimed at collecting information to the prejudice of the defense or security of the coastal nation.

While the 1982 LOS Convention does not prohibit noninnocent passage, such as overflight of or submerged transit in the territorial sea, the coastal state may take affirmative actions in and over its territorial sea to prevent passage that is not innocent, including, where necessary, the use of force. If a foreign ship or aircraft enters the territorial sea or the airspace above it and engages in noninnocent activities, the appropriate remedy, consistent with customary international law, which includes the right of self-defense, is first to inform the ship or aircraft of the reasons the coastal nation questions the innocence of the passage, and to provide the vessel a reasonable opportunity to clarify its intentions or to correct its conduct in a reasonably short period of time. (See paragraph 2.5.2.4 as to warships.)

#### **2.5.2.2 Permitted Restrictions**

For purposes such as resource conservation, environmental protection, and navigational safety, a coastal nation may establish certain restrictions upon the right of innocent passage of foreign vessels. Such restrictions upon the right of innocent passage through the territorial sea are not prohibited by international law, provided that they are reasonable and necessary; do not have the practical effect of denying or impairing the right of innocent passage; and do not discriminate in form or in fact against the ships of any nation or those carrying cargoes to, from, or on behalf of any nation. Further, these restrictions cannot prohibit transit or otherwise impair the rights of innocent and transit passage of nuclear-powered sovereign vessels. The coastal nation may, where navigational safety dictates, require foreign ships exercising the right of innocent passage to utilize designated sea lanes and traffic separation schemes.

#### **2.5.2.3 Temporary Suspension of Innocent Passage**

A coastal nation may suspend innocent passage temporarily in specified areas of its territorial sea when it is essential for the protection of its security. Such a suspension must be preceded by a published notice to the international community and may not discriminate in form or in fact among foreign ships.

#### **2.5.2.4 Warships and Innocent Passage**

All warships enjoy the right of innocent passage on an unimpeded and unannounced basis. If a warship does not comply with coastal nation regulations that conform to established principles of international law and disregards a request for compliance that is made to it, the coastal nation may require the warship immediately to leave the territorial sea in which case the warship shall do so immediately.

### 2.5.2.5 USV/UUV and Navigational Rights

Customary international law as reflected in the 1982 LOS Convention gives vessels of all nations the right to engage in innocent passage as well as in transit passage and archipelagic sea lanes passage. The size, purpose, or type of cargo is irrelevant. The same rules apply to USV and UUV transit and navigation. USVs and UUVs retain independent navigation rights and may be deployed by larger vessels as long as their employment complies with the navigational regimes of innocent passage, transit passage, archipelagic sea lanes passage as applicable.

### 2.5.2.6 Assistance Entry

All ship and aircraft commanders have an obligation to assist those in danger of being lost at sea. See paragraph 3.2.1. This long-recognized duty of mariners permits assistance entry into the territorial sea by ships or, under certain circumstances, aircraft without permission of the coastal nation to engage in *bona fide* efforts to render emergency assistance to those in danger or distress at sea. This right applies only when the location of the danger or distress is reasonably well known. It does not extend to entering the territorial sea or superjacent airspace to conduct a search, which requires the consent of the coastal nation.

## 2.5.3 International Straits

### 2.5.3.1 International Straits Between One Part of the High Seas/EEZ and Another Part of the High Seas/EEZ

Straits that are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone are subject to the legal regime of *transit passage*. Transit passage exists throughout the entire strait (shoreline-to-shoreline) and not just the area overlapped by the territorial sea of the coastal nation(s). Under international law, the ships and aircraft of all nations, including warships, auxiliary vessels, and military aircraft, enjoy the right of unimpeded transit passage through such straits and their approaches.

Transit passage is defined as the exercise of the freedoms of navigation and overflight solely for the purpose of continuous and expeditious transit in the normal modes of operation utilized by ships and aircraft for such passage. Ships and aircraft, while exercising the right of transit passage, shall: (a) proceed without delay through or over the strait; (b) refrain from any threat or use of force against the sovereignty, territorial integrity, or political independence of States bordering the strait and, (c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress. Surface warships may transit in a manner consistent with sound navigational practices and the security of the force, including the use of their electronic detection and navigational devices such as radar, sonar and depth-sounding devices, formation steaming, and the launching and recovery of aircraft. Submarines are free to transit international straits submerged, since that is their normal mode of operation.

Transit passage through international straits cannot be hampered or suspended by the coastal nation for any purpose during peacetime. This principle of international law also applies to transiting ships (including warships) of nations at peace with the bordering coastal nation but involved in armed conflict with another nation.

Coastal nations bordering international straits overlapped by territorial seas may designate sea lanes and prescribe traffic separation schemes to promote navigational safety. However, such sea lanes and separation schemes must be approved by the competent international organization (the International Maritime Organization (IMO)) in accordance with generally accepted international standards. Merchant ships and government-operated ships operated for commercial purposes must respect properly designated sea lanes and traffic separation schemes. Warships, auxiliaries and government ships operated on exclusive government service, i.e., sovereign-immune vessels (see paragraph 2.1) are not legally required to comply with such sea lanes and traffic separation schemes while in transit passage. Sovereign immune vessels, however, must exercise due regard for the safety of navigation. Warships and auxiliaries may, and often do, voluntarily comply with IMO-approved routing measures in international straits where practicable and compatible with the military mission. When voluntarily using an

IMO-approved traffic separation scheme, such vessels must comply with applicable provisions of the 1972 International Regulations for Preventing Collisions at Sea (72 COLREGS).

### **2.5.3.2 International Straits Not Completely Overlapped by Territorial Seas**

Ships and aircraft transiting through or above straits used for international navigation that are *not* completely overlapped by territorial seas and through which there is a high seas or exclusive economic zone corridor suitable for such navigation, enjoy the high seas freedoms of navigation and overflight while operating in and over such a corridor. Accordingly, so long as they remain beyond the territorial sea, all ships and aircraft of all nations have the unencumbered right to navigate through and over such waters subject only to due regard for the right of others to do so as well. In international straits not completely overlapped by territorial seas, all vessels enjoy high seas freedoms while operating in the high seas corridor beyond the territorial sea. If the high seas corridor is not of similar convenience (e.g., to stay within the high seas corridor would be inconsistent with sound navigational practices), such vessels enjoy the right of unimpeded transit passage through the strait.

### **2.5.3.3 International Straits Between a Part of the High Seas/EEZ and the Territorial Seas of a Coastal State**

The regime of innocent passage (see paragraph 2.5.2.1), rather than transit passage, applies in straits used for international navigation that connect a part of the high seas or an exclusive economic zone with the territorial sea of a coastal nation. There may be no suspension of innocent passage through such straits. Additionally, warships, auxiliaries, and ships operated on exclusive government service, i.e., sovereign-immune vessels (see paragraph 2.1), are not legally required to comply with sea lanes and traffic separation schemes while conducting innocent passage but must exercise due regard for the safety of navigation.

## **2.5.4 Archipelagic Waters**

### **2.5.4.1 Archipelagic Sea Lanes Passage**

All ships and aircraft, including warships and military aircraft, enjoy the right of archipelagic sea lanes passage while transiting through, under, or over archipelagic waters and adjacent territorial seas via all routes normally used for international navigation and overflight. Archipelagic sea lanes passage is defined under international law as the exercise of the freedom of navigation and overflight for the sole purpose of continuous, expeditious and unobstructed transit through archipelagic waters, in the normal modes of operations, by the ships and aircraft involved. This means that submarines may transit while submerged and that surface warships may carry out those activities normally undertaken during passage through such waters, including activities necessary to their security, such as formation steaming and the launching and recovery of aircraft as well as operating devices such as radar, sonar, and depth-sounding devices. The right of archipelagic sea lanes passage is substantially identical to the right of transit passage through international straits (see paragraph 2.5.3.1). When archipelagic sea lanes are properly designated by the archipelagic nation, the following additional rules apply:

1. Each such designated sea lane is defined by a continuous axis line from the point of entry into the territorial sea adjacent to the archipelagic waters, through those archipelagic waters, to the point of exit from the territorial sea beyond.
2. Ships and aircraft engaged in archipelagic sea lanes passage through such designated sea lanes are required to remain within 25 nautical miles either side of the axis line and must approach no closer to the coastline than 10 percent of the distance between the points on islands bordering the sea lane and the axis line (Figure 2-1).

The right of archipelagic sea lanes passage, through designated sea lanes as well as through all normal routes, cannot be hampered or suspended by the archipelagic nation for any purpose. In situations where an archipelagic state has only partially designated sea lanes, the navigational regime of archipelagic sea lanes passage applies to those lanes. However, vessels and aircraft retain the right to use all normal routes for transits through areas of archipelagic waters where there are no designated sea lanes.

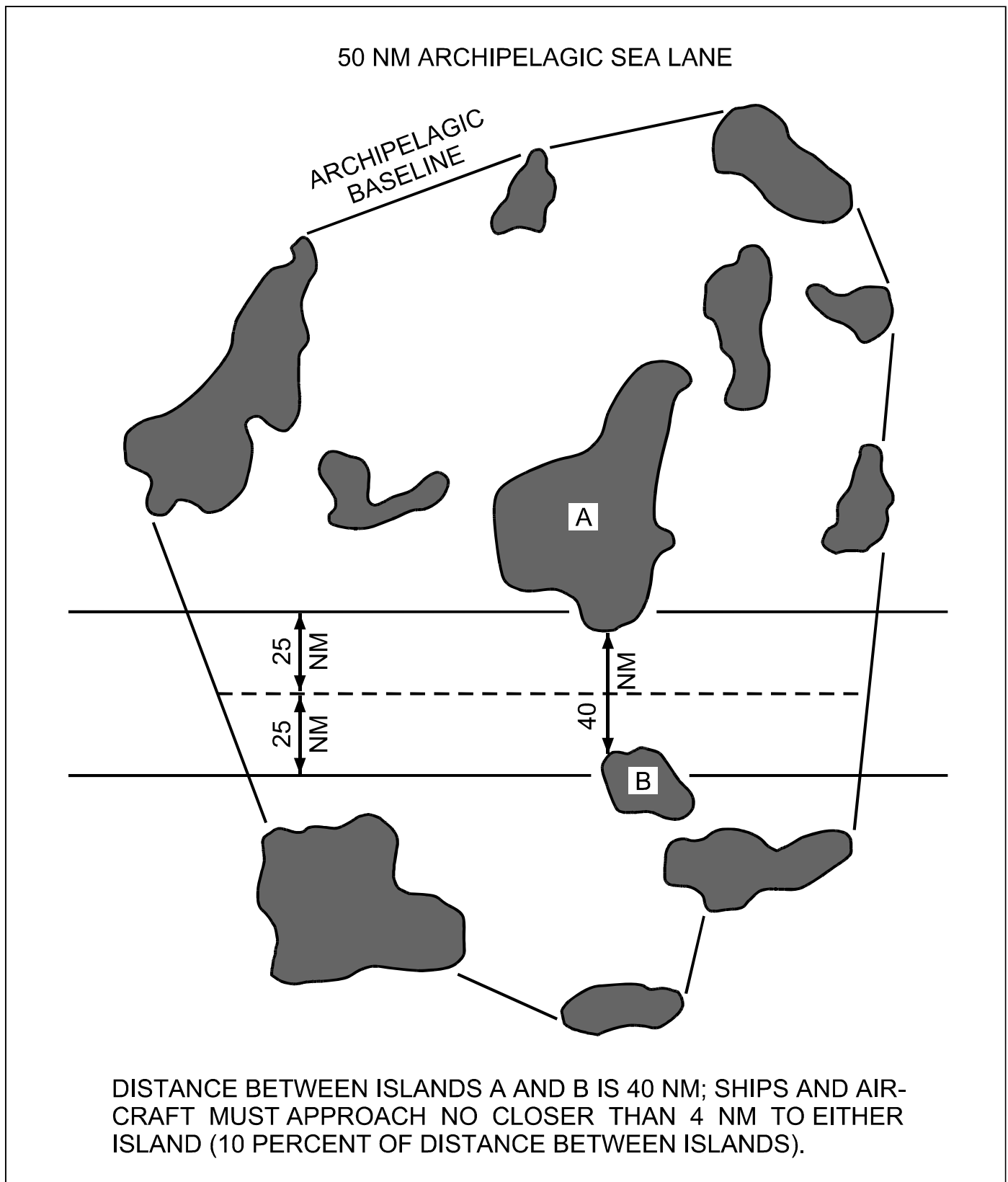


Figure 2-1. A Designated Archipelagic Sea Lane

### **2.5.4.2 Innocent Passage**

Outside of archipelagic sea lanes, all ships, including warships, enjoy the more limited right of innocent passage throughout archipelagic waters just as they do in the territorial sea (see paragraph 2.5.2.1). Submarines must remain on the surface and fly their national flag. Any threat or use of force directed against the sovereignty, territorial integrity, or political independence of the archipelagic nation is prohibited. Launching and recovery of aircraft are not allowed, nor may weapons exercises be conducted. The archipelagic nation may promulgate and enforce reasonable restrictions on the right of innocent passage through its archipelagic waters for reasons of navigational safety and for customs, fiscal, immigration, fishing, pollution, and sanitary purposes. Innocent passage may be suspended temporarily by the archipelagic nation in specified areas of its archipelagic waters when essential for the protection of its security, but it must first promulgate notice of its intentions to do so and must apply the suspension in a nondiscriminating manner. There is no right of overflight through airspace over archipelagic waters outside of archipelagic sea lanes.

## **2.6 NAVIGATION IN AND OVERFLIGHT OF INTERNATIONAL WATERS**

### **2.6.1 Contiguous Zones**

The contiguous zone is comprised of international waters in and over which the ships and aircraft, including warships and military aircraft, of all nations enjoy the high seas freedoms of navigation and overflight as described in paragraph 2.6.3. Although the coastal nation may exercise in those waters the control necessary to prevent and punish infringement of its customs, fiscal, immigration, and sanitary laws that may occur within its territory (including its territorial sea), it cannot otherwise interfere with international navigation and overflight in and above the contiguous zone.

### **2.6.2 Exclusive Economic Zones**

The coastal nation's jurisdiction and control over the exclusive economic zone are limited to matters concerning the exploration, exploitation, management, and conservation of the resources of those international waters. The coastal nation may also exercise in the zone jurisdiction over the establishment and use of artificial islands, installations, and structures having economic purposes; over marine scientific research (with reasonable limitations); and over some aspects of marine environmental protection. Accordingly, the coastal nation cannot unduly restrict or impede the exercise of the freedoms of navigation in and overflight of the exclusive economic zone. Since all ships and aircraft, including warships and military aircraft, enjoy the high seas freedoms of navigation and overflight and other internationally lawful uses of the sea related to those freedoms (see paragraph 2.6.3), in and over those waters, the existence of an EEZ in an area of naval operations need not, of itself, be of operational concern to the naval commander.

#### **2.6.2.1 Marine Scientific Research**

Coastal nations may regulate marine scientific research conducted in marine areas under their jurisdiction. This includes the EEZ and the continental shelf. Marine scientific research includes activities undertaken in the ocean and coastal waters to expand general scientific knowledge of the marine environment for peaceful purposes, and includes: physical and chemical oceanography, marine biology, fisheries research, scientific ocean drilling and coring, geological/geophysical scientific surveying, as well as other activities with a scientific purpose. The results of marine scientific research are generally made publicly available. It is the policy of the United States to encourage freedom of marine scientific research. Accordingly, the United States does not require that other nations obtain its consent prior to conducting marine scientific research in the U.S. EEZ.

#### **2.6.2.2 Hydrographic Surveys and Military Surveys**

Although coastal nation consent must be obtained in order to conduct marine scientific research in its EEZ, the coastal nation cannot regulate hydrographic surveys or military surveys conducted beyond its territorial sea, nor can it require notification of such activities.



A hydrographic survey is the obtaining of information in coastal or relatively shallow areas for the purpose of making navigational charts and similar products to support safety of navigation. A hydrographic survey may include measurements of the depth of water, configuration and nature of the natural bottom, direction and force of currents, heights and times of tides and water stages, and hazards to navigation.

A military survey is the collecting of marine data for military purposes and, whether classified or not, is generally not made publicly available. A military survey may include collection of oceanographic, hydrographic, marine geological, geophysical, chemical, biological, acoustic, and related data.

OPNAVINST 3128.9 (series), Subj: Diplomatic Clearance for U.S. Navy Marine Data Collection Activities in Foreign Jurisdictions, provides guidance for determining requirements and procedures for marine data collection activities by Department of the Navy marine data collection assets. Marine data collection is a general term used when referring to all types of survey or marine scientific activity, i.e., military surveys, hydrographic surveys, and marine scientific research.

### **2.6.3 High Seas Freedoms and Warning Areas**

All ships and aircraft, including warships and military aircraft, enjoy complete freedom of movement and operation on and over the high seas. For warships, this includes task force maneuvering, flight operations, military exercises, surveillance, intelligence gathering activities, and ordnance testing and firing. All nations also enjoy the right to lay submarine cables and pipelines on the bed of the high seas as well as on the continental shelf beyond the territorial sea, with coastal nation approval for the course of pipelines on the continental shelf. All of these activities must be conducted with due regard for the rights of other nations and the safe conduct and operation of other ships and aircraft.

Any nation may declare a temporary warning area in international waters and airspace to advise other nations of the conduct of activities that, although lawful, are hazardous to navigation and/or overflight. The United States and other nations routinely declare such areas for missile testing, gunnery exercises, space vehicle recovery operations, and other purposes entailing some danger to other lawful uses of the seas by others. Notice of the establishment of such areas must be promulgated in advance, in the form of a special warning to mariners, notice to mariners (NOTMAR), notice to airmen (NOTAM), Hydro Atlantic/Hydro Pacific (HYDROLANT/HYDROPAC) messages, and the Global Maritime Distress and Safety System.

Ships and aircraft of other nations are *not* required to remain outside a declared warning area, but are obliged to refrain from interfering with activities therein. Consequently, ships and aircraft of one nation may operate in a warning area within international waters and airspace declared by another nation, collect intelligence and observe the activities involved, subject to the requirement of due regard for the rights of the declaring nation to use international waters and airspace for such lawful purposes. The declaring nation may take reasonable measures including the use of proportionate force to protect the activities against interference. (See paragraph 4.3.7 for a discussion of the establishment of warning zones during periods of heightened tensions not rising to the level of international armed conflict.)

### **2.6.4 Declared Security and Defense Zones**

As a general rule, international law does not recognize the peacetime right of any nation to restrict the navigation and overflight of foreign warships and military aircraft beyond its territorial sea. Although several coastal nations have asserted claims that purport to prohibit warships and military aircraft from operating in so-called security zones extending beyond the territorial sea, such claims have no basis in international law in time of peace, and are not recognized by the United States.

The Charter of the United Nations and general principles of international law recognize that a nation may exercise measures of individual and collective self-defense against an armed attack or imminent threat of armed attack. Those measures may include the establishment of “defensive sea areas” or “maritime control areas” in which the threatened nation seeks to enforce some degree of control over foreign entry into those areas. Historically, the establishment of such areas extending beyond the territorial sea has been restricted to periods of war or to

declared national emergency involving the outbreak of hostilities. International law does not determine the geographic limits of such areas or the degree of control that a coastal nation may lawfully exercise over them, beyond laying down the general requirement of reasonableness in relation to the needs of national security and defense. (See paragraphs 7.8 and 7.9 for further discussions of the establishment and limitations of such zones in the course of an international armed conflict.)

## **2.6.5 Polar Regions**

### **2.6.5.1 Arctic/Antarctica Regions**

The United States considers that the waters, ice pack, and airspace of the Arctic region beyond the lawfully claimed territorial seas of littoral nations have international status and are open to navigation by the ships and aircraft of all nations. Although several nations have, at times, attempted to claim sovereignty over the Arctic on the basis of discovery, historic use, contiguity (proximity), or the so-called “sector” theory, those claims are not recognized in international law. Accordingly, all ships and aircraft enjoy the freedoms of high seas navigation and overflight on, over, and under the waters and ice pack of the Arctic region beyond the lawfully claimed territorial seas of littoral states.

A number of nations have asserted conflicting and often overlapping claims to portions of Antarctica. These claims are premised variously on discovery, contiguity, occupation and, in some cases, the “sector” theory. The United States does not recognize the validity of the claims of other nations to any portion of the Antarctic area.

### **2.6.5.2 The Antarctic Treaty of 1959**

The United States is a party to the multilateral treaty of 1959 governing Antarctica. Designed to encourage the scientific exploration of the continent and to foster research and experiments in Antarctica without regard to conflicting assertions of territorial sovereignty, the 1959 accord provides that no activity in the area undertaken while the treaty is in force will constitute a basis for asserting, supporting, or denying such claims.

The treaty also provides that Antarctica “shall be used for peaceful purposes only,” and that “any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons” shall be prohibited. All stations and installations, and all ships and aircraft at points of discharging or embarking cargo or personnel in Antarctica, are subject to inspection by designated foreign observers. Therefore, classified activities are not conducted by the United States in Antarctica, and all classified material is removed from U.S. ships and aircraft prior to visits to the continent. In addition, the treaty prohibits nuclear explosions and disposal of nuclear waste anywhere south of 60° South Latitude. The treaty does not, however, affect in any way the high seas freedoms of navigation and overflight in the Antarctic region. The United States recognizes no territorial, territorial sea or territorial airspace claims in Antarctica.

On 14 January 1998, the 1991 Protocol on Environmental Protection to the Antarctic Treaty, to which the United States is a party, entered into force. The protocol designates Antarctica as a natural reserve, devoted to peace and science, and sets forth basic principles and detailed mandatory rules applicable to human activities in Antarctica, including obligations to accord priority to scientific research.

## **2.6.6 Nuclear-Free Zones**

The 1968 Nuclear Weapons Non-Proliferation Treaty, to which the United States is a party, acknowledges the right of groups of nations to conclude regional treaties establishing nuclear-free zones. Such treaties or their provisions are binding only on parties to them or to protocols incorporating those provisions. To the extent that the rights and freedoms of other nations, including the high seas freedoms of navigation and overflight, are not infringed upon, such treaties are not inconsistent with international law. The 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) is an example of a nuclear-free zone arrangement that is fully consistent with international law, as evidenced by U.S. ratification of its two Protocols. This in no way

affects the exercise by the United States of navigational rights and freedoms within waters covered by the Treaty of Tlatelolco.

## **2.7 AIR NAVIGATION**

### **2.7.1 National Airspace**

Under international law, every nation has complete and exclusive sovereignty over its national airspace, that is, the airspace above its territory, its internal waters, its territorial sea, and, in the case of an archipelagic nation, its archipelagic waters. *There is no right of innocent passage of aircraft through the airspace over the territorial sea or archipelagic waters analogous to the right of innocent passage enjoyed by ships of all nations.* Accordingly, unless party to an international agreement to the contrary, all nations have complete discretion in regulating or prohibiting flights within their national airspace (as opposed to a flight information region (FIR)—see paragraph 2.7.2.2), with the sole exceptions of overflight of international straits pursuant to transit passage and archipelagic sea lanes pursuant to archipelagic sea lanes passage. Foreign aircraft wishing to enter national airspace must identify themselves, seek or confirm permission to land or to transit, and must obey all reasonable orders to land, turn back, or fly a prescribed course and/or altitude. Pursuant to the Convention on International Civil Aviation of 1944 (the Chicago Convention), civil aircraft in distress are entitled to special consideration and should be allowed entry and emergency landing rights. Customary international law recognizes that foreign State aircraft in distress, including military aircraft, are similarly entitled to enter national airspace and to make emergency landings without prior coastal nation permission. The crew of such aircraft are entitled to depart expeditiously and the aircraft must be returned. While on the ground under such circumstances, State aircraft continue to enjoy sovereign immunity (see paragraph 2.4.2). (Concerning the right of assistance entry, see paragraph 2.5.2.6. For jurisdiction over aerial intruders, see paragraph 4.3.2.)

#### **2.7.1.1 International Straits Between One Part of the High Seas/EEZ and Another Part of the High Seas/EEZ**

All aircraft, including military aircraft, enjoy the right of unimpeded transit passage through the airspace above international straits overlapped by territorial seas. Such transits must be continuous and expeditious, and the aircraft involved must refrain from the threat or the use of force against the sovereignty, territorial integrity, or political independence of the nation or nations bordering the strait. The exercise of the right of overflight by aircraft engaged in the transit passage of international straits cannot be impeded or suspended in peacetime for any purpose.

In international straits not completely overlapped by territorial seas, all aircraft, including military aircraft, enjoy high seas freedoms while operating in the high seas corridor beyond the territorial sea. (See paragraph 2.7.2 for a discussion of permitted activities in international airspace.) If the high seas corridor is not of similar convenience (e.g., to stay within the high seas corridor would be inconsistent with sound navigational practices), such aircraft enjoy the right of unimpeded transit passage through the airspace of the strait.

#### **2.7.1.2 Archipelagic Sea Lanes**

All aircraft, including military aircraft, enjoy the right of unimpeded passage through the airspace above archipelagic sea lanes. The right of overflight of such sea lanes is essentially identical to that of transit passage through the airspace above international straits overlapped by territorial seas.

### **2.7.2 International Airspace**

International airspace is the airspace over the contiguous zone, the exclusive economic zone, the high seas, and territories not subject to national sovereignty (e.g., Antarctica). All international airspace is open to the aircraft of all nations. Accordingly, aircraft, including military aircraft, are free to operate in international airspace without interference from coastal nation authorities. Military aircraft may engage in flight operations, including ordnance testing and firing, surveillance and intelligence gathering, and support of other naval activities. All such activities must be conducted with due regard for the rights of other nations and the safety of other aircraft and of vessels.

(Note, however, that the Antarctic Treaty prohibits military maneuvers and weapons testing in Antarctic airspace.) These same principles apply with respect to the overflight of high seas or EEZ corridors through that part of international straits *not* overlapped by territorial seas.

### **2.7.2.1 Convention on International Civil Aviation**

The United States is a party to the 1944 Convention on International Civil Aviation (as are most nations). That multilateral treaty, commonly referred to as the “Chicago Convention,” applies to civil aircraft. It does *not* apply to military aircraft or U.S. government charter aircraft designated as “State aircraft” (see paragraph 2.4.2), other than to require that they operate with “due regard for the safety of navigation of civil aircraft.” The Chicago Convention established the International Civil Aviation Organization (ICAO) to develop international air navigation principles and techniques and to “promote safety of flight in international air navigation.”

Various operational situations do not lend themselves to ICAO flight procedures. These include military contingencies, classified missions, politically sensitive missions, or routine aircraft carrier operations. Operations not conducted under ICAO flight procedures are conducted under the “due regard” standard. (For additional information see DOD Directive 4540.1, Use of Airspace by US Military Aircraft and Firings Over the High Seas, and OPNAVINST 3770.4, Use of Airspace by US Military Aircraft and Firing Over the High Seas, and Commandant, United States Coast Guard Instruction COMDTINST M3710.1, Coast Guard Air Operations Manual.)

### **2.7.2.2 Flight Information Regions**

A Flight Information Region (FIR) is a defined area of airspace within which flight information and alerting services are provided. FIRs are established by ICAO for the safety of civil aviation and encompass both national and international airspace. Ordinarily, but only as a matter of policy, U.S. military aircraft on routine point-to-point flights through international airspace follow ICAO flight procedures and utilize FIR services. As mentioned above, exceptions to this policy include military contingency operations, classified or politically sensitive missions, and routine aircraft carrier operations or other training activities. When U.S. military aircraft do not follow ICAO flight procedures, they must navigate with “due regard” for civil aviation safety.

Some nations, however, purport to require all military aircraft in international airspace within their FIRs to comply with FIR procedures, whether or not they utilize FIR services or intend to enter national airspace. The United States does not recognize the right of a coastal nation to apply its FIR procedures to foreign military aircraft in such circumstances. Accordingly, U.S. military aircraft not intending to enter national airspace should not identify themselves or otherwise comply with FIR procedures established by other nations, unless the United States has specifically agreed to do so.

### **2.7.2.3 Air Defense Identification Zones in International Airspace**

International law does not prohibit nations from establishing air defense identification zones (ADIZ) in the international airspace adjacent to their territorial airspace. The legal basis for ADIZ regulations is the right of a nation to establish reasonable conditions of entry into its territory. Accordingly, an aircraft approaching national airspace can be required to identify itself while in international airspace as a condition of entry approval. ADIZ regulations promulgated by the United States apply to aircraft bound for U.S. territorial airspace and require the filing of flight plans and periodic position reports. The United States does not recognize the right of a coastal nation to apply its ADIZ procedures to foreign aircraft not intending to enter national airspace nor does the United States apply its ADIZ procedures to foreign aircraft not intending to enter U.S. airspace. Accordingly, U.S. military aircraft not intending to enter national airspace should not identify themselves or otherwise comply with ADIZ procedures established by other nations, unless the United States has specifically agreed to do so.

It should be emphasized that the foregoing contemplates a peacetime or nonhostile environment. In the case of imminent or actual hostilities, a nation may find it necessary to take measures in self-defense that will affect overflight in international airspace.

### 2.7.3 Open Skies Treaty

Initially proposed by President Eisenhower in 1955 to foster mutual and cooperative aerial observation among NATO and Warsaw Pact nations, the 1992 Open Skies Treaty entered into force on 1 January 2002. The Treaty obligates each of its member nations to accept overflight of its entire national territory by other member nations using unarmed aircraft equipped with mutually agreed sensors. Overflight quotas are scaled to the physical size of the participating nations with the United States and Russia/Belarus (a multiple nation entity permitted for this purpose) each being obliged to accept up to 42 such flights annually.

Although the European security environment has changed dramatically since the Treaty was negotiated in 1992, it remains a useful element in the European security framework providing a further means for transparency, mutual understanding, and cooperation among its members. Member nations are Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovak Republic, Spain, Turkey, Ukraine, the United Kingdom, and the United States.

Department of the Navy guidance on the implementation of the Open Skies Treaty is reflected in Secretary of the Navy Instruction (SECNAVINST) 5710.26, Compliance and Implementation of the Treaty on Open Skies. Department of the Navy policy is to comply with all provisions of the Open Skies Treaty while also complying with Navy and Marine Corps safety and security directives. When conducting an overflight, Open Skies aircraft have priority in air traffic control systems over all other air traffic except declared emergencies or actual emergency aircraft. Open Skies aircraft are allowed to overfly the entire national territory of a signatory state, regardless of airspace restrictions except for safety of flight issues. Open Skies aircraft are permitted access to the airspace above all Department of the Navy and other military facilities, bases, and programs, as well as to any other airspace in U.S. territory.

## 2.8 EXERCISE AND ASSERTION OF NAVIGATION AND OVERFLIGHT RIGHTS AND FREEDOMS

As announced in the president's United States Oceans Policy statement of 10 March 1983:

The United States will exercise and assert its navigation and overflight rights and freedoms on a worldwide basis in a manner that is consistent with the balance of interests reflected in the [1982 LOS] convention. The United States will not, however, acquiesce in unilateral acts of other states designed to restrict the rights and freedoms of the international community in navigation and overflight and other related high seas uses.

When maritime nations appear to acquiesce in excessive maritime claims and fail to exercise their rights actively in the face of constraints on international navigation and overflight, those claims and constraints may, in time, be considered to have been accepted by the international community as reflecting the practice of nations and as binding upon all users of the seas and superjacent airspace. Consequently, it is incumbent upon maritime nations to protest diplomatically all excessive claims of coastal nations and to exercise their navigation and overflight rights in the face of such claims. The president's Oceans Policy Statement makes clear that the United States has accepted this responsibility as a fundamental element of its national policy.

Since the early 1970s, the United States, through DOD Instruction C2005.1 Freedom of Navigation (FON) Program (U), has reaffirmed its long-standing policy of exercising and asserting its freedom of navigation and overflight rights on a worldwide basis. Under the FON Program, challenges of excessive maritime claims of other nations are undertaken both through diplomatic protests by the Department of State and by operational assertions by US Armed Forces. U.S. Freedom of Navigation Program assertions are designed to be politically neutral as well as nonprovocative and have encouraged nations to amend their claims and bring their practices into conformity with the Convention. Commanders and commanding officers should refer to combatant commander theater-specific guidance and appropriate operational orders (OPORDs) for specific guidance on the planning and execution of FON operations in a particular area of operations.

## **2.9 RULES FOR NAVIGATIONAL SAFETY FOR VESSELS AND AIRCRAFT**

### **2.9.1 International Rules**

Most rules for navigational safety governing surface and subsurface vessels, including warships, are contained in the International Regulations for Preventing Collisions at Sea, 1972, known informally as the 72 COLREGS informally as the “International Rules of the Road.” These rules apply to all international waters (i.e., the high seas, exclusive economic zones, and contiguous zones) and, except where a coastal nation has established different rules, in that nation’s territorial sea, archipelagic waters, and inland waters as well. The 1972 COLREGS have been adopted as law by the United States. (See Title 33, US Code (USC), Sections 1601 to 1606 (33 USC 1601 and 1606).) US Navy Regulations, 1990 Article 1139, directs that all persons in the naval service responsible for the operation of naval ships and craft “shall diligently observe” the 72 COLREGS. In accordance with COMDTINST M5000.3, Coast Guard Regulations, Coast Guard personnel must comply with all Federal law and regulations.

### **2.9.2 National US Inland Rules**

Many nations have adopted special rules for waters subject to their territorial sovereignty (i.e., internal waters, archipelagic waters, and territorial seas). Violation of these rules by U.S. government vessels, including warships, may subject the United States to lawsuit for collision or other damage, provide the basis for diplomatic protest, result in limitation on U.S. access to foreign ports, or prompt other foreign action.

The United States has adopted special inland rules applicable to navigation in US waters landward of the demarcation lines established by US law for that purpose. (See COMDTINST M16672.2D, Navigation Rules, International — Inland; Title 33, Code of Federal Regulations, part 80; and 33, USC 2001 to 2073.) The 72 COLREGS apply seaward of the demarcation lines in US national waters, in the US contiguous zone and EEZ, and on the high seas.

### **2.9.3 Navigational Rules for Aircraft**

Rules for air navigation in international airspace applicable to civil aircraft may be found in Annex 2 (Rules of the Air) to the Chicago Convention, DOD Flight Information Publication (FLIP) General Planning, and OPNAVINST 3710.7 (series) Naval Air Training and Operating Procedures Standardizations (NATOPS) General Flight and Operating Instructions. The same standardized technical principles and policies of ICAO that apply in international and most foreign airspace are also in effect in the continental United States. Consequently, US pilots can fly all major international routes following the same general rules of the air, using the same navigation equipment and communication practices and procedures, and being governed by the same air traffic control services with which they are familiar in the United States. Although ICAO has not yet established an “International Language for Aviation,” English is customarily used internationally for air traffic control.

## **2.10 MILITARY AGREEMENTS AND COOPERATIVE MEASURES TO PROMOTE AIR AND MARITIME SAFETY**

### **2.10.1 United States-Union of Soviet Socialist Republic Agreement on the Prevention of Incidents On and Over the High Seas**

In order better to assure the safety of navigation and flight of their respective warships and military aircraft during encounters at sea, the United States and the former Union of the Soviet Republics (USSR) in 1972 entered into the US-USSR agreement on the Prevention of Incidents On and Over the High Seas. This Navy-to-Navy agreement, popularly referred to as the “Incidents at Sea” or “INCSEA” agreement, has been highly successful in minimizing the potential for harassing actions and navigational one-upmanship between United States and former Soviet Union units operating in close proximity at sea. Although the agreement applies to warships and military aircraft operating on and over the “high seas,” it is understood to embrace such units operating in all international waters and international airspace, including that of the exclusive economic zone and the contiguous zone.

Principal provisions of the INCSEA agreement include:

1. Ships will observe strictly both the letter and the spirit of the 72 COLREGS.
2. Ships will remain well clear of one another to avoid risk of collision and, when engaged in surveillance activities, will exercise good seamanship so as not to embarrass or endanger ships under surveillance.
3. Ships will utilize special signals for signaling their operation and intentions.
4. Ships of one party will not simulate attacks by aiming guns, missile launchers, torpedo tubes, or other weapons at the ships and aircraft of the other party, and will not launch any object in the direction of passing ships nor illuminate their navigation bridges.
5. Ships conducting exercises with submerged submarines will show the appropriate signals to warn of submarines in the area.
6. Ships, when approaching ships of the other party, particularly those engaged in replenishment or flight operations, will take appropriate measures not to hinder maneuvers of such ships and will remain well clear.
7. Aircraft will use the greatest caution and prudence in approaching aircraft and ships of the other party, in particular ships engaged in launching and landing aircraft, and will not simulate attacks by the simulated use of weapons or perform aerobatics over ships of the other party nor drop objects near them.

The INCSEA agreement was amended in a 1973 protocol to extend certain of its provisions to include nonmilitary ships. Specifically, the 1973 protocol provided that U.S. and Soviet military ships and aircraft shall not make simulated attacks by aiming guns, missile launchers, torpedo tubes, and other weapons at nonmilitary ships of the other party nor launch or drop any objects near nonmilitary ships of the other party in such a manner as to be hazardous to these ships or to constitute a hazard to navigation.

The agreement also provides for an annual review meeting between Navy representatives of the two parties to review its implementation. The INCSEA agreement continues to apply to U.S. and Russian ships and military aircraft and is also in force between the United States and Ukraine.

OPNAVINST 5711.96 (series), US/USSR Incidents At Sea and Dangerous Military Activities Agreements, provides information on and issues procedures concerning the INCSEA Agreement including the Table of Supplementary Signals authorized for use during communications between US and Russian Federation units under the INCSEA agreement.

#### **2.10.2 United States-Union of Soviet Socialist Republic Agreement on the Prevention of Dangerous Military Activities**

To avoid dangerous situations arising between their respective military forces when operating in proximity to each other during peacetime, the United States and the former Soviet Union in 1990 entered into the U.S.-U.S.S.R. Agreement on the Prevention of Dangerous Military Activities. The agreement, commonly referred to as the “DMA agreement,” addresses four specific activities:

1. Unintentional or distress (*force majeure*) entry into the national territory of the other party;
2. Use of lasers in a manner hazardous to the other party;
3. Hampering operations in a manner hazardous to the other party in a “special caution area”; and
4. Interference with command and control networks in a manner hazardous to the other party.

The DMA agreement continues to apply to US and Russian Federation armed forces. OPNAVINST 5711.96B provides implementing guidance for the DMA agreement to Navy department units.

### **2.10.3 U.S.-China Military Maritime Consultative Agreement**

Established on 19 January 1998 by an agreement between the US Secretary of Defense and the Minister of National Defence of the People's Republic of China (PRC), the Military Maritime Consultative Agreement (MMCA) provides a forum for conducting military exchanges between the United States and PRC to strengthen maritime and air safety. The MMCA does not establish legally binding procedures between the countries but, rather, provides a mechanism to facilitate consultations between their respective maritime and air forces. The MMCA forum addresses such measures to promote safe maritime practices as:

1. Search and rescue activities
2. Communications procedures when ships encounter each other
3. Interpretations of the International Rules of the Road
4. Avoidance of accidents at sea.

## **2.11 MILITARY ACTIVITIES IN OUTER SPACE**

### **2.11.1 Outer Space Defined**

As noted in paragraph 1.9, each nation has complete and exclusive control over the use of its national airspace. Except when exercising transit passage or archipelagic sea lanes passage, overflight in national airspace by foreign aircraft is not authorized without the consent of the territorial sovereign. However, man-made satellites and other objects in earth orbit may overfly foreign territory freely. Although there is no legally defined boundary between the upper limit of national airspace and the lower limit of outer space, international law recognizes freedom of transit by man-made space objects at earth orbiting altitude and beyond. A generally acceptable definition is that outer space begins at the undefined upper limit of the earth's airspace and extends to infinity.

### **2.11.2 The Law of Outer Space**

International law, including the Charter of the United Nations, applies to the outer space activities of nations. Outer space is open to exploration and use by all nations. However, it is not subject to national appropriation, and must be used for peaceful purposes. The term "peaceful purposes" does *not* preclude military activity. While acts of aggression in violation of the Charter of the United Nations are precluded, space-based systems may lawfully be employed to perform essential command, control, communications, intelligence, navigation, environmental, surveillance, and warning functions to assist military activities on land, in the air, and on and under the sea. Users of outer space must have due regard for the rights and interests of other users.

#### **2.11.2.1 General Principles of the Law of Outer Space**

International law governing space activities addresses both the nature of the activity and the location in space where the specific rules apply. In general terms, outer space consists of both the earth's moon and other natural celestial bodies, and the expanse between these natural objects.

The rules of international law applicable to outer space include the following:

1. Access to outer space is free and open to all nations.
2. Outer space is free from claims of sovereignty and not otherwise subject to national appropriation.
3. Outer space is to be used for peaceful purposes.



4. Each user of outer space must show due regard for the rights of others.
5. No nuclear or other weapons of mass destruction may be stationed in outer space.
6. Nuclear explosions in outer space are prohibited.
7. Exploration of outer space must avoid contamination of the environment of outer space and of the earth's biosphere.
8. Astronauts must render all possible assistance to other astronauts in distress.

### **2.11.2.2 Natural Celestial Bodies**

Natural celestial bodies include the earth's moon, but not the earth. Under international law, military bases, installations, and forts may not be erected nor may weapons tests or maneuvers be undertaken on natural celestial bodies. Moreover, all equipment, stations, and vehicles located there are open to inspection on a reciprocal basis. There is no corresponding right of physical inspection of man-made objects located in the expanse between celestial bodies. Military personnel may be employed on natural celestial bodies for scientific research and for other activities undertaken for peaceful purposes.

### **2.11.3 International Agreements**

1. Outer Space Activities. The key legal principles governing outer space activities are contained in four widely ratified multilateral agreements: the 1967 Outer Space Treaty; the 1968 Rescue and Return of Astronauts Agreement; the Liability Convention of 1972; and the Space Objects Registration Convention of 1975. A fifth, the 1979 Moon Treaty, has not been widely ratified. The United States is a party to all of these agreements except the Moon Treaty.
2. Related. Several other international agreements restrict specific types of activity in outer space. The U.S.-U.S.S.R. Anti-Ballistic Missile (ABM) Treaty of 1972, which is no longer in force, prohibited the development, testing, and deployment of space-based ABM systems or components. Also prohibited was any interference with the surveillance satellites both nations used to monitor ABM Treaty compliance. The ABM Treaty was continued in force between the United States and Russia, the United States and Belarus, the United States and Kazakhstan, and the United States and Ukraine. However, on 13 December 2001, the United States provided notice of its withdrawal from the Treaty effective 13 June 2002.
  - a. The 1963 Limited Test Ban Treaty (a multilateral treaty) includes an agreement not to test nuclear weapons or to carry out any other nuclear explosions in outer space.
  - b. The 1977 Environmental Modification Convention (also a multilateral treaty) prohibits military or other hostile use of environmental modification techniques in several environments, including outer space.
  - c. The 1992 Constitution and Convention of the International Telecommunication Union and the associated Radio Regulations govern the use of the radio frequency spectrum by satellites and the location of satellites in the geostationary-satellite orbit.

### **2.11.4 Rescue and Return of Astronauts**

Both the Outer Space Treaty and the Rescue and Return of Astronauts Agreement establish specific requirements for coming to the aid of astronauts. The treaties do not distinguish between civilian and military astronauts.

Astronauts of one nation engaged in outer space activities are to render all possible assistance to astronauts of other nations in the event of accident or distress. If a nation learns that spacecraft personnel are in distress or have made an emergency or unintended landing in its territory, the high seas, or other international area (e.g., Antarctica), it must notify the launching nation and the secretary-general of the United Nations, take immediate

steps to rescue the personnel if within its territory, and, if in a position to do so, extend search and rescue assistance if a high seas or other international area landing is involved. Rescued personnel are to be safely and promptly returned.

Nations also have an obligation to inform the other parties to the Outer Space Treaty or the Secretary-General of the United Nations if they discover outer space phenomena that constitute a danger to astronauts.

#### **2.11.5 Return of Outer Space Objects**

A party to the Rescue and Return of Astronauts Agreement must also notify the secretary-general of the United Nations if it learns of an outer space object's return to earth in its territory, on the high seas, or in another international area. If the object is located in sovereign territory and the launching authority requests the territorial sovereign's assistance, the latter must take steps to recover and return the object if practicable. Similarly, such objects found in international areas shall be held for or returned to the launching authority on request. Expenses incurred in assisting the launching authority in either case are to be borne by the launching authority. Should a nation discover that such an object is of a "hazardous or deleterious" nature, it is entitled to immediate action by the launching authority to eliminate the danger of harm from its territory.

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## CHAPTER 3

# Protection of Persons and Property at Sea and Maritime Law Enforcement

### 3.1 INTRODUCTION

The protection of both U.S. and foreign persons and property at sea by U.S. naval forces in peacetime involves international law, domestic U.S. law and policy, and political considerations. Vessels and aircraft on and over the sea, and the persons and cargo embarked in them, are subject to the hazards posed by the ocean itself, by storm, by mechanical failure, and by the actions of others such as pirates, terrorists, and insurgents. In addition, foreign authorities and prevailing political situations may affect a vessel or aircraft and those on board by involving them in refugee rescue efforts, political asylum requests, law enforcement actions, or applications of unjustified use of force against them.

Given the complexity of the legal, political, and diplomatic considerations that may arise in connection with the use of naval forces to protect civilian persons and property at sea, operational plans, operational orders, and, most importantly, the standing rules of engagement (SROE) promulgated by the operational chain of command ordinarily require the on-scene commander to report immediately such circumstances to a higher authority and, whenever it is practicable under the circumstances to do so, to seek guidance prior to the use of armed force.

A nation may enforce its domestic laws at sea provided there is a valid jurisdictional basis under international law to do so. Because U.S. naval commanders may be called upon to assist in maritime law enforcement actions, or to otherwise protect persons and property at sea, a basic understanding of maritime law enforcement procedures is essential.

### 3.2 RESCUE, SAFE HARBOR, AND QUARANTINE

Mishap at sea is a common occurrence. The obligation of mariners to provide material aid in cases of distress encountered at sea has long been recognized in custom and tradition. A right to enter and remain in a safe harbor without prejudice, at least in peacetime, when required by the perils of the sea or *force majeure* is universally recognized. At the same time, a coastal nation may lawfully promulgate quarantine regulations and restrictions for the port or area in which a vessel is located.

#### 3.2.1 Assistance to Persons, Ships, and Aircraft in Distress

Customary international law has long recognized the affirmative obligation of mariners to go to the assistance of those in danger of being lost at sea. Both the 1958 Geneva Convention on the High Seas and the 1982 LOS Convention codify this custom by providing that every nation shall require the master of a ship flying its flag, insofar as he can do so without serious danger to his ship, crew, or passengers, to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, insofar as it can reasonably be expected of him. He is also to be required, after a collision, to render assistance to the other ship, its crew, and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry, and the nearest port at which it will call. (See paragraph 2.5.2.6 for a discussion of “Assistance Entry.”)

### 3.2.1.1 Duty of Masters

In addition, the United States is party to the 1974 London Convention on Safety of Life at Sea, which requires the master of every merchant ship and private vessel not only to speed to the assistance of persons in distress, but to broadcast warning messages with respect to dangerous conditions or hazards encountered at sea.

### 3.2.1.2 Duty of Naval Commanders

US Navy Regulations, 1990, Article 0925, requires that, insofar as he can do so without serious danger to his ship or crew, the commanding officer or senior officer present, as appropriate, shall proceed with all possible speed to the rescue of persons in distress if informed of their need for assistance (insofar as this can reasonably be expected of him); render assistance to any person found at sea in danger of being lost; and, after a collision, render assistance to the other ship, her crew and passengers, and, where possible, inform the other ship of his identity. Article 4-2-5, COMDTINST M5000.3, US Coast Guard Regulations, Article 4-2-5, (series) imposes a similar duty for the Coast Guard.

### 3.2.2 Safe Harbor/Innocent Passage

Under international law, no port may be closed to a foreign ship seeking shelter from storm or bad weather or otherwise compelled to enter it in distress, unless another equally safe port is open to the distressed vessel to which it may proceed without additional jeopardy or hazard. The only condition is that the distress must be real and not contrived and based on a well-founded apprehension of loss of or serious damage or injury to the vessel, cargo, or crew. In general, the distressed vessel may enter a port without being subject to local regulations concerning any incapacity, penalty, prohibition, duties, or taxes in force at that port.

Innocent passage through territorial seas and archipelagic waters includes stopping and anchoring when incidental to ordinary navigation, necessitated by *force majeure* or by distress. Stopping and anchoring in such waters for the purpose of rendering assistance to others in similar danger or distress is also permitted by international law.

### 3.2.3 Quarantine

Article 0859, U.S. Navy Regulations, 1990, requires that the commanding officer or aircraft commander of a ship or aircraft comply with quarantine regulations and restrictions. While commanding officers and aircraft commanders shall not permit inspection of their vessel or aircraft, they shall afford every other assistance to health officials, U.S. or foreign, and shall give all information required, insofar as permitted by the requirements of military necessity and security. To avoid restrictions imposed by quarantine regulations, the commanding officer should request *free pratique* in accordance with the sailing directions for that port.

## 3.3 ASYLUM AND TEMPORARY REFUGE

### 3.3.1 Asylum

International law recognizes the right of a nation to grant asylum to foreign nationals already present within or seeking admission to its territory. The United States defines “asylum” as:

Protection and sanctuary granted by the United States Government within its territorial jurisdiction or in international waters to a foreign national who applies for such protection because of persecution or fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Whether to grant asylum is a decision reserved to higher authority.

### **3.3.1.1 Territories under the Exclusive Jurisdiction of the United States and International Waters**

Any person requesting asylum in international waters or in territories and internal waters under the exclusive jurisdiction of the United States (including the U.S. territorial sea, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, territories under U.S. administration, and U.S. possessions), will be received on board any U.S. Navy or Marine Corps aircraft, vessel, activity or station. Persons seeking asylum are to be afforded every reasonable care and protection permitted by the circumstances. Under no circumstances will a person seeking asylum in U.S. territory or in international waters be surrendered by the Navy or Marine Corps to foreign jurisdiction or control, unless at the personal direction of the Secretary of the Navy or higher authority. With respect to the Coast Guard, individuals seeking asylum will not be received on board Coast Guard units except in extreme circumstances and in no case will they be received on board a Coast Guard aircraft. However, once such individuals are received on board a Coast Guard unit, they will not be surrendered to foreign jurisdiction without Commandant approval unless the commanding officer/officer-in-charge determines the risk to the unit or Coast Guard personnel has become unacceptable or the individual voluntarily departs the unit. (See US Navy Regulations 1990, Article 0939; SECNAVINST 5710.22A, Political Asylum and Temporary Refuge, and COMDTINST M16247.1, Coast Guard Maritime Law Enforcement Manual, (MLEM), Appendix L, for specific guidance.)

### **3.3.1.2 Territories under Foreign Jurisdiction**

Commanders of U.S. warships, military aircraft, and military installations in territories under foreign jurisdiction (including foreign territorial seas, archipelagic waters, internal waters, ports, territories, and possessions) are not authorized to receive on board foreign nationals seeking asylum. Such persons should be referred to the American Embassy or nearest U.S. consulate in the country, foreign territory, or foreign possession involved, if any, for assistance in coordinating a request for asylum with the host government insofar as practicable. Because warships are extensions of the sovereignty of the flag nation and because of their immunity from the territorial sovereignty of the foreign nation in whose waters they may be located, they have often been looked to as places of asylum. The United States, however, considers that asylum is generally the prerogative of the government of the territory in which the warship is located.

However, if exceptional circumstances exist involving imminent danger to the life or safety of the person, temporary refuge may be granted. (See paragraph 3.3.2.)

### **3.3.1.3 Expulsion or Surrender**

Article 33 of the 1951 Convention Relating to the Status of Refugees provides that a refugee may not be expelled or returned in any manner whatsoever to the frontier or territories of a nation where his life or freedom would be threatened on account of his race, religion, nationality, political opinion, or membership in a particular social group, unless he may reasonably be regarded as a danger to the security of the country of asylum or has been convicted of a serious crime and is a danger to the community of that country. This obligation applies only to persons who have entered territories under the exclusive jurisdiction of the United States. It does not apply to temporary refuge granted abroad.

### **3.3.2 Temporary Refuge/Termination or Surrender**

International law and practice have long recognized the humanitarian practice of providing temporary refuge to anyone, regardless of nationality, who may be in imminent physical danger for the duration of that danger. (See Article 0939, U.S. Navy Regulations, 1990, SECNAVINST 5710.22 (series), and the Coast Guard's MLEM.)

SECNAVINST 5710.22 defines "temporary refuge" as:

Protection afforded for humanitarian reasons to a foreign national in a DOD shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or [in international waters], under conditions of urgency in order to secure the life or safety of that person against imminent danger, such as pursuit by a mob.

It is the policy of the United States to grant temporary refuge in a foreign country to nationals of that country, or nationals of a third nation, solely for humanitarian reasons when extreme or exceptional circumstances put in imminent danger the life or safety of a person, such as pursuit by a mob. The officer in command of the ship, aircraft (but not Coast Guard aircraft), station, or activity must decide which measures can prudently be taken to provide temporary refuge. Temporary refuge shall not be granted on board a Coast Guard aircraft. When deciding which measures may be prudently taken to provide temporary refuge, the safety of U.S. personnel and security of the unit must be taken into consideration.

Although temporary refuge should be terminated when the period of active danger is ended, the decision to terminate protection will not be made by the commander. Once a Navy or Marine Corps unit has granted temporary refuge, protection may be terminated only when directed by the Secretary of the Navy or higher authority. In the case of the Coast Guard, temporary refuge will not be terminated without commandant approval unless the commanding officer/officer-in-charge determines the risk to the unit or Coast Guard personnel has become unacceptable or the claimant voluntarily departs the unit. (See Article 0939, US Navy Regulations, 1990; SECNAVINST 5710.22, A political Asylum and Temporary Refuge, and COMDTINST M16247.1, Coast Guard Maritime Law Enforcement Manual (MLEM), Appendix L, for specific guidance.)

A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported in accordance with SECNAVINST 5710.22 (series). The requesting foreign authorities will then be advised that the matter has been referred to higher authorities.

### **3.3.3 Inviting Requests for Asylum or Refuge**

U.S. armed forces personnel shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

### **3.3.4 Protection of U.S. Citizens**

The limitations on asylum and temporary refuge are not applicable to U.S. citizens. See paragraph 3.10 and the standing rules of engagement for applicable guidance.

## **3.4 RIGHT OF APPROACH AND VISIT**

As a general principle, vessels in international waters are immune from the jurisdiction of any nation other than the flag nation. However, under international law, a warship, military aircraft, or other duly authorized ship or aircraft may *approach* any vessel in international waters to verify its nationality. Unless the vessel encountered is itself a warship or government vessel of another nation, it may be stopped, boarded, and the ship's documents examined, *provided* there is reasonable ground for suspecting that it is:

1. Engaged in piracy (see paragraph 3.5);
2. Engaged in the slave trade (see paragraph 3.6);
3. Engaged in unauthorized broadcasting (see paragraph 3.7);
4. Without nationality (see paragraphs 3.11.2.3 and 3.11.2.4); or
5. Though flying a foreign flag, or refusing to show its flag, the vessel is, in reality, of the same nationality as the warship.

The procedure for ships exercising the right of approach and visit is similar to that used in exercising the belligerent right of visit and search during armed conflict described in paragraph 7.6.1. See OPNAVINST 3120.32C, Standard Organization and Regulations of the US Navy and COMDTINST M16247.1, Coast Guard Maritime Law Enforcement Manual (MLEM) for further guidance.

### 3.5 REPRESSION OF PIRACY

International law has long recognized a general duty of all nations to cooperate in the repression of piracy. This traditional obligation is included in the 1958 Geneva Convention on the High Seas and the 1982 LOS Convention, both of which provide:

[A]ll States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

#### 3.5.1 U.S. Law

The U.S. Constitution (Article I, Section 8) provides that:

The Congress shall have Power... to define and punish piracies and felonies committed on the high seas, and offences against the Law of Nations.

Congress has exercised this power by enacting 18 USC 1651, which provides that:

Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

U.S. law authorizes the president to employ “public armed vessels” in protecting U.S. merchant ships from piracy and to instruct the commanders of such vessels to seize any pirate ship that has attempted or committed an act of piracy against any U.S. or foreign flag vessel in international waters.

#### 3.5.2 Piracy Defined

Piracy is an international crime consisting of illegal acts of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship or aircraft in or over international waters against another ship or aircraft or persons and property on board. (Depredation is the act of plundering, robbing, or pillaging.)

##### 3.5.2.1 Location

In international law piracy is a crime that can be committed only on or over international waters (including the high seas, exclusive economic zone, and the contiguous zone), in international airspace, and in other places beyond the territorial jurisdiction of any nation. The same acts committed in the internal waters, territorial sea, archipelagic waters, or national airspace of a nation do not constitute piracy in international law but are, instead, crimes within the jurisdiction and sovereignty of the littoral nation.

##### 3.5.2.2 Private Ship or Aircraft

Acts of piracy can only be committed by private ships or private aircraft. A warship or other public vessel or a military or other state aircraft cannot be treated as a pirate unless it is taken over and operated by pirates or unless the crew mutinies and employs it for piratical purposes. By committing an act of piracy, the pirate ship or aircraft, and the pirates themselves, lose the protection of the nation whose flag they are otherwise entitled to fly.

##### 3.5.2.3 Mutiny or Passenger Hijacking

If the crew or passengers of a ship or aircraft, including the crew of a warship or military aircraft, mutiny or revolt and convert the ship, aircraft or cargo to their own use, the act is not piracy. If, however, the ship or aircraft is thereafter used to commit acts of piracy, it becomes a pirate ship or pirate aircraft and those on board voluntarily participating in such acts become pirates.



### **3.5.3 Use of Naval Forces to Repress Piracy**

Only warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on governmental service and authorized to that effect, may seize a pirate ship or aircraft.

#### **3.5.3.1 Seizure of Pirate Vessels and Aircraft**

A pirate vessel or aircraft encountered in or over U.S. or international waters may be seized and detained by any of the U.S. vessels or aircraft listed in paragraph 3.5.3. The pirate vessel or aircraft, and all persons on board, should be taken, sent, or directed to the nearest U.S. port or airfield and delivered to U.S. law enforcement authorities for disposition according to U.S. law. Alternatively, higher authority may arrange with another nation to accept and try the pirates and dispose of the pirate vessel or aircraft, since every nation has jurisdiction under international law over any act of piracy.

#### **3.5.3.2 Pursuit of Pirates into Foreign Territorial Seas, Archipelagic Waters, or Airspace**

If a pirate vessel or aircraft fleeing from pursuit by a warship or military aircraft proceeds from international waters or airspace into the territorial sea, archipelagic waters, or superjacent airspace of another country, every effort should be made to obtain the consent of the nation having sovereignty over the territorial sea, archipelagic waters, or superjacent airspace to continue pursuit (see paragraphs 3.11.2.2. and 3.11.3.3). The inviolability of the territorial integrity of sovereign nations makes the decision of a warship or military aircraft to continue pursuit into these areas without such consent a serious matter. However, the international nature of the crime of piracy may allow continuation of pursuit if contact cannot be established in a timely manner with the coastal nation to obtain its consent. In such a case, pursuit must be broken off immediately upon request of the coastal nation, and, in any event, the right to seize the pirate vessel or aircraft and to try the pirates devolves on the nation to which the territorial seas, archipelagic waters, or airspace belong.

Pursuit of a pirate vessel or aircraft through or over international straits overlapped by territorial seas or through archipelagic sea lanes or air routes, may proceed with or without the consent of the coastal nation or nations, provided the pursuit is expeditious and direct and the transit passage or archipelagic sea lanes passage rights of others are not unreasonably constrained in the process.

### **3.6 PROHIBITION OF THE TRANSPORT OF SLAVES**

International law strictly prohibits use of the seas for the purpose of transporting slaves. The 1982 LOS Convention requires every nation to prevent and punish the transport of slaves in ships authorized to fly its flag. If confronted with this situation, commanders should maintain contact, consult the standing rules of engagement and Coast Guard use of force policy, and request guidance from higher authority.

### **3.7 SUPPRESSION OF UNAUTHORIZED BROADCASTING**

The 1982 LOS Convention provides that all nations shall cooperate in the suppression of unauthorized broadcasting from international waters. Unauthorized broadcasting involves the transmission of radio or television signals from a ship or off-shore facility intended for receipt by the general public, contrary to international regulation. Commanders should request guidance from higher authority if confronted with this situation.

### **3.8 SUPPRESSION OF INTERNATIONAL NARCOTICS TRAFFIC**

All nations are required to cooperate in the suppression of the illicit traffic in narcotic drugs and psychotropic substances in international waters. International law permits any nation that has reasonable grounds to suspect that a ship flying its flag is engaged in such traffic to request the cooperation of other nations in effecting its seizure. International law also permits a nation that has reasonable grounds for believing that a vessel exercising freedom of navigation in accordance with international law and flying the flag or displaying the marks of registry of another nation is engaged in illegal drug trafficking to request confirmation of registry and, if confirmed, request authorization from the flag nation to take appropriate action with regard to that vessel. Coast Guard personnel,

embarked on Coast Guard cutters or U.S. Navy ships, regularly board, search and take law enforcement action aboard foreign-flagged vessels pursuant to such special arrangements or standing, bilateral agreements with the flag state. (See paragraph 3.11.3.2 regarding utilization of U.S. Navy assets in the support of U.S. counterdrug efforts.)

### **3.9 RECOVERY OF GOVERNMENT PROPERTY LOST AT SEA**

The property of a sovereign nation lost at sea remains vested in that sovereign until title is formally relinquished or abandoned. Aircraft wreckage, sunken vessels, practice torpedoes, test missiles, and target drones are among the types of U.S. government property which may be the subject of recovery operations. Should such U.S. property be recovered at sea by foreign entities, it is U.S. policy to demand its immediate return. Specific guidance for the on-scene commander in such circumstances is contained in the standing rules of engagement and applicable operation order. See also paragraph 2.1.2.2 for a similar discussion regarding the status of sunken warships and military aircraft.

### **3.10 PROTECTION OF PRIVATE AND MERCHANT VESSELS AND AIRCRAFT, PRIVATE PROPERTY, AND PERSONS**

In addition to the obligation and authority of warships to repress international crimes such as piracy, international law also contemplates the use of force in peacetime in certain circumstances to protect private and merchant vessels, private property, and persons at sea from acts of unlawful violence. The legal doctrines of individual and collective self-defense and protection of nationals provide the authority for U.S. armed forces to protect U.S. and, in some circumstances, foreign flag vessels, aircraft, property, and persons from violent and unlawful acts of others. U.S. armed forces should not interfere in the legitimate law enforcement actions of foreign authorities even when directed against U.S. vessels, aircraft, persons or property. Consult the applicable standing rules of engagement for detailed guidance.

#### **3.10.1 Protection of U.S. Flag Vessels and Aircraft, U.S. Nationals, and Property**

International law, embodied in the doctrines of self-defense and protection of nationals, provides authority for the use of proportionate force by U.S. warships and military aircraft when necessary for the protection of U.S. flag vessels and aircraft, U.S. nationals (whether embarked in U.S. or foreign flag vessels or aircraft), and their property against unlawful violence in and over international waters. Standing rules of engagement promulgated by the Chairman of the Joint Chiefs of Staff (CJCS) to the operational chain of command and incorporated into applicable operational orders, operational plans, and contingency plans, provide guidance to the naval commander for the exercise of this inherent authority. Those rules of engagement (ROE) are carefully constructed to ensure that the protection of U.S. flag vessels and aircraft and U.S. nationals and their property at sea conforms with US and international law and reflects national policy.

##### **3.10.1.1 Foreign Internal Waters, Archipelagic Waters, and Territorial Seas**

Unlawful acts of violence directed against U.S. flag vessels and aircraft and U.S. nationals within and over the internal waters, archipelagic waters, or territorial seas of a foreign nation present special considerations. The coastal nation is primarily responsible for the protection of all vessels, aircraft, and persons lawfully within its sovereign territory. However, when that nation is unable or unwilling to do so effectively or when the circumstances are such that immediate action is required to protect human life, international law recognizes the right of another nation to direct its warships and military aircraft to use proportionate force in or over those waters to protect its flag vessels, its flag aircraft, and its nationals. Because the coastal nation may lawfully exercise jurisdiction and control over foreign flag vessels and aircraft and *foreign* nationals within its internal waters, archipelagic waters, territorial seas, and national airspace, special care must be taken by the warships and military aircraft of other nations not to interfere with the lawful exercise of jurisdiction by that nation in those waters and superjacent airspace. U.S. naval commanders should consult the standing rules of engagement for specific guidance as to the exercise of this authority.

### 3.10.1.2 Foreign Contiguous Zones and Exclusive Economic Zones and Continental Shelves

The primary responsibility of coastal nations for the protection of foreign shipping and aircraft off their shores ends at the seaward edge of the territorial sea. Beyond that point, each nation bears the primary responsibility for the protection of its own flag vessels and aircraft and its own citizens and their property. On the other hand, the coastal nation may properly exercise jurisdiction over foreign vessels, aircraft, and persons; in and over its contiguous zone to enforce its customs, fiscal, immigration, and sanitary laws; in its exclusive economic zone to enforce its natural resource-related rules and regulations; and on its continental shelf to enforce its relevant seabed resources-related rules and regulations. When the coastal nation is acting lawfully in the valid exercise of such jurisdiction or is in hot pursuit (see discussion in paragraph 3.11.2.2) of a foreign vessel or aircraft for violations that have occurred in or over those waters or in its sovereign territory, the flag nation should not interfere. U.S. commanders should consult the standing rules of engagement for specific guidance as to the exercise of this authority.

### 3.10.2 Protection of Foreign Flag Vessels and Aircraft and Persons

International law, embodied in the concept of collective self-defense, provides authority for the use of proportionate force necessary for the protection of foreign flag vessels and aircraft and foreign nationals and their property from *unlawful* violence, including terrorist or piratical attacks, at sea. In such instances, consent of the flag nation should first be obtained unless prior arrangements are already in place or the necessity to act immediately to save human life does not permit obtaining such consent. Should the attack or other unlawful violence occur within or over the internal waters, archipelagic waters, or territorial sea of a third nation, or within or over its contiguous zone or exclusive economic zone, the considerations of paragraphs 3.10.1.1 and 3.10.1.2, respectively, would also apply. U.S. commanders should consult applicable standing rules of engagement for specific guidance.

### 3.10.3 Noncombatant Evacuation Operations (NEO)

The Secretary of State is responsible for the safe and efficient evacuation of U.S. government personnel, their family members and private U.S. citizens from foreign nations when their lives are endangered by war, civil unrest, man-made or natural disaster. The Secretaries of State and Defense are assigned lead and support responsibilities, respectively, and, within their general geographic areas of responsibility, the combatant commanders are prepared to support the Department of State to conduct NEOs.

## 3.11 MARITIME LAW ENFORCEMENT

As noted in the introduction to this Chapter, U.S. naval commanders may be called upon to assist in the enforcement of U.S. laws at sea, principally with respect to the suppression of the illicit traffic in narcotic drugs and psychotropic substances into the United States. Activities in this mission area involve international law, U.S. law and policy, and political considerations. Because of the complexity of these elements, commanders should seek guidance from higher authority whenever time permits.

A wide range of US laws and treaty obligations pertaining to fisheries, wildlife, customs, immigration, environmental protection, and marine safety are enforced at sea by agencies of the United States. Since these activities do not ordinarily involve DOD personnel, they are not addressed in this publication. However, naval commanders should consult Navy Warfare Publication (NWP) 4-11, Environmental Protection, for guidance on environmental requirements to which the Navy is subject. NWP 4-11 provides environmental doctrine for progressively demanding postures, from peacetime through war and it also integrates environmental planning into the operational planning process by requiring that all operation plans/OPORDERS contain an environmental protection annex (Annex L). Coast Guard commanders should likewise consult Commandant Publication P5090.1A, Commanding Officer's Environmental Guide, a desktop guide to federal environmental stewardship requirements for commanding officers and officers in charge of Coast Guard shore units, vessels, and aircraft.

### **3.11.1 Jurisdiction to Proscribe**

Maritime law enforcement action is premised upon the assertion of jurisdiction over the vessel or aircraft in question. Jurisdiction, in turn, depends upon the nationality, the location, the status, and the activity of the vessel or aircraft over which maritime law enforcement action is contemplated.

International law generally recognizes five bases for the exercise of criminal jurisdiction: (a) territorial, (b) nationality, (c) passive personality, (d) protective, and (e) universal. It is important to note that international law governs the rights and obligations between nations. While individuals may benefit from the application of that body of law, its alleged violation cannot usually be raised by an individual defendant to defeat a criminal prosecution.

#### **3.11.1.1 Territorial Principle**

This principle recognizes the right of a nation to proscribe conduct within its territorial borders, including its internal waters, archipelagic waters, and territorial sea.

#### **3.11.1.2 Objective Territorial Principle**

This variant of the territorial principle recognizes that a nation may apply its laws to acts committed beyond its territory which have their effect in the territory of that nation. So-called “hovering vessels” are legally reached under this principle as well as under the protective principle. The extraterritorial application of U.S. anti-drug statutes is based largely on this concept. (See paragraphs 3.11.2.2.2 and 3.11.4.1.)

#### **3.11.1.3 Nationality Principle**

This principle is based on the concept that a nation has jurisdiction over objects and persons having the nationality of that nation. It is the basis for the concept that a ship in international waters is, with few exceptions, subject to the exclusive jurisdiction of the nation under whose flag it sails. Under the nationality principle a nation may apply its laws to its nationals wherever they may be and to all persons, activities, and objects on board ships and aircraft having its nationality. As a matter of international comity and respect for foreign sovereignty, the United States refrains from exercising that jurisdiction in foreign territory.

#### **3.11.1.4 Passive Personality Principle**

Under this principle, jurisdiction is based on the nationality of the victim, irrespective of where the crime occurred or the nationality of the offender. U.S. courts have upheld the assertion of jurisdiction under this principle in cases where U.S. nationals have been taken hostage by foreigners abroad on foreign flag ships and aircraft, and where U.S. nationals have been the intended target of foreign conspiracies to murder. This principle has application to the apprehension and prosecution of international terrorists.

#### **3.11.1.5 Protective Principle**

This principle recognizes the right of a nation to prosecute acts that have a significant adverse impact on its national security or governmental functions. Prosecution in connection with the murder of a U.S. congressman abroad on official business was based upon this principle. Foreign drug smugglers apprehended on non-U.S. flag vessels on the high seas have been successfully prosecuted under this principle of international criminal jurisdiction.

#### **3.11.1.6 Universal Principle**

This principle recognizes that certain offenses are so heinous and so widely condemned that any nation may apprehend, prosecute, and punish that offender on behalf of the world community regardless of the nationality of the offender or victim. Piracy and the slave trade have historically fit these criteria. More recently, genocide, certain war crimes, hostage taking, and aircraft hijacking have been added to the list of such universal crimes.

### **3.11.2 Jurisdiction to Enforce**

#### **3.11.2.1 Over U.S. Vessels**

U.S. law applies at all times aboard U.S. vessels as the law of the flag nation and is enforceable on U.S. vessels by the U.S. Coast Guard anywhere in the world. As a matter of comity and respect of foreign sovereignty, enforcement action is not undertaken in foreign territorial seas, archipelagic waters, or internal waters without the consent of the coastal nation.

For law enforcement purposes, U.S. vessels are those which:

1. Are documented or numbered under U.S. law;
2. Are owned in whole or in part by a U.S. citizen or national (including corporate entities) and not registered in another country; or
3. Were once documented under US law and, without approval of the US Maritime Administration have been either sold to a non-US citizen or placed under foreign registry or flag.

#### **3.11.2.2 Over Foreign Flag Vessels**

The ability of a coastal nation to assert jurisdiction legally over nonsovereign immune foreign flag vessels depends largely on the maritime zone in which the foreign vessel is located and the activities in which it is engaged. The internationally recognized interests of coastal nations in each of these zones are outlined in Chapter 2.

Maritime law enforcement action may be taken against a flag vessel of one nation within the national waters of another nation when there are reasonable grounds for believing that the vessel is engaged in violation of the coastal nation's laws applicable in those waters, including the illicit traffic of drugs. Similarly, such law enforcement action may be taken against foreign flag vessels without authorization of the flag nation in the coastal nation's contiguous zone (for fiscal, immigration, sanitary, and customs violations), in the exclusive economic zone (for all natural resources violations), and over the continental shelf (for seabed resource violations). In the particular case of counter-drug law enforcement (of primary interest to the Department of Defense), coastal nation law enforcement can take place in its internal waters, archipelagic waters, territorial sea, or contiguous zone without the authorization of the flag nation. Otherwise, such a vessel is generally subject to the exclusive jurisdiction of the nation of the flag it flies. Important exceptions to that principle are detailed in the following paragraphs.

##### **3.11.2.2.1 Hot Pursuit**

Should a foreign ship fail to heed an order to stop and submit to a proper law enforcement action when the coastal nation has good reason to believe that the ship has violated the laws and regulations of that nation, hot pursuit may be initiated. The pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the archipelagic waters, the territorial sea, or the contiguous zone of the pursuing nation, and may only be continued outside the territorial sea or contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own nation or of a third nation. The right of hot pursuit may be exercised only by warships, military aircraft or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect. The right of hot pursuit applies also to violations in the exclusive economic zone or on the continental shelf, including safety zones around continental shelf installations, of the laws and regulations of the coastal nation applicable to the exclusive economic zone or the continental shelf, including such safety zones.

1. **Commencement of Hot Pursuit.** Hot pursuit is not deemed to have begun unless the pursuing ship is satisfied by such practicable means as are available that the ship pursued, or one of its boats or other craft working as a team and using the ship pursued as a mother ship, is within the limits of the territorial sea, within the contiguous zone or the exclusive economic zone, or above the continental shelf. Pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance that enables it to be seen or heard by the foreign ship.
2. **Hot Pursuit by Aircraft.** Where hot pursuit is effected by aircraft:
  - a. The preceding provisions apply; and
  - b. The aircraft must do more than merely sight the offender or suspected offender to justify an arrest outside the territorial sea. It must first order the suspected offender to stop. Should the suspected offender fail to comply, pursuit may be commenced alone or in conjunction with other aircraft or ships.
3. **Requirement for Continuous Pursuit.** Hot pursuit must be continuous, either visually or through electronic means. The ship or aircraft giving the order to stop must itself actively pursue the ship until another ship or aircraft of or authorized by the coastal nation, summoned by the ship or aircraft, arrives to take over the pursuit, unless the ship or aircraft is itself able to arrest the ship.

#### 3.11.2.2.2 Constructive Presence

A foreign vessel may be treated as if it were actually located at the same place as any other craft with which it is cooperatively engaged in the violation of law. This doctrine is most commonly used in cases involving mother ships that use contact boats to smuggle contraband into the coastal nation's waters. In order to establish constructive presence for initiating hot pursuit, and exercising law enforcement authority, there must be:

1. A foreign vessel serving as a mother ship beyond the maritime area over which the coastal nation may exercise maritime law enforcement jurisdiction;
2. A contact boat in a maritime area over which that nation may exercise jurisdiction (i.e., internal waters, territorial sea, archipelagic waters, contiguous zone, EEZ, or waters over the continental shelf) and committing an act subjecting it to such jurisdiction; and
3. Good reason to believe that the two vessels are working as a team to violate the laws of that nation.

#### 3.11.2.2.3 Right of Approach and Visit

See paragraph 3.4.

#### 3.11.2.2.4 Special Arrangements and International Agreements

International law has long recognized the right of a nation to authorize the law enforcement officials of another nation to enforce the laws of one or both on board vessels flying its flag. The 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances specifically recognizes and encourages such arrangements and agreements to aid in the suppression of this illegal traffic. Special arrangements may be formalized in written agreements or consist of messages or voice transmissions via diplomatic channels between appropriate representatives of the requesting and requested nations. International agreements authorizing foreign officials to exercise law enforcement authority on board flag vessels take many forms. They may be bilateral or multilateral; authorize in advance the boarding of one or both nations' vessels; and may permit law enforcement action or be more limited. Typically, the flag nation will verify (or refute) the vessel's registry claim, and authorize the boarding and search of the suspect vessel. If evidence of a violation of law is found, the flag nation may then authorize the enforcement of the requesting nation's criminal law (usually with respect to narcotics trafficking) or may authorize the law enforcement officials of the requesting nation to act as the flag nation's agent in detaining

the vessel for eventual action by the flag nation itself. The flag nation may put limitations on the grant of law enforcement authority and these restrictions must be strictly observed.

### **3.11.2.3 Over Stateless Vessels**

Vessels that are not legitimately registered in any one nation are without nationality and are referred to as “stateless vessels.” They are not entitled to fly the flag of any nation and, because they are not entitled to the protection of any nation, they are subject to the jurisdiction of all nations. Accordingly, stateless vessels may be boarded upon being encountered in international waters by a warship or other government vessel and subjected to all appropriate law enforcement actions.

### **3.11.2.4 Over Vessels Assimilated to Statelessness**

Vessels may be assimilated to a ship without nationality, that is, regarded as a stateless vessel, in some circumstances. The following is a partial list of factors that should be considered in determining whether a vessel is appropriately assimilated to stateless status:

1. No claim of nationality
2. Multiple claims of nationality (e.g., sailing under two or more flags)
3. Contradictory claims or inconsistent indicators of nationality (e.g, master’s claim differs from vessel’s papers; homeport does not match nationality of flag)
4. Changing flags during a voyage
5. Removable signboards showing different vessel names and/or homeports
6. Absence of anyone admitting to be the master; displaying no name, flag or other identifying characteristics
7. Refusal to claim nationality.

Determinations of statelessness or assimilation to statelessness usually require utilization of the established interagency coordination procedures (see paragraph 3.11.3.4).

### **3.11.2.5 Other Actions**

When operating in international waters, warships, military aircraft, and other duly authorized vessels and aircraft on government service (such as auxiliaries), may also engage in the right of approach and perform a consensual boarding, neither of which constitute an exercise of jurisdiction over the vessel in question. However, such actions may afford a commander with information that could serve as the basis for subsequent maritime law enforcement actions.

#### **3.11.2.5.1 Right of Approach**

See paragraph 3.4 for a discussion of the exercise of the right of approach preliminary to the exercise of the right of visit.

#### **3.11.2.5.2 Consensual Boarding**

A consensual boarding is conducted at the invitation of the master (or person in charge) of a vessel that is not otherwise subject to the jurisdiction of the boarding officer. The plenary authority of the master over all activities related to the operation of his vessel while in international waters is well established in international law and

includes the authority to allow anyone to come aboard his vessel as his guest, including foreign law enforcement officials. However, some nations do not recognize a master's authority to assent to a consensual boarding.

The voluntary consent of the master permits the boarding, but it does not allow the assertion of law enforcement authority. A consensual boarding is not, therefore, an exercise of maritime law enforcement jurisdiction *per se*. The scope and duration of a consensual boarding may be subject to conditions imposed by the master and may be terminated by the master at his discretion. Nevertheless, such boardings have utility in allowing rapid verification of the legitimacy of a vessel's voyage by obtaining or confirming vessel documents, cargo, and navigation records without undue delay to the boarded vessel.

In cases where the vessel's flag state is a party to a bilateral/multilateral agreement that includes a ship boarding provision and there exists reasonable grounds to suspect that the vessel is engaged in the illicit activity that is the subject of the agreement, boardings shall be conducted under the terms of that agreement vice seeking the master's consent. See 3.11.2.2.4.

### **3.11.3 Limitations on the Exercise of Maritime Law Enforcement Jurisdiction**

Even where international and domestic U.S. law would recognize certain conduct as a criminal violation of U.S. law, there are legal and policy restrictions on U.S. law enforcement actions that must be considered. Outside of the United States, a commander's greatest concerns will be: limitations on DOD assistance to civilian law enforcement agencies; the requirement for coastal nation authorization to conduct law enforcement in that nation's national waters; and the necessity for interagency coordination. Similarly, a fourth restriction, the concept of *posse comitatus*, limits U.S. military activities within the United States.

#### **3.11.3.1 Posse Comitatus**

Except when expressly authorized by the Constitution or act of Congress, the use of U.S. Army or U.S. Air Force personnel or resources as a *posse comitatus*—a force to aid civilian law enforcement authorities in keeping the peace and arresting felons—or otherwise to execute domestic law, is prohibited by the Posse Comitatus Act, 18 USC 1385. Additionally, 10 USC 375 required that DOD prescribe regulations to ensure that all DOD Services, including the US Navy and US Marine Corps, do not directly participate in civilian law enforcement activities, except where authorized by law. (See DOD Directive 5525.5, DOD Cooperation with Civilian Law Enforcement Officials, and SECNAVINST 5820.7C.) Notably however, no such restrictions are applicable to the U.S. Coast Guard, even when operating as a part of the Department of the Navy. Further, the Justice Department has opined that the Posse Comitatus Act itself does not apply outside the territory of the United States. (Memorandum from the Office of Legal Counsel to National Security Council re: Extraterritorial Effect of the Posse Comitatus Act (Nov. 3, 1989).)

#### **3.11.3.2 DOD Assistance**

Although the Posse Comitatus Act forbids military authorities from enforcing, or being directly involved with the enforcement of civil law, some military activities in aid of civil law enforcement may be authorized under the military purpose doctrine. For example, indirect involvement or assistance to civil law enforcement authorities which is incidental to normal military training or operations is not a violation of the Posse Comitatus Act. Additionally, Congress has specifically authorized the limited use of military personnel, facilities, platforms, and equipment to assist Federal law enforcement authorities in the interdiction at sea of narcotics and other controlled substances and in certain circumstances to assist with domestic counterterrorism operations.

##### **3.11.3.2.1 Use of DOD Personnel**

Although Congress has enacted legislation in recent years expanding the permissible role of the Department of Defense in assisting law enforcement agencies, DOD personnel may not directly participate in a search, seizure, arrest or similar activity unless otherwise authorized by law. Permissible activities presently include training and advising federal, state and local law enforcement officials in the operation and maintenance of loaned equipment.



DOD personnel made available by appropriate authority may also maintain and operate equipment in support of civil law enforcement agencies for the following purposes:

1. Detection, monitoring, and communication of the movement of air and sea traffic
2. Aerial reconnaissance
3. Interception of vessels or aircraft detected outside the land area of the United States for the purposes of communicating with them and directing them to a location designated by law enforcement officials
4. Operation of equipment to facilitate communications in connection with law enforcement programs
5. The transportation of civilian law enforcement personnel
6. The operation of a base of operations for civilian law enforcement personnel
7. The transportation of suspected terrorists to the United States for delivery to federal law enforcement personnel.

#### **3.11.3.2.2 Providing Information to Law Enforcement Agencies**

The Department of Defense may provide federal, state or local law enforcement officials with information acquired during the normal course of military training or operations that may be relevant to a violation of any law within the jurisdiction of those officials. Present law provides that the needs of civilian law enforcement officials for information should, to the maximum extent practicable, be taken into account in planning and executing military training or operations. Intelligence information held by DOD and relevant to counterdrug or other civilian law enforcement matters may be provided to civilian law enforcement officials, to the extent consistent with national security.

#### **3.11.3.2.3 Use of DOD Equipment and Facilities**

The Department of Defense may make available equipment (including associated supplies or spare parts), and base or research facilities to federal, state, or local law enforcement authorities for law enforcement purposes. Designated platforms (surface and air) are routinely made available for patrolling drug trafficking areas with U.S. Coast Guard law enforcement detachments (LEDETs) embarked. LEDET personnel on board any U.S. Navy vessel have the authority to search, seize property, and arrest persons suspected of violating U.S. law.

#### **3.11.3.3 Law Enforcement in Foreign National Waters**

Law enforcement in foreign national waters may be undertaken only to the extent authorized by the coastal nation. Such authorization may be obtained on an ad hoc basis or be the subject of a written agreement. (See paragraph 3.5.3.2 for exceptions related to the pursuit of pirates.)

#### **3.11.3.4 Interagency Coordination**

Presidential Directive 27 in Procedures for Dealing with Non-Military Incidents, requires coordination within the executive branch of the government for nonmilitary incidents that could have an adverse impact on US foreign relations. This coordination includes consultation with the Department of State and other concerned agencies prior to taking actions that could potentially have such an impact. The Coast Guard has developed an internal notification mechanism that results in the provision or denial of a statement of no objection from the appropriate superior authority, which constitutes authorization to conduct the specific action requested. Interagency coordination initiated for law enforcement actions on naval vessels will be made through appropriate law enforcement agency channels by the embarked Coast Guard LEDET.

### **3.11.4 Counterdrug Operations**

#### **3.11.4.1 U.S. Law**

It is unlawful for any person who is on board a vessel subject to the jurisdiction of the United States, or who is a U.S. citizen or resident alien on board any U.S. or foreign vessel, to manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance. This law applies to:

1. U.S. vessels anywhere (see paragraph 3.11.2.1);
2. Vessels without nationality (see paragraph 3.11.2.3);
3. Vessels assimilated to a status without nationality (see paragraph 3.11.2.4);
4. Foreign vessels where the flag nation authorizes enforcement of U.S. law by the United States (see paragraph 3.11.2.2.4);
5. Foreign vessels located within the territorial sea or contiguous zone of the United States (see paragraph 1.5); or
6. Foreign vessels located in the territorial seas or archipelagic waters of another nation, where that nation authorizes enforcement of U.S. law by the United States (see paragraph 3.11.2.2.4).

#### **3.11.4.2 DOD Mission in Counterdrug Operations**

DOD has been designated by statute as lead agency of the federal government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States, including its possessions, territories, and commonwealths. DOD is further tasked with integrating the command, control, communications, and technical intelligence assets of the United States that are dedicated to the interdiction of illegal drugs into an effective communications network.

#### **3.11.4.3 U.S. Coast Guard Responsibilities in Counterdrug Operations**

The Coast Guard is the primary maritime law enforcement agency of the United States. It is also the lead agency for maritime drug interdiction and shares the lead agency role for air interdiction with the U.S. Customs Service. The Coast Guard may make inquiries, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection and suppression of violations of the laws of the United States, including maritime drug trafficking. Coast Guard–commissioned warrant and petty officers may board any vessel subject to the jurisdiction of the United States, address inquiries to those on board, examine the ship’s documents and papers, and examine, inspect and search the vessel and use all necessary force to compel compliance. When it appears that a violation of U.S. law has been committed, the violator may be arrested and taken into custody. If it appears that the violation rendered the vessel or its cargo liable to fine or forfeiture, the vessel or offending cargo may be seized.

Coast Guard–commissioned warrant and petty officers are also designated customs officers providing them additional law enforcement authority.

#### **3.11.5 Use of Force in Maritime Law Enforcement**

In the performance of maritime law enforcement missions, occasions will arise where resort to the use of force will be both appropriate and necessary. U.S. armed forces personnel engaged in maritime law enforcement actions under Coast Guard operational or tactical control (OPCON or TACON) both outside and within territorial limits of the United States will follow the Coast Guard Use of Force Policy for warning shots and disabling fire. DOD forces under Coast Guard OPCON or TACON inside the territorial limits of the United States retain the right of

self-defense in accordance with the CJCS Instruction (CJCSI) 3121B.01, Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces, Enclosure L.

### **3.11.5.1 Standing Rules of Engagement and Standing Rules for the Use of Force for U.S. Forces Distinguished**

The standing rules of engagement and standing rules for the use of force by U.S. forces delineate fundamental policies and procedures governing the actions to be taken by U.S. commanders during military operations, contingencies, and routine military department functions, including AT/FP. (See paragraphs 4.3.3.2, 4.3.3.3 and 4.3.3.4.) However, Coast Guard units performing law enforcement duties, as well as DOD units supporting such Coast Guard units, will be guided by the Coast Guard's Use of Force Policy (found in Chapter 4 of the MLEM). Neither the standing rules of engagement or the Coast Guard's Use of Force Policy limit a commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense of the commander's unit and other U.S. forces in the vicinity.

### **3.11.5.2 Warning Shots**

A warning shot is a signal—usually to warn an offending vessel to stop or maneuver in a particular manner or risk the employment of disabling fire or more severe measures. Under international law, warning shots do not constitute a use of force. Disabling fire is firing under controlled conditions into a noncompliant vessel's rudder, propeller area/outboard engine, or engine room for the sole purpose of stopping it after warning shots or oral warnings have gone unheeded. U.S. armed forces personnel employing warning shots and disabling fire in a maritime law enforcement action will comply with the U.S. Coast Guard Use of Force Policy.

### **3.11.6 Other Maritime Law Enforcement Assistance**

In addition to the direct actions and dedicated assistance efforts discussed above, the naval commander may become involved in other activities supporting law enforcement actions, such as acting in support to the U.S. Border Patrol. Activities of this nature usually involve extensive advance planning and coordination. DOD forces detailed to other U.S. government-led federal agencies will operate under common mission-specific, rules for the use of force approved by the Secretary of Defense and the lead federal agency. (See CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces, Enclosure L.

## **3.12 HOMELAND SECURITY VS. HOMELAND DEFENSE**

The Coast Guard is the lead federal agency for homeland security in the maritime environment. Homeland security is a concerted national effort to prevent terrorist acts within the US, reduce its vulnerability to terrorism, and minimize the damage and recover from attacks that do occur. DOD contributes to homeland security through its military missions overseas, homeland defense, and support to civil authorities. Homeland defense is the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President. US Northern Command has the lead for homeland defense for the air, land, and sea approaches and encompasses the continental United States, Alaska, and the surrounding water out to approximately 500 nautical miles, the Gulf of Mexico, Puerto Rico, and the US Virgin Islands. The defense of Hawaii and US territories and possessions in the Pacific remain the responsibility of US Pacific Command. The Coast Guard acts in support of DOD theater commanders for homeland defense in the maritime environment.

## **3.13 PROLIFERATION SECURITY INITIATIVE**

Proliferation Security/Initiative (PSI) is a global effort that aims to stop shipments of weapons of mass destruction (WMD), their delivery systems, and related materials worldwide. (See paragraph 4.3.5 for greater detail on PSI.)

### **3.14 UNITED NATIONS CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION (SUA)**

The 1988 UN convention, adopted in response to the 1986 hijacking of the Italian-flag cruise ship, *Achille Lauro*, and the murder of an American tourist on board, filled a gap in international law by providing a legal regime governing acts of violence on board or against ships engaged in maritime navigation and fixed platforms on the continental shelf. In 2005, significant anti-terrorism and non-proliferation amendments were made to suppression of unlawful acts (SUA). These amendments are an essential element of PSI (see paragraph 3.13), as they include a comprehensive framework for boarding suspect vessels at sea. In addition, the amended SUA establishes additional offenses, including using a ship to commit terrorist acts, nonproliferation offenses, the transport of persons alleged to have committed an offense under 12 UN terrorism conventions (including SUA), attempts, accomplice liability, and organizing or directing others to commit offenses.

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## CHAPTER 4

# Protecting National Security Interests in the Maritime Environment during Peacetime

### 4.1 INTRODUCTION

This chapter examines the broad principles of international law that influence the conduct of nations as they endeavor to protect their interests in the maritime environment during peacetime. As noted in the preface, this publication provides general information. It is not directive and does not supersede guidance issued by combatant commanders, in particular any guidance they may issue that delineates the circumstances and limitations under which the forces under their command will initiate and/or continue engagement with other forces encountered.

Historically, international law governing the use of force by nations has been divided into rules applicable in peacetime and rules applicable in time of war. However, in the last half century, the concepts of “peace” and “war” have become blurred to the extent that it is not always possible to draw neat distinctions between the two. This chapter will focus specifically on safeguarding national interests in the maritime environment during those times when the nation state whose interest is at stake is not involved in armed conflict with the entity threatening its interest. The conduct of actual armed conflict involving US forces, irrespective of character, intensity, or duration, is addressed in Part II: The Law of Naval Warfare.

### 4.2 CHARTER OF THE UNITED NATIONS

As nations endeavor to protect their national security interests in the maritime environment during peacetime they are guided by international law, to include the Charter of the United Nations. As a starting point, Article 2, paragraph 3, provides that:

All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Additionally, Article 2, paragraph 4, provides that:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

In combination, these two provisions establish the fundamental principle of modern international law that nations are proscribed from using force or the threat of force to impose their will on other nations or to otherwise resolve their international differences. However, history has shown that nation states, as well as non-State actors, have at times used force or the threat of force to accomplish their objectives. Anticipating that nations might resort to the threat or use of force, Chapter VI of the Charter of the United Nations vests certain powers in the UN Security Council. Pursuant to Article 39:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41 provides that:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon its Members...to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

And Article 42 provides that:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members...

These provisions do not, however, extinguish a nation's right of individual and collective self-defense. Article 51 of the Charter provides that:

Nothing in the...Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The following sections discuss some of the measures that nations, acting in conformity with the Charter of the United Nations, may take in protecting their national interests during peacetime.

### **4.3 NONMILITARY MEASURES**

Wholly apart from military measures designed to influence the conduct of States, insurgents, or terrorist groups by force of arms, nations, to varying degrees, possess less compulsory means of exerting influence in order to secure their own national interests. Such measures include diplomatic pressure, judicial intervention, economic influence, and even certain military measures falling short of the actual use of force. Each of these measures is examined in more detail in the sections that follow.

#### **4.3.1 Diplomatic**

As contemplated by the Charter of the United Nations, States generally rely on peaceful means to resolve their differences and to protect their interests. Diplomatic measures include all those political actions taken by one nation to influence the behavior of other States within the framework of international law. They may involve negotiation, conciliation or mediation, and may be cooperative or coercive (e.g., severing of diplomatic relations). The behavior of an offending nation may be curbed by appeals to world public opinion as in the General Assembly or, if their misconduct endangers the maintenance of international peace and security, by bringing the issue before the Security Council. Ordinarily, however, differences that arise between States are resolved or accommodated through the normal day-to-day, give-and-take of international diplomacy. The key point is that disputes between the United States and other States arising out of conflicting interests are normally addressed and resolved through diplomatic channels and do not involve resort to the threat or use of force.

#### **4.3.2 Judicial**

States may also seek judicial resolution of their peacetime disputes, both in national courts and before international tribunals. A nation or its citizens may bring a legal action against another nation in its own national courts, provided the court has jurisdiction over the matter in controversy (such as where the action is directed against property of the foreign nation located within the territorial jurisdiction of the court) and provided the foreign nation does not interpose a valid claim of sovereign immunity. Similarly, a nation or its citizens may bring a legal action against another nation in the latter's courts, or in the courts of a third nation, provided jurisdiction can be found and sovereign immunity is not interposed.

States may also submit their disputes to the International Court of Justice for resolution. Article 92 of the Charter of the United Nations establishes the International Court of Justice as the principal judicial organ of the United Nations. No nation may bring another before the Court unless the latter nation first consents. That consent can be general and given beforehand or can be given in regard to a specific controversy. States also have the option of submitting their disputes to ad hoc or other established tribunals.

### **4.3.3 Economic**

States often utilize economic measures to influence the actions of others. The granting or withholding of “most favored nation” status to another country is an often used measure of economic policy. Similarly, trade agreements, loans, concessionary credit arrangements and other aid, and investment opportunity are among the many economic measures that States extend, or may withhold, as their national interests dictate. Examples of the coercive use of economic measures to curb or otherwise seek to influence the conduct of other States include the suspension of U.S. grain sales and the embargo on the transfer of U.S. technology to the offending nation, boycott of oil and other export products from the offending nation, suspension of “most favored nation” status, and the assertion of other economic sanctions.

## **4.4 MILITARY MEASURES**

The goal of U.S. national security policy is to ensure the survival, safety, and vitality of the United States and to maintain a stable international environment consistent with U.S. national interests. U.S. national security interests guide global objectives of deterring, and if necessary, defeating armed attack or terrorist actions against the United States, including U.S. forces, and, in certain circumstances, U.S. persons and their property, U.S. commercial assets, persons in U.S. custody, designated non-U.S. military forces, and designated foreign persons and their property.

In order to deter armed attack, U.S. military forces must be both capable and ready, and must be perceived to be so by potential aggressors. Equally important is the perception of other States and non-State actors that, should the need arise, the United States has the will to use its forces in individual or collective self-defense. The following are military measures nations may employ in the maritime environment during peacetime in order to safeguard their security interests.

### **4.4.1 Naval Presence**

U.S. naval forces constitute a key and unique element of our national military capability. The mobility of forces operating at sea combined with the versatility of naval force composition—from units operating individually to multicarrier strike group formations—provide the President and Secretary of Defense with the flexibility to tailor U.S. military presence as circumstances may require.

Naval presence, whether as a showing of the flag during port visits or as forces deployed in response to contingencies or crises, can be tailored to exert the precise influence best suited to U.S. interests. Depending upon the magnitude and immediacy of the problem, naval forces may be positioned near areas of potential discord as a show of force or as a symbolic expression of support and concern. Unlike land-based forces, naval forces may be so employed without political entanglement and without the necessity of seeking littoral nation consent. So long as they remain in international waters and international airspace, U.S. warships and military aircraft enjoy the full spectrum of the high seas freedoms of navigation and overflight, including the right to conduct naval maneuvers, subject only to the requirement to observe international standards of safety, to recognize the rights of other ships and aircraft that may be encountered, and to issue NOTAMs and NOTMARs as the circumstances may require. Deployment of a carrier strike group into the vicinity of areas of tension and augmentation of U.S. naval forces to deter interference with U.S. commercial shipping in an area of armed conflict provide graphic illustrations of the use of U.S. naval forces in peacetime to deter violations of international law and to protect U.S. flag shipping.



#### 4.4.2 Interception of Intruding Aircraft

All nations have complete and exclusive sovereignty over their national airspace (see paragraphs 1.9 and 2.5.1). With the exception of overflight in transit passage of international straits and in archipelagic sea lanes passage (see paragraphs 2.5.3 and 2.5.4.1), distress (see paragraph 3.2.1.1), and assistance entry to assist those in danger of being lost at sea (see paragraph 2.5.2.6), authorization must be obtained for any intrusion by a foreign aircraft (military or civil) into national airspace (see paragraph 2.5). That authorization may be flight-specific, as in the case of diplomatic clearance for the visit of a military aircraft, or general, as in the case of commercial air navigation pursuant to the Chicago Convention.

A state's right to use force against an aircraft in flight during peacetime is based on the degree to which that aircraft poses a threat to the vital interests of the state using force and the availability and effectiveness of lesser measures. Military aircraft intruding into foreign airspace on a military mission may constitute a sufficient threat to justify the use of force in self-defense. This appears true both for tactical military aircraft capable of directly attacking the overflown state and for unarmed military aircraft capable of being used for intelligence-gathering purposes. State practice also suggests that an aircraft with military markings may be presumed to be on a military mission unless evidence is produced to the contrary by its state of registry. A state may not use weapons against an aircraft with civil markings except in the exercise of self-defense. Absent compelling evidence to the contrary from the overflown state, an aircraft with civil markings will be presumed to be engaged in nonmilitary commercial activity.

Customary international law provides that a foreign civil aircraft entering national airspace without permission due to distress or navigational error may be required to comply with orders to turn back or to land. In this connection the Convention on International Civil Aviation of 7 December 1944 (Chicago Convention) has been amended to provide, in effect:

1. That all nations must refrain from the use of weapons against civil aircraft, and, in the case of the interception of intruding civil aircraft, that the lives of persons on board and the safety of the aircraft must not be endangered. (This provision does not, however, detract from the right of self-defense recognized under Article 51 of the Charter of the United Nations.)
2. That all nations have the right to require intruding aircraft to land at some designated airfield and to resort to appropriate means consistent with international law to require intruding aircraft to desist from activities in violation of the Convention.
3. That all intruding civil aircraft must comply with the orders given to them and that all States must enact national laws making such compliance by their civil aircraft mandatory.
4. That all nations shall prohibit the deliberate use of their civil aircraft for purposes (such as intelligence collection) inconsistent with the Convention.

The amendment was approved unanimously on 10 May 1984 and entered into force on 1 October 1998. The Convention, by its terms, does not apply to intruding military aircraft. The United States takes the position that customary international law establishes similar standards of reasonableness and proportionality with respect to a nation's response to military aircraft that stray into national airspace through navigational error or that are in distress.

#### 4.4.3 The Right of Self-Defense

The Charter of the United Nations, as reflected in Article 51, recognizes that all nations are vested with an inherent right of individual and collective self-defense. US doctrine on self-defense, set forth in CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces, provides that the use of force in self-defense against armed attack or the threat of imminent armed attack, rests upon two elements:

Necessity: The requirement that a use of force be in response to a hostile act or demonstration of hostile intent, and;

Proportionality: The requirement that the use of force be in all circumstances limited in intensity, duration, and scope to that which is reasonably required to counter the attack or threat of attack and to ensure the continued safety of U.S. forces.

#### **4.4.3.1 Anticipatory Self-Defense**

Included within the inherent right of self-defense is the right of a nation to protect itself from imminent attack. Imminent does not necessarily mean immediate or instantaneous. The determination of whether or not an attack is imminent will be based on an assessment of all facts and circumstances known at the time. International law recognizes that it would be contrary to the purposes of the Charter of the United Nations if a threatened nation were required to absorb an aggressor's initial and potentially crippling first strike before taking those military measures necessary to thwart an imminent attack. Anticipatory self-defense involves the use of armed force where attack is imminent and no reasonable choice of peaceful means is available.

#### **4.4.3.2 The CJCS Standing Rules of Engagement (SROE)/Standing Rules for the Use of Force (SRUF)**

CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces, establishes fundamental policies and procedures governing the actions to be taken by U.S. commanders during military operations, contingencies, and routine military department functions including AT/FP. At the national level, rules of engagement are promulgated by the President and Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, to the combatant commanders to guide them in the employment of their forces toward the achievement of broad national objectives. At the tactical level, rules of engagement are task-and mission-oriented. At all levels, rules of engagement are consistent with the law of armed conflict.

Because rules of engagement also reflect operational and national policy factors, they often restrict combat operations far more than do the requirements of international law. A full range of options is reserved to the President and Secretary of Defense to determine the response that will be made to hostile acts and demonstrations of hostile intent. The CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces, provides implementation guidance on the inherent right and obligation of self-defense and the application of force for mission accomplishment. A principal tenet of U.S. SROE/SRUF is that commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unit self-defense includes defense of other U.S. military forces in the vicinity. Individual self-defense is a subset of unit self-defense and can be limited by the unit commander.

#### **4.4.3.3 Standing Rules of Engagement (SROE)**

The SROE establish fundamental policies and procedures governing the actions to be taken by U.S. commanders and their forces during all military operations and contingencies and routine Military Department functions occurring outside U.S. territory (which includes the 50 states, the Commonwealths of Puerto Rico and Northern Marianas, U.S. possessions, protectorates, and territories) and outside U.S. territorial seas. Routine military department functions include antiterrorism/force protection duties. However, routine military department functions exclude all law enforcement and security duties on DOD installations, and off installation while conducting official DOD security functions, outside U.S. territory and territorial seas. The SROE also apply to air and maritime homeland defense missions conducted within U.S. territory and territorial seas, unless otherwise directed by the Secretary of Defense.

#### **4.4.3.4 Standing Rules for the Use of Force (SRUF)**

The SRUF establish fundamental policies and procedures governing the actions to be taken by U.S. commanders and their forces during all DOD civil support (e.g., military assistance to civil authorities) and routine Military Department functions (including AT/FP duties) occurring within U.S. territory or U.S. territorial waters. The

SRUF also apply to land homeland defense missions occurring within U.S. territory and to DOD forces, civilians, and contractors performing law enforcement and security duties at all DOD installations (and off-installation while conducting official DOD security functions), within or outside U.S. territory unless otherwise directed by the Secretary of Defense.

#### **4.4.3.5 Self-Defense Pursuant to the SROE**

Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Hostile intent is the threat of the imminent use of force against the United States, U.S. forces, or other designated persons or property. The determination of whether or not an attack is imminent will be based on an assessment of all facts and circumstances known to U.S. forces at the time and may be made at any level. Unless otherwise directed by a unit commander military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense includes defense of other U.S. military forces in the vicinity.

#### **4.4.3.6 Self-Defense Pursuant to the SRUF**

Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Hostile intent is the imminent threat of the use of force against the United States, U.S. forces, or other designated persons or property. Unless otherwise directed by a unit commander military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self defense by members of their unit. Both unit and individual self-defense includes defense of other U.S. military forces in the vicinity.

The determination of whether the danger of death or serious bodily harm is imminent will be based on an assessment of all facts and circumstances known to DOD forces at the time and may be made at any level. Individuals with the capability to inflict death or serious bodily harm and who demonstrate the intent to do so may be considered an imminent threat. Per the SRUF, normally force is to be used only as a last resort, and the force must be the minimum necessary. If force is required, nondeadly force is authorized and may be used to control a situation when doing so is reasonable under the circumstances. Deadly force is to be used only when all lesser means have failed or cannot be reasonably employed. See CJCSI 3121.01B for more detailed information concerning the use of force in self-defense.

#### **4.4.3.7 Warning Shots Pursuant to SRUF**

When operating under SRUF, warning shots are not authorized within U.S. territory (including U.S. territorial waters), except when in the appropriate exercise of force protection of U.S. Navy and naval service vessels within the limits set forth in CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the use of Force for US Forces, Enclosure M and Navy Tactics, Techniques, and Procedures (NTTP) 3-07.2.1, Antiterrorism/Force Protection, Appendix E.

#### **4.4.4 Maritime Interception Operations (MIO)**

Nations may desire to intercept vessels at sea in order to protect their national security interests. The act of “intercepting” ships at sea may range from querying the master of the vessel to stopping, boarding, inspecting, searching, and potentially even seizing the cargo or the vessel. As a general principle, vessels in international waters are subject to the exclusive jurisdiction of their flag state. Moreover, interference with a vessel in international waters violates the sovereign rights of the flag state unless that interference is authorized by the flag state or otherwise permitted by international law. Finally, inside a coastal nation’s national waters, the coastal nation exercises sovereignty, subject to the right of innocent passage and other international law. Given these basic tenets of international law, commanders should be aware of the legal bases underlying the authorization of MIO when ordered by competent authority to conduct such operations.

#### **4.4.4.1 Legal Bases for Conducting MIO**

There are several legal bases available to conduct MIO, none of which are mutually exclusive. Depending on the circumstances, one or a combination of these bases can be used to justify permissive and nonpermissive interference with suspect vessels. The bases for conducting lawful boardings of suspect vessels at sea were greatly enhanced by the 2005 Protocols to the SUA Convention (see paragraph 3.14 for a discussion of SUA and the 2005 Protocols).

##### **4.4.4.1.1 MIO Pursuant to a United Nations Security Council Resolution**

One legal justification for maritime interception operations is authorization by the UN Security Council. Under Article 41 of the Charter of the United Nations the Security Council may authorize the “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication...” As such, the UN Security Council may authorize member nations to use naval forces to intercept vessels and possibly board, inspect, search, and seize them or their cargoes as necessary to maintain or restore international peace and security. On three separate occasions since 1990 the UN Security Council authorized States to halt shipping into and out of Iraq, Haiti, and the Federal Republic of Yugoslavia, respectively, to ensure strict implementation of other Security Council resolutions.

##### **4.4.4.1.2 Flag State Consent**

As a general rule ships are subject to the jurisdiction of their flag state (see paragraph 3.11.1.2). As such, the flag state has the right to authorize officials of another nation to board vessels flying its flag. Similar to agreements in the law enforcement realm (see 3.11.2.2.4) nations may negotiate bilateral or multilateral agreements to obtain advance consent to board another nation’s vessels for other than law enforcement purposes. Alternatively, commanders, via the chain of command, may seek consent to board a vessel from a particular nation. Care should be taken to identify and comply with the limits of the flag nation’s consent. Consent to board a vessel does not automatically extend to consent to inspect or search the vessel or to the seizure of persons or cargo. Commanders need to be aware of the exact nature and extent of flag state consent prior to conducting interceptions at sea.

##### **4.4.4.1.3 Master’s Consent**

(See paragraph 3.11.2.5.2.)

##### **4.4.4.1.4 Right of Visit**

International law allows nonpermissive interference with ships where there are reasonable grounds to suspect that the ship is engaged in, inter alia, piracy, slave trade, or unauthorized broadcasting. If a warship encounters a foreign-flagged vessel on the high seas, it may board the ship without the flag or master’s consent if there are reasonable grounds to suspect that the ship is engaged in one of these unauthorized activities.

##### **4.4.4.1.5 Stateless Vessels**

Vessels that are not legitimately registered in any one state are without nationality and are referred to as stateless vessels. Such vessels are not entitled to fly the flag of any State and, because they are not entitled to the protection of any state, they are subject to the jurisdiction of all states. Additionally, a ship that sails under more than one flag, using them according to convenience, may not claim any of the nationalities in question and may be assimilated to a ship without nationality. If a warship encounters a stateless vessel or a vessel that has been assimilated to a ship without nationality on the high seas it may board and search the vessel without the consent of the master.

##### **4.4.4.1.6 Condition of Port Entry**

Under international law, a coastal state may impose any condition on ships entering its ports or internal waters, including a requirement that all ships (other than sovereign immune vessels) entering port will be subject to

boarding and inspection. A vessel intending to enter a nation's port or internal waters can therefore be boarded and searched without flag state consent provided the port state has imposed such a measure as a condition of port entry on a nondiscriminatory basis. Such boardings and inspections need not wait until a ship enters port—they can occur at any location, preferably when a ship enters the territorial sea.

#### **4.4.4.1.7 Bilateral/Multilateral Agreements**

Flag consent to board and search can be provided in advance using a bilateral or multilateral agreement. Such agreements greatly expedite the process by which officials from one State can board suspect vessels of another state.

#### **4.4.4.1.8 Belligerent Rights Under the Law of Armed Conflict**

(See paragraph 7.6.)

#### **4.4.4.1.9 Inherent Right of Self-Defense**

States can legally conduct MIO pursuant customary international law under circumstances that would permit the exercise of the inherent right of individual and collective self-defense.

### **4.4.5 Proliferation Security Initiative**

PSI is a global effort that aims to stop shipments of WMD, their delivery systems, and related materials worldwide. The goal of PSI is to establish a more dynamic, creative, and proactive approach to preventing proliferation to or from nation States and non-State actors of proliferation concern. This approach includes at-sea interdiction by committed nations acting in support of PSI. As such, the PSI is a set of activities, not a formal treaty-based organization. It is best understood as a set of partnerships that establishes the basis for cooperation on specific activities, when the need arises. It does not create formal “obligations” for participating states, but does represent a political commitment to establish “best practices” to stop proliferation-related shipments. PSI seeks to use existing national and international legal authorities for such interdictions. In many cases, such legal authority will be found in a bilateral agreement. In the event that no bilateral agreement exists, the PSI statement of interdiction principles urges PSI participants and “all States concerned with this threat (PSI activity) to international peace and security” to “seriously consider providing consent under appropriate circumstances to the boarding and searching of its own flag vessels by other States and to the seizure of such WMD-related cargoes in such vessels that may be identified by such States.”

PSI-interdiction training exercises and other operational efforts will help States work together in a more cooperative, coordinated, and effective manner to stop, search, and seize shipments. The focus of PSI is on establishing greater coordination among its partner states and a readiness to act effectively when a particular action is needed. Actual interdictions will likely involve only a few PSI participants with geographic and operational access to a particular PSI target of opportunity (see CJCSI 3520.02, Proliferation Security Initiative (PSI) Activity Program).

PSI activities include:

1. Undertaking a review and providing information on current national legal authorities to undertake interdictions at sea, in the air, or on land, and indicating willingness to strengthen authorities, where appropriate
2. Identifying specific national “assets” that might contribute to PSI efforts (e.g., information sharing, military, and/or law enforcement assets)
3. Providing points of contact for PSI-assistance requests and other operational activities, and establishing appropriate internal government processes to coordinate PSI response efforts

4. Being willing to actively participate in PSI-interdiction training exercises and actual operations as opportunities arise
5. Being willing to conclude relevant agreements (e.g., boarding arrangements) or otherwise to establish a concrete basis for cooperation with PSI efforts.

#### **4.4.6 Antiterrorism/Force Protection**

When naval forces operate in the maritime environment during peacetime, a constant underlying mission is force protection, both in port and at sea. Commanders possess an inherent right and obligation to defend their units and other US units in the vicinity from a hostile act or demonstrated hostile intent. US naval doctrine provides tactics, techniques, and procedures to deter, detect, defend against, and mitigate terrorist attacks (see NTTP 3-07.2.1 Navy Tactics, Techniques, and Procedures for Antiterrorism/Force Protection (Rev.A)). AT/FP actions are designed to conserve the force's fighting potential so it can be applied at the decisive time and place while degrading opportunities for the enemy. Force protection does not include actions to defeat the enemy or protect against accidents, weather, or disease.

#### **4.4.7 Maritime Warning Zones**

As nations endeavor to protect their interests in the maritime environment during peacetime they might employ naval forces in geographic areas where various land, air, surface, and subsurface threats exist. Commanders are then faced with ascertaining the intent of entities (e.g., small boats, low slow flyers (LSFs), jet skis, swimmers) proceeding toward their units. Oftentimes ascertaining intent is a very difficult problem, especially when operating in the littorals where air and surface traffic is heavy. Given an uncertain operating environment, commanders may be inclined to establish some type of assessment, threat, or warning zone around their units in an effort to help sort the common operational picture and ascertain the intent of inbound entities. This objective may be accomplished during peacetime while adhering to international law as long as the navigational rights of other ships, submarines, and aircraft are respected. Specifically, when operating in international waters, commanders may assert notice (via NOTAMs and NOTMARs) that within a certain geographic area, for a certain period of time, dangerous military activities will be taking place. Commanders may request that entities traversing the area communicate with them and state their intentions. Moreover, such notice may include reference to the fact that if ships and aircraft traversing the area are deemed to represent an imminent threat to U.S. naval forces they may be subject to proportionate measures in self-defense. Ships and aircraft are not required to remain outside such zones and force may not be used against such entities merely because they entered the zone. Commanders may use force against such entities only to defend against a hostile act or demonstrated hostile intent, including interference with declared military activities.

#### **4.4.8 Maritime Quarantine**

Maritime quarantine was invoked for the first and only time by the United States as a means of interdicting the flow of Soviet strategic offensive weapons (primarily missiles) into Cuba in 1962 involving a limited coercive measure on the high seas applicable only to ships carrying offensive weaponry to Cuba and utilizing minimum force required to achieve its purpose. The quarantine was an action by the United States, which dealt with the need to act in defense of western hemisphere interests and security while, to the greatest degree possible, maintaining the rights of freedom of navigation in what was otherwise a peacetime environment.

Although it has been compared to and used synonymously with blockade, quarantine is a peacetime military action that bears little resemblance to a true blockade. (For an in-depth discussion of blockade, see paragraph 7.7). Quarantine is distinguished from blockade, in that:

1. Quarantine is a measured response to a threat to national security or an international crisis; blockade is an act of war against an identified belligerent.

2. The goal of quarantine is de-escalation and return to the *status quo ante* or other stabilizing arrangement; the goal of a blockade is denial and degradation of an enemy's capability with the ultimate end-state being capitulation in armed conflict.
3. Quarantine is selective in proportional response to the perceived threat; blockade requires impartial application to all nations—discrimination by a blockading belligerent renders the blockade legally invalid.

Maritime quarantine is an action designed to address crisis-level confrontations during peacetime that present extreme threats to U.S. forces or security interests, with the ultimate goal of returning conditions to a stable *status quo*.

## 4.5 U.S. MARITIME ZONES AND OTHER CONTROL MECHANISMS

The United States employs maritime zones and other control mechanisms pursuant to both domestic and international law. These are grounded in a coastal state's right to exercise jurisdiction (to varying degrees depending on purpose and exact location) over waters within and adjacent to their territorial land masses. In all cases the statutory basis and implementing regulations and policies are consistent with international law, and in particular the LOS convention. However, when deployed, commanders should be aware of similar sounding maritime zones and control mechanisms declared by other nations that purport to be legitimate but are in fact inconsistent with international law and the LOS convention and unlawfully impede freedom of navigation.

As many of these zones and other control mechanisms have as their primary purpose the restriction of access (for assorted reasons), they can be used as tools by the military to enhance the security and safety of both maritime and land-based units.

### 4.5.1 Safety Zones

Safety zones are areas comprised of water or shoreline, or a combination of both, to which access is limited for safety and environmental purposes. No person, vessel, or vehicle may enter or remain within a safety zone unless authorized by the Coast Guard. Such zones may be described by fixed geographical limits or they may be a prescribed area around a vessel, whether at anchor, moored, or underway. In general, safety zones may be established within the navigable waters of the United States seaward to 12 nautical miles from the baseline. However, as explicitly permitted by Article 60 of the LOS Convention, safety zones may also be established to promote the safety of life and property on an outer continental shelf facility, an attending vessel, or adjacent waters. Such safety zones may extend up to 500 meters from the outer continental shelf facility.

### 4.5.2 Security Zones

Security zones are areas comprised of water or land, or a combination of both, to which access is limited for the purposes of:

1. Preventing the destruction, loss, or injury to vessels, harbors, ports or waterfront facilities resulting from sabotage or other subversive acts, accidents, or similar causes;
2. Securing the observance of the rights and obligations of the United States;
3. Preventing or responding to an act of terrorism against an individual, vessel, or structure that is subject to the jurisdiction of the United States; or
4. Responding to a national emergency as declared by the president by reason of actual or threatened war, insurrection or invasion, or disturbance or threatened disturbance of the international relations of the United States.

In general, security zones can be established within the navigable waters of the United States seaward to 12 nautical miles from the baseline. However, security zones established to prevent or respond to an act of terrorism

against an individual, vessel, or structure may also be in the exclusive economic zone or on the outer continental shelf, provided the individual, vessel, or structure is subject to the jurisdiction of the United States. Enforcement of security zones is primarily the responsibility of the Coast Guard. Those convicted of security zone violations are subject to civil and criminal penalties.

### **4.5.3 Naval Vessel Protection Zones (NVPZs)**

Following the terrorist attacks on New York and Washington, D.C. in 2001, to provide for the safety and security of United States naval vessels in the navigable waters of the United States, the U.S. Coast Guard established naval vessel protection zones (NVPZs) under authority contained in 14 USC 91. NVPZs provide for the regulation of traffic in the vicinity of U.S. naval vessels in the navigable waters of the United States. A U.S. naval vessel is any vessel owned, operated, chartered, or leased by the U.S. Navy; any vessel under the operational control of the U.S. Navy or a unified commander. As a result, the establishment and enforcement of NVPZs are a function directly involved in and necessary to military operations and the safety and security of naval commanders and personnel.

The official patrol may be a Coast Guard commissioned officer, a Coast Guard warrant or petty officer, the Commanding Officer of a US naval vessel or his or her designee.

All vessels within 500 yards of a US naval vessel must operate at the minimum speed necessary to maintain a safe course and proceed as directed by the official patrol.

Vessels are not allowed within 100 yards of a US naval vessel, unless authorized by the official patrol. Vessels requesting to pass within 100 yards of a US naval vessel must contact the official patrol on VHF-FM channel 16. Under some circumstances, the official patrol may permit vessels that can only operate safely in a navigable channel to pass within 100 yards of a US naval vessel in order to ensure a safe passage in accordance with the navigation rules.

Under similar conditions, commercial vessels anchored in a designated anchorage area may be permitted to remain at anchor within 100 yards of passing naval vessels.

Though restrictive in nature, the effects of NVPZs have not been significant because the protection zones are limited in size and the official patrol may allow access to the zone. Additionally, the naval vessel protection zones will affect a given location for a limited time while the vessel is in transit, along with notifications made by the Coast Guard so mariners can make adjustments.

### **4.5.4 Outer Continental Shelf Facilities**

Safety zones may also be established on the continental shelf around offshore platforms pursuant to the Outer Continental Shelf Lands Act (43 USC 1333). Outer continental shelf (OCS) safety zones may be established around OCS facilities being constructed, maintained, or operated on the OCS to promote the safety of life and property on the facilities, their appurtenances and attending vessels, and on the adjacent waters within the safety zones. An OCS safety zone may extend to a maximum distance of 500 meters around the OCS facility measured from each point on its outer edge or from its construction site, but may not interfere with the use of recognized sea lanes essential to navigation. The following vessels are authorized to enter and remain in an OCS safety zone: vessels owned or operated by the OCS facility, vessels under 100 feet in overall length not engaged in towing, and vessels authorized by the cognizant Coast Guard commander.

### **4.5.5 Other Areas**

For more information concerning regulated navigation areas, restricted waterfront areas, restricted areas, danger zones, naval defensive sea areas, and other control mechanisms, see the COMDTINST M16247.1 Coast Guard Maritime Law Enforcement Manual, (MLEM), Appendix O, for specific guidance.



#### **4.6 DETAINEES AT SEA DURING PEACETIME**

On occasion, circumstances may arise where naval commanders detain individuals at sea who are neither involved in an armed conflict (see Chapter 11) nor violating domestic U.S. law (see paragraph 3.11). If this should occur, all persons detained by naval forces during peacetime must be treated humanely under international law and U.S. policy. (See DOD Directive 2310.01E, DOD the Department of Defense Detainee Program, for additional guidance.)

## CHAPTER 5

# Principles and Sources of the Law of Armed Conflict

### 5.1 WAR AND THE LAW

Historically, the application of law to war has been divided into two parts. The first addresses the legality of a nation's decision to engage in war. The second provides rules and guidance on how to conduct the war. Although it is important for commanders to have some understanding of both these areas, as a general rule, the legality of why a nation goes to war is primarily the responsibility of political leadership, while the legality of how the war is conducted is the responsibility of political leadership, military commanders, and individual service members.

#### 5.1.1 Law Governing When Nations Can Legally Use Force

Article 2(4) of the Charter of the United Nations provides:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

The Charter of the United Nations does, however, provide two exceptions to this requirement. First, a State may use force if authorized by a decision of the UN Security Council, typically documented in a United Nations Security Council Resolution. Second, as recognized in customary international law and reflected in Article 51 of the Charter of the United Nations, force may be used in individual or collective self-defense.

#### 5.1.2 Law Governing How Armed Conflict is Conducted

No nation, regardless of its legal basis for using force, has the right to engage in armed conflict without limits. The extent of these limits depends on the type of armed conflict in which States are engaged.

##### 5.1.2.1 International Armed Conflict

International armed conflict is “declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them” (see common Article 2 of the Geneva Conventions of 1949). Generally speaking this is war between two nation states. The law governing international armed conflict is known as the law of armed conflict or the law of war. These terms are used synonymously in U.S. military publications. The law of armed conflict is comprised of all international law for the conduct of hostilities that is binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law. Additionally, commanders should be aware that some countries are bound by Additional Protocol I to the Geneva Conventions of 1949. The United States has signed but not ratified Additional Protocol I and is not bound by it. However, in coalition operations some partner nations may be obligated to follow Additional Protocol I.

##### 5.1.2.2 Noninternational Armed Conflict

Noninternational armed conflict is defined in common Article 3 of the Geneva Conventions of 1949 as armed conflict not of an international character occurring in the territory of one of the High Contracting Parties. In

general terms, this is civil war or other forms of domestic rebellion occurring within the territory of a nation state. In cases of noninternational armed conflict, common Article 3 of the Geneva Conventions applies. Additionally, for countries that have signed and ratified it, Additional Protocol II to the Geneva Conventions of 1949 also applies to noninternational armed conflicts. The United States has signed but not ratified Additional Protocol II and is not bound by it. Commanders should be aware that in coalition operations some partner nations may be obligated to follow Additional Protocol II. It is also possible that customary international law may apply to noninternational armed conflicts.

### **5.1.2.3 International Armed Conflict Between Nation States and Non-State Actors**

Since 11 September 2001, a new type of armed conflict has emerged: international armed conflict between nation States and non-State actors. The Global War on Terror is an example of this new type of conflict. International armed conflict between nation States and non-State actors differs from international armed conflict in that it is not between two or more high contracting parties (e.g. nation States). It also differs from noninternational armed conflict in that it is international in character. What law applies in this type of conflict is still being settled. As a matter of policy, however, all DOD personnel will comply with the law of armed conflict during all armed conflict, however such conflicts are characterized, and in all other military operations (see paragraph 5.2).

## **5.2 THE LAW OF ARMED CONFLICT AND ITS APPLICATION**

DOD Directive 2311.01E, DOD Law of War Program, defines the law of war (synonymous with the term law of armed conflict) as that part of international law that regulates the conduct of armed hostilities. It is comprised of all international law for the conduct of hostilities that is binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.

It is DOD policy to comply with the law of armed conflict during all armed conflict, however such conflicts are characterized, and in all other military operations (see DOD Directive 2311.01 (series)). Consistent with this policy, this manual will apply the law of armed conflict to all three of the types of armed conflicts discussed above.

## **5.3 GENERAL PRINCIPLES OF THE LAW OF ARMED CONFLICT**

The law of armed conflict seeks to minimize unnecessary suffering and destruction by controlling and mitigating the harmful effects of hostilities through standards of protection to be accorded to combatants, noncombatants, civilians and civilian property. (See paragraphs 5.4 and 11.1.) To achieve this goal, the law of armed conflict is based on four general principles: military necessity, unnecessary suffering, distinction, and proportionality. These principles must be considered collectively as they impact on and interrelate with each other. No one principle of the law of war can be considered in isolation.

### **5.3.1 Principle of Military Necessity**

The law of armed conflict is not intended to impede the waging of hostilities. Its purpose is to ensure that the violence of hostilities is directed toward the enemy's war efforts and is not used to cause unnecessary human misery and physical destruction. The principle of military necessity recognizes that force resulting in death and destruction will have to be applied to achieve military objectives, but its goal is to limit suffering and destruction to that which is necessary to achieve a valid military objective. Thus it prohibits the use of any kind or degree of force not required for the partial or complete submission of the enemy with a minimum expenditure of time, life, and physical resources. It is important to note that the principle of military necessity does not authorize acts that are otherwise prohibited by the law of armed conflict and that military necessity is not a criminal defense for acts expressly prohibited by the law of armed conflict.

In applying the principle of military necessity a commander should ask whether the object of attack is a valid military objective and, if so, whether the total or partial destruction, capture, or neutralization of the object of attack will constitute a definite military advantage under the circumstances at the time of the attack. An object is a valid military objective if by its nature (e.g., combat ships and aircraft), location (e.g., bridge over enemy supply

route), use (e.g., school building being used as an enemy headquarters), or purpose (e.g., a civilian airport that is built with a longer than required runway so it can be used for military airlift in time of emergency) it makes an effective contribution to the enemy's war fighting/war sustaining effort and its total or partial destruction, capture, or neutralization, in the circumstance at the time, offers a definite military advantage. Purpose is related to use, but is concerned with the intended, suspected, or possible future use of an object rather than its immediate and temporary use.

It is important to note that the principle of military necessity does not prohibit the application of overwhelming force against enemy combatants, units and material consistent with the principles of distinction and proportionality.

### **5.3.2 Principle of Distinction**

The principle of distinction is concerned with distinguishing combatants from civilians and military objects from civilian objects so as to minimize damage to civilians and civilian objects. Commanders have two duties under the principle of distinction. First, they must distinguish their forces from the civilian population. This is why combatants wear uniforms or other distinctive signs. Second, they must distinguish valid military objectives from civilians or civilian objects before attacking (see Chapter 8).

The principle of distinction, combined with the principle of military necessity, prohibits indiscriminate attacks. Specifically, attacks that are not directed at a specific military objective (e.g., Iraqi SCUD missile attacks on Israeli and Saudi cities during the Persian Gulf War), attacks that employ a method or means of combat that cannot be directed at a specific military objective (e.g., declaring an entire city a single military objective and attacking it by bombardment when there are actually several distinct military objectives throughout the city that could be targeted separately), or attacks that employ a method or means of combat, the effects of which cannot be limited as required by the law of armed conflict (e.g., bombing an entire large city when the object of attack is a small enemy garrison in the city).

### **5.3.3 Principle of Proportionality**

The principle of proportionality is directly linked to the principle of distinction. While distinction is concerned with focusing the scope and means of attack so as to cause the least amount of damage to protected persons and property, proportionality is concerned with weighing the military advantage one expects to gain against the unavoidable and incidental loss to civilians and civilian property that will result from the attack. The principle of proportionality requires the commander to conduct a balancing test to determine if the incidental injury, including death to civilians and damage to civilian objects, is excessive in relation to the concrete and direct military advantage expected to be gained. Note that the principle of proportionality under the law of armed conflict is different than the term proportionality as used in self-defense (see paragraph 4.3.3).

### **5.3.4 Principle of Unnecessary Suffering**

The law of armed conflict prohibits the use of arms, projectiles, or material calculated to cause unnecessary suffering to combatants. Because this principle is difficult to apply in practice, it is usually addressed through treaties or conventions that limit or restrict the use of specific weapons. DOD policy requires that before a new weapon or weapons system is acquired, an authorized attorney must conduct a legal review to ensure the new weapon is consistent with all applicable domestic laws and international agreements, treaties, customary international law, and the law of armed conflict. The review need not anticipate all possible uses or misuses of a weapon, however, commanders should ensure that otherwise lawful weapons or munitions are not being altered or misused to cause greater or unnecessary suffering.

## **5.4 PEOPLE IN THE OPERATIONAL ENVIRONMENT**

There are many categories and subcategories of people in the operational environment. The categories discussed below are the major categories of people most commonly encountered. These categories are important as they determine who can be targeted (see Chapter 8) and the treatment they are entitled to if detained (see Chapter 11).

### 5.4.1 Combatants

Combatants are persons engaged in hostilities during an armed conflict. Combatants can be lawful or unlawful. The term “enemy combatant” refers to a person engaged in hostilities against the United States or its coalition partners during an armed conflict. The term “enemy combatant” also includes both “lawful enemy combatants” and “unlawful enemy combatants.”

#### 5.4.1.1 Lawful Enemy Combatants

Lawful enemy combatants include members of the regular armed forces of a State party to the conflict; militia, volunteer corps, and organized resistance movements belonging to a State party to the conflict, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the laws of war; and members of regular armed forces who profess allegiance to a government or an authority not recognized by the detaining power. Lawful combatants are entitled to combatant immunity—that is, they cannot be prosecuted for their lawful military actions prior to capture.

Lawful combatants also include civilians who take part in a *levee en masse*. A *levee en masse* is a spontaneous uprising by the citizens of a nonoccupied territory who take up arms to resist an invading force without having time to form themselves into regular armed units. Combatant immunity for a *levee en masse* ends once the invading forces have occupied the territory.

#### 5.4.1.2 Unlawful Enemy Combatants

Unlawful enemy combatants are persons not entitled to combatant immunity, who engage in acts against the United States or its coalition partners in violation of the laws and customs of war during armed conflict.

### 5.4.2 Noncombatants

Noncombatants are those members of the armed forces who do not take direct part in hostilities because of their status as medical personnel and chaplains.

### 5.4.3 Civilians

A civilian is a person who is not a combatant or noncombatant (see definitions above). Civilians are not entitled to combatant immunity.

## 5.5 SOURCES OF THE LAW OF ARMED CONFLICT

As is the case with international law generally, the principal sources of the law of armed conflict are custom, as reflected in the practice of nations, and international agreements.

### 5.5.1 Customary Law

The customary international law of armed conflict derives from the general practice of military and naval forces on land, at sea, and in the air during hostilities. Customary law develops over time. Consequently, only when state practice attains a degree of regularity and is accompanied by the general conviction among nations that behavior in conformity with that practice is obligatory, can it be said to have become a rule of customary law binding upon all nations. It is frequently difficult to determine the precise point in time at which a usage or practice of warfare evolves into a customary rule of law. In a period marked by rapid developments in technology, coupled with the broadening of the spectrum of conflict to encompass insurgencies and state-sponsored terrorism, it is not surprising that nations often disagree as to the precise content of an accepted practice of armed conflict and its status as a rule of law. This lack of precision in the definition and interpretation of rules of customary law has been a principal motivation behind efforts to codify the law of armed conflict through written agreements (treaties and conventions.) However, the inherent flexibility of law built on custom, and the fact that it reflects the actual—

albeit constantly evolving—practice of nations, underscores the continuing importance of customary international law in the development of the law of armed conflict.

### 5.5.2 International Agreements

Whether codifying existing rules of customary law or creating new rules to govern future practice, international agreements (treaties, conventions, and protocols) have played a major role in the development of the law of armed conflict and are a major source of it. International agreements are binding only upon the contracting parties, and then only to the extent required by the terms of the treaty, convention, or protocol itself as limited by the reservations, if any, that have accompanied its ratification or adherence by individual nations. States that do not express their consent to be bound by a treaty in the manner prescribed by the treaty through signature, ratification, or accession, are not bound by its provisions. There are two exceptions: first, if a treaty is declaratory of customary international law from its inception, then the rules embodied within the treaty are binding on both party and nonparty States; second, to the extent that a treaty's provisions come, over time, to represent a general consensus among nations of their obligatory nature, they are binding upon party and nonparty nations alike.

Principal among the international agreements reflecting the development and codification of the law of armed conflict are the Hague Regulations of 1907, the Gas Protocol of 1925, the Geneva Conventions of 1949 for the Protection of War Victims, the 1954 Hague Cultural Property Convention, the Biological Weapons Convention of 1972, the Conventional Weapons Convention of 1980, and the Chemical Weapons Convention of 1993. Whereas the 1949 Geneva Conventions and the 1977 Protocols Additional thereto address, for the most part, the protection of victims of war, the Hague Regulations, the Geneva Gas Protocol, 1993 Chemical Weapons Convention, Hague Cultural Property Convention, Biological Weapons Convention, and the Conventional Weapons Convention are concerned, primarily, with controlling the means and methods of warfare.

There are international agreements that the United States has signed and ratified, signed but not ratified, and those which are neither signed nor ratified. If the United States has signed and ratified an agreement, it is binding as law. If the United States has signed but not ratified an agreement, it is not law, but the United States has a duty not to defeat the object and purpose of the agreement until it shall have made its intention clear not to become a party to the treaty. If the agreement is neither signed nor ratified, the agreement has no effect on the United States.

The United States is a party to the following agreements:

1. 1907 Hague Convention Respecting the Laws and Customs of War on Land (Hague IV)
2. 1907 Hague Convention Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land (Hague V)
3. 1907 Hague Convention Relative to the Laying of Automatic Submarine Contact Mines (Hague VIII)
4. 1907 Hague Convention Concerning Bombardment by Naval Forces in Time of War (Hague IX)
5. 1907 Hague Convention Relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War (Hague XI)
6. 1907 Hague Convention Concerning the Rights and Duties of Neutral Powers in Naval War (Hague XIII)
7. 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare
8. 1936 London Protocol in Regard to the Operations of Submarines or Other War Vessels with Respect to Merchant Vessels (Part IV of the 1930 London Naval Treaty)
9. 1949 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field

10. 1949 Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea\*
11. 1949 Geneva Convention (III) relative to the Treatment of Prisoners of War
12. 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War
13. 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
14. 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, Protocols I, II, and Amended II (only)
15. 1980 Protocol I to the Convention on Certain Conventional Weapons—non-detectable fragments
16. 1980 Protocol II to the Convention on Certain Conventional Weapons—prohibitions or restrictions on the use of mines, booby-traps and other devices
17. 1996 Protocol II Amended to the Convention on Certain Conventional Weapons—prohibitions or restrictions on the use of mines, booby-traps and other devices as amended on 3 May 1996
18. 1993 Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

An asterisk (\*) indicates that signature or ratification of the United States was subject to one or more reservations or understandings.

The following are other law of armed conflict treaties that have been signed, but not yet ratified by the United States. The United States is not a party to these treaties:

1. 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
2. 1977 Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts
3. 1977 Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts
4. 1988 Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III).
5. 2005 Protocol III Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem.

## **5.6 THE LAW OF ARMED CONFLICT, INTERNATIONAL HUMANITARIAN LAW, AND HUMAN RIGHTS LAW**

Some countries and organizations refer to the law of armed conflict as “international humanitarian law.” The term “international humanitarian law” is often confused with human rights law. The more traditional term “law of armed conflict” eliminates this confusion. While there are some areas of overlap, the law of armed conflict and human rights law are separate and distinct bodies of law. Compliance with the law of armed conflict and U.S. domestic law will ensure compliance with human rights law.

## CHAPTER 6

# Adherence and Enforcement

### 6.1 ADHERENCE TO THE LAW OF ARMED CONFLICT

Nations adhere to the law of armed conflict not only because they are legally obliged to do so but for the very practical reason that it is in their best interest to be governed by consistent and mutually acceptable rules of conduct. The law of armed conflict is effective to the extent that it is obeyed. Occasional violations do not substantially affect the validity of a rule of law, provided routine compliance, observance, and enforcement continue to be the norm. Where repeated violations, however, do not result in protests, reprisals, or other enforcement actions, this may, over time, indicate that a particular rule is no longer regarded as valid.

#### 6.1.1 Adherence by the United States

The U.S. Constitution provides that treaties to which the United States is a party constitute a part of the “supreme law of the land” with a force equal to that of law enacted by the Congress. Moreover, the U.S. Supreme Court has consistently ruled that where there is no treaty and no controlling executive, legislative, or judicial precedent to the contrary, customary international law is a fundamental element of U.S. national law. Accordingly, U.S. service members are bound by the law of armed conflict as embodied in customary international law and all treaties to which the United States is a party.

#### 6.1.2 Policies

##### 6.1.2.1 Department of the Navy

SECNAVINST 3300.1B, Law of Armed Conflicts (Law of War) Program to Ensure Compliance by the Naval Establishment, states that the Department of the Navy will comply with the law of armed conflict in the conduct of military operations and related activities in armed conflicts. Navy Regulations, 1990, Article 0705, Observance of International Law, provides that:

At all times, commanders shall observe, and require their commands to observe, the principles of international law. Where necessary to fulfill this responsibility, a departure from other provisions of Navy Regulations is authorized.

DOD Directive 2311.01 (series), DOD Law of War Program, defines the law of war for U.S. personnel and directs that all members of DOD Components and U.S. civilians and contractors assigned to or accompanying the armed forces comply with the law of war during all armed conflicts, however such conflicts are characterized, and in all other military operations. (The term law of war is synonymous with the law of armed conflict.) Combatant commanders are responsible for the overall execution of the DOD Law of War Program within their respective commands.

Alleged violations of the law of armed conflict, whether committed by or against U.S., allied, or enemy personnel, are to be reported promptly through appropriate command channels. War crimes alleged to be committed by U.S. personnel or its allies, must be investigated thoroughly, and where appropriate, remedied by corrective action. War crimes committed by enemy personnel will be reviewed for appropriate responsive action.



All service members of the Department of the Navy, commensurate with their duties and responsibilities, must receive, through publications, instructions, training programs and exercises, training and education in the law of armed conflict.

Navy and Marine Corps judge advocates responsible for advising operational commanders are specially trained to provide officers in command with advice and assistance in the law of armed conflict on an independent and expeditious basis. The Chief of Naval Operations and the Commandant of the Marine Corps have directed officers in command of the operating forces to ensure that their judge advocates have appropriate clearances and access to information to enable them to carry out that responsibility.

#### **6.1.2.2 Coast Guard**

When operating as a service in the Department of the Navy, Coast Guard personnel are subject to the orders of the Secretary of the Navy and fall within the purview of Department of the Navy policy set out in paragraph 6.1.2. At all times, Coast Guard personnel are required to observe the law of armed conflict as a fundamental element of U.S. federal law. Coast Guard judge advocates are also specially trained to provide law of armed conflict advice and assistance to officers in command.

#### **6.1.3 Command Responsibility**

A naval commander may delegate some or all of his authority; however, he cannot delegate his accountability for the conduct of the forces he commands. Under the law of armed conflict, a commander may be held criminally responsible for ordering the commission of a war crime as well as be held responsible for the acts of subordinates when the commander knew, or should have known, that subordinates under his control were going to commit or had committed violations of the law of armed conflict and he failed to exercise properly his command authority or failed otherwise to take reasonable measures to discover and correct violations that may occur.

#### **6.1.4 Individual Responsibility**

All members of the naval service have a duty to comply with the law of armed conflict and, to the utmost of their ability and authority, to prevent violations by others. They also have an affirmative obligation to report promptly violations of which they become aware. Members of the naval service, like military members of all nations, must obey readily and strictly all *lawful* orders issued by a superior. Under both international law and U.S. law, an order to commit an obviously criminal act, such as the wanton killing or torture of a prisoner, is an *unlawful* order and will not relieve a subordinate of his responsibility to comply with the law of armed conflict. Only if the unlawfulness of an order is not known by the individual, and he could not reasonably be expected under the circumstances to recognize the order as unlawful, will the defense of obedience to an order protect a subordinate from the consequences of violating the law of armed conflict.

### **6.2 ENFORCEMENT OF THE LAW OF ARMED CONFLICT**

Various means are available to belligerents under international law for inducing compliance with the law of armed conflict. To establish the facts, the belligerents may agree to an *ad hoc* inquiry. In the event of a *clearly established violation* of the law of armed conflict, the aggrieved nation may:

1. Publicize the facts with a view toward influencing world public opinion against the offending nation.
2. Protest to the offending nation and demand that those responsible be punished and/or that compensation be paid.
3. Seek the intervention of a neutral party, particularly with respect to the protection of prisoners of war and other of its nationals that have fallen under the control of the offending nation.
4. Execute a belligerent reprisal action (see paragraph 6.2.3).

5. Punish individual offenders either during the conflict or upon cessation of hostilities.

### **6.2.1 The Protecting Power**

Under the Geneva Conventions of 1949, the treatment of prisoners of war, interned civilians, and the inhabitants of occupied territory is to be monitored by a neutral nation known as the protecting power. Due to the difficulty of finding a nation which the opposing belligerents will regard as truly neutral, the parties to the Conventions have authorized international humanitarian organizations, such as the International Committee of the Red Cross (ICRC), to perform at least some of the functions of a protecting power.

### **6.2.2 The International Committee of the Red Cross**

The ICRC is a private, nongovernmental, humanitarian organization based in Geneva, Switzerland. The ruling body of the ICRC is composed entirely of Swiss citizens and the ICRC is staffed mainly by Swiss nationals. (The ICRC is distinct from and should not be confused with the various national Red Cross societies such as the American Red Cross.) Its principal purpose is to provide protection and assistance to the victims of armed conflict. The Geneva Conventions recognize the special status of the ICRC and have assigned specific tasks for it to perform, including visiting and interviewing prisoners of war, providing relief to the civilian population of occupied territories, searching for information concerning missing persons, and offering its “good offices” to facilitate the establishment of hospital and safety zones. Under its governing statute, the ICRC is dedicated to work for the faithful application of the Geneva Conventions, to endeavor to ensure the protection of military and civilian victims of armed conflict, and to serve as a neutral intermediary between belligerents.

### **6.2.3 DOD Requirements for Reporting Contact with the ICRC**

Army Regulation (AR) 190-8/OPNAVINST 3461.6/Air Force Joint Instruction (AFJI) 31-304/Marine Corps Order (MCO) 3461.1, Enemy Prisoner of War, Retained Personnel, Civilian Internees, and Detained Persons (a multiservice regulation referenced as OPNAVINST 3416.1 and MCO 3461.1), requires DOD personnel to report contacts with the ICRC.

1. All ICRC reports received by a military or civilian official of the DOD at any level shall, within 24 hours, be transmitted to the Under Secretary of Defense for Policy (USD [P]) with information copies to the Director, Joint Staff; the Assistant Secretary of Defense for Public Affairs; the DOD General Counsel; and the DOD Executive Secretary. ICRC reports received within a combatant command area of operation shall be transmitted simultaneously to the commander of the combatant command.
2. Oral ICRC reports shall be summarized in writing, and shall contain the following information:
  - a. Description of the ICRC visit or meeting to include the location and date-time group  
DTG of the visit and what corrective action has been initiated (if warranted)
  - b. Identification of specific detainee(s) reported upon (if applicable)
  - c. Name of the ICRC representative
  - d. Identification of the U.S. official who received the report and identification of the U.S. official submitting the report.
3. All ICRC communications shall be marked with the following statement: “ICRC communications are provided to DOD as confidential restricted-use documents.” ICRC communications will be safeguarded in the same manner as SECRET NODIS information using classified information channels. Dissemination of ICRC communications outside of DOD is not authorized without the approval of the Secretary or Deputy Secretary of Defense.

## **6.2.4 Reprisal**

A belligerent reprisal is an enforcement measure under the law of armed conflict consisting of an act that would otherwise be unlawful but which is justified as a response to the previous unlawful acts of an enemy. The sole purpose of a reprisal is to induce the enemy to cease its illegal activity and to comply with the law of armed conflict in the future. Reprisals may be taken against enemy armed forces, enemy civilians other than those in occupied territory, and enemy property.

### **6.2.4.1 Requirements for Reprisal**

To be valid, a reprisal action must conform to the following criteria:

1. Reprisal must be ordered by an authorized representative of the belligerent government.
2. It must respond to illegal acts of warfare committed by an adversary government, its military commanders, or combatants for which the adversary is responsible. Anticipatory reprisal is not authorized.
3. When circumstances permit, reprisal must be preceded by a demand for redress by the enemy of its unlawful acts.
4. Its purpose must be to cause the enemy to cease its unlawful activity. Therefore, acts taken in reprisal should be brought to the attention of the enemy in order to achieve maximum effectiveness. Reprisal must never be taken for revenge.
5. Reprisal must only be used as a last resort when other enforcement measures have failed or would be of no avail.
6. Each reprisal must be proportional to the original violation.
7. A reprisal action must cease as soon as the enemy is induced to stop its unlawful activities and to comply with the law of armed conflict.

### **6.2.4.2 Immunity From Reprisal**

Reprisals are forbidden to be taken against:

1. Prisoners of war and interned civilians
2. Wounded, sick, and shipwrecked persons
3. Civilians in occupied territory
4. Hospitals and medical facilities, personnel, and equipment, including hospital ships, medical aircraft, and medical vehicles.

### **6.2.4.3 Authority to Order Reprisals**

The President alone may authorize the taking of a reprisal action by U.S. forces. Although reprisals are lawful when the foregoing requirements are met, there is always the risk that such reprisals will trigger counter-reprisals by the enemy. The United States has historically been reluctant to resort to reprisal for just this reason.

## **6.2.5 Reciprocity**

Some obligations under the law of armed conflict are reciprocal in that they are binding on the parties only so long as both sides continue to comply with them. A major violation by one side will release the other side from all

further duty to abide by that obligation. The concept of reciprocity is not applicable to humanitarian rules that protect the victims of armed conflict, that is, those persons protected by the 1949 Geneva Conventions. The decision to consider the United States released from a particular obligation following a major violation by the enemy will be made by the president.

### **6.2.6 War Crimes under International Law**

While there is not an exhaustive list of war crimes, they consist of serious and intentional violations of the law of armed conflict, which are generally recognized as war crimes and may be committed during periods of international or noninternational armed conflict. Acts constituting war crimes may be committed by combatants, noncombatants, or civilians. States are obligated under international law to punish their own nationals, whether members of the armed forces or civilians, who commit war crimes. International law also provides that States have the right to punish enemy armed forces personnel and enemy civilians who fall under their control for such offenses.

Grave breaches of the Geneva Conventions are a special type of war crime. The Geneva Conventions define grave breaches and place duties on States to search for persons alleged to have committed grave breaches, bring them to trial, and punish them if found guilty. This duty exists regardless of the nationality of the offender and includes the right to punish enemy armed forces personnel and enemy civilians. For violations of the Conventions that do not rise to the level of a grave breach, States are obligated to take measures necessary to suppress them. The Geneva Conventions define grave breaches as:

acts committed against persons or property protected by the Conventions; willful killing, torture or inhumane treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

The following acts, if committed intentionally, are examples of war crimes that could be considered grave breaches:

1. Offenses against prisoners of war, including killing without just cause; torture or inhumane treatment; subjection to public insult or curiosity; unhealthy, dangerous, or otherwise prohibited labor; and denial of fair trial for offenses
2. Offenses against civilian inhabitants of occupied territory, including killing without just cause, torture or inhumane treatment, forced labor, deportation, and denial of fair trial for offenses
3. Offenses against the sick and wounded, including killing, wounding, or mistreating enemy forces disabled by sickness or wounds
4. Denial of quarter (i.e., killing or wounding an enemy unable to fight due to sickness or wounds or one who is making a genuine offer of surrender) and offenses against combatants who have laid down their arms and surrendered
5. Offenses against the survivors of ships and aircraft lost at sea, including killing, wounding, or mistreating the shipwrecked; and failing to provide for the safety of survivors as military circumstances permit
6. Wanton destruction of cities, towns, and villages or devastation not justified by the requirements of military operations; and bombardment, the sole purpose of which is to attack and terrorize the civilian population
7. Deliberate attack upon medical facilities, hospital ships, medical aircraft, medical vehicles, or medical personnel.

The following acts, if committed intentionally, are examples of acts that could be considered war crimes, but would not be considered grave breaches of the Conventions:

1. Plunder and pillage of public or private property
2. Mutilation or other mistreatment of the dead
3. Employing forbidden arms or ammunition
4. Misuse, abuse, or firing on flags of truce or on the red cross device, and similar protective emblems, signs, and signals
5. Treacherous request for quarter (i.e., feigning surrender in order to gain a military advantage).

#### **6.2.6.1 Trials**

Trials for war crimes and other unlawful acts committed by enemy personnel and civilians usually have taken place after hostilities are concluded. Trials during hostilities might provoke undesirable actions from an enemy and complicate humanitarian protections applicable to one's own combatants and other nationals. There are exceptions to this general rule however.

War crimes trials numbered in the thousands were held after World War II for crimes committed by Nazi and Japanese personnel. However, for several decades after World War II, there was a general reluctance to undertake such trials following other conflicts. This reluctance changed with the armed conflict in the former Yugoslavia and genocide in Rwanda leading the UN Security Council to establish two *ad hoc* international tribunals in 1993 and 1994 to prosecute war crimes against humanity and genocide committed in both the former Yugoslavia and in Rwanda. Additionally, a permanent international criminal court was created by the 1998 Rome Statute. The Rome Statute entered into force in 2002 creating the International Criminal Court, and although the United States is not a party to this treaty, the ICC purports to have jurisdiction over non-Party States, such as the United States, under certain circumstances.

#### **6.2.6.2 Jurisdiction over Offenses**

The majority of prosecutions for violations of the law of armed conflict have involved the trial of a nation's own forces for breaches of military discipline. Violations of the law of armed conflict by persons subject to U.S. military law will usually constitute violations of the Uniform Code of Military Justice (UCMJ) and, if so, offenders will be prosecuted under that Code. Additionally, if war crimes are committed by U.S. civilians or contractors assigned to or accompanying the armed forces, the War Crimes Act of 1996 provides jurisdiction. In those cases where the offense does not rise to the level of a war crime, the Military Extraterritorial Jurisdiction Act provides jurisdiction where the offense also is a violation of U.S. law punishable by more than one year imprisonment. In times of congressionally declared war or during contingency operations, the UCMJ would apply to civilians accompanying the force in the field.

For offenses committed in the United States, its territories and possessions, jurisdiction is not limited to offenses by U.S. nationals, but also extends to offenses by persons of other nationalities. War crimes committed by enemy nationals may be tried as offenses against international law, which forms part of the law of the United States. Trials of enemy personnel may be held in U.S. federal courts, military courts, and military tribunals or commissions. In occupied territories, trials are usually held under occupation law. Trials of such personnel have been held in military courts, military commissions, provost courts, military government courts, and other military tribunals. There is no statute of limitations on the prosecution of a war crime.

#### **6.2.6.3 Fair Trial Standards**

The law of armed conflict establishes minimum standards for the trial of foreign nationals charged with war crimes. Failure to provide a fair trial for the alleged commission of a war crime is itself a war crime.

#### **6.2.6.4 Defenses**

##### **6.2.6.4.1 Superior Orders**

The fact that a person committed a war crime under orders of his military or civilian superior does not by itself relieve him of criminal responsibility under international law. It may, however, be considered in mitigation of punishment. To establish responsibility, the person must know (or have reason to know) that an act he is ordered to perform is unlawful under international law. Such an order must be manifestly illegal. The standard is whether under the same or similar circumstances a person of ordinary sense and understanding would know the order to be unlawful. If the person knows the act is unlawful and only does it under duress, this circumstance may be taken into consideration either by way of defense or in mitigation of punishment.

##### **6.2.6.4.2 Military Necessity**

The law of armed conflict provides that only that degree and kind of force, not otherwise prohibited by the law of armed conflict, required for the partial or complete submission of the enemy with a minimum expenditure of time, life, and physical resources may be applied. This principle, often referred to as “military necessity,” is a fundamental concept of restraint designed to limit the application of force in armed conflict to that which is in fact required to carry out a lawful military purpose. Too often it is misunderstood and misapplied to support the application of military force that is excessive and unlawful under the misapprehension that the “military necessity” of mission accomplishment justifies the result. While the principle does recognize that some amount of collateral damage and incidental injury to civilians and civilian objects may occur in an attack upon a legitimate military objective, it does not excuse the wanton destruction of life and property disproportionate to the military advantage to be gained from the attack.

##### **6.2.6.4.3 Acts Legal or Obligatory Under National Law**

The fact that national law does not prohibit an act that constitutes a war crime under international law does not relieve the person who committed the act from responsibility under international law. However, the fact that a war crime under international law is made legal and even obligatory under national law may be considered in mitigation of punishment.

#### **6.2.6.5 Sanctions**

Under international law, any punishment, including the death penalty, may be imposed on any person found guilty of a war crime. U.S. policy requires that the punishment be deterrent in nature and proportionate to the gravity of the offense.

### **6.3 REPORTABLE VIOLATIONS**

DOD Directive 2311.01E, DOD Law of War Program is the DOD source for law of war reporting requirements. This directive defines a reportable incident as “a possible, suspected, or alleged violation of the law of war, for which there is credible information, or conduct during military operations other than war that would constitute a violation of the law of war if it occurred during an armed conflict.” Such incidents must be “promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.”

All military and U.S. civilian employees and contractor personnel assigned to or accompanying a DOD component shall report incidents through the chain of command. The commander of any unit that obtains information about a reportable incident shall immediately report the incident through command channels to operational and military department higher authorities. Reporting requirements are concurrent.

The following are examples of incidents that must be reported:

1. Offenses against the wounded, sick, survivors of sunken ships, prisoners of war, and civilian inhabitants of occupied or allied territories including interned and detained civilians: attacking without due cause; willful

killing; torture or inhuman treatment, including biological, medical or scientific experiments; physical mutilation; removal of tissue or organs for transplantation; any medical procedure not indicated by the health of the person and which is not consistent with generally accepted medical standards; willfully causing great suffering or serious injury to body or health or seriously endangering the physical or mental health; and taking hostages

2. Other offenses against a detainee or prisoners of war: compelling a prisoner of war to serve in the armed forces of the enemy; causing the performance of unhealthy, dangerous, or otherwise prohibited labor; infringement of religious rights; and deprivation of the right to a fair and regular trial
3. Other offenses against survivors of sunken ships, the wounded or sick: when military interests do permit, failure to search out, collect, make provision for the safety of, or to care for survivors of sunken ships, or to care for members of armed forces in the field who are disabled by sickness or wounds or who have laid down their arms and surrendered
4. Other offenses against civilian inhabitants, including interned and detained civilians of, and refugees and stateless persons within, occupied or allied territories: unlawful deportation or transfer, unlawful confinement, compelling forced labor, compelling the civilian inhabitants to serve in the armed forces of the enemy or to participate in military operations, denial of religious rights, denaturalization, infringement of property rights, and denial of a fair and regular trial
5. Attacks on individual civilians or the civilian population, or indiscriminate attacks affecting the civilian population or civilian property, knowing that the attacks will cause loss of life, injury to civilians or damage to civilian property that would be excessive or disproportionate in relation to the concrete and direct military advantage anticipated, and that cause death or serious injury to body or health
6. Deliberate attacks upon medical transports including hospital ships, coastal rescue craft, and their lifeboats or small craft; medical vehicles; medical aircraft; medical establishments including hospitals; medical units; medical personnel or crews (including shipwrecked survivors); and persons parachuting from aircraft in distress during their descent
7. Killing or otherwise imposing punishment, without a fair trial, upon spies and other persons suspected of hostile acts while such persons are in custody
8. Maltreatment or mutilation of dead bodies
9. Willful or wanton destruction of cities, towns, or villages, or devastation not justified by military necessity; aerial or naval bombardment whose sole purpose is to attack and terrorize the civilian population, or to destroy protected areas, buildings or objects (such as buildings used for religious, charitable or medical purposes, historic monuments or works of art); attacking localities which are undefended, open to occupation, and without military significance; attacking demilitarized zones contrary to the terms establishing such zones
10. Improper use of privileged buildings or localities for military purposes
11. Attacks on facilities—such as dams and dikes, which, if destroyed, would release forces dangerous to the civilian population—when not justified by military necessity
12. Pillage or plunder of public or private property
13. Willful misuse of the distinctive emblem (red on a white background) of the Red Cross, Red Crescent or other protective emblems, signs or signals recognized under international law

14. Feigning incapacitation by wounds/sickness that results in the killing, wounding, or capture of the enemy; feigning surrender or the intent to negotiate under a flag of truce that results in the killing, capture, or wounding of the enemy; and use of a flag of truce to gain time for retreats or reinforcement.
15. Firing upon a flag of truce
16. Denial of quarter, unless bad faith is reasonably suspected
17. Violations of surrender or armistice terms
18. Using poisoned or otherwise forbidden arms or ammunition
19. Poisoning wells, streams, or other water sources
20. Other analogous acts violating the accepted rules regulating the conduct of warfare.

Source: SECNAVINST 3300.1B, Law of Armed Conflict (Law of War) Program to Ensure Compliance by the Naval Establishment.



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## CHAPTER 7

# The Law of Neutrality

### 7.1 INTRODUCTION

The law of neutrality defines the legal relationship between nations engaged in an armed conflict (belligerents) and nations not taking part in such hostilities (neutrals). The law of neutrality serves to localize war, to limit the conduct of war on both land and sea, and to lessen the impact of war on international commerce.

Developed at a time when nations customarily issued declarations of war before engaging in hostilities, the law of neutrality contemplated that the transition between war and peace would be clear and unambiguous. With the advent of international efforts to abolish “war” coupled with the proliferation of collective security arrangements and the extension of the spectrum of warfare to include insurgencies, counterinsurgencies and terrorism/counterterrorism, armed conflict is now rarely, if ever, accompanied by formal declarations of war. Consequently, it has become increasingly difficult to determine with precision the point in time when hostilities become “war” and to distinguish belligerent nations from neutrals. Notwithstanding these uncertainties, the law of neutrality continues to serve an important role in containing the spread of hostilities, in regulating the conduct of belligerents with respect to nations not participating in the conflict, in regulating the conduct of neutrals with respect to belligerents, and in reducing the harmful effects of such hostilities on international commerce.

For purposes of this publication, a belligerent nation is defined as a nation engaged in an international armed conflict, whether or not a formal declaration of war has been issued. Conversely, a neutral nation is defined as a nation that, consistent with international law, either has proclaimed its neutrality or has otherwise assumed neutral status with respect to an ongoing conflict.

### 7.2 NEUTRAL STATUS

Customary international law contemplates that all nations have the option to refrain from participation in an armed conflict by declaring or otherwise assuming neutral status. The law of armed conflict reciprocally imposes duties and confers rights upon neutral nations and upon belligerents. The principal right of the neutral nation is that of inviolability; its principal duties are those of abstention and impartiality. Conversely, it is the duty of a belligerent to respect the former and its right to insist upon the latter. This customary law has, to some extent, been modified by the Charter of the United Nations (see paragraph 7.2.1).

Neutral status, once established, remains in effect unless and until the neutral nation abandons its neutral stance and enters into the conflict. Neutrals that violate their neutral obligations risk losing their neutral status.

#### 7.2.1 Neutrality under the Charter of the United Nations

Article 2(4) of the Charter of the United Nations provides that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” In the event of a threat to or breach of the peace or act of aggression, the Security Council is empowered to take enforcement action on behalf of all member nations, including the use of force, in order to maintain or restore international peace and security. Article 2(5) of the Charter of the United Nations provides that “[a]ll Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.” Obligations pursuant to the Charter of the United Nations override other obligations. Therefore, all member states must comply with the

terms of decisions taken by the Security Council under Chapter VII of the Charter of the United Nations. Consequently, member states may be obliged to support a United Nations action at the expense of their pure neutrality. However, absent a binding decision of the Security Council, each state is free to determine whether to support the victim of an armed attack (invoking collective self-defense) or to remain neutral.

## **7.2.2 Neutrality under Regional and Collective Self-Defense Arrangements**

The obligation in the Charter of the United Nations for member nations to refrain from the threat or use of force against the territorial integrity or political independence of any state is qualified by the right of individual and collective self-defense, which member nations may exercise until such time as the Security Council has taken measures necessary to restore international peace and security. This inherent right of self-defense may be implemented individually or collectively, on an ad hoc basis or through formalized regional and collective security arrangements. The possibility of asserting and maintaining neutral status under such arrangements depends upon the extent to which the parties are obligated to provide assistance in a regional action, or in the case of collective self-defense, to come to the aid of a victim of an armed attack. The practical effect of such treaties may be to transform the right of the parties to assist one of their number under attack into a duty to do so. This duty may assume a variety of forms ranging from economic assistance to commitment of armed forces.

## **7.3 NEUTRAL TERRITORY**

As a general rule of international law, all acts of hostility in neutral territory, including neutral lands, neutral waters, and neutral airspace, are prohibited. A neutral nation has the duty to prevent the use of its territory as a place of sanctuary or a base of operations by belligerent forces of any side. If the neutral nation is unable or unwilling to enforce effectively its right of inviolability, an aggrieved belligerent may take such acts as are necessary in neutral territory to counter the activities of enemy forces, including warships and military aircraft, making unlawful use of that territory. Belligerents are also authorized to act in self-defense when attacked or threatened with attack while in neutral territory or when attacked or threatened from neutral territory.

### **7.3.1 Neutral Lands**

Belligerents are forbidden to move troops or war materials and supplies across neutral land territory. Neutral nations may be required to mobilize sufficient armed forces to ensure fulfillment of their responsibility to prevent belligerent forces from crossing neutral borders. Belligerent troops that enter neutral territory must be disarmed and interned until the end of the armed conflict.

A neutral may authorize passage through its territory of wounded and sick belonging to the armed forces of either side on condition that the vehicles transporting them carry neither combatants nor materials of war. If passage of sick and wounded is permitted, the neutral nation assumes responsibility for providing for their safety and control. Prisoners of war who have escaped their captors and made their way to neutral territory may be either repatriated or left at liberty in the neutral nation, but must not be allowed to take part in belligerent activities while there.

### **7.3.2 Neutral Ports and Roadsteads**

Although neutral nations may, on a nondiscriminatory basis, close their ports and roadsteads to belligerents, they are not obliged to do so. In any event, Hague Convention XIII requires that 24-hour (or other time period as prescribed by local regulations) notice to depart must be provided to belligerent warships located in neutral ports or roadsteads at the outbreak of armed conflict. Thereafter, belligerent warships may visit only those neutral ports and roadsteads that the neutral nation may choose to open to them for that purpose. Belligerent vessels, including warships, retain a right of entry in distress whether caused by *force majeure* or damage resulting from enemy action.

#### **7.3.2.1 Limitations on Stay and Departure**

In the absence of special provisions to the contrary in the laws or regulations of the neutral nation, belligerent warships are forbidden to remain in a neutral port or roadstead in excess of 24 hours. This restriction does not

apply to belligerent warships devoted exclusively to humanitarian, religious, or nonmilitary scientific purposes. Warships engaged in the collection of scientific data of potential military application are not exempt. Belligerent warships may be permitted by a neutral nation to extend their stay in neutral ports and roadsteads on account of stress of weather or damage involving seaworthiness. It is the duty of the neutral nation to intern a belligerent warship, together with its officers and crew, that will not or cannot depart a neutral port or roadstead where it is not entitled to remain.

A neutral nation may adopt laws or regulations governing the presence of belligerent warships in its waters provided that these laws and regulations are nondiscriminatory and apply equally to all belligerents. Unless the neutral nation has adopted laws or regulations to the contrary, no more than three warships of any one belligerent nation may be present in the same neutral port or roadstead at any one time. When warships of opposing belligerent nations are present in a neutral port or roadstead at the same time, not less than 24 hours must elapse between the departure of the respective enemy vessels. The order of departure is determined by the order of arrival unless an extension of stay has been granted. A belligerent warship may not leave a neutral port or roadstead less than 24 hours after the departure of a merchant ship of its adversary (Hague XIII, art. 16(3)).

### **7.3.2.2 War Materials, Supplies, Communications, and Repairs**

Belligerent warships may not make use of neutral ports or roadsteads to replenish or increase their supplies of war materials or their armaments, or to erect or employ any apparatus for communicating with belligerent forces. Although they may take on food and fuel, the law is unsettled as to the quantities that may be allowed. In practice, it has been left to the neutral nation to determine the conditions for the replenishment and refueling of belligerent warships, subject to the principle of nondiscrimination among belligerents and the prohibition against the use of neutral territory as a base of operations.

Belligerent warships may carry out such repairs in neutral ports and roadsteads as are absolutely necessary to render them seaworthy. The law is unsettled as to whether repair of battle damage, even for seaworthiness purposes, is permitted under this doctrine. In any event, belligerent warships may not add to or repair weapons systems or enhance any other aspect of their war fighting capability. It is the duty of the neutral nation to decide what repairs are necessary to restore seaworthiness and to insist that they be accomplished with the least possible delay.

### **7.3.2.3 Prizes**

A prize (i.e., a captured neutral or enemy merchant ship) may only be brought into a neutral port or roadstead because of unseaworthiness, stress of weather, or want of fuel or provisions, and must leave as soon as such circumstances are overcome or cease to prevail. It is the duty of the neutral nation to release a prize, together with its officers and crew, and to intern the offending belligerent's prize master and prize crew, whenever a prize is unlawfully brought into a neutral port or roadstead or, having entered lawfully, fails to depart as soon as the circumstances that justified its entry no longer pertain.

### **7.3.3 Neutral Internal Waters**

Neutral internal waters encompass those waters of a neutral nation that are landward of the baseline from which the territorial sea is measured, or, in the case of archipelagic States, within the closing lines drawn for the delimitation of such waters. The rules governing neutral ports and roadsteads apply as well to neutral internal waters.

### **7.3.4 Neutral Territorial Seas**

Neutral territorial seas, like neutral territory generally, must not be used by belligerent forces either as a sanctuary from their enemies or as a base of operations. Belligerents are obliged to refrain from all acts of hostility in neutral territorial seas except those necessitated by self-defense or undertaken as self-help enforcement actions against enemy forces that are in violation of the neutral status of those waters when the neutral nation cannot or will not enforce its inviolability.

A neutral nation may, on a nondiscriminatory basis, suspend passage of belligerent warships and prizes through its territorial seas, except in international straits. When properly notified of its closure, belligerents are obliged to refrain from entering a neutral territorial sea except to transit through international straits or as necessitated by distress. A neutral nation may, however, allow the passage of belligerent warships and prizes through its territorial seas. While in neutral territorial seas, a belligerent warship must also refrain from adding to or repairing its armaments or replenishing its war materials. Although the general practice has been to close neutral territorial seas to belligerent submarines, a neutral nation may elect to allow passage of submarines. Neutral nations customarily authorize passage through their territorial sea of ships carrying the wounded, sick, and shipwrecked, whether or not those waters are otherwise closed to belligerent vessels.

### **7.3.5 The 12-Nautical-Mile Territorial Sea**

When the law of neutrality was codified in the Hague Conventions of 1907, the three-nautical-mile territorial sea was the accepted norm, aviation was in its infancy, and the submarine had not yet proven itself as a significant weapons platform. The rules of neutrality applicable to the territorial sea were designed primarily to regulate the conduct of surface warships in a narrow band of water off neutral coasts. The 1982 LOS Convention provides that coastal nations may lawfully extend the breadth of claimed territorial seas to 12 nautical miles. The United States claims a 12-nautical-mile territorial sea and recognizes the right of all coastal nations to do likewise.

The law of neutrality, including the limitations on stay and departure, remains applicable in the 12-nautical-mile territorial sea and airspace. Belligerents continue to be obliged to refrain from acts of hostility in neutral waters and remain forbidden to use the territorial sea of a neutral nation as a place of sanctuary from their enemies or as a base of operations. Should belligerent forces violate the neutrality of those waters and the neutral nation demonstrate an inability or unwillingness to detect and expel the offender, the other belligerent retains the right to undertake such self-help enforcement actions as are necessary to assure compliance by his adversary and the neutral nation with the law of neutrality.

### **7.3.6 Neutral International Straits**

Customary international law as reflected in the 1982 LOS Convention provides that belligerent and neutral surface ships, submarines, and aircraft have a right of transit passage through, over, and under all straits used for international navigation. Neutral nations cannot suspend, hamper, or otherwise impede this right of transit passage through international straits. Belligerent forces transiting through international straits overlapped by neutral waters must proceed without delay, must refrain from the threat or use of force against the neutral nation, and must otherwise refrain from acts of hostility and other activities not incident to their transit. Belligerent forces in transit may, however, take defensive measures consistent with their security, including the launching and recovery of military devices, screen formation steaming, and acoustic and electronic surveillance, and may respond in self-defense to a hostile act or hostile intent. Belligerent forces may not use neutral straits as a place of sanctuary or as a base of operations, and belligerent warships may not exercise the belligerent right of visit and search in those waters. (Note: The Turkish Straits are governed by special rules articulated in the Montreux Convention of 1936, which limit the number and types of warships that may use the straits, both in times of peace and during armed conflict).

### **7.3.7 Neutral Archipelagic Waters**

The United States recognizes the right of qualifying island nations (see paragraph 1.5.3) to establish archipelagic baselines enclosing archipelagic waters, provided the baselines are drawn in conformity with the 1982 LOS Convention. Belligerent forces must refrain from acts of hostility in neutral archipelagic waters and from using them as a sanctuary or a base of operations. Belligerent ships or aircraft, including surface warships, submarines and military aircraft, retain the right of unimpeded archipelagic sea lanes passage through, under, and over neutral archipelagic sea lanes. Belligerent forces exercising the right of archipelagic sea lanes passage may engage in those activities that are incident to their normal mode of continuous and expeditious passage and are consistent with their security, including formation steaming, acoustic and electronic surveillance, and the launching and recovery of military devices. Visit and search is not authorized in neutral archipelagic waters.

A neutral nation may close its archipelagic waters, other than archipelagic sea lanes (whether formally designated or not) to the passage of belligerent ships, but it is not obligated to do so. The neutral archipelagic nation has an affirmative duty to police its archipelagic waters to ensure that the inviolability of its neutral waters is respected. If a neutral nation is unable or unwilling effectively to detect and expel belligerent forces unlawfully present in its archipelagic waters, the opposing belligerent may undertake such self-help enforcement actions as may be necessary to terminate the violation of neutrality. Such self-help enforcement may include surface, subsurface, and air penetration of archipelagic waters and airspace and the use of proportional force as necessary.

### **7.3.8 Neutral Exclusive Economic Zone**

The United States recognizes the concept of EEZ as embodied in the 1982 United Nations Convention on the Law of the Sea. (For a discussion of the rights and duties possessed by coastal and other states in the EEZ during peacetime, see paragraphs 1.6.2, 2.6.2, and 2.6.3). A neutral State's EEZ is equivalent to the high seas in terms of belligerent rights to conduct hostilities therein.

### **7.3.9 Neutral Airspace and Duties**

1. Neutral territory extends to the airspace over a neutral nation's lands, internal waters, archipelagic waters (if any), and territorial sea. Belligerent military aircraft are forbidden to enter neutral airspace with the following exceptions:
  - a. The airspace above neutral international straits and archipelagic sea lanes remains open at all times to belligerent aircraft, including armed military aircraft, engaged in transit or archipelagic sea lanes passage. Such passage must be continuous and expeditious and must be undertaken in the normal mode of flight of the aircraft involved. Belligerent aircraft must refrain from acts of hostility while in transit, but may engage in activities that are consistent with their security and the security of accompanying surface and subsurface forces.
  - b. Medical aircraft may, with prior notice, overfly neutral territory, may land therein in case of necessity, and may use neutral airfield facilities as ports of call, subject to such restrictions and regulations as the neutral nation may see fit to apply equally to all belligerents.
  - c. Belligerent aircraft in evident distress may be permitted to enter neutral airspace and to land in neutral territory under such safeguards as the neutral nation may wish to impose. The neutral nation must require such aircraft to land and must intern both aircraft and crew.
2. Neutral nations have an affirmative duty to prevent violation of neutral airspace by belligerent military aircraft, to compel offending aircraft to land, and to intern both offending aircraft and crew. Should a neutral nation be unable or unwilling to prevent the unlawful entry or use of its airspace by belligerent military aircraft, belligerent forces of the other side may undertake such self-help enforcement measures as the circumstances may require.

## **7.4 NEUTRAL COMMERCE**

A principal purpose of the law of neutrality is the regulation of belligerent activities with respect to neutral commerce. For purposes of this publication, neutral commerce comprises all commerce between one neutral nation and another not involving materials of war or armaments ultimately destined for a belligerent nation, and all commerce between a neutral nation and a belligerent that does not involve the carriage of contraband or otherwise contribute to the belligerent's war-fighting/war-sustaining capability. Neutral merchant vessels and civil aircraft engaged in legitimate neutral commerce are subject to visit and search, but may not be captured or destroyed by belligerent forces.

The law of neutrality does not prohibit neutral nations from engaging in commerce with belligerent nations; however, a neutral government cannot itself supply materials of war or armaments to a belligerent without violating its neutral duties of abstention and impartiality and risking loss of its neutral status. Although a neutral

government may forbid its citizens from carrying on nonneutral commerce with belligerent nations, it is not obligated to do so. If it does so, however, it must treat all belligerents impartially. In effect, the law establishes a balance-of-interests test to protect neutral commerce from unreasonable interference on the one hand and the right of belligerents to interdict the flow of war materials to the enemy on the other.

### **7.4.1 Contraband**

Contraband consists of goods destined for the enemy of a belligerent and that may be susceptible to use in armed conflict. Traditionally, contraband has been divided into two categories: absolute and conditional. Absolute contraband consisted of goods the character of which made it obvious that they were destined for use in armed conflict, such as munitions, weapons, uniforms, and the like. Conditional contraband consisted of goods equally susceptible to either peaceful or warlike purposes, such as foodstuffs, construction materials, and fuel. Belligerents may declare contraband lists at the initiation of hostilities to notify neutral nations of the type of goods considered to be absolute or conditional contraband, as well as those not considered to be contraband at all (i.e., exempt or “free goods”). The precise nature of a belligerent’s contraband list may vary according to the circumstances of the conflict.

The practice of belligerents during the Second World War collapsed the traditional distinction between absolute and conditional contraband. Because of the involvement of virtually the entire population in support of the war effort, the belligerents of both sides tended to exercise governmental control over all imports. Consequently, it became increasingly difficult to draw a meaningful distinction between goods destined for an enemy government and its armed forces and goods destined for consumption by the civilian populace. As a result, belligerents treated all imports directly or indirectly sustaining the war effort as contraband without making a distinction between absolute and conditional contraband. Though there has been no conflict of similar scale and magnitude since the Second World War, post–World War II-practice indicates that, to the extent international law may continue to require publication of contraband lists, the requirement may be satisfied by a listing of exempt goods.

#### **7.4.1.1 Exemptions to Contraband—Free Goods**

Certain goods are exempt from capture as contraband even though destined for enemy territory. Among these items are free goods such as:

1. Articles intended exclusively for the treatment of wounded and sick members of the armed forces and for prevention of disease;
2. Medical and hospital stores, religious objects, clothing, bedding, essential foodstuffs, and means of shelter for the civilian population in general, and women and children in particular, provided there is not serious reason to believe that such goods will be diverted to other purpose, or that a definite military advantage would accrue to the enemy by their substitution for enemy goods that would thereby become available for military purposes;
3. Items destined for prisoners of war, including individual parcels and collective relief shipments containing food, clothing, medical supplies, religious objects, and educational, cultural, and athletic articles; and
4. Goods otherwise specifically exempted from capture by international convention or by special arrangement between belligerents.

It is customary for neutral nations to provide belligerents of both sides with information regarding the nature, timing, and route of shipments of goods constituting exceptions to contraband and to obtain approval for their safe conduct and entry into belligerent owned or occupied territory.

### 7.4.1.2 Enemy Destination

Contraband goods are liable to capture at any place beyond neutral territory, if their destination is the territory belonging to or occupied by the enemy. It is immaterial whether the carriage of contraband is direct, involves transshipment, or requires overland transport. When contraband is involved, a destination of enemy owned or occupied territory may be presumed when:

1. The neutral vessel is to call at an enemy port before arriving at a neutral port for which the goods are documented;
2. The goods are documented to a neutral port serving as a port of transit to an enemy, even though they are consigned to a neutral; or
3. The goods are consigned “to order” or to an unnamed consignee, but are destined for a neutral nation in the vicinity of enemy territory.

These presumptions of enemy destination of contraband render the offending cargo liable to seizure by a belligerent from the time the neutral merchant vessel leaves its home or other neutral territory until it arrives again in neutral territory. Although conditional contraband is also liable to capture if ultimately destined for the use of an enemy government or its armed forces, enemy destination of conditional contraband must be factually established and cannot be presumed.

### 7.4.2 Certificate of Noncontraband Carriage

A certificate of noncontraband carriage is a document issued by a belligerent consular or other designated official to a neutral vessel (navicert) or neutral aircraft (aircert) certifying that the cargo being carried has been examined, usually at the initial place of departure, and has been found to be free of contraband. The purpose of such a navicert or aircert is to facilitate belligerent control of contraband goods with minimal interference and delay of neutral commerce. The certificate is not a guarantee that the vessel or aircraft will not be subject to visit and search or that cargo will not be seized. (Changed circumstances, such as a change in status of the neutral vessel, between the time of issuance of the certificate and the time of interception at sea may cause it to be invalidated.) Conversely, absence of a navicert or aircert is not, in itself, a valid ground for seizure of cargo. Navicerts and aircerts issued by one belligerent have no effect on the visit and search rights of a belligerent of the opposing side. The acceptance of a navicert or aircert by a neutral ship or aircraft does not constitute “unneutral service.”

## 7.5 ACQUIRING ENEMY CHARACTER

All vessels operating under an enemy flag, and all aircraft bearing enemy markings, possess enemy character. However, the fact that a merchant ship flies a neutral flag, or that an aircraft bears neutral markings, does not necessarily establish neutral character. Any merchant vessel or civilian aircraft owned or controlled by a belligerent possesses enemy character, regardless of whether it is operating under a neutral flag or bears neutral markings. Vessels and aircraft acquiring enemy character may be treated by an opposing belligerent as if they are in fact enemy vessels and aircraft. (Paragraphs 8.6.1 and 8.6.2 set forth the actions that may be taken against enemy vessels and aircraft.)

### 7.5.1 Acquiring the Character of an Enemy Warship or Military Aircraft

Neutral merchant vessels and civil aircraft acquire enemy character and may be treated by a belligerent as enemy warships and military aircraft when engaged in either of the following acts:

1. Taking a direct part in the hostilities on the side of the enemy
2. Acting in any capacity as a naval or military auxiliary to the enemy’s armed forces.

(Paragraph 8.6.1 describes the actions that may be taken against enemy warships and military aircraft.)



### 7.5.2 Acquiring the Character of an Enemy Merchant Vessel or Civil Aircraft

Neutral merchant vessels and civil aircraft acquire enemy character and may be treated by a belligerent as enemy merchant vessels or civil aircraft when engaged in either of the following acts:

1. Operating directly under enemy control, orders, charter, employment, or direction
2. Resisting an attempt to establish identity, including resisting visit and search.

(Paragraph 8.6.2 describes the actions that may be taken against enemy merchant ships and civil aircraft.)

## 7.6 VISIT AND SEARCH

Visit and search is the means by which a belligerent warship or belligerent military aircraft may determine the true character (enemy or neutral) of merchant ships encountered outside neutral territory, the nature (contraband or exempt “free goods”) of their cargo, the manner (innocent or hostile) of their employment, and other facts bearing on their relation to the armed conflict.

Warships are not subject to visit and search. The prohibition against visit and search in neutral territory extends to international straits overlapped by neutral territorial seas and archipelagic sea lanes. Neutral vessels engaged in government noncommercial service may not be subjected to visit and search. Neutral merchant vessels under convoy of neutral warships of the same nationality are also exempt from visit and search, although the convoy commander may be required to provide in writing to the commanding officer of an intercepting belligerent warship information as to the character of the vessels and of their cargoes, which could otherwise be obtained by visit and search. Should it be determined by the convoy commander that a vessel under his charge possesses enemy character or carries contraband cargo, he is obliged to withdraw his protection of the offending vessel, making it liable to visit and search, and possible capture, by the belligerent warship.

### 7.6.1 Procedure for Visit and Search of Merchant Vessels

In the absence of specific rules of engagement or other special instructions issued by the operational chain of command during a period of armed conflict, the following procedure should be carried out by U.S. warships exercising the belligerent right of visit and search of merchant vessels:

1. Visit and search should be exercised with all possible tact and consideration.
2. Before summoning a vessel to lie to, the warship should hoist its national flag. The summons is made by firing a blank charge, by international flag signal (SN or SQ), or by other recognized means. The summoned vessel, if a neutral merchant ship, is bound to stop, lie to, display her colors, and not resist. (If the summoned vessel is an enemy ship, it is not so bound and may legally resist, even by force, but thereby assumes all risk of resulting damage or destruction.)
3. If the summoned vessel takes flight, she may be pursued and brought to by forcible measures if necessary.
4. When a summoned vessel has been brought to, the warship should send a boat with an officer to conduct the visit and search. If practicable, a second officer should accompany the officer charged with the examination. The officer(s) and boat crew may be armed at the discretion of the commanding officer.
5. If visit and search at sea is deemed hazardous or impracticable, the neutral vessel may be escorted by the summoning, or another, U.S. warship or by a U.S. military aircraft to the nearest place (outside neutral territory) where the visit and search may be conveniently and safely conducted. The neutral vessel is not obliged to lower her flag (she has not been captured) but must proceed according to the orders of the escorting warship or aircraft.

6. The boarding officer should first examine the ship's papers to ascertain her character, ports of departure and destination, nature of cargo, manner of employment, and other facts deemed pertinent. Papers to be examined will ordinarily include a certificate of national registry, crew list, passenger list, logbook, bill of health clearances, charter party (if chartered), invoices or manifests of cargo, bills of lading, and on occasion, a consular declaration or other certificate of noncontraband carriage certifying the innocence of the cargo.
7. Regularity of papers and evidence of innocence of cargo, employment, or destination furnished by them are not necessarily conclusive, and, should doubt exist, the ship's company may be questioned and the ship and cargo searched.
8. Unless military security prohibits, the boarding officer will record the facts concerning the visit and search in the logbook of the visited ship, including the date and position of the interception. The entry should be authenticated by the signature and rank of the boarding officer, but neither the name of the visiting warship nor the identity of her commanding officer should be disclosed.

### **7.6.2 Visit and Search of Merchant Vessels by Military Aircraft**

Although there is a right of visit and search by military aircraft, there is no established international practice as to how that right is to be exercised. Ordinarily, visit and search of a vessel by an aircraft is accomplished by directing and escorting the vessel to the vicinity of a belligerent warship, which will carry out the visit and search, or to a belligerent port.

### **7.6.3 Visit and Search of Civilian Aircraft by Military Aircraft**

The right of a belligerent military aircraft to conduct visit and search of a civilian aircraft to ascertain its true identity (enemy or neutral), the nature of its cargo (contraband or "free goods"), and the manner of its employment (innocent or hostile) is now well established in the law of armed conflict. If, upon interception outside of neutral airspace, reasonable grounds exist for suspecting that the intercepted civilian aircraft is carrying contraband cargo or that, despite its neutral markings, it is, in fact, enemy, it may be directed to proceed for visit and search to a belligerent airfield that is both reasonably accessible and suitable for the type of aircraft involved. Should such an airfield not be available, the intercepted civilian aircraft may be diverted from its declared destination. Neutral civilian aircraft accompanied by neutral military aircraft of the same flag are exempt from visit and search if the neutral military aircraft (1) warrants that the neutral civilian aircraft is not carrying contraband cargo and (2) provides to the intercepting belligerent military aircraft upon request such information as to the character and cargo of the neutral civilian aircraft as would otherwise be obtained in visit and search.

## **7.7 BLOCKADE**

### **7.7.1 General**

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

### **7.7.2 Criteria for Blockades**

To be valid, a blockade must conform to the criteria in the following paragraphs.

#### **7.7.2.1 Establishment**

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the

belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

#### **7.7.2.2 Notification**

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

#### **7.7.2.3 Effectiveness**

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

#### **7.7.2.4 Impartiality**

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

#### **7.7.2.5 Limitations**

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

#### **7.7.3 Special Entry and Exit Authorization**

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical arrangements, including search, under which passage is permitted.

#### **7.7.4 Breach and Attempted Breach of Blockade**

Breach of blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent. Attempted breach of blockade occurs from the time a vessel or aircraft leaves a port or airfield with the intention of evading the blockade, and for vessels exiting the blockaded area, continues until the voyage is completed. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade. Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or

airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

### **7.7.5 Contemporary Practice**

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively “close-in” cordon of surface warships stationed in the immediate vicinity of the blockaded area.

The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term “blockade” was not used.

## **7.8 BELLIGERENT CONTROL OF THE IMMEDIATE AREA OF NAVAL OPERATIONS AND NEUTRAL COMMUNICATION AT SEA**

Within the immediate area or vicinity of naval operations, to ensure proper battle space management and self-defense objectives, a belligerent may establish special restrictions upon the activities of neutral vessels and aircraft and may prohibit altogether such vessels and aircraft from entering the area. The immediate area or vicinity of naval operations is that area within which hostilities are taking place or belligerent forces are actually operating. A belligerent may not, however, purport to deny access to neutral nations, or to close an international strait to neutral shipping, pursuant to this authority unless another route of similar convenience remains open to neutral traffic. (An example that fits this pattern—though the notice did not specifically refer to belligerent control of the immediate area of naval operations as the legal rationale—is provided by HYDROLANT 597/03, March 20, 2003, at Appendix A.)

The commanding officer of a belligerent warship may exercise control over the communication of any neutral merchant vessel or civil aircraft whose presence in the immediate area of naval operations might otherwise endanger or jeopardize those operations. A neutral merchant ship or civil aircraft within that area that fails to conform to a belligerent’s directions concerning communications may thereby assume enemy character and risk being fired upon or captured. Legitimate distress communications should be permitted to the extent that the success of the operation is not prejudiced thereby. Any transmission to an opposing belligerent of information concerning military operations or military forces is inconsistent with the neutral duties of abstention and impartiality and renders the neutral vessel or aircraft liable to capture or destruction.

## 7.9 EXCLUSION ZONES AND WAR ZONES

Belligerent control of an immediate area of naval operations is to be clearly distinguished from the belligerent practice during World Wars I and II, the Falkland/Malvinas Conflict, and the Iran-Iraq War of establishing broad ocean areas as “exclusion zones” or “war zones” in which neutral shipping was either barred or put at special risk. The most extensive use of such zones occurred during World Wars I and II. These zones were initially established by belligerents based on the right of belligerent reprisals against alleged illegal behavior of the enemy and were used to justify the exercise of control over, or capture and destruction of, neutral vessels not otherwise permitted by the rules of naval warfare.

Exclusion or war zones established by belligerents in the context of limited warfare that has characterized post–World War II belligerency at sea, have been justified, at least in part, as reasonable, albeit coercive, measures to contain the geographic area of the conflict or to keep neutral shipping at a safe distance from areas of actual or potential hostilities. To the extent that such zones serve to warn neutral vessels and aircraft away from belligerent activities and thereby reduce their exposure to collateral damage and incidental injury (see paragraph 8.3.1), and to the extent that they do not unreasonably interfere with legitimate neutral commerce, they are undoubtedly lawful; however, the establishment of such a zone does not relieve the proclaiming belligerent of the obligation under the law of armed conflict to refrain from attacking vessels and aircraft that do not constitute lawful targets. In short, an otherwise protected platform does not lose that protection by crossing an imaginary line drawn in the ocean by a belligerent.

On 20 March 2003, the United States announced a special warning, asserting general belligerent rights in the course of the maritime phase of Operation Iraqi Freedom. Though not announced as an exclusion zone asserting belligerent rights in a specific area, the special warning served to advise neutral shipping of the heightened application of unit self-defense within the specified general regions. A copy of this special warning is provided at Appendix B. On 3 May 2004, after terrorists conducted suicide attacks in small boats against Iraqi oil terminals, the United States announced warning zones around a number of oil terminals in the Persian Gulf. It also announced exclusion zones around two oil terminals and the suspension of the right of innocent passage around those oil terminals within Iraq’s territorial sea. A copy of this announcement is provided at Appendix C.

Because exclusion and war zones are not simply free fire zones for the warships of the belligerents, the establishment of such a zone carries with it certain obligations for belligerents with respect to neutral vessels entering the zone. Belligerents creating such zones must provide safe passage through the zone for neutral vessels and aircraft where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral state and, unless military requirements do not permit, in other cases where normal navigation routes are affected. For this reason, the Total Exclusion Zone announced by the United Kingdom and the Argentine declaration of the South Atlantic as a war zone during the Falklands/Malvinas conflict both were problematic in that they deemed any neutral vessel within the zone without permission as hostile and thus liable to attack. Likewise, the zones declared by both Iran and Iraq during the 1980s Gulf War appeared to unlawfully operate as “free fire zones” for all vessels entering therein.

## 7.10 CAPTURE OF NEUTRAL VESSELS AND AIRCRAFT

Neutral merchant vessels and civil aircraft are liable to capture by belligerent warships and military aircraft if engaged in any of the following activities:

1. Avoiding an attempt to establish identity
2. Resisting visit and search
3. Carrying contraband
4. Breaching or attempting to breach blockade

5. Presenting irregular or fraudulent papers; lacking necessary papers; or destroying, defacing, or concealing papers
6. Violating regulations established by a belligerent within the immediate area of naval operations
7. Carrying personnel in the military or public service of the enemy
8. Communicating information in the interest of the enemy.

Captured vessels and aircraft are sent to a port or airfield under belligerent jurisdiction as a prize for adjudication by a prize court. Ordinarily, a belligerent warship will place a prize master and prize crew on board a captured vessel for this purpose. Should that be impracticable, the prize may be escorted into port by a belligerent warship or military aircraft. In the latter circumstances, the prize must obey the instructions of its escort or risk forcible measures. OPNAVINST 3120.32C, Standard Organization and Regulations of the U.S. Navy, Article 630.23 sets forth the duties and responsibilities of commanding officers and prize masters concerning captured vessels.)

Neutral vessels or aircraft attempting to resist proper capture lay themselves open to forcible measures by belligerent warships and military aircraft and assume all risk of resulting damage.

### **7.10.1 Destruction of Neutral Prizes**

Every reasonable effort should be made to avoid destruction of captured neutral vessels and aircraft. A capturing officer, therefore, should not order such destruction without being entirely satisfied that the prize can neither be sent into a belligerent port or airfield nor, in his opinion, properly be released. Should it become necessary that the prize be destroyed, the capturing officer must provide for the safety of the passengers and crew. In that event, all documents and papers relating to the prize should be saved. If practicable, the personal effects of passengers should also be safeguarded.

### **7.10.2 Personnel of Captured Neutral Vessels and Aircraft**

The officers and crews of captured neutral merchant vessels and civil aircraft who are nationals of a neutral nation do not become prisoners of war and must be repatriated as soon as circumstances reasonably permit. This rule applies equally to the officers and crews of neutral vessels and aircraft that assumed the character of enemy merchant vessels or aircraft by operating under enemy control or resisting visit and search. If, however, the neutral vessels or aircraft had taken a direct part in the hostilities on the side of the enemy or had served in any way as a naval or military auxiliary for the enemy, they thereby assumed the character of enemy warships or military aircraft and, upon capture, their officers and crew may be interned as prisoners of war.

Enemy nationals found on board neutral merchant vessels and civil aircraft as passengers who are actually embodied in the military forces of the enemy, who are en route to serve in the enemy's armed forces, who are employed in the public service of the enemy, or who may be engaged in or suspected of service in the interests of the enemy may be made prisoners of war. All such enemy nationals may be removed from the neutral vessel or aircraft whether or not there is reason for its capture as a neutral prize. Enemy nationals not falling within any of these categories are not subject to capture or detention.

## **7.11 BELLIGERENT PERSONNEL INTERNED BY A NEUTRAL GOVERNMENT**

International law recognizes that neutral territory, being outside the region of war, offers a place of asylum to individual members of belligerent forces and as a general rule requires the neutral government concerned to prevent the return of such persons to their own forces. The neutral nation must accord equal treatment to the personnel of all the belligerent forces.

Belligerent combatants taken on board a neutral warship or military aircraft beyond neutral waters must be interned. Belligerent civilians taken on board a neutral warship or military aircraft in such circumstances are to be repatriated.

With respect to aircrews of nonmedical, belligerent aircraft that land in neutral territory, whether intentionally or inadvertently, the neutral nation must intern them.

## CHAPTER 8

# The Law of Targeting

### 8.1 PRINCIPLES OF LAWFUL TARGETING

The legal principles underlying the law of armed conflict—military necessity, distinction, proportionality, and unnecessary suffering (discussed in Chapter 5)—are the basis for the rules governing targeting decisions. The law requires that only military objectives be attacked, but permits the use of sufficient force to destroy those objectives. At the same time, excessive collateral damage must be avoided to the extent possible and, consistent with mission accomplishment and the security of the force, unnecessary human suffering prevented. The law of targeting, therefore, requires that all reasonable precautions must be taken to ensure that only military objectives are targeted so that noncombatants, civilians, and civilian objects are spared as much as possible from the ravages of war. Note that these principles, and their application to specific situations, presuppose the use of kinetic force and are addressed in paragraphs 8.2 through 8.10.2.3. Information operations, which include targeting with non-kinetic force such as psychological operations and computer network attack, are addressed in paragraph 8.11.

### 8.2 MILITARY OBJECTIVES

Only military objectives may be attacked. Military objectives are combatants (see Chapter 5), military equipment and facilities (except medical and religious equipment and facilities), and those objects which, by their nature, location, purpose, or use, effectively contribute to the enemy's war-fighting or war-sustaining capability and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of the attack. Military advantage may involve a variety of considerations, including the security of the attacking force.

#### 8.2.1 Lawful Combatants

Lawful combatants (see paragraph 5.4.1.1) are subject to attack at anytime during hostilities unless they are *hors de combat* (see paragraph 8.2.3).

#### 8.2.2 Unlawful Combatants

Unlawful combatants (see paragraph 5.4.1.2) who are members of forces or parties declared hostile by competent authority are subject to attack at anytime during hostilities unless they are *hors de combat* (see paragraph 8.2.3).

Unlawful combatants who are not members of forces or parties declared hostile but who are taking a direct part in hostilities may be attacked while they are taking a direct part in hostilities, unless they are *hors de combat*. Direct participation in hostilities must be judged on a case-by-case basis. Some examples include taking up arms or otherwise trying to kill, injure, or capture enemy personnel or destroy enemy property. Also, civilians serving as lookouts or guards, or intelligence agents for military forces may be considered to be directly participating in hostilities. Combatants in the field must make an honest determination as to whether a particular person is or is not taking a direct part in hostilities based on the person's behavior, location and attire, and other information available at the time.



### 8.2.3 Hors de combat

Combatants, whether lawful or unlawful, who are *hors de combat* are those who cannot, do not, or cease to participate in hostilities due to wounds, sickness, shipwreck, surrender, or capture. They may not be intentionally or indiscriminately attacked. They may be detained (see Chapter 11 on treatment of detainees).

#### 8.2.3.1 Airborne Forces versus Parachutists in Distress

Parachutists descending from disabled aircraft may not be attacked while in the air unless they engage in combatant acts while descending. Upon reaching the ground, such parachutists must be provided an opportunity to surrender. Airborne troops, special warfare infiltrators, and intelligence agents parachuting into combat areas or behind enemy lines are not so protected and may be attacked in the air as well as on the ground. Such personnel may not be attacked, however, if they clearly indicate in a timely manner their intention to surrender.

#### 8.2.3.2 Shipwrecked persons

Shipwrecked persons do not include combatant personnel engaged in amphibious, underwater, or airborne attacks who are proceeding ashore, unless they are clearly in distress and require assistance. In the latter case they may qualify as shipwrecked persons only if they cease all active combat activity and the enemy has an opportunity to recognize their condition of distress.

#### 8.2.3.3 Surrender

Combatants, whether lawful or unlawful, cease to be subject to attack when they have individually laid down their arms and indicate clearly their wish to surrender. The law of armed conflict does not precisely define when surrender takes effect or how it may be accomplished in practical terms. Surrender involves an offer by the surrendering party (a unit or individual combatant) and an ability to accept on the part of the opponent. The latter may not refuse an offer of surrender when communicated, but that communication must be made at a time when it can be received and properly acted upon—an attempt to surrender in the midst of an ongoing battle is neither easily communicated nor received. The issue is one of reasonableness. The mere fact that a combatant or enemy force is retreating or fleeing the battlefield, without some other positive indication of intent, does not constitute an attempt to surrender, even if such combatant or force has abandoned his or its arms or equipment.

### 8.2.4 Noncombatants

Noncombatants (see paragraph 5.4.2) may not be deliberately or indiscriminately attacked, unless they forgo their protection by taking a direct part in hostilities.

#### 8.2.4.1 Medical personnel

Medical personnel of the armed forces, including medical and dental officers, technicians and corpsmen, nurses, and medical service personnel, have special protected status when engaged exclusively in medical duties. In exchange for this protection, medical personnel must not commit acts harmful to the enemy. If they do, they risk losing their protection as noncombatants and could be attacked. Medical personnel should display the distinctive emblem of the Red Cross, Red Crescent, or Red Crystal, when engaged in their medical activities. Failure to wear the distinctive emblem does not, by itself, justify attacking a medical person or chaplain, recognized as such. Medical personnel may possess small arms for self-protection or for the protection of the wounded and sick in their care against marauders and others violating the law of armed conflict. Medical personnel may not use such arms against enemy forces acting in conformity with the law of armed conflict. They may be detained (see Chapter 11 for treatment of detainees).

#### **8.2.4.2 Religious personnel**

Chaplains attached to the armed forces are entitled to respect and protection. Chaplains should display the distinctive emblem of the Red Cross, Red Crescent, or Red Crystal, when engaged in their respective religious activities. Failure to wear the distinctive emblem does not, by itself, justify attacking a chaplain, recognized as such. They may be detained (see Chapter 11 for treatment of detainees).

#### **8.2.5 Objects**

Proper objects of attack include, but are not limited to, such military objectives as enemy warships and military aircraft, naval and military auxiliaries, naval and military bases ashore, warship construction and repair facilities, military depots and warehouses, petroleum/oils/lubricants storage areas, docks, port facilities, harbors, bridges, airfields, military vehicles, armor, artillery, ammunition stores, troop concentrations and embarkation points, lines of communication and other objects used to conduct or support military operations. Proper objects of attack also include geographic features, such as a mountain pass, and buildings and facilities that provide administrative and personnel support for military and naval operations such as barracks, communications and command and control facilities, headquarters buildings, mess halls, and training areas.

Proper objects of attack also include enemy lines of communication, rail yards, bridges, rolling stock, barges, lighters, industrial installations producing war-fighting products, and power generation plants. Economic objects of the enemy that indirectly but effectively support and sustain the enemy's war-fighting capability may also be attacked.

### **8.3 CIVILIANS AND CIVILIAN OBJECTS**

Civilians and civilian objects may not be made the object of deliberate or indiscriminate attack. Civilian protection from deliberate attack is contingent on their nonparticipation in hostilities. The intentional destruction of food, crops, livestock, drinking water, and other objects indispensable to the survival of the civilian population, for the specific purpose of denying the civilian population of their use, is prohibited. Civilian objects consist of all objects that are not military objectives. An object that meets the definition of a military objective may be attacked even if the object, such as an electric power plant, also serves civilian functions, subject to the requirement to avoid excessive incidental injury and collateral damage (see discussion in paragraph 8.3.1).

#### **8.3.1 Incidental Injury and Collateral Damage**

It is not unlawful to cause incidental injury to civilians, or collateral damage to civilian objects, during an attack upon a legitimate military objective. The principle of proportionality requires that the anticipated incidental injury or collateral damage must not, however, be excessive in light of the military advantage expected to be gained. Naval commanders must take all reasonable precautions, taking into account military and humanitarian considerations, to keep civilian casualties and damage to the minimum consistent with mission accomplishment and the security of the force. In each instance, the commander must determine whether the anticipated incidental injuries and collateral damage would be excessive, on the basis of an honest and reasonable estimate of the facts available to him. Similarly, the commander must decide, in light of all the facts known or reasonably available to him, including the need to conserve resources and complete the mission successfully, whether to adopt an alternative method of attack, if reasonably available, to reduce civilian casualties and damage.

#### **8.3.2 Civilians in or on Military Objectives**

A party to an armed conflict has an affirmative duty to remove civilians under its control (as well as the wounded, sick, shipwrecked, and prisoners of war) from the vicinity of objects of likely enemy attack. Deliberate use of civilians to shield military objectives from enemy attack is prohibited. Although the principle of proportionality underlying the concept of collateral damage continues to apply in such cases, the presence of civilians within or adjacent to a legitimate military objective does not preclude attack of it. Such military objectives may be lawfully targeted and destroyed as needed for mission accomplishment. In such cases, responsibility for the injury and/or death of such civilians, if any, falls on the belligerent so employing them.

The presence of civilian workers, such as technical representatives aboard a warship or employees in a munitions factory, in or on a military objective, does not alter the status of the military objective. These civilians may be excluded from the proportionality analysis.

Civilians who voluntarily place themselves in or on a military objective as “human shields” in order to deter a lawful attack do not alter the status of the military objective. While the law of armed conflict is not fully developed in such cases, such persons may also be considered to be taking a direct part in hostilities or contributing directly to the enemy’s warfighting/war-sustaining capability, and may be excluded from the proportionality analysis. Attacks under such circumstances likely raise political, strategic, and operational issues that commanders should identify and consider when making targeting decisions.

## **8.4 ENVIRONMENTAL CONSIDERATIONS**

It is not unlawful to cause collateral damage to the natural environment during an attack upon a legitimate military objective. However, the commander has an affirmative obligation to avoid unnecessary damage to the environment to the extent that it is practicable to do so consistent with mission accomplishment. To that end, and as far as military requirements permit, methods or means of warfare should be employed with due regard to the protection and preservation of the natural environment. Destruction of the natural environment not necessitated by mission accomplishment and carried out wantonly is prohibited. Therefore, a commander should consider the environmental damage that will result from an attack on a legitimate military objective as one of the factors during targeting analysis. See NWP 4-11, Environment Protection, for specific guidance on environmental protection.

## **8.5 DISTINCTION BETWEEN MILITARY OBJECTIVES AND PROTECTED PERSONS AND OBJECTS**

In order to assist combatants with distinguishing between military objectives and protected persons and objects, a number of agreed upon signs, symbols, and signals have been established.

### **8.5.1 Protective Signs and Symbols**

#### **8.5.1.1 The Red Cross, Red Crescent, and Red Crystal**

A red cross on a white field (Figure 8-1a) is the internationally accepted symbol of protected medical and religious persons and activities. Moslem countries utilize a red crescent on a white field for the same purpose (Figure 8-1b). The third Protocol to the Geneva Conventions authorizes an additional distinctive emblem, a red crystal (Figure 8-1c). The conditions for use of and respect for the third Protocol emblem are identical to those for the red cross and red crescent. A red lion and sun on a white field, once employed by Iran, is no longer used. Israel employs a red six-pointed star, which it reserved the right to use when it ratified the 1949 Geneva Conventions (Figure 8-1d). The United States has not ratified the third Protocol nor agreed that the Israeli six-pointed star is a protected symbol. Nevertheless, all medical and religious persons or objects recognized as being such are to be treated with care and protection.

#### **8.5.1.2 Other Protective Symbols**

Other protective symbols specially recognized by international law include an oblique red band on a white background to designate hospital zones and safe havens for noncombatants (Figure 8-1e). Prisoner-of-war camps are marked by the letters “PW” or “PG” (Figure 8-1f); civilian internment camps with the letters “IC” (Figure 8-1g). A royal-blue diamond and royal-blue triangle on a white shield is used to designate cultural buildings, museums, historic monuments, and other cultural objects that are exempt from attack (Figure 8-1h). In the western hemisphere, a red circle with triple red spheres in the circle, on a white background (the “Roerich Pact” symbol) is used for that purpose (Figure 8-1i).

Two protective symbols established by the 1977 Protocol I Additional to the Geneva Conventions of 1949, to which the United States is not a party, are described as follows for informational purposes only. Works and

installations containing forces potentially dangerous to the civilian population, such as dams, dikes, and nuclear power plants, may be marked by three bright orange circles of equal size on the same axis (Figure 8-1j). Civil defense facilities and personnel may be identified by an equilateral blue triangle on an orange background (Figure 8-1k).

### 8.5.1.3 The 1907 Hague Convention Symbol

A protective symbol of special interest to naval officers is the sign established by the 1907 Hague Convention Concerning Bombardment by Naval Forces in Time of War (Hague IX). The 1907 Hague symbol is used to mark sacred edifices, hospitals, historic monuments, cultural buildings, and other structures protected from naval bombardment. The symbol consists of a rectangular panel divided diagonally into two triangles, the upper black, the lower white (Figure 8-1l).

### 8.5.1.4 The 1954 Hague Convention Symbol

A more recent protective symbol was established by the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. Cultural sites that are of artistic, historical, or archaeological interest, whether religious or secular, may be marked with the symbol to facilitate recognition. The symbol may be used alone or repeated three times in a triangular formation. It takes the form of a shield, pointed below, consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle (Figure 8-1h).

### 8.5.1.5 The White Flag

Customary international law recognizes the white flag as symbolizing a request to cease-fire, negotiate, or surrender. Enemy forces displaying a white flag should be permitted an opportunity to surrender or to communicate a request for cease-fire or negotiation.

### 8.5.1.6 Permitted Use

Protective signs and symbols may be used only to identify personnel, objects, and activities entitled to the protected status that they designate. Any other use is forbidden by international law.

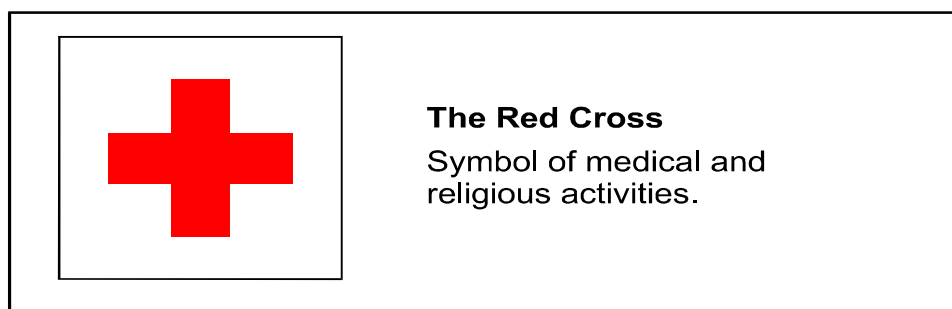


Figure 8-1a. The Red Cross

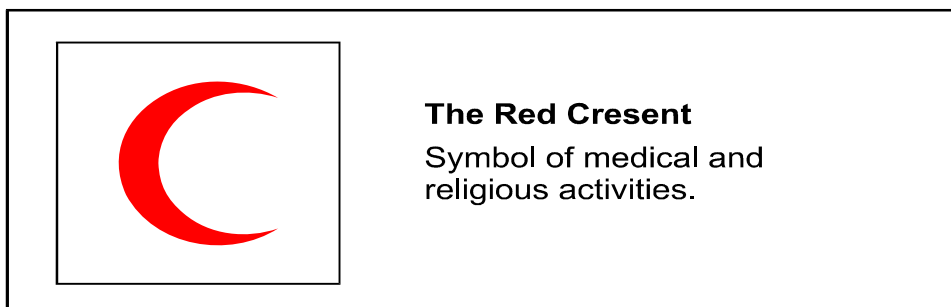


Figure 8-1b. The Red Crescent

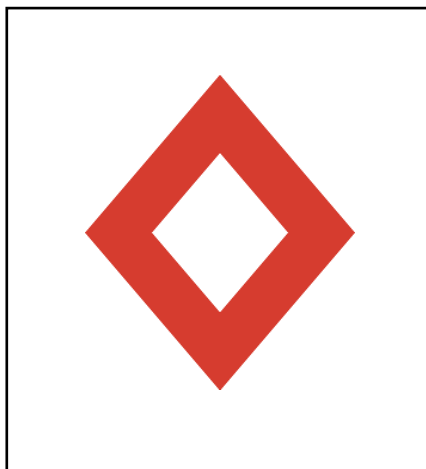


Figure 8-1c. Red Crystal, symbol of medical and religious activities

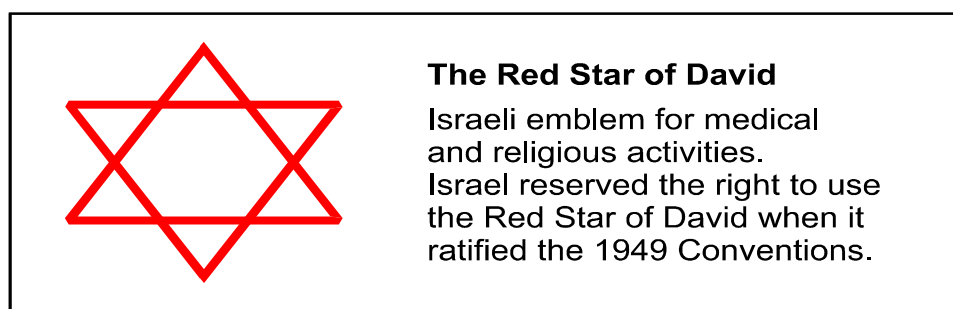


Figure 8-1d. The Red Star of David

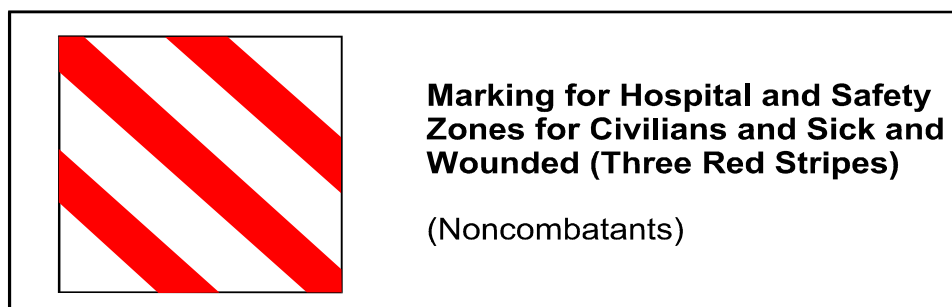


Figure 8-1e. Three Red Stripes

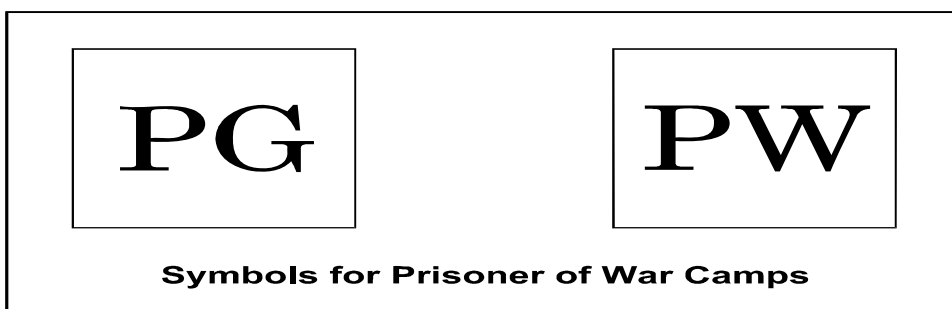


Figure 8-1f. Symbols for Prisoner of War Camps

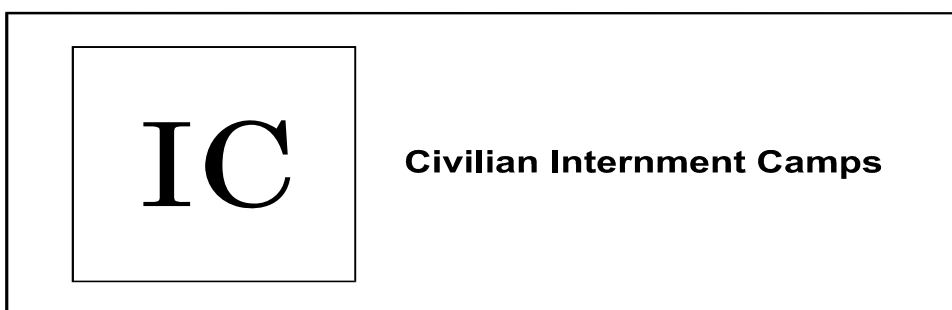


Figure 8-1g. Civilian Internment Camps

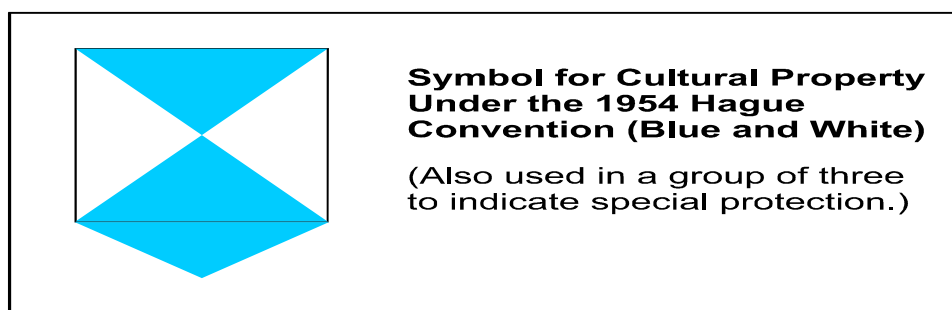


Figure 8-1h. Cultural Property under the 1954 Hague Convention

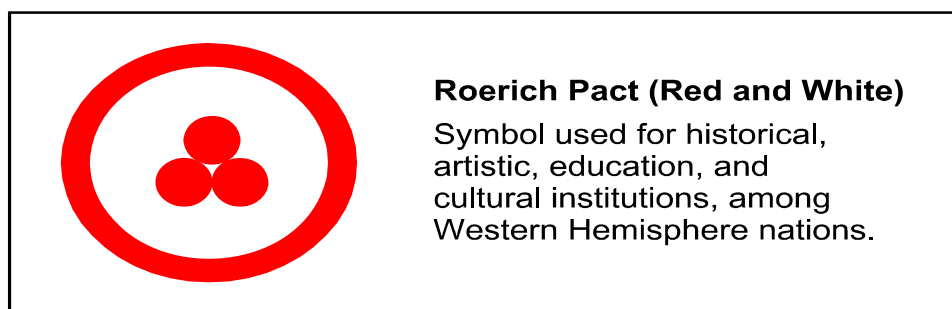


Figure 8-1i. The Roerich Pact

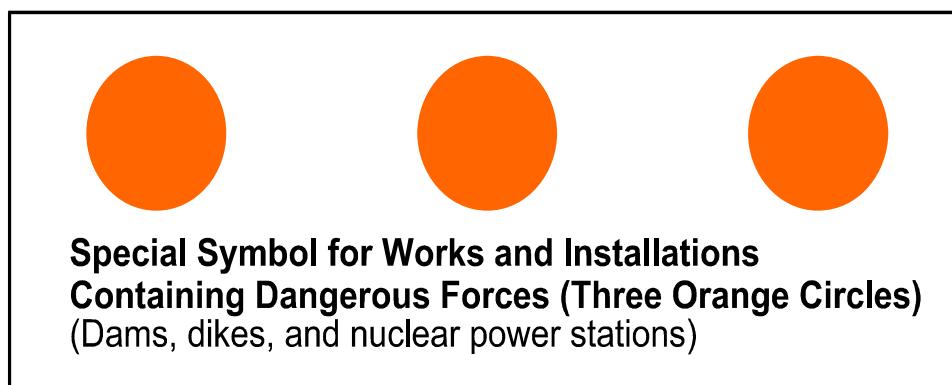


Figure 8-1j. Works and Installations Containing Dangerous Forces

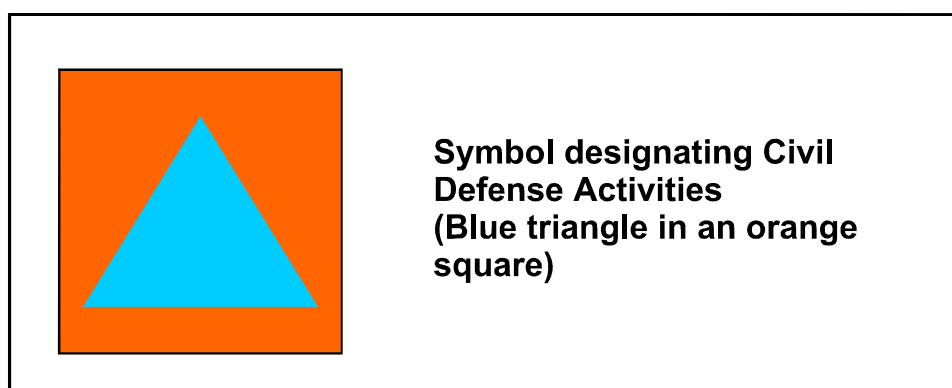


Figure 8-1k. Civil Defense Activities

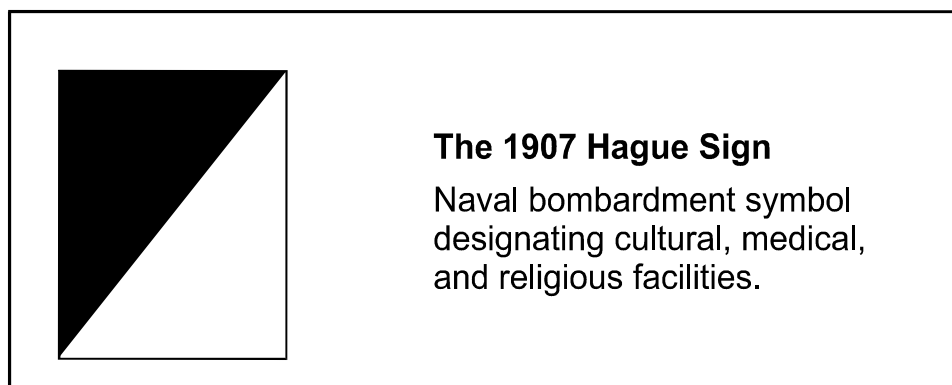


Figure 8-1l. The 1907 Hague Sign

### **8.5.1.7 Failure to Display**

When objects or persons are readily recognizable as being entitled to protected status, the lack of protective signs and symbols does not render an otherwise protected object or person a legitimate target. Failure to utilize internationally agreed protective signs and symbols may, however, subject protected persons and objects to the risk of not being recognized by the enemy as having protected status.

## **8.5.2 Protective Signals**

Three optional methods of identifying medical units and transports using protective signals have been created internationally. United States hospital ships and medical aircraft do not use these signals, but other nations may.

### **8.5.2.1 Radio Signals**

For the purpose of identifying medical transports by radio telephone, the words PAN PAN are repeated three times followed by the word “medical” pronounced as in the French MAY-DEE-CAL. Medical transports are identified in radio telegraph by three repetitions of the group XXX followed by the single group YYY.

### **8.5.2.2 Visual Signals**

On aircraft, the flashing blue light may be used only on medical aircraft. Hospital ships, coastal rescue craft, and medical vehicles may also use the flashing blue light. Only by special agreement between the parties to the conflict may its use be reserved exclusively to those forms of surface medical transport.

### **8.5.2.3 Electronic Identification**

The identification and location of medical ships and craft may be effected by means of appropriate standard maritime radar transponders as established by special agreement to the parties to the conflict. The identification and location of medical aircraft may be effected by use of the secondary surveillance radar (SSR) specified in Annex 10 to the Chicago Convention. The SSR mode and code is to be reserved for the exclusive use of the medical aircraft.

## **8.5.3 Identification of Neutral Platforms**

Ships and aircraft of nations not party to an armed conflict may adopt special signals for self-identification, location, and establishing communications. Use of these signals does not confer or imply recognition of any special rights or duties of neutrals or belligerents, except as may otherwise be agreed between them.

## **8.6 SURFACE WARFARE**

As a general rule, surface warships may attack enemy surface, subsurface, and air targets wherever located beyond neutral territory. (Special circumstances in which enemy warships and military aircraft may be attacked in neutral territory are discussed in Chapter 7.) The law of armed conflict pertaining to surface warfare is concerned primarily with the protection of noncombatants through rules establishing lawful targets of attack. For that purpose, all enemy vessels and aircraft fall into one of three general classes: warships and military aircraft, merchant vessels and civilian aircraft, and exempt vessels and aircraft.

### **8.6.1 Enemy Warships and Military Aircraft**

Enemy warships and military aircraft, including naval and military auxiliaries, are subject to attack, destruction, or capture anywhere beyond neutral territory. It is forbidden, however, to target an enemy warship or military aircraft that in good faith unambiguously and effectively conveys a timely offer of surrender. Once an enemy warship has clearly indicated a readiness to surrender, such as by hauling down her flag, by hoisting a white flag, by surfacing (in the case of submarines), by stopping engines and responding to the attacker’s signals, or by taking to lifeboats, the attack must be discontinued. Disabled enemy aircraft in air combat are frequently pursued



to destruction because of the impossibility of verifying their true status and inability to enforce surrender. Although disabled, the aircraft may or may not have lost its means of combat. Moreover, it still may represent a valuable military asset. Accordingly, surrender in air combat is not generally offered. However, if surrender is offered in good faith so that circumstances do not preclude enforcement, it must be respected. Officers and crews of captured or destroyed enemy warships and military aircraft should be detained. (See paragraph 8.2.3.3 and Chapter 11 for further discussion of surrender and treatment of detainees, respectively.) As far as military exigencies permit, after each engagement all possible measures should be taken without delay to search for and collect the shipwrecked, wounded, and sick and to recover the dead.

Prize procedure is not used for captured enemy warships because their ownership vests immediately in the captor's government by the fact of capture.

## **8.6.2 Enemy Merchant Vessels and Aircraft**

### **8.6.2.1 Capture**

Enemy merchant vessels and civil aircraft may be captured wherever located beyond neutral territory. Prior exercise of visit and search is not required, provided positive determination of enemy status can be made by other means. When military circumstances preclude sending or taking in such vessel or aircraft for adjudication as an enemy prize, it may be destroyed after all possible measures are taken to provide for the safety of passengers and crew. Documents and papers relating to the prize should be safeguarded and, if practicable, the personal effects of passengers should be saved. Every case of destruction of a captured enemy prize should be reported promptly to higher command.

Officers and crews of captured enemy merchant ships and civilian aircraft may be detained. (See paragraph 8.2.3.3 and Chapter 11 for further discussion of surrender and treatment of detainees, respectively.) Other enemy nationals on board such captured ships and aircraft as private passengers are subject to the discipline of the captor. Nationals of a neutral nation on board captured enemy merchant vessels and civilian aircraft should not be detained unless they have participated in acts of hostility or resistance against the captor or are otherwise in the service of the enemy.

### **8.6.2.2 Destruction**

Prior to World War II, both customary and conventional international law prohibited the destruction of enemy merchant vessels by surface warships unless the safety of passengers and crew was first assured. This requirement did not apply, however, if the merchant vessel engaged in active resistance to capture or refused to stop when ordered to do so. Specifically, the London Protocol of 1936, to which almost all of the belligerents of World War II expressly acceded, provides in part that:

In particular, except in the case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board.

During World War II, the practice of attacking and sinking enemy merchant vessels by surface warships and submarines without prior warning and without first providing for the safety of passengers and crew was widespread on both sides. Rationale for these apparent departures from the agreed rules of the 1936 London Protocol varied. Initially, such acts were justified as reprisals against illegal acts of the enemy. As the war progressed, however, merchant vessels were regularly armed and convoyed, participated in intelligence collection, and were otherwise incorporated directly or indirectly into the enemy's war-fighting/war-sustaining effort. Consequently, enemy merchant vessels were widely regarded as legitimate military targets subject to destruction on sight.

Although the rules of the 1936 London Protocol continue to apply to surface warships, they must be interpreted in light of current technology, including satellite communications, over-the-horizon (OTH) weapons, and antiship missile systems, as well as the customary practice of belligerents that evolved during and following World War II. Accordingly, enemy merchant vessels may be attacked and destroyed by surface warships, either with or without prior warning, in any of the following circumstances:

1. Persistently refusing to stop upon being duly summoned to do so
2. Actively resisting visit and search or capture
3. Sailing under convoy of enemy warships or enemy military aircraft
4. If armed with systems or weapons beyond that required for self-defense against terrorist, piracy, or like threats
5. If incorporated into, or assisting in any way, the intelligence system of the enemy's armed forces
6. If acting in any capacity as a naval or military auxiliary to an enemy's armed forces
7. If integrated into the enemy's war-fighting/war-sustaining effort and compliance with the rules of the 1936 London Protocol would, under the circumstances of the specific encounter, subject the surface warship to imminent danger or would otherwise preclude mission accomplishment.

Rules relating to surrendering and to the search for and collection of the shipwrecked, wounded, and sick and the recovery of the dead, set forth in paragraph 8.6.1, apply also to enemy merchant vessels and civilian aircraft that may become subject to attack and destruction.

### **8.6.3 Enemy Vessels and Aircraft Exempt from Destruction or Capture**

Certain classes of enemy vessels and aircraft are exempt under the law of naval warfare from capture or destruction provided they are innocently employed in their exempt category. These specially protected vessels and aircraft must not take part in the hostilities, must not hamper the movement of combatants, must submit to identification and inspection procedures, and may be ordered out of harm's way. These specifically exempt vessels and aircraft include:

1. Vessels and aircraft designated for and engaged in the exchange of prisoners of war (cartel vessels or aircraft).
2. Properly designated and marked hospital ships, medical transports, and medical aircraft. Names and descriptions of hospital ships must be provided to the parties to the conflict not later than ten days before they are first employed. Thereafter, hospital ships must be used exclusively to assist, treat, and transport the wounded, sick, and shipwrecked. All exterior surfaces of hospital ships are painted white and the distinctive emblem of the red cross or red crescent is displayed on the hull and on horizontal surfaces. In the actual employment of hospital ships, the application of some previously well-established principles has adapted to reflect the realities of modern circumstances. Traditionally, hospital ships could not be armed, although crew members could carry light individual weapons for the maintenance of order, for their own defense and that of the wounded, sick, and shipwrecked. However, due to the changing threat environment in which the red cross symbol is not recognized by various hostile groups and actors as indicating protected status, the United States views the manning of hospital ships with defensive weapons systems, such as anti-missile defense systems or crew-served weapons to defend against small boat threats as prudent AT/TP measures, analogous to arming crew members with small arms, and consistent with the humanitarian purpose of hospital ships and duty to safeguard the wounded and sick. Further, Article 34, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, provides that hospital ships may not use or possess "secret codes" as means of communication so that belligerents could verify that hospital ships' communications systems were being used only in support of their humanitarian function and not as a means of

communicating information that would be harmful to the enemy. However, subsequent technological advances in encryption and satellite navigation, while recognized as problematic, have not been specifically addressed by treaty. As a practical matter, modern navigational technology requires that the traditional rule prohibiting “secret codes” be understood to not include modern encryption communications systems. However, such systems must not be used for military purposes in any way harmful to a potential adversary. Medical aircraft, whether civilian or military, and whether permanently or temporarily so employed, must be used exclusively for the removal and transportation of the wounded, sick, and shipwrecked, or for the transportation of medical personnel or medical equipment. They may not be armed nor may they be reconnaissance-configured. Medical aircraft should be clearly marked with the emblem of the red cross or red crescent. Failure to so mark them risks having them not recognized as protected platforms. Hospital ships, medical transports, and medical aircraft utilized solely for medical purposes and recognized as such, whether or not marked with the appropriate emblem, are not to be deliberately attacked.

3. Vessels charged with religious, nonmilitary scientific or philanthropic missions. (Vessels engaged in the collection of scientific data of potential military application are not exempt.)
4. Vessels and aircraft guaranteed safe conduct by prior arrangement between the belligerents.
5. Small coastal (not deep-sea) fishing vessels and small boats engaged in local coastal trade. Such vessels and boats are subject to the regulations of a belligerent naval commander operating in the area.
6. Civilian passenger vessels at sea and civil airliners in flight are subject to capture but are exempt from destruction. Although enemy lines of communication are generally legitimate military targets in modern warfare, civilian passenger vessels at sea, and civil airliners in flight, are exempt from destruction, unless at the time of the encounter they are being utilized by the enemy for a military purpose (e.g., transporting troops or military cargo) or refuse to respond to the directions of the intercepting warship or military aircraft. Such passenger vessels in port and airliners on the ground are not protected from destruction.

If an enemy vessel or aircraft assists the enemy’s military effort in any manner, it may be captured or destroyed. Refusal to provide immediate identification upon demand is ordinarily sufficient legal justification for capture or destruction. All nations have a legal obligation not to take advantage of the harmless character of exempt vessels and aircraft in order to use them for military purposes while preserving their innocent-appearance. For example, the utilization by North Vietnam of innocent-appearing small coastal fishing boats as logistic craft in support of military operations during the Vietnam conflict was in violation of this obligation.

## **8.7 SUBMARINE WARFARE**

The law of armed conflict imposes essentially the same rules on submarines as apply to surface warships. Submarines may employ their conventional weapons systems to attack enemy surface, subsurface, or airborne targets wherever located beyond neutral territory. Enemy warships and military aircraft, including naval and military auxiliaries, may be attacked and destroyed without warning. Rules applicable to surface warships regarding enemy ships that have surrendered in good faith, or that have indicated clearly their intention to do so, apply as well to submarines. To the extent that military exigencies permit, submarines are also required to search for and collect the shipwrecked, wounded, and sick following an engagement. If such humanitarian efforts would subject the submarine to undue additional hazard or prevent it from accomplishing its military mission, the location of possible survivors should be passed at the first opportunity to a surface ship, aircraft, or shore facility capable of rendering assistance.

### **8.7.1 Interdiction of Enemy Merchant Shipping by Submarines**

The rules of naval warfare pertaining to submarine operations against enemy merchant shipping constitute one of the least developed areas of the law of armed conflict. Although the submarine’s effectiveness as a weapons system is dependent upon its capability to remain submerged (and thereby undetected) and despite its vulnerability when surfaced, the London Protocol of 1936 (paragraph 8.6.2.2) makes no distinction between

submarines and surface warships with respect to attacks upon enemy merchant shipping. The London Protocol specifies that except in case of persistent refusal to stop when ordered to do so, or in the event of active resistance to capture, a warship “whether surface vessel or submarine” may not destroy an enemy merchant vessel “without having first placed passengers, crew and ship’s papers in a place of safety.” The impracticality of imposing upon submarines the same targeting constraints as burden surface warships is reflected in the practice of belligerents of both sides during World War II when submarines regularly attacked and destroyed without warning enemy merchant shipping. As in the case of such attacks by surface warships, this practice was justified either as a reprisal in response to unlawful acts of the enemy or as a necessary consequence of the arming of merchant vessels, of convoying, and of the general integration of merchant shipping into the enemy’s war-fighting/war-sustaining effort.

The United States considers that the London Protocol of 1936, coupled with the customary practice of belligerents during and following World War II, imposes upon submarines the responsibility to provide for the safety of passengers, crew, and ship’s papers before destruction of an enemy merchant vessel unless:

1. The enemy merchant vessel persistently refuses to stop when duly summoned to do so.
2. It actively resists visit and search or capture.
3. It is sailing under convoy of enemy warships or enemy military aircraft.
4. It is armed with systems or weapons beyond that required for self-defense against terrorism, piracy, or like threats.
5. It is incorporated into, or is assisting in any way the enemy’s military intelligence system.
6. It is acting in any capacity as a naval or military auxiliary to an enemy’s armed forces.
7. The enemy has integrated its merchant shipping into its war-fighting/war-sustaining effort, and compliance with the London Protocol of 1936 would, under the circumstances of the specific encounter, subject the submarine to imminent danger or would otherwise preclude mission accomplishment.

### **8.7.2 Enemy Vessels and Aircraft Exempt From Submarine Interdiction**

The rules of naval warfare regarding enemy vessels and aircraft that are exempt from capture and/or destruction by surface warships also apply to submarines. (See paragraph 8.6.3.)

## **8.8 AIR WARFARE AT SEA**

Military aircraft may employ conventional weapons systems to attack warships and military aircraft, including naval and military auxiliaries, anywhere beyond neutral territory. Enemy merchant vessels and civil aircraft may be attacked and destroyed by military aircraft only under the following circumstances:

1. When persistently refusing to comply with directions from the intercepting aircraft
2. When sailing under convoy of enemy warships or military aircraft
3. When armed with systems or weapons beyond that required for self-defense against terrorism, piracy, or like threats
4. When incorporated into or assisting in any way the enemy’s military intelligence system
5. When acting in any capacity as a naval or military auxiliary to an enemy’s armed forces
6. When otherwise integrated into the enemy’s war-fighting or war-sustaining effort.

To the extent that military exigencies permit, military aircraft are required to search for the shipwrecked, wounded, and sick following an engagement at sea. The location of possible survivors should be passed at the first opportunity to a surface vessel, aircraft, or shore facility capable of rendering assistance.

Historically, instances of surrender of enemy vessels to aircraft are rare. If, however, an enemy has surrendered in good faith, under circumstances that do not preclude enforcement of the surrender, or has clearly indicated an intention to do so, the enemy must not be attacked.

The rules of naval warfare regarding enemy vessels and aircraft that are exempt from capture and/or destruction by surface warships also apply to military aircraft. (See paragraph 8.6.3.)

## **8.9 BOMBARDMENT**

For purposes of this publication, the term “bombardment” refers to naval and air bombardment of enemy targets on land with conventional weapons, including naval guns, rockets and missiles, and air-delivered ordnance. Land warfare is discussed in paragraph 8.10. Engagement of targets at sea is discussed in paragraphs 8.6 to 8.8.

### **8.9.1 General Rules**

The United States is a party to Hague Convention No. IX (1907) Respecting Bombardment by Naval Forces in Time of War. That convention establishes the general rules of naval bombardment of land targets. These rules have been further developed by customary practice in World Wars I and II, Vietnam, the Falkland/Malvinas Conflict, the Arabian Gulf, and Operations Enduring Freedom and Iraqi Freedom. Underlying these rules are the broad principles of the law of armed conflict that belligerents are forbidden to make noncombatants and civilians the target of direct attack, that superfluous injury to, and unnecessary suffering of, combatants are to be avoided, and that wanton destruction of property is prohibited. To give effect to these concepts, the following general rules governing bombardment must be observed.

#### **8.9.1.1 Destruction of Civilian Habitation**

The wanton or deliberate destruction of areas of concentrated civilian habitation, including cities, towns, and villages, is prohibited. A military objective within a city, town, or village may, however, be bombed if required for the submission of the enemy with the minimum expenditure of time, life, and physical resources. The anticipated incidental injury to civilians, or collateral damage to civilian objects, must not be excessive in light of the military advantage anticipated by the attack. (See paragraphs 8.3, 8.3.1, and 8.3.2.)

#### **8.9.1.2 Terrorization**

Bombardment for the sole purpose of terrorizing the civilian population is prohibited.

#### **8.9.1.3 Undefended Cities or Agreed Demilitarized Zones**

Belligerents are forbidden to bombard a city or town that is undefended and that is open to immediate entry by their own or allied forces. A city or town behind enemy lines is, by definition, neither undefended nor open, and military targets therein may be destroyed by bombardment. An agreed demilitarized zone is also exempt from bombardment.

#### **8.9.1.4 Medical Facilities**

Medical establishments and units (both mobile and fixed), medical vehicles, and medical equipment and stores may not be deliberately bombed. Belligerents are required to ensure that such medical facilities are, as far as possible, situated in such a manner that attacks against military targets in the vicinity do not imperil their safety. If medical facilities are used for military purposes inconsistent with their humanitarian mission, and if appropriate warnings that continuation of such use will result in loss of protected status are unheeded, the facilities become subject to attack. The distinctive medical emblem, a red cross, red crescent, or red square on edge is to be clearly

displayed on medical establishments and units in order to identify them as entitled to protected status. Any object recognized as being a medical facility may not be attacked whether or not marked with a protective symbol.

#### **8.9.1.5 Special Hospital Zones and Neutralized Zones**

When established by agreement between the belligerents, hospital zones and neutralized zones are immune from bombardment in accordance with the terms of the agreement concerned.

#### **8.9.1.6 Religious, Cultural, and Charitable Buildings and Monuments**

Buildings devoted to religion, the arts, or charitable purposes; historic monuments; and other religious, cultural, or charitable facilities should not be bombarded, provided they are not used for military purposes. It is the responsibility of the local inhabitants to ensure that such buildings and monuments are clearly marked with the distinctive emblem of such sites—a rectangle divided diagonally into two triangular halves, the upper portion black and the lower white. (See paragraph 8.5.1.4.)

#### **8.9.1.7 Dams and Dikes**

Dams, dikes, levees, and other installations, which if breached or destroyed would release flood waters or other forces dangerous to the civilian population, should not be bombarded if the anticipated harm to civilians would be excessive in relation to the anticipated military advantage to be gained by bombardment. Conversely, installations containing such dangerous forces that are used by belligerents to shield or support military activities are not so protected. (See paragraph 8.5.1.2.)

#### **8.9.2 Warning before Bombardment**

Where the military situation permits, commanders should make every reasonable effort to warn the civilian population located in close proximity to a military objective targeted for bombardment. Warnings may be general rather than specific lest the bombarding force or the success of its mission be placed in jeopardy.

### **8.10 LAND WARFARE**

The guidance in this paragraph provides an overview of the basic principles of law governing conflict on land. For a comprehensive treatment of the law of armed conflict applicable to land warfare, see Army Field Manual (FM) 27-10, The Law of Land Warfare.

#### **8.10.1 Targeting in Land Warfare**

Targeting principles in land warfare are the same as in naval warfare (see paragraph 8.1); however, the characteristics of land warfare, often involving intermingled military objectives and civilians and civilian objects, can make the application of targeting decisions more difficult.

#### **8.10.2 Special Protection**

Under the law of land warfare, certain persons, places, and objects enjoy special protection against attack. Protection is, of necessity, dependent upon recognition of protected status. Special signs and symbols are employed for that purpose (see paragraph 8.5.1). Failure to display protective signs and symbols does not render an otherwise protected person, place or object a legitimate target if that status is otherwise apparent (see paragraph 8.5.1.7). However, protected persons directly participating in hostilities lose their protected status and may be attacked while so employed. Similarly, misuse of protected places and objects for military purposes renders them subject to legitimate attack during the period of misuse.

### **8.10.2.1 Protected Status**

Protected status is afforded the wounded, sick, and shipwrecked (see paragraph 8.2.3), certain parachutists (see paragraph 8.2.3.1), and detainees (see Chapter 11). Civilians and noncombatants, such as medical personnel and chaplains (see paragraph 8.2.4.1), not taking direct part in hostilities, and interned persons (see paragraph 11.5) also enjoy protected status.

### **8.10.2.2 Protected Places and Objects**

Protected places include undefended cities and towns and agreed demilitarized zones (see paragraph 8.9.1.3), and agreed special hospital zones and neutralized zones (see paragraph 8.9.1.5). Protected objects include historic monuments and structures, works of art, medical facilities and religious, cultural, and charitable buildings and monuments (see paragraph 8.9.1.6).

### **8.10.2.3 The Environment**

A discussion of environmental considerations during armed conflict is contained in paragraph 8.4. The use of herbicidal agents is addressed in paragraph 10.3.3.

## **8.11 INFORMATION OPERATIONS**

IO are actions taken to affect adversary information and information systems, while defending one's own information and information systems. There are two major subdivisions within IO: offensive IO and defensive IO. For the purpose of this discussion on targeting considerations, major capabilities to conduct offensive IO are physical attack/destruction, PSYOPs, and CNA. (See JP 3-13, Information Operations, for a broader discussion of this subject.)

### **8.11.1 General IO Targeting Considerations**

Legal analysis of intended wartime targets requires traditional law of war analysis. Offensive IO can target human-decision processes (human factors), the information and information systems used to support decision making (links), and the information and information systems used to process information and implement decisions (nodes). Offensive IO efforts should examine all three target areas to maximize opportunity for success. Human factors include national command authorities, commanders, forces, the populace as a whole, and/or groups within the populace. In all cases, the selection of offensive IO targets must be consistent with U.S. objectives, applicable international conventions, law of war principles, and ROE.

### **8.11.2 Physical Attack/Destruction**

The legal requirement to attack only military objectives and to avoid excessive incidental injury/death and collateral damage to noncombatants, civilians, and civilian objects applies when identifying targets for kinetic attack as part of an offensive IO plan.

### **8.11.3 Psychological Operations (PSYOPs)**

PSYOPs are planned operations to convey selected information and indicators to foreign audiences to influence their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals. The purpose of psychological operations is to induce or reinforce foreign attitudes and behavior favorable to the originator's objectives. PSYOPs must not be confused with psychological impact. Actions such as shows of force or limited strikes may have a psychological impact, but they are not PSYOPS unless the primary purpose is to influence the emotions, motives, objective reasoning, decision making, or behavior of the foreign target audience. PSYOPs that do not entail the risk of physical injury or death to protected persons or damage to their property may be targeted at noncombatants and civilians.

#### **8.11.4 Computer Network Attack (CNA)**

CNA is defined as operations to disrupt, deny, degrade, or destroy information resident in computers and computer networks or the computers and networks themselves. CNA can be accomplished by kinetic and nonkinetic means. In employing nonkinetic means of CNA against a military objective, factors involved in weighing anticipated incidental injury/death to protected persons can include, depending on the target, indirect effects (for example, the anticipated incidental injury/death that may occur from disrupting an electricity-generating plant that supplies power to a military headquarters and to a hospital).



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## CHAPTER 9

# Conventional Weapons and Weapons Systems

### 9.1 INTRODUCTION

This chapter addresses the legal considerations pertaining to the use of conventional weapons and weapons systems. It is a fundamental tenet of the law of armed conflict that the right of nations engaged in armed conflict to choose methods or means of warfare is not unlimited. This rule of law is expressed in the concept that the employment of weapons, material, and methods of warfare that are designed to cause superfluous injury or unnecessary suffering is prohibited. A corollary concept is that weapons, which by their nature are incapable of being directed specifically against military objectives, and therefore that put civilians and noncombatants at equivalent risk, are forbidden due to their indiscriminate effect. A few weapons, such as poisoned projectiles, are unlawful no matter how employed. Others may be rendered unlawful by alteration such as by coating ammunition with a poison. Still others may be unlawfully employed such as by setting armed contact naval mines adrift so as to endanger innocent as well as enemy shipping. And finally, any weapon may be set to an unlawful purpose when it is directed against noncombatants, civilians, and other protected persons and property. (See Chapter 8.)

Of particular interest to naval officers are law of armed conflict rules pertaining to naval mines, land mines, torpedoes, cluster and fragmentation weapons, delayed-action devices, incendiary weapons, directed-energy devices, and OTH weapons systems. Each of these weapons or systems will be assessed in terms of its potential for causing unnecessary suffering and superfluous injury or indiscriminate effect.

#### 9.1.1 Unnecessary Suffering

Antipersonnel weapons are designed to kill or disable enemy combatants and are lawful notwithstanding the death, pain, and suffering they inflict. Weapons that are designed to cause unnecessary suffering or superfluous injury are, however, prohibited because the degree of pain or injury, or the certainty of death they produce is needlessly or clearly disproportionate to the military advantage to be gained by their use. Poisoned projectiles and small arms ammunition intended to cause superfluous injury or unnecessary suffering fall into this category. Similarly, using materials that are difficult to detect or undetectable by field x-ray equipment, such as glass or clear plastic, as the injuring mechanism in military ammunition is prohibited, since they unnecessarily inhibit the treatment of wounds. Use of such materials as incidental components in ammunition, e.g., as wadding or packing, is not prohibited. Use of .50-caliber weapons against individual enemy combatants does not constitute a violation of this proscription against unnecessary suffering or superfluous injury.

#### 9.1.2 Indiscriminate Effect

Weapons that are incapable of being directed at a military objective are forbidden as being indiscriminate in their effect. Drifting armed contact mines and long-range unguided missiles (such as the German V-1 and V-2 rockets of World War II) fall into this category. A weapon is not indiscriminate simply because it may cause incidental or collateral civilian casualties, provided such casualties are not foreseeably excessive in light of the anticipated military advantage to be gained. An artillery round that is capable of being directed with a reasonable degree of accuracy at a military target is not an indiscriminate weapon simply because it may miss its mark or inflict collateral damage. Conversely, uncontrolled balloon-borne bombs, such as those released by the Japanese against the west coast of the United States and Canada in World War II, lack that capability of direction and are, therefore, unlawful.

## 9.2 NAVAL MINES

Naval mines have been effectively employed for area denial, coastal and harbor defense, antisurface and antisubmarine warfare, and blockade. Naval mines are lawful weapons, but their potential for indiscriminate effects has led to specific regulation of their deployment and employment by the law of armed conflict. The extensive and uncontrolled use of naval mines by both sides in the Russo-Japanese War of 1904–5 inflicted great damage on innocent shipping both during and long after that conflict, and led to Hague Convention No. VIII of 1907 Relative to the Laying of Automatic Submarine Contact Mines. The purpose of the Hague rules is to ensure, to the extent practicable, the safety of innocent shipping. These rules require that naval mines be so constructed as to become harmless should they break loose from their moorings or otherwise cease to be under the affirmative control of the belligerents that laid them. The Hague rules also require that shipowners be warned of the presence of mines as soon as military exigencies permit.

Although the Hague provisions date from 1907, they remain the only codified rules specifically addressing the emplacement of conventional naval mines. Technological developments have created weapons systems obviously not contemplated by the drafters of these rules. Nonetheless, the general principles of law embodied in the 1907 Convention continue to serve as a guide to lawful employment of naval mines.

### 9.2.1 Current Technology

Modern naval mines are versatile and variable weapons. They range from relatively unsophisticated and indiscriminate contact mines to highly technical, target-selective devices with state-of-the-art homing guidance capability. Today's mines may be armed and/or detonated by physical contact, acoustic or magnetic signature, or sensitivity to changes in water pressure generated by passing vessels and may be emplaced by air, surface, or subsurface platforms. For purposes of this publication, naval mines are classified as armed or controlled mines. Armed mines are either emplaced with all safety devices withdrawn, or are armed following emplacement, so as to detonate when preset parameters (if any) are satisfied. Controlled mines have no destructive capability until affirmatively activated by some form of arming order (whereupon they become armed mines).

### 9.2.2 Peacetime Mining

Consistent with the safety of its own citizenry, a nation may emplace both armed and controlled mines in its own internal waters at any time with or without notification. A nation may also mine its own archipelagic waters and territorial sea during peacetime when deemed necessary for national security purposes. If armed mines are emplaced in archipelagic waters or the territorial sea, appropriate international notification of the existence and location of such mines is required. Because the right of innocent passage can be suspended only temporarily, armed mines must be removed or rendered harmless as soon as the security threat that prompted their emplacement has terminated. Armed mines may not be emplaced in international straits or archipelagic sea lanes during peacetime. Emplacement of controlled mines in a nation's own archipelagic waters or territorial sea is not subject to such notification or removal requirements.

Naval mines may not be emplaced in internal waters, territorial seas, or archipelagic waters of another nation in peacetime without that nation's consent. Controlled mines may, however, be emplaced in international waters (i.e., beyond the territorial sea) if they do not unreasonably interfere with other lawful uses of the oceans. The determination of what constitutes an "unreasonable interference" involves a balancing of a number of factors, including the rationale for their emplacement (i.e., the self-defense requirements of the emplacing nation), the extent of the area to be mined, the hazard (if any) to other lawful ocean uses, and the duration of their emplacement. Because controlled mines do not constitute a hazard to navigation, international notice of their emplacement is not required.

Armed mines may not be emplaced in international waters prior to the outbreak of armed conflict, except under the most demanding requirements of individual or collective self-defense. Should armed mines be emplaced in international waters under such circumstances, prior notification of their location must be provided. A nation emplacing armed mines in international waters during peacetime must maintain an on-scene presence in the area sufficient to ensure that appropriate warning is provided to ships approaching the danger area. All armed mines

must be expeditiously removed or rendered harmless when the imminent danger that prompted their emplacement has passed.

### 9.2.3 Mining during Armed Conflict

Naval mines may be lawfully employed by parties to an armed conflict subject to the following restrictions:

1. International notification of the location of emplaced mines must be made as soon as military exigencies permit.
2. Mines may not be emplaced by belligerents in neutral waters.
3. Anchored mines must become harmless as soon as they have broken their moorings.
4. Unanchored mines not otherwise affixed or imbedded in the bottom must become harmless within an hour after loss of control over them.
5. The location of minefields must be carefully recorded to ensure accurate notification and to facilitate subsequent removal and/or deactivation.
6. Naval mines may be employed to channelize neutral shipping, but not in a manner to deny transit passage of international straits or archipelagic sea lanes passage of archipelagic waters by such shipping.
7. Naval mines may not be emplaced off the coasts and ports of the enemy with the sole objective of intercepting commercial shipping, but may otherwise be employed in the strategic blockade of enemy ports, coasts, and waterways.
8. Mining of areas of indefinite extent in international waters is prohibited. Reasonably limited barred areas may be established by naval mines, provided neutral shipping retains an alternate route around or through such an area with reasonable assurance of safety.

## 9.3 LAND MINES

Land mines are munitions placed on, under, or near the ground or other surface area and designed to be detonated or exploded by the passage of time; the presence, proximity or contact of a person or vehicle; or upon command. As with all weapons, to be lawful, land mines must be directed at military objectives. The controlled nature of command-detonated land mines provides effective target discrimination. In the case of noncommand-detonated land mines, however, there exists potential for indiscriminate injury to civilians. Accordingly, special care must be taken when employing land mines to ensure civilians are not indiscriminately injured. International law requires that, to the extent possible, belligerents record the location of all minefields in order to facilitate their removal upon the cessation of hostilities. It is the practice of the United States to record the location of minefields in all circumstances.

The 1997 Ottawa Convention imposes a ban on the use, stockpiling, production, and transfer of antipersonnel land mines (APLs), which are designed to be exploded by the presence, proximity, or contact of a person and that will incapacitate, injure, or kill one or more persons. This prohibition does not apply to command detonated weapons (such as claymore mines in a nontripwire mode) or to antitank/vehicle landmines (AVLs), also referred to as mines other than anti-personnel mines. The United States is not a party to the Ottawa Convention, however, many of its allies and coalition partners are, and this may, depending on the circumstances at the time, impact operational planning regarding shipment, resupply, and placement of landmines.

The United States is a party to Amended Protocol II to the Conventional Weapons Convention. This Protocol does not ban APLs, but imposes requirements on State parties regarding use, maintenance, and removal of mines and minefields. Overall, U.S. policy on landmine use recognizes that both APLs and AVLs are necessary and effective weapons when properly employed, and that the primary danger of incidental and or indiscriminate injury

to noncombatants and civilians from landmines is a factor of whether or not a particular mine (whether APL or AVL) is “persistent” or “nonpersistent” (i.e., designed to either automatically de-arm or self-destruct or capable of being controlled). To that end, it is U.S. policy to:

1. Continue to develop nonpersistent APLs and AVLs that meet or exceed international standards for self-destruction and self-deactivation.
2. Remove nondetectable mines of any type (APL and AVL) in its arsenal.
3. Stockpile persistent APLs only for use by the United States in fulfillment of treaty obligations to the Republic of Korea.
4. Employ persistent AVLs outside the Republic of Korea only when authorized by the president, and only until 2010. After 2010, the United States will not employ persistent landmines.
5. Begin the destruction of those persistent landmines that are not needed for the protection of Korea.

## **9.4 TORPEDOES**

Torpedoes that do not become harmless when they have missed their mark constitute a danger to innocent shipping and are therefore unlawful. All U.S. Navy torpedoes are designed to sink to the bottom and become harmless upon completion of their propulsion run.

## **9.5 CLUSTER AND FRAGMENTATION WEAPONS**

Cluster and fragmentation weapons are projectiles, bombs, missiles, submunitions, and grenades that are designed to fragment upon detonation, thereby expanding the radius of their lethality and destructiveness. These weapons are lawful when used against combatants. When used in proximity to civilians or civilian objects, their employment should be carefully monitored to ensure that collateral damage and incidental injury is not excessive in relation to the legitimate military advantage sought.

## **9.6 BOOBY TRAPS AND OTHER DELAYED-ACTION DEVICES**

Booby traps and other delayed-action devices are not unlawful, provided they are not designed to cause unnecessary suffering or employed in an indiscriminate manner. Devices that are designed to simulate items likely to attract and injure noncombatants (e.g., medical supplies), and civilians (e.g., toys and trinkets) are prohibited. Attaching booby traps to protected persons or objects, such as the wounded and sick, dead bodies, or medical facilities and supplies, is similarly prohibited. Belligerents are required to record the location of booby traps and other delayed-action devices in the same manner as land mines (see paragraph 9.3).

## **9.7 EXPLOSIVE REMNANTS OF WAR**

Protocol V to the Conventional Weapons Convention defines explosive remnants of war (ERWs) as unexploded ordnance and abandoned explosive ordnance. Unexploded ordnance is explosive ordnance (i.e., conventional munitions containing explosives, with the exception of mines, booby traps, and other devices as defined in Amended Protocol II of the convention) that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched, or projected, and should have exploded but failed to do so. Abandoned explosive ordnance means explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed, or otherwise prepared for use.

Nations ratifying the protocol agree to maintain records regarding the use of ERW, and to mark, clear, remove, or destroy ERW in affected territories under their control after the cessation of active hostilities, and as soon as feasible. In territory that they do not control, nations that used explosive ordnance agree to assist with clearing,

removing, or destroying ERW. The protocol applies to land territory and internal waters. It does NOT apply to ERW existing prior to ratification. As of the date of this instruction, the United States has not ratified the protocol.

## **9.8 INCENDIARY WEAPONS**

Incendiary devices, such as thermite bombs, flame throwers, napalm, and other incendiary weapons and agents, are lawful weapons. Where incendiary devices are the weapons of choice, they should be employed in a manner that does not cause incidental injury or collateral damage that is excessive in light of the military advantage anticipated by the attack.

## **9.9 DIRECTED-ENERGY DEVICES**

Directed-energy devices, such as laser, high-powered microwave, particle-beam devices, and active-denial systems using millimeter electromagnetic waves are not proscribed by the law of armed conflict. Lasers may be employed as a rangefinder or for target acquisition, despite the possibility of incidental injury to enemy personnel. Laser “dazzlers” designed to temporarily disorient may also be employed. As a matter of policy, U.S. military forces will not employ laser weapons specifically designed to cause permanent blindness.

## **9.10 OVER-THE-HORIZON WEAPONS SYSTEMS**

Missiles and projectiles with OTH or beyond-visual-range capabilities are lawful provided they are equipped with sensors or are employed in conjunction with external sources of targeting data that are sufficient to ensure effective target discrimination.

## **9.11 NONLETHAL WEAPONS**

Weapons explicitly designed and primarily employed so as to incapacitate personnel or materiel, while minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment, are termed “nonlethal weapons” (NLWs). Unlike conventional (lethal) weapons, which utilize blast, penetration, and fragmentation to destroy their targets, NLWs employ means other than gross physical destruction to accomplish their purpose. The mere fact that one or more types of NLWs is in a unit’s authorized inventory does not mean that the law requires that such weapons be employed prior to using conventional (lethal) weapons. They are intended as another option for commanders to use, as appropriate, in exercising the right and obligation of self-defense and in carrying out assigned missions.

Per DOD Directive 3000.3, Policy for Non-Lethal Weapons:

1. NLWs, doctrine, and concepts of operation shall be designed to reinforce deterrence and expand the range of options available to commanders.
2. NLWs should enhance the capability of U.S. forces to accomplish the following objectives:
  - a. Discourage, delay, or prevent hostile actions.
  - b. Limit escalation.
  - c. Take military action in situations where use of lethal force is not the preferred option.
  - d. Better protect our forces.
  - e. Temporarily disable equipment facilities, and personnel.

3. NLWs should also be designed to help decrease the postconflict costs of reconstruction.
4. The availability of NLWs shall not limit a commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense. (See paragraphs 4.3.3.5 and 4.3.3.6.)
5. Neither the presence nor the potential effect of NLWs shall constitute an obligation for their employment or a higher standard for employment of force than provided for by applicable law. In all cases, the United States retains the option for immediate use of lethal weapons, when appropriate, consistent with international law.
6. NLWs shall not be required to have a zero probability of producing fatalities or permanent injuries. However, while complete avoidance of these effects is not guaranteed or expected, when properly employed, NLWs should significantly reduce them as compared with physically destroying the same target.
7. NLWs may be used in conjunction with lethal weapon systems to enhance the latter's effectiveness and efficiency in military operations. This shall apply across the range of military operations to include those situations where overwhelming force is employed.

## CHAPTER 10

# Nuclear, Chemical, and Biological Weapons

### 10.1 INTRODUCTION

Nuclear, chemical, and biological weapons, often referred to as WMD, and their delivery systems, present special law of armed conflict problems due to their potential for indiscriminate effect. This chapter addresses legal considerations pertaining to the development, possession, deployment, and employment of these weapons.

### 10.2 NUCLEAR WEAPONS

#### 10.2.1 General

There are no rules of customary or conventional international law prohibiting nations from employing nuclear weapons in armed conflict. In the absence of such an express prohibition, the use of nuclear weapons against enemy combatants and other military objectives is not unlawful. Employment of nuclear weapons is, however, subject to the following principles: the right of the parties to the conflict to adopt means of injuring the enemy is not unlimited; it is prohibited to launch attacks against the civilian population as such; and distinction must be made at all times between combatants and civilians to the effect that the latter be spared as much as possible. Given their destructive potential, the decision to authorize employment of nuclear weapons should emanate from the highest level of government. For the United States, that authority resides solely with the President.

#### 10.2.2 Treaty Obligations

Nuclear weapons are regulated by a number of arms control agreements restricting their development, possession, deployment, and use. Some of these agreements (e.g., the 1963 Limited Test Ban Treaty) may not apply during time of war.

##### 10.2.2.1 Seabed Arms Control Treaty

This multilateral convention prohibits emplacement of nuclear weapons on the seabed and the ocean floor beyond 12 nautical miles from the baseline from which the territorial sea is measured. The prohibition extends to structures, launching installations, and other facilities specifically designed for storing, testing, or using nuclear weapons. This treaty prohibits emplacement of nuclear mines on the seabed and ocean floor or in the subsoil thereof. It does not, however, prohibit the use of nuclear weapons in the water column, provided they are not affixed to the seabed (e.g., nuclear armed depth charges and torpedoes).

##### 10.2.2.2 Outer Space Treaty

This multilateral convention prohibits the placement in earth orbit, installation on the moon and other celestial bodies, and stationing in outer space in any other manner, of nuclear and other weapons of mass destruction. Suborbital missile systems are not included in this prohibition.

##### 10.2.2.3 Antarctic Treaty

The Antarctic Treaty is a multilateral convention designed to ensure that Antarctica, defined to include the area south of 60° south latitude, is used for peaceful purposes only. The treaty prohibits in Antarctica “any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.” Nuclear explosions are specifically prohibited. Ships



and aircraft at points of discharging or embarking personnel or cargoes in Antarctica are subject to international inspection. Ships operating on and under and aircraft operating over the high seas within the treaty area are not subject to these prohibitions.

#### **10.2.2.4 Treaty of Tlatelolco**

This treaty is an agreement among the Latin American countries not to introduce nuclear weapons into Latin America. The treaty does not, however, prohibit Latin American nations from authorizing nuclear-armed ships and aircraft of nonmember nations to visit their ports and airfields or to transit through their territorial sea or airspace. The treaty is not applicable to the means of propulsion of any vessel.

Protocol I to the Tlatelolco treaty is an agreement among non-Latin American nations that exercise international responsibility over territory within the treaty area to abide by the denuclearization provisions of the treaty. France, the Netherlands, the United Kingdom, and the United States are parties to Protocol I. For purposes of this treaty, U.S.-controlled territory in Latin America includes Guantanamo Bay in Cuba, the Virgin Islands, and Puerto Rico. Consequently the United States cannot maintain nuclear weapons in those areas. Protocol I nations retain, however, competence to authorize transits and port visits by ships and aircraft of their own or other armed forces in their Protocol I territories, irrespective of armament, cargo, or means of propulsion.

Protocol II to the Tlatelolco treaty is an agreement among nuclear-armed nations (China, France, Russia, the United Kingdom, and the United States) to respect the denuclearization aims of the treaty, to not use nuclear weapons against Latin American nations that are party to the treaty, and to refrain from contributing to a violation of the treaty by Latin American nations.

#### **10.2.2.5 Limited Test Ban Treaty**

This multilateral treaty prohibits the testing of nuclear weapons in the atmosphere, in outer space, and underwater. Over 100 nations are party to the treaty, including Russia, the United Kingdom, and the United States (France and China are not parties). Underground testing of nuclear weapons is not included within the ban.

#### **10.2.2.6 Nonproliferation Treaty**

This multilateral treaty obligates nuclear-weapons nations to refrain from transferring nuclear weapons or nuclear weapons technology to nonnuclear-weapons nations, and obligates nonnuclear-weapons nations to refrain from accepting such weapons from nuclear-weapons nations or from manufacturing nuclear weapons themselves. The treaty does not apply in time of war.

#### **10.2.2.7 Bilateral Nuclear Arms Control Agreements**

The United States and Russia (as the successor state to the U.S.S.R.) are parties to a number of bilateral agreements designed to either restrain the growth or reduce the number of nuclear warheads and launchers and to reduce the risk of miscalculation that could trigger a nuclear exchange. Among these agreements are the Hotline Agreements of 1963 and 1971, the Accidents Measures Agreement of 1971, the 1973 Agreement on Prevention of Nuclear War, the Threshold Test Ban Treaty of 1974, the 1976 Treaty on Peaceful Nuclear Explosions, the Strategic Arms Limitation Talks (SALT) Agreements of 1972 and 1977 (SALT I—Interim Agreement has expired; SALT II was never ratified), the Intermediate Range Nuclear Forces Treaty of 1988, and the Strategic Arms Reduction Treaties (START) of 1991 (START I) and 1993 (START II). The START treaties initiated the process of physical destruction of strategic nuclear warheads and launchers by the United States, Russia, Ukraine, Belarus and Kazakhstan (the latter four being recognized as successor states to the U.S.S.R. for this purpose). On 14 June 2002, Russia announced its withdrawal from START II. On 24 May 2002, the United States and Russia concluded the Strategic Offensive Reductions Treaty (SORT) whereby they agreed to reduce and limit their respective strategic nuclear warheads to an aggregate number not to exceed 1700–2000 for each party by 31 December 2012.

## 10.3 CHEMICAL WEAPONS

International law prohibits the use of chemical weapons in armed conflict.

### 10.3.1 Treaty Obligations

Prior to 1993, the 1925 Geneva Gas Protocol for the Prohibition of the use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (“the 1925 Gas Protocol”) was the principle international agreement in force relating to the regulation of chemical weapons in armed conflict. The far more comprehensive 1993 Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the “1993 Chemical Weapons Convention”) prohibits the development, production, stockpiling and use of chemical weapons, and mandates the destruction of chemical weapons and chemical weapons production facilities for all nations that are party to it. Specific chemicals are identified in three lists, referred to as “Schedules.” The Chemical Weapons Convention does not, however, modify existing international law with respect to herbicidal agents. The United States is a party to both treaties.

### 10.3.2 Riot Control Agents (RCAs)

The Chemical Weapons Convention defines RCAs as any chemical not listed in a schedule that can produce rapidly in humans sensory irritation or disabling physical effects that disappear within a short time following termination of exposure. States agreed not to use RCAs as a “method of warfare”; however, the Convention does not define that term. The United States ratified the Chemical Weapons Convention subject to the understanding that nothing in the Convention prohibited the use of RCAs in accordance with Executive Order 11850.

#### 10.3.2.1 Riot Control Agents in Armed Conflict

Under Executive Order 11850, Renunciation of certain uses in war of chemical herbicides and riot control agents, the United States renounced the first use of riot control agents in armed conflict except in defensive military modes to save lives, in situations such as:

1. Riot control situations in areas under effective U.S. military control, to include control of rioting prisoners of war
2. Situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided
3. Rescue missions involving downed aircrews or escaping prisoners or war
4. Protection of military supply depots, military convoys, and other military activities in rear echelon areas from civil disturbances, terrorist activities, or paramilitary operations.

Such employment of riot control agents by U.S. forces in armed conflict requires presidential approval.

The United States considers that the prohibition on the use of RCAs as a “method of warfare” applies in international and internal armed conflict, but that it does not apply in normal peacekeeping operations, law enforcement operations, humanitarian and disaster relief operations, counterterrorist and hostage rescue operations, noncombatant rescue operations, and any other operations not considered international or internal armed conflict. CJCSI 3110.07B(S), Nuclear, Biological, and Chemical Defense: Riot Control Agent; and Herbicides (U), provides further guidance.

#### 10.3.2.2 Riot Control Agents in Time of Peace

Employment of riot control agents in peacetime is not proscribed by either the 1925 Gas Protocol or the 1993 Chemical Weapons Convention and may be authorized by the Secretary of Defense or in limited circumstances by the commanders of the combatant commands. Circumstances in which riot control agents may be authorized for employment in peacetime include:

1. Civil disturbances in the United States, its territories and possessions
2. Protection and security on U.S. bases, posts, embassy grounds, and installations overseas, including riot control purposes
3. Law enforcement:
  - a. On-base and off-base in the United States, its territories and possessions,
  - b. On-base overseas, and
  - c. Off-base overseas when specifically authorized by the host government
4. NEO involving United States or foreign nationals.

### **10.3.3 Herbicidal Agents**

Herbicidal agents are gases, liquids, and analogous substances that are designed to defoliate trees, bushes, or shrubs, or to kill long grasses and other vegetation that could shield the movement of enemy forces. The United States considers that use of herbicidal agents in wartime is not prohibited by either the 1925 Gas Protocol or the 1993 Chemical Weapons Convention but has formally renounced the first use of herbicides in time of armed conflict except for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters. Use of herbicidal agents during armed conflict requires presidential approval. Use of herbicidal agents in peacetime may be authorized by the Secretary of Defense or, in limited circumstances, by commanders of the combatant commands. See CJCSI 3110.07B(S), Nuclear, Biological, and Chemical Defense Riot Control Agent; and Herbicides (U), for further guidance.

## **10.4 BIOLOGICAL WEAPONS**

International law prohibits all biological weapons or methods of warfare whether directed against persons, animals, or plant life. Biological weapons include microbial or other biological agents or toxins whatever their origin (i.e., natural or artificial) or methods of production.

### **10.4.1 Treaty Obligations**

The 1925 Gas Protocol prohibits the use in armed conflict of biological weapons. The 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (the “1972 Biological Weapons Convention”) prohibits the production, testing, and stockpiling of biological weapons. The Convention obligates nations that are a party thereto not to develop, produce, stockpile, or acquire biological agents or toxins “of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes,” as well as “weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.” All such materials were to be destroyed by 26 December 1975. The United States, Russia, and most other NATO and former Warsaw Pact nations are parties to both the 1925 Gas Protocol and the 1972 Biological Weapons Convention.

### **10.4.2 U.S. Policy Regarding Biological Weapons**

The United States considers the prohibition against the use of biological weapons during armed conflict to be part of customary international law and thereby binding on all nations whether or not they are parties to the 1925 Gas Protocol or the 1972 Biological Weapons Convention.

The United States has, therefore, formally renounced the use of biological weapons under any circumstance. Pursuant to its treaty obligations, the United States has destroyed all its biological and toxin weapons and restricts its research activities to development of defensive capabilities.

# CHAPTER 11

## Treatment of Detained Persons

### 11.1 INTRODUCTION

The law of armed conflict requires humane treatment for all persons who are detained. What treatment detained persons receive above and beyond this minimum standard is dependant on their status at the time they are detained. This chapter examines standards of treatment required for lawful combatants, unlawful combatants, noncombatants, and civilians (see Chapter 5 for definitions).

### 11.2 HUMANE TREATMENT

All persons in the control of DOD personnel (military, civilian, or contractor employee) during armed conflict, or any other military operation, must be treated humanely under international law and U.S. policy until their final release, transfer, or repatriation. Humane treatment includes compliance with Common Article III of the Geneva Conventions of 1949. Some persons who are detained may also qualify for prisoner-of-war status, which provides benefits beyond the baseline humane treatment standard. If doubt exists as to how to treat a particular detainee, you should seek guidance through your chain of command. Until this doubt has been resolved, you must provide the detainee the protections of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

The inhumane treatment of detainees is prohibited and is not justified by the stress of combat or deep provocations. Humane treatment is at a minimum protection from unlawful threats or acts of violence and deprivation of basic human necessities and will be afforded to all detained persons without adverse distinction based on race, color, religion or faith, sex, birth or wealth, or any other similar criteria (see DOD Dir 2310.01E, DOD Law of War Program. Specifically, the following acts are prohibited with respect to detainees in DOD custody and control:

- a. Violence to life and person, in particular murder, mutilation, cruel treatment, and torture
- b. Taking of hostages
- c. Outrages upon personal dignity, in particular humiliating and degrading treatment
- d. Passing sentences and carrying out executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees that are recognized as indispensable by civilized peoples.

All detainees shall:

- a. Receive appropriate medical attention and treatment
- b. Receive sufficient food, drinking water, shelter, and clothing
- c. Be allowed the free exercise of religion, consistent with the requirements for safety and security
- d. Be removed as soon as practicable from the point of capture and transported to detainee collection points, holding facilities, or other internment facilities operated by DOD Components
- e. Have their person and their property accounted for and records maintained.

- f. Be respected as human beings. They will not be subjected to medical or scientific experiments. They will not be subjected to sensory deprivation.

The Secretary of the Army is the DOD Executive Agent for the administration of the DOD Enemy Prisoners of War/Detainee Program. Accordingly, coordination with Army authorities should be initiated expeditiously. The commander should have and be familiar with the following references in making any determinations or seeking guidance relative to detainees. These are in addition to any applicable theater-specific operational orders:

- a. DOD Directive 2310.1 (series) (Detainee Program)
- b. DOD Directive 3115.09 (DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning)
- c. Joint Publication (JP) 3-63 (Detainee Operations)
- d. Joint Publication 2-0 (Intelligence)
- e. AR 190-8/OPNAVINST 3461.6/AFJI 31-304/MCO 3461.1, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (multi-service regulation) (In draft)
- f. Army FM 19-40 (Enemy Prisoners of War, Civilian Internees, and Detained Persons) (In draft).

### **11.3 COMBATANTS**

The standard of treatment for a combatant is determined by whether the combatant is lawful or unlawful. A lawful combatant is entitled to prisoner of war status while an unlawful combatant is not.

#### **11.3.1 Lawful Combatants**

Lawful combatants (see paragraph 5.4.1.1) who are captured or detained are entitled to prisoner-of-war status. Which detainees are entitled to prisoner of war status is determined by the capturing state applying the rules provided in the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW). Before the issue of prisoner-of-war status even arises, however, the person must have been captured or detained during international armed conflict as the GPW only applies during international armed conflict.

If there is any doubt as to whether a person is entitled to prisoner-of-war status, that individual must be accorded prisoner-of-war treatment until a competent tribunal convened by the detaining power determines the status to which that individual is entitled. This is generally known as an Article 5 tribunal based on Article 5, GPW. Also, as a matter of policy a nation can grant prisoner-of-war status to individuals who do not qualify as a matter of law.

Prisoner-of-war status carries with it extensive rights and privileges. The GPW provides in detail the rights and obligations of both prisoners and detaining powers and should be consulted if a commander is charged with the care of prisoners-of-war. When prisoners of war are given medical treatment, no distinction among them will be based on any grounds other than medical ones. Prisoners of war may be interrogated upon capture but are required to disclose only their name, rank, date of birth, and military serial number. Torture, threats, or other coercive acts are prohibited.

##### **11.3.1.1 Trial and Punishment**

Unlike unlawful combatants, lawful combatants who are captured may not be punished for hostile acts directed against opposing forces prior to capture, unless those acts constituted violations of the law of armed conflict. Prisoners of war prosecuted for war crimes committed prior to capture, or for serious offenses committed after capture, are entitled to be tried by the courts that try the captor's own forces and are to be accorded the same procedural rights. At a minimum, these rights must include the assistance of lawyer counsel, an interpreter, and a fellow prisoner.

Although prisoners of war may also be subjected to nonjudicial disciplinary action for minor offenses committed during captivity, punishment may not exceed 30 days confinement. Prisoners of war may not be subjected to collective punishment nor may reprisal action be taken against them.

### **11.3.1.2 Labor**

Enlisted prisoners of war may be required to engage in labor having no military character or purpose. Noncommissioned officers may be required to perform only supervisory work. Officers may not be required to work.

### **11.3.1.3 Escape**

Prisoners of war may not be judicially punished for acts committed in attempting to escape, unless they injure or kill someone in the process. Disciplinary punishment may, however, be imposed upon them for the escape attempt. Prisoners of war who make good their escape by rejoining friendly forces or leaving enemy-controlled territory may not be subjected to such disciplinary punishment if recaptured. However, they remain subject to punishment for causing death or injury in the course of their escape.

### **11.3.1.4 Temporary Detention of Prisoners of War, Civilian Internees, and Other Detained Persons aboard Naval Vessels.**

International treaty law expressly prohibits “internment” of prisoners of war other than in premises on land, but does not address temporary stay on board vessels. U.S. policy permits detention of prisoners-of-war, civilian internees, and detained persons on naval vessels as follows:

1. When picked up at sea, they may be temporarily held on board as operational needs dictate, pending a reasonable opportunity to transfer them to a shore facility or to another vessel for evacuation to a shore facility.
2. They may be temporarily held on board naval vessels while being transported between land facilities.
3. They may be temporarily held on board naval vessels if such detention would appreciably improve their safety or health prospects.

Detention on board vessels must be truly temporary, limited to the minimum period necessary to evacuate such persons from the combat zone or to avoid significant harm such persons would face if detained on land. Use of immobilized vessels for temporary detention of prisoners of war, civilian internees, or detained persons is not authorized without Secretary of Defense approval.

### **11.3.2 Unlawful Combatants**

Unlawful combatants (see paragraph 5.4.1.2) do not have a right to engage in hostilities and do not receive combatant immunity for their hostile acts. Additionally, they are not entitled to prisoner of war status if detained. However, as with any person detained by the United States they are entitled to humane treatment as a matter of law and U.S. policy (see paragraph 11.2).

Because unlawful combatants do not have combatant immunity, they may be prosecuted for their unlawful actions. However, prosecution is not required and unlawful combatants may be detained until the cessation of hostilities without being prosecuted for their acts. If prosecuted and convicted, unlawful combatants may be detained for the duration of their sentence, even if it extends beyond the cessation of hostilities. Likewise, even if their criminal sentence has been served but hostilities have not ceased, they may be held until the cessation of hostilities. Regardless of the fact that hostilities have not ceased or the full sentence has not been served, a detaining nation may release an unlawful combatant at any time. For example, a detaining nation may decide to end detention before the cessation of hostilities if it determines the detained combatant no longer poses a threat.

## 11.4 NONCOMBATANTS

Noncombatants are those members of the armed forces who do not take a direct part in hostilities because of their status as medical personnel or chaplains. Because they do not take a direct part in hostilities, noncombatants receive special protections under the law of armed conflict. Medical personnel and chaplains falling into enemy hands do not become prisoners of war. They are given a special status as retained persons and unless their retention by the enemy is required to provide for the medical or religious needs of prisoners of war, medical personnel and chaplains must be repatriated at the earliest opportunity.

## 11.5 CIVILIANS

In international armed conflict and any occupation that follows, the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 governs the treatment of civilians. Civilians of an enemy nation falling under the control of the armed forces may be interned if security considerations make it absolutely necessary to do so. Civilians sentenced for offenses committed in occupied territory may also be ordered into internment in lieu of punishment. Civilians of an enemy nation may not be interned as hostages. Interned persons may not be removed from the occupied territory in which they reside except as their own security or imperative military considerations may require. All interned persons must be treated humanely (see paragraph 11.2) and may not be subjected to reprisal action or collective punishment.

War correspondents, although civilians, may be accredited by the armed forces that they accompany. While war correspondents are not combatants, their close proximity to combatants means that they may be incidentally killed or injured during a lawful attack on a military objective. War correspondents are entitled to prisoner-of-war status on capture provided they have been properly accredited by the armed forces they accompany.

## 11.6 HORS DE COMBAT

Combatants who have been rendered incapable of combat (*hors de combat*) by wounds, sickness, shipwreck, surrender, or capture are entitled to special protections including assistance and medical attention if necessary. Parties to the conflict must, after each engagement and without delay, take all possible measures to search for and collect the wounded and sick on the field of battle, protect them from harm, and ensure their care. When circumstances permit, a cease-fire should be arranged to enable the wounded and sick to be located and removed to safety and medical care. Wounded and sick personnel falling into enemy hands must be treated humanely and cared for without adverse distinction along with the enemy's own casualties. Priority in order of treatment may only be justified by urgent medical considerations. The physical or mental well-being of enemy wounded and sick personnel may not be unjustifiably endangered, nor may the wounded and sick be subjected to any medical procedure not called for by their condition or inconsistent with accepted medical standards.

Likewise, a similar duty extends to shipwrecked persons, whether military or civilian. Shipwrecked persons include those in peril at sea or in other waters as a result of the sinking, grounding, or other damage to a vessel in which they are embarked, or of the downing or distress of an aircraft. It is immaterial whether the peril was the result of enemy action or nonmilitary causes. Following each naval engagement at sea, the belligerents are obligated to take all possible measures, consistent with the security of their forces, to search for and rescue the shipwrecked.

The status of persons detained—lawful or unlawful combatant, noncombatant, or civilian—does not change as a result of becoming incapacitated by wounds, sickness, shipwreck, surrender. Consequently, the decision to continue detention of persons *hors de combat* and the status of such detainees will be determined by their prior classification.

## 11.7 QUESTIONING AND INTERROGATION OF DETAINED PERSONS

Commanders may order the tactical questioning of detained persons to the extent necessary and proper to efficiently conduct military operations, including determining the strength and plans of opposing forces. Tactical questioning is defined in DOD Directive 3115.09, DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning, as “direct questioning by any DOD personnel of a captured or detained person to obtain time-sensitive tactical intelligence, at or near the point of capture or detention and consistent with applicable law.”

Tactical questioning is not an interrogation, but a timely and expedient method of questioning by a noninterrogator seeking information of immediate value. It may be conducted by any DOD personnel trained in accordance with subparagraph 4.6.5 of DOD Directive 3115.09. Anyone conducting tactical questioning must ensure all detained persons receive humane treatment. Additionally, if the detained person is entitled to prisoner-of-war status additional restrictions on questioning apply, see paragraph 11.7.1.

If questioning beyond tactical questioning is necessary, it is considered interrogation and can only be conducted by DOD-certified intelligence or counterintelligence personnel (DOD Directive 3115.09, paragraph 3.4.2). Generally, masters at arms or other security personnel may not actively participate in interrogations, as their function should be limited to security, custody, and control of the detainees. Interrogators may conduct debriefs of the masters at arms or other security personnel regarding the detainees for whom they are responsible.

If interrogation is necessary, in addition to securing the services of certified interrogators, reference should be made to the following:

- a. Geneva Conventions Relative to the Treatment of Prisoners of War, of August 12, 1949
- b. DOD Directive 3115.09 (DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning)
- c. JP 2-01.2 (Counterintelligence)
- d. Army FM 2-22.3 (Human Intelligence Collector Operations).

## **11.8 QUESTIONING OF PRISONERS OF WAR**

Detainees who are entitled to protections as set forth in the Geneva Conventions Relative to the Treatment of Prisoners of War of 1949 cannot be denied rights or have rights withheld in order to obtain information. Interrogators may offer incentives exceeding basic amenities in exchange for cooperation. Prisoners of war are only required to provide name, rank, serial number (if applicable) and date of birth. Failure to provide these items does not result in any loss of protections from inhumane or degrading treatment; a prisoner of war who refuses to provide such information shall, however, be regarded as having the lowest rank of that force, and treated accordingly. Prisoners of war who refuse to answer questions may not be threatened, insulted, or exposed to unpleasant or disparate treatment.



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## CHAPTER 12

# Deception during Armed Conflict

### 12.1 GENERAL

The law of armed conflict permits deceiving the enemy through stratagems and ruses of war intended to mislead him, to deter him from taking action, or to induce him to act recklessly, provided the ruses do not violate rules of international law applicable to armed conflict.

#### 12.1.1 Permitted Deceptions

Stratagems and ruses of war permitted in armed conflict include such deceptions as camouflage; deceptive lighting; dummy ships and other armament; decoys; simulated forces; feigned attacks and withdrawals; ambushes; false intelligence information; electronic deceptions; and utilization of enemy codes, passwords, and countersigns.

#### 12.1.2 Prohibited Deceptions

The use of unlawful deceptions is called “perfidy.” Acts of perfidy are deceptions designed to invite the confidence of the enemy to lead him to believe that he is entitled to, or is obliged to accord, protected status under the law of armed conflict, with the intent to betray that confidence. Feigning surrender in order to lure the enemy into a trap is one example of an act of perfidy.

### 12.2 IMPROPER USE OF PROTECTIVE SIGNS, SIGNALS, AND SYMBOLS

Improperly using protective signs, signals, and symbols (see paragraphs 8.5.1 and 8.5.2) to injure, kill, or capture the enemy is an act of perfidy. Such acts are prohibited because they undermine the effectiveness of protective signs, signals, and symbols and thereby jeopardize the safety of noncombatants and the immunity of protected structures and activities. For example, using an ambulance or medical aircraft marked with the red cross or red crescent to carry armed combatants, weapons, or ammunition with which to attack or elude enemy forces is prohibited. Similarly, use of the white flag to gain a military advantage over the enemy is unlawful.

### 12.3 NEUTRAL FLAGS, INSIGNIA, AND UNIFORMS

#### 12.3.1 At Sea

Under the customary international law of naval warfare, it is permissible for a belligerent warship to fly false colors and disguise its outward appearance in other ways in order to deceive the enemy into believing the vessel is of neutral nationality or is other than a warship. However, it is unlawful for a warship to go into action without first showing her true colors. Use of neutral flags, insignia, or uniforms during an actual armed engagement at sea is forbidden.

#### 12.3.2 In the Air

Use in combat of false or deceptive markings to disguise belligerent military aircraft as being of neutral nationality is prohibited.

### **12.3.3 On Land**

The law of armed conflict applicable to land warfare has no rule of law analogous to that which permits belligerent warships to display neutral colors. Belligerents engaged in armed conflict on land are not permitted to use the flags, insignia, or uniforms of a neutral nation to deceive the enemy.

## **12.4 THE UNITED NATIONS FLAG AND EMBLEM**

The flag of the United Nations and the letters “UN” may not be used in armed conflict for any purpose without the authorization of the United Nations.

## **12.5 ENEMY FLAGS, INSIGNIA, AND UNIFORMS**

### **12.5.1 At Sea**

Naval surface and subsurface forces may fly enemy colors and display enemy markings to deceive the enemy. Warships must, however, display their true colors prior to an actual armed engagement.

### **12.5.2 In the Air**

The use in combat of enemy markings by belligerent military aircraft is forbidden.

### **12.5.3 On Land**

The law of land warfare does not prohibit the use by belligerent land forces of enemy flags, insignia, or uniforms to deceive the enemy either before or following an armed engagement. Once an armed engagement begins, a belligerent is prohibited from deceiving an enemy by wearing an enemy uniform, or using enemy flags and insignia; combatants risk severe punishment if they are captured while displaying enemy colors or insignia or wearing enemy uniforms in combat.

Similarly, combatants caught behind enemy lines wearing the uniform of their adversaries run the risk of being denied prisoner-of-war status or protection and, historically, have been subjected to severe punishment. It is permissible, however, for downed aircrews and escaping prisoners of war to use enemy uniforms to evade capture, so long as they do not attack enemy forces, collect military intelligence, or engage in similar military operations while so attired.

Captured enemy equipment and supplies may be seized and used. Enemy markings, however, should be removed from captured enemy equipment before it is used in combat.

## **12.6 FEIGNING DISTRESS**

It is unlawful to feign distress through the false use of internationally recognized distress signals such as SOS and MAYDAY. In air warfare, however, it is permissible to feign disablement or other distress as a means to induce the enemy to break off an attack. Consequently, there is no obligation in air warfare to cease attacking a belligerent military aircraft that appears to be disabled. However, if one knows the enemy aircraft is disabled so as to permanently remove it from the conflict (e.g., major fire or structural damage) there is an obligation to cease attacking to permit evacuation by crew or passengers.

## **12.7 FALSE CLAIMS OF NONCOMBATANT OR CIVILIAN STATUS**

It is a violation of the law of armed conflict to kill, injure, or capture the enemy by false indication of intent to surrender or by feigning shipwreck, sickness, wounds, or civilian status (but see paragraph 12.3.1). A surprise attack by a person feigning shipwreck, sickness, or wounds undermines the protected status of those rendered incapable of combat. Similarly, attacking enemy forces while posing as a civilian puts all civilians at hazard. Such

acts of perfidy are punishable as war crimes. It is also prohibited to kill, injure, or capture an adversary by feigning civilian or noncombatant status.

## **12.8 SPIES**

A spy is someone who, while in territory under enemy control or the zone of operations of a belligerent force, seeks to obtain information while operating under a false claim of noncombatant or friendly forces status with the intention of passing that information to an opposing belligerent. Members of the armed forces who penetrate enemy-held territory in civilian attire or enemy uniform to collect intelligence are spies. Conversely, personnel conducting reconnaissance missions behind enemy lines while properly uniformed are not spies.

Crewmembers of warships and military aircraft engaged in intelligence collection missions in enemy waters or airspace are not spies unless the ship or aircraft displays false civilian, neutral, or enemy marking.

## **12.9 LEGAL STATUS**

Spying during armed conflict is not a violation of international law. Captured spies are not, however, entitled to prisoner-of-war status. The captor nation may try and punish spies in accordance with its national law. Should a spy succeed in eluding capture and return to friendly territory, he is immune from punishment for his past espionage activities. If subsequently captured during some other military operation, the former spy cannot be tried or punished for the earlier act of espionage.

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**APPENDIX A****HYDROLANT 597/03 (54,56)  
EASTERN MEDITERRANEAN SEA.  
(202135Z MAR 2003)**

1. U.S. FORCES IN THE EASTERN MEDITERRANEAN HAVE ESTABLISHED A MARITIME SAFETY ZONE AND ARE CONDUCTING COMBAT OPERATIONS IN INTERNATIONAL WATERS THAT POSE A HAZARD TO NAVIGATION. ALL VESSELS ARE ADVISED TO EXERCISE EXTREME CAUTION AND TO REMAIN CLEAR OF THE FOLLOWING DESIGNATED OPERATION AREA BOUND BY 32-28.0N 033-22.0E, 31-40.0N 033-22.0E, 31-55.0N 032-20.0E, 32-46.8N 032-20.0E.
2. ALL VESSELS SHOULD MAINTAIN A SAFE DISTANCE FROM U.S. FORCES SO THAT INTENTIONS ARE CLEAR AND UNDERSTOOD BY U.S. FORCES. VESSELS THAT ENTER THE MARITIME SAFETY ZONE WHICH ARE APPROACHING U.S. FORCES, OR VESSELS WHOSE INTENTIONS ARE UNCLEAR ARE SUBJECT TO BOARDING AND VISIT BY U.S. FORCES. ALL VESSELS APPROACHING U.S. FORCES ARE REQUESTED TO MAINTAIN RADIO CONTACT WITH U.S. FORCES ON BRIDGE-TO-BRIDGE CHANNEL 16.
3. U.S. FORCES WILL EXERCISE APPROPRIATE MEASURES IN SELF-DEFENSE IF WARRANTED BY THE CIRCUMSTANCES. VESSELS APPROACHING U.S. FORCES WILL HELP MAKE THEIR INTENTIONS CLEAR AND AVOID UNNECESSARY INITIATION OF SUCH DEFENSIVE MEASURES BY MAKING PRIOR CONTACT AS DESCRIBED ABOVE.
4. NOTHING IN THIS WARNING IS INTENDED TO LIMIT OR EXPAND THE INHERENT SELF-DEFENSE RIGHTS OF U.S. FORCES. THIS WARNING IS PUBLISHED SOLELY FOR SAFETY OF NAVIGATION AND TO WARN VESSELS AWAY FROM COMBAT ACTIVITIES.

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**APPENDIX B****Maritime Liaison Office (MARLO) Bahrain  
MARLO Advisory Bulletin 06-03  
20 March 2003**

With the intention of providing widest distribution, MARLO is forwarding the following NOTICE TO MARINERS in an attempt to ensure the maritime safety of crews and vessels operating in the Arabian Gulf. We request you pass this information throughout your own commercial circles.

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COALITION NAVAL FORCES MAY CONDUCT MILITARY OPERATIONS IN THE EASTERN MEDITERRANEAN SEA, RED SEA, GULF OF ADEN, ARABIAN SEA, GULF OF OMAN, AND ARABIAN GULF. THE TIMELY AND ACCURATE IDENTIFICATION OF ALL VESSELS AND AIRCRAFT IN THESE AREAS IS CRITICAL TO AVOID THE INADVERTENT USE OF FORCE.

ALL VESSELS ARE ADVISED THAT COALITION NAVAL FORCES ARE PREPARED TO EXERCISE APPROPRIATE MEASURES IN SELF-DEFENSE TO ENSURE THEIR SAFETY IN THE EVENT THEY ARE APPROACHED BY VESSELS OR AIRCRAFT. COALITION FORCES ARE PREPARED TO RESPOND DECISIVELY TO ANY HOSTILE ACTS OR INDICATIONS OF HOSTILE INTENT. ALL MARITIME VESSELS OR ACTIVITIES THAT ARE DETERMINED TO BE THREATS TO COALITION NAVAL FORCES WILL BE SUBJECT TO DEFENSIVE MEASURES, INCLUDING BOARDING, SEIZURE, DISABLING, OR DESTRUCTION, WITHOUT REGARD TO REGISTRY OR LOCATION. CONSEQUENTLY, SURFACE VESSELS, SUBSURFACE VESSELS, AND ALL AIRCRAFT APPROACHING COALITION NAVAL FORCES ARE ADVISED TO MAINTAIN RADIO CONTACT ON BRIDGE-TO-BRIDGE CHANNEL 16, INTERNATIONAL AIR DISTRESS (121.5 MHZ VHF) OR MILITARY AIR DISTRESS (243.0 MHZ UHF).

VESSELS OPERATING IN THE MIDDLE EAST, EASTERN MEDITERRANEAN SEA, RED SEA, GULF OF OMAN, ARABIAN SEA, AND ARABIAN GULF ARE SUBJECT TO QUERY, BEING STOPPED, BOARDED AND SEARCHED BY U.S./COALITION WARSHIPS OPERATING IN SUPPORT OF OPERATIONS AGAINST IRAQ. VESSELS FOUND TO BE CARRYING CONTRABAND BOUND FOR IRAQ OR CARRYING AND/OR LAYING NAVAL MINES ARE SUBJECT TO DETENTION, SEIZURE AND DESTRUCTION. THIS NOTICE IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT UNTIL FURTHER NOTICE.



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## APPENDIX C

# HYDROPAC 795/2004 (62). PERSIAN GULF. (030850Z MAY 2004)

1. ON 24 APR, TERRORISTS CONDUCTED SUICIDE ATTACKS IN SMALL BOATS AGAINST ABOT AND A COALITION WARSHIP IN THE VICINITY OF KAAOT. THE TERRORISTS USED ORDINARY DHOWS, FISHING BOATS AND SPEEDBOATS TO CONDUCT THE ATTACK IN CONTRAVENTION OF THE LAW OF ARMED CONFLICT. THEIR UNLAWFUL ACTIONS ARE INTENTIONALLY DESIGNED TO PUT INNOCENT PERSONS AT RISK.
2. ALL MARINERS ARE ADVISED TO REMAIN CLEAR OF COALITION MARITIME SECURITY FORCES AND TO IDENTIFY THEMSELVES AND MAKE THEIR INTENTIONS KNOWN WHEN OPERATING IN THE VICINITY OF COALITION WARSHIPS. IF QUERIED, MARINERS SHOULD CLEARLY IDENTIFY THEMSELVES AND STATE THEIR INTENTIONS AND IF GIVEN DIRECTIONS FROM COALITION WARSHIPS, THEY SHOULD PROMPTLY EXECUTE SUCH DIRECTIONS SO AS TO MAKE THEIR INTENTIONS KNOWN. MARINERS ARE REMINDED THAT COALITION WARSHIPS ARE PREPARED TO TAKE DEFENSIVE MEASURES, INCLUDING IF NECESSARY THE USE OF DEADLY FORCE, AGAINST ANY CONTACT WHOSE IDENTITY OR INTENTIONS ARE UNKNOWN AND WHICH POSES A THREAT.
3. EFFECTIVE IMMEDIATELY, WARNING ZONES ARE ESTABLISHED AROUND THE KHAWR AL'AMAYA OIL TERMINAL (29-46.8N 048-48.5E) AND THE AL BASRA OIL TERMINAL, FORMERLY KNOWN AS THE MINA AL BAKR OIL TERMINAL (29-40.8N 048-48.5E) AS FOLLOWS:
4. KHAWR AL'AMAYA OIL TERMINAL (29-46.8N 048-48.5E). THE WARNING ZONE EXTENDS 3000 METERS FROM THE OUTER EDGE OF THE TERMINAL STRUCTURE, IN ALL DIRECTIONS, CREATING A RACETRACK SHAPE 6990 METERS LONG BY 6107 METERS WIDE, ORIENTED NORTHWEST TO SOUTHEAST, CENTERED ON THE TERMINAL. THIS WARNING ZONE IS DISTINCT FROM AND IN ADDITION TO THE EXCLUSION ZONE ESTABLISHED LATER IN THIS ADVISORY.
5. AL BASRA OIL TERMINAL, FORMERLY KNOWN AS THE MINA AL BAKR OIL TERMINAL (29-40.8N 048-48.5E). THE WARNING ZONE EXTENDS 3000 METERS FROM THE OUTER EDGE OF THE TERMINAL STRUCTURE, IN ALL DIRECTIONS, CREATING A RACETRACK SHAPE 7030 METERS LONG BY 6107 METERS WIDE, ORIENTED NORTHWEST TO SOUTHEAST, CENTERED ON THE TERMINAL. THIS WARNING ZONE IS DISTINCT FROM, AND IN ADDITION TO, THE EXCLUSION ZONE ESTABLISHED LATER IN THIS ADVISORY.
6. VLCC TRAFFIC TO THE TERMINALS HAS INCREASED DRAMATICALLY IN THE PAST SIX MONTHS AND IS EXPECTED TO REMAIN AT HIGH LEVELS INDEFINITELY. IN ADDITION TO BERTHING AND DEPARTING VLCCS AND ASSISTING TUGS, COALITION WARSHIPS CONDUCTING MARITIME SECURITY PATROLS MANEUVER UNPREDICTABLY WITHIN THE ZONE.
7. VESSELS ARE ADVISED TO REMAIN CLEAR OF THE WARNING ZONES FOR ALL BUT ESSENTIAL TRANSITS. IF TRANSIT REQUIRES ENTRY INTO THE ZONE, VESSELS ARE

ADVISED TO CONTACT COALITION MARITIME SECURITY FORCES VIA MARINE VHF CHANNEL 16, IDENTIFY THEMSELVES AND MAKE TRANSIT INTENTIONS KNOWN. IF COALITION MARITIME SECURITY FORCES ADVISE A VESSEL TO DEPART THE WARNING AREA, THE VESSEL SHOULD IMMEDIATELY DEPART. SUCH DIRECTION WILL BE GIVEN ONLY WHEN NECESSARY TO KEEP THE VESSEL FROM STANDING INTO DANGER.

8. ADDITIONALLY, EFFECTIVE IMMEDIATELY, EXCLUSION ZONES ARE ESTABLISHED AND THE RIGHT OF INNOCENT PASSAGE IS TEMPORARILY SUSPENDED IN ACCORDANCE WITH INTERNATIONAL LAW AROUND THE KAAOT AND ABOT OIL TERMINALS WITHIN IRAQI TERRITORIAL WATERS. THE EXCLUSION ZONES EXTEND 2000 METERS FROM THE OUTER EDGES OF THE TERMINAL STRUCTURES IN ALL DIRECTIONS.
9. ONLY TANKERS AND SUPPORT VESSELS AUTHORIZED BY TERMINAL OPERATORS OR COALITION MARITIME SECURITY FORCES ARE ALLOWED TO ENTER THE EXCLUSION ZONES. VESSELS ATTEMPTING TO ENTER THE ZONES WITHOUT AUTHORIZATION MAY BE SUBJECT TO DEFENSIVE MEASURES, INCLUDING WHEN NECESSARY, THE USE OF DEADLY FORCE. ALL REASONABLE EFFORTS WILL BE TAKEN TO WARN VESSELS AWAY BEFORE EMPLOYING DEADLY FORCE. HOWEVER, DEADLY FORCE WILL BE EMPLOYED WHEN NECESSARY TO PROTECT COALITION MARITIME SECURITY FORCES, LEGITIMATE SHIPPING PRESENT IN THE EXCLUSION ZONES AND THE OIL TERMINALS.
10. QUESTIONS REGARDING THIS ADVISORY MAY BE DIRECTED TO COMMANDER, U.S. NAVAL FORCES CENTRAL COMMAND, IZMS COORDINATOR (N31CGA), FPO AE 09501 6008, PHONE: 973 1785 4627 OR 973 1785 4839, FAX: 973 1785 9117 OR 973 1785 4344 OR THE U.S. MARITIME LIAISON OFFICE (MARLO) BAHRAIN, PHONE: 973 1785 3925, FAX: 973 1785 3930.
11. CANCEL HYDROPAC 790/04.

# ACRONYMS AND ABBREVIATIONS

<b>72 COLREGS</b>	International Regulations for Preventing Collisions at Sea, 1972
<b>1982 LOS CONVENTION</b>	1982 United Nations Convention on the Law of the Sea
<b>ABM</b>	antiballistic missile
<b>ADIZ</b>	air defense identification zone
<b>AFJI</b>	Air Force Joint instruction
<b>AMC</b>	Air Mobility Command
<b>APF</b>	afloat prepositioned force
<b>APL</b>	antipersonnel land mine
<b>AR</b>	Army Regulation
<b>ASW</b>	antisubmarine warfare
<b>AT</b>	antiterrorism
<b>AVL</b>	antiland/vehicle mine
<b>CJCS</b>	Joint Chiefs of Staff
<b>CJCSI</b>	Chairman of the Joint Chiefs of Staff instruction
<b>CNA</b>	computer network attack
<b>COMDTINST</b>	Commandant, United States Coast Guard Instruction
<b>DMA</b>	dangerous military activities
<b>DOD</b>	Department of Defense
<b>EEZ</b>	exclusive economic zone
<b>ERW</b>	explosive remnants of war
<b>FIR</b>	flight information region
<b>FM</b>	field manual (Army)
<b>FON</b>	freedom of navigation
<b>FP</b>	force protection
<b>HYDROLANT</b>	Hydro Atlantic
<b>HYDROPAC</b>	Hydro Pacific

<b>ICAO</b>	International Civil Aviation Organization
<b>ICRC</b>	International Committee of the Red Cross
<b>INCSEA</b>	incident at sea
<b>IMO</b>	International Maritime Organization
<b>IO</b>	information operations
<b>ISR</b>	intelligence, surveillance, and reconnaissance
<b>JP</b>	joint publication
<b>LEDET</b>	law enforcement detachment
<b>LOS</b>	law of the sea
<b>MARLO</b>	maritime liaison office
<b>MCM</b>	mine countermeasurers
<b>MCO</b>	Marine Corps order
<b>MIO</b>	Maritime International Operations
<b>MMCA</b>	Military Maritime Consultative Agreement
<b>MSC</b>	Military Sealift Command
<b>NATO</b>	North Atlantic Treaty Organization
<b>NAVADMIN</b>	Navy/naval administration message
<b>NDRF</b>	National Defense Reserve Fleet
<b>NEO</b>	noncombatant evacuation operations
<b>NLW</b>	nonlethal weapons
<b>NOTAM</b>	notice to airmen
<b>NOTMAR</b>	notice to mariners
<b>NTTP</b>	Navy tactics, techniques, and procedures
<b>NVPZ</b>	naval vessel protection zone
<b>NWDC</b>	Navy Warfare Development Command
<b>NWP</b>	Navy warfare publication
<b>OCS</b>	outer continental shelf
<b>OPCON</b>	operation control

<b>OPNAVINST</b>	Chief of Naval Operations Instruction
<b>OPORD</b>	operation order
<b>OTH</b>	over the horizon
<b>PRC</b>	People's Republic of China
<b>PSI</b>	proliferation security initiative
<b>PSYOP</b>	psychological operations
<b>RCA</b>	riot control agent
<b>ROE</b>	rules of engagement
<b>RRF</b>	Ready Reserve Force
<b>SALT</b>	Strategic Arms Limitation Talks
<b>SECNAVINST</b>	Secretary of the Navy instruction
<b>SROE</b>	standing rules of engagement
<b>SRUF</b>	standing rules for the use of force
<b>SSR</b>	secondary surveillance radar
<b>SUA</b>	suppression of unlawful acts
<b>TACON</b>	tactical control
<b>UAV</b>	unmanned aerial vehicle
<b>UCMI</b>	Uniform Code of Military Justice
<b>UN</b>	United Nations
<b>USC</b>	United States Code
<b>USCG</b>	United States Coast Guard
<b>USCGC</b>	United States Coast Guard cutter
<b>USNS</b>	United States Naval Ships
<b>USS</b>	United States Ship
<b>USV</b>	unmanned surface vehicle
<b>UUV</b>	unmanned underwater vehicle
<b>WMD</b>	weapons of mass destruction

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