

MARITIME OPERATIONAL ZONES



UNITED STATES
NAVAL WAR COLLEGE

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Preface

This Maritime Operational Zones Manual is the result of a continuing International Law Department research project commissioned by the President of the Naval War College. The purpose is to study developments regarding the use of zones in the planning and conduct of maritime operations and to publish the results of the study in a format that would be useful to both operators and legal advisors in the planning of future operations.

This Manual was originally published in 2006 in loose leaf format, with a copy of that original edition subsequently appearing on the International Law Department website. This 2013 edition is published exclusively on-line and in a format which will more readily facilitate the incorporation of future changes and updates. The original authors are indicated for each chapter, although their chapter texts have been updated where necessary. In addition, a number of individuals provided comments on earlier chapter drafts as well as on subsequent updates. Each chapter is the work of the original author and successive editors and does not necessarily represent the views or policies of the Department, the Naval War College, the Navy, or any other U.S. or other governmental agency.

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1 December 2013

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Additionally, the authors would like to acknowledge the exceptional research work undertaken by members of the Naval War College's law reserve unit, including Captain Tim Flynn, JAGC, USN; Captain Kathleen McTighe, JAGC, USN; Captain David Sanders, JAGC, USN; Captain Brian Fresher, JAGC, USN; Commander Todd Cabelka, JAGC, USN; and LNC William Yonce. The development project has also benefited enormously from the input of Professor Dr. Wolff Heintschel von Heinegg, who provided valuable commentary on a number of draft chapters, and the International and Operational Law Division of the Judge Advocate General of the Navy, which reviewed and commented on the original 2006 text. Finally, the editors of the original 2006 edition owe an enormous debt of gratitude to the staff at the Naval War College Desktop Publishing division, namely Jo-Ann Parks, Matthew Cotnoir, and Susan Meyer, who provided a timely and professional service putting the publication into final publishable form.

In 2013 this Manual was revised and updated in significant areas by Captain Kevin M. Kelly, JAGC, USN and Captain Danial Rock, USMC, with extremely helpful input from Commander James Kraska, JAGC, USN; Commander David O'Connell, USCG; and Lieutenant Commander James Farrant, Royal Navy.

International Law Department Faculty

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Foreword to the 2006 Edition

Professor Dennis Mandsager

What are “Maritime Operational Zones?”

For the purposes of this manual, “maritime operational zones” are defined as designated ocean areas and superjacent air space in which a nation purports to restrict the freedom of navigation and/or overflight of other users or otherwise impact the exercise of those freedoms. We recognize that the definition is somewhat ambiguous; but that is the nature of zones in maritime operations.

The U.S. and other nations have long used various forms of “zones” in maritime operations. Labels for these zones have included warning area, *cordon sanitaire*, maritime defense zone, warning zone, security zone, exclusion zone, blockade, and others. The purpose of these zones usually has been to warn other users of the sea of dangers, to limit the area of combat operations, to deny adversaries use of water and air space, and/or to avoid targeting platforms that do not present an actual threat.

Current manuals include provisions on zones, but the manuals take different approaches and are not consistent. The highly respected San Remo Manual on International Law Applicable to Armed Conflicts at Sea (written by independent experts) provides parameters for zones since the majority of the participants viewed zones as a “reality.”

NWP 1-14M, The Commander’s Handbook on the Law of Naval Operations is now under revision. The Handbook is the primary unclassified source of U.S. DoD doctrine regarding the law of maritime operations. Zone provisions are limited; but they are clear and have served as useful planning guidance.

Organization

The manual is divided into five chapters and four appendices. While some overlap between chapters was unavoidable, the plan of coverage is as follows:

The Introduction provides a summary of chapters 1 through 5 and operational planning guidance.

Chapter 1 addresses utilization of zones by coastal states in peacetime. The primary focus is on coastal state authority in internal waters, the territorial sea, and the Exclusive Economic Zone. This chapter briefly addresses Air Maritime Operational Zones Defense Identification Zones (ADIZ) and Flight Identification Regions (FIR) concepts due to the comparative lack of controversy involving those topics.

Chapter 2 addresses “warning areas” used primarily in international waters for the purpose of advising other users of the sea of hazardous activity.

Chapter 3 addresses the use of operational zones in international waters in crisis or brink of war situations, with detailed specific references to the *cordon sanitaire* and Cuban Quarantine.

Chapter 4 addresses the authority of belligerents to exercise control over neutrals in the immediate area of operations and the use of zones, commonly called “exclusion zones,” and blockades as tools of naval warfare in international armed conflict.

Chapter 5 addresses zones as maritime measures authorized by United Nations Security Council Resolutions.

Appendix A is a summary of what we call the “International Notification System” or the common methods for announcing zones to users of the oceans and airspace, including NOTAMs, NOTMARs, HYDROPACs, HYDROLANTs, and Special Warnings.

Appendix B contains U.S. directives implementing the “International Notification System.”

Appendix C contains sample zone announcements in chronological order. Please note that not all of the included announcements are cited in a chapter. We have attempted to provide a representative selection of announcements, some of which are no longer generally available, to serve as examples and, in some cases, as potential models for use by planners.

Appendix D is a compilation of the provisions regarding “zones” from various military international law manuals and doctrine publications and from the San Remo Manual. Only sections of the Manuals that specifically refer to “warning or exclusion zones” or to “control of the immediate area of operations” are included. The appendix is provided because many of the cited manuals are not readily available. For actual operational planning, the zones provisions should be read in conjunction with other sections of the manuals.

Abbreviations and Recurring Citations

Australian Reference Manual

Australian Book of Reference 5179—Manual of International Law

AWACS

Airborne Warning and Control System (U.S. Air Force E-3 surveillance and command and control platform)

Canadian LOAC Manual

The Law of Armed Conflict at the Operational and Tactical Level (2001) (B-GG-005-027/AF-021).

Chicago Convention

Convention on International Civil Aviation, Chicago, 7 December 1944, 59 Stat. 1693, 84 U.N.T.S. 389

Common Article

Article common to all four Geneva Conventions of 12 August 1949 for the Protection of War Victims

Continental Shelf Convention

Convention on the Continental Shelf, Geneva, 29 April 1958, 15 U.S.T. 471, 499 U.N.T.S. 311

CPA

Closest point of approach

Declaration of London

Declaration Concerning the Laws of Naval War, London, 26 February 1909, 104 B.F.S.P. 242, reprinted in Schindler & Toman 755

Declaration of Paris

Declaration Respecting Maritime Law, Paris, 16 April 1856, 115 Parry 1, 1 Am. J. Int'l L. (Supp.) 89, reprinted in Schindler & Toman 699

DoD

Department of Defense (United States)

DoDDIR

Department of Defense Directive

FM

U.S. Army Field Manual

GAOR

United Nations General Assembly, Official Records

German Commander's Handbook

German Commander's Handbook: Legal Bases for the Operations of Naval Forces, 2004
(English Translation)

GC

Convention Relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949. 6 U.S.T. 3516, 75 U.N. T.S. 287

GP I

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts 16 I.L.M. 1391, reprinted in Schindler & Toman 551 [also Additional Protocol I, Protocol I, AP I]

GP II

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 16 I.L.M. 1442 [also Additional Protocol II, Protocol II, AP II]

GPW

Convention Relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135

GPW 1929

1929 Convention Relative to the Treatment of Prisoners of War, Geneva, 27 July 1929, 47 Stat. 2021, 118 LNTS 343, reprinted in Schindler & Toman 271

GWS 1929

Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, Geneva, 27 July 1929, 47 Stat. 2074, 118 L.N.T.S. 303 reprinted in Schindler & Toman 257

GWS

Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31

GWS-Sea

Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 12 August 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85

Hague III

Hague Convention No. III Relative to the Opening of Hostilities, The Hague, 18 October 1907, 36 Stat. 2259, 2 Am. J. Int'l L. (Supp.) 85

Hague IV

Hague Convention No. IV Respecting the Laws and Customs of War on Land, The Hague, 18 October 1907, 36 Stat. 2227, 2 Am. J. Int'l L. (Supp.) 90

Abbreviations and Recurring Citations

HR

Regulations Respecting the Laws and Customs of War on Land, annex to Hague IV (see Hague IV)

Hague V

Hague Convention No. V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, The Hague, 18 October 1907, 36 Stat. 2310, 2 Am. J. Int'l L. (Supp.) 117

Hague VIII

Hague Convention No. VIII Relative to the Laying of Automatic Submarine Contact Mines, The Hague, 18 October 1907, 36 Stat. 2332, 2 Am. J. Int'l L. (Supp.) 138

Hague IX

Hague Convention No. IX Concerning Bombardment by Naval Forces in Time of War, The Hague, 18 October 1907, 36 Stat. 2351, 2 Am. J. Int'l L. (Supp.) 146

Hague X

Hague Convention No. X for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention, [of 1906], The Hague, 18 October 1907, 36 Stat. 2371, 2 Am. J. Int'l L. (Supp.) 153

Hague XI

Hague Convention No. XI Relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War, The Hague, 18 October 1907, 36 Stat. 2396, 2 Am. J. Int'l L. (Supp.) 167

Hague XIII

Hague Convention No. XIII Concerning the Rights and Duties of Neutral Powers in Naval War, The Hague, 18 October 1907, 36 Stat. 2415, 2 Am. J. Int'l L. (Supp.) 202

High Seas

Convention on the High Seas, Geneva, 29 April 1958, 13 Convention U.S.T. 2312, 450 U.N.T.S. 92

HYDROLANT

U.S. radio navigational warning for Atlantic Ocean region

HYDROPAC

U.S. radio navigational warning for Pacific and Indian Ocean region

ICJ

International Court of Justice, Reports of Judgments, Advisory Opinions and Orders

ICRC

International Committee of the Red Cross

ICRC, Commentary

Abbreviations and Recurring Citations

Commentary on the Geneva Conventions of 12 August 1949 ('49 Conventions) (Pictet et al. eds., 1952)

ICRC, Commentary (GP I & II)

Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (Sandoz et al. eds., 1987)

ICTY

International Criminal Tribunal for the Former Yugoslavia

ICTR

International Criminal Tribunal for Rwanda

IHL

International Humanitarian Law

ILM

International Legal Materials

IMO

International Maritime Organization (formerly International Maritime Consultative Organization (IMC))

IMT

International Military Tribunal, Nuremberg

JP

JCS Joint Publication

Lieber Code

U.S. Department of War, Instructions for the Government of the Armies of the United States in the Field, General Orders No. 100, 24 April 1863

LNTS

League of Nations Treaty Series

LOAC

Law of Armed Conflict

London Charter

Charter of the International Military Tribunal, in Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, Aug. 8, 1945, art. 6(a), 59 Stat. 1544, 1547, 82 U.N.T.S. 279, 288

LOS

Law of the Sea

LOS Bulletin

Abbreviations and Recurring Citations

United Nations Office for Ocean Affairs and the Law of the Sea, Law of the Sea Bulletin

LOS Convention

1982 United Nations Convention on the Law of the Sea, done in Montego Bay, Jamaica, 10 Dec. 1982, in force 16 Nov. 1994, 21 I.L.M. 1261 (1982).

MCRM

Maritime Claims Reference Manual, DoD 2005.1-M (2001)

NAC

NATO's North Atlantic Council

NCA

U.S. National Command Authorities

NOTAM

Notice to Airmen

NOTMAR

Notice to Mariners

Nuremberg Principles

Principles of International Law Recognized in the charter of the Nuremberg Tribunal and in the Judgment of the Tribunal

NWP

Naval Warfare Publication

NWP 1-14M

The Commander's Handbook on the Law of Naval Operations (NWP 1-14M, 2007)

Official Records

Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974–1977 (1978)

Oxford Manual

Institute of International Law, The Laws of War on Land, 9 September 1880

Restatement (Third)

Restatement (Third) of The Foreign Relations Law of the United States (1987)

ROE

Rules of Engagement

Rome Statute

Statute of the International Criminal Court, July 17, 1998, 37 I.L.M. 999 (1998) [ICC Statute, Treaty of Rome]

Abbreviations and Recurring Citations

San Remo Manual

San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1995), Prepared by International Lawyers and Naval Experts convened by the International Institute of Humanitarian Law, Editor Louise Doswald-Beck

SOLAS Convention

International Convention for the Safety of Life at Sea (1974)

SROE

Joint Chiefs of Staff Standing Rules of Engagement for U.S. Forces, CJCSI 3121.02 (2000)

Territorial Sea Convention

Convention on the Territorial Sea and Contiguous Zone, Geneva, 29 April 1958, 15 U.S.T. 1606, 516 U.N.T.S. 205

TIAS

U.S. Treaties and Other International Agreements Series

Title V Report

Final Report to the Congress, Conduct of the Persian Gulf War, Pursuant to Title V of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Pub. L. 102-25 (April 1992))

TS

Treaty Series

TWC

Trials of War Criminals before the Nuremberg Military Tribunals Under Control Council Law No.10: Nuremberg, October 1946–April 1949 (1949–53)

UCMJ

Uniform Code of Military Justice

UK LOAC Manual

The Manual of the Law of Armed Conflict, UK Ministry of Defence, 2004

UNCLOS III

Third United Nations Conference on the Law of the Sea, 1974–1982

UN

United Nations

UNGA

United Nations General Assembly [General Assembly]

UNSC

United Nations Security Council [Security Council]

Abbreviations and Recurring Citations

UNTS

United Nations Treaty Series

USC

United States Code

Introduction to the 2006 Edition

Professor Emeritus Richard J. Grunawalt

Properly established and appropriately implemented maritime zones and warning areas provide operational commanders with the means to enhance the self-defense and force protection posture of their assets. They are not, however, “silver bullets” that solve the commander’s defense and protection problems. Drawing imaginary lines in the water cannot and does not absolve commanders of their responsibility for the safety of the forces they command. Accordingly, it is imperative that commanders, and the judge advocates that advise them, have a working familiarity with the various regimes that are collectively referred to as “maritime zones” and “warning areas.” This compilation of essays and supporting documents is designed to facilitate that process.

The analysis necessarily begins with determining the purpose to be achieved by the establishment of a particular maritime zone or warning area. During time of peace, considerations of navigational safety, operational efficiency, force protection and self-defense will likely pertain. During armed conflict, each of these will remain in play and be joined by considerations of how to enhance the commander’s capability to effectively both defend and fight the force. The purpose to be achieved, therefore, will depend on the what, when, where, and who of the equation.

PEACETIME ZONES IN NATIONAL WATERS

Chapter 1 examines the several types of maritime zones that may be established by a coastal or island nation in waters subject to its jurisdictional control. While retaining their efficacy in time of armed conflict, these regimes are principally designed for peacetime application to enhance navigational safety, to control ingress to national airspace and to ports, harbors and inland waters, to protect the environment, or to augment the security of ports, harbors, off-shore structures, and vessels (both military and civilian). Included in this assessment are safety zones, security zones, regulated navigational areas, naval vessel protection zones, restricted waterfront areas, restricted areas, danger zones, naval defensive areas, and air defense identification zones. Also addressed are other control mechanisms (e.g., suspension of innocent passage when “essential for security, including weapons exercises,” and mandatory notification of arrival procedures). While most of these zones fall domestically under the establishment and enforcement jurisdiction of the United States Coast Guard or the United States Army Corps of Engineers, all may have practical application to the naval commander. The key is knowing what mechanisms are potentially available, what their implementation brings to the table, and where to turn to effect their establishment. Appendixes A, B, and C describe, inter alia, the domestic and international notification systems utilized to promulgate maritime zones and warning areas, and provide the text of relevant examples.

Although Chapter 1 focuses on zones and mechanisms established by the United States for use in U.S. waters and airspace, the underlying legal basis for each is applicable to other nations as well. Consequently, familiarity with the regimes set forth in Chapter 1 will be invaluable in the commander’s appreciation of similar zones that may be encountered off foreign shores. In this regard, it is useful to recall that the United States will respect the validity of such zones established in national waters only to the extent that they are consistent with international law, in

general, and the 1982 Law of the Sea Convention (including the rules pertaining to innocent passage, transit passage of international straits, and the sovereign immunity of warships), in particular. The reality of precedent and reciprocity are also apparent.

It is incumbent upon operational commanders, and upon the judge advocates that advise them, to understand the legal and jurisdictional environment in which they must operate, whether in foreign waters or off our own shores. A working familiarity with the maritime zones and control mechanisms discussed in Chapter 1 are part of that process.

MARITIME WARNING AREAS IN PEACETIME

Chapter 2 of this study addresses the various warning areas that may be established by nations to warn of potential hazards that may result from lawful peacetime operations at sea. Whether those operations involve military exercises, weapons testing or current operations, the warning areas are designed to ensure that such uses of the world's oceans are undertaken with due regard for the safety of navigation and overflight of the ships and aircraft of other nations. Operational commanders need to be aware that not only do nations have the right to establish such warning areas, they may have an international obligation to do so.

Beyond the territorial sea, ships and aircraft of all nations enjoy high seas freedoms of navigation on, over, and under the oceans. For warships, these freedoms include not only military exercises and weapons testing, but also surveillance and intelligence collection. Accordingly, and as discussed in Chapter 2, promulgation of a warning area beyond the territorial sea in conjunction with a weapons test, for example, does not extinguish the right of other nations to operate in those waters. Indeed, when such tests are announced it is often a signal for intelligence platforms of other nations to proceed to the area for surveillance purposes. And properly so. In short, warning areas are just that: notifications of potential hazard. They are not exclusion zones.

Warning areas may, however, enhance the force protection and self-defense status of forces operating in high threat locations by reducing maritime traffic ("de-cluttering the radar") and, when coupled with a request that approaching vessels and aircraft communicate their identity and/or intentions, may assist in the assessment of possible hostile intent. Chapter 2 recounts the establishment of operational warning areas in the Persian Gulf and in the Eastern Mediterranean Sea during the Iran/Iraq Tanker War. Appendix C contains the text of NOTMARs (Notices to Mariners) and NOTAMs (Notices to Airmen) promulgated by U.S. forces for that purpose. Appendix A discusses the international notification system and explains the process of issuance of such warnings.

MARITIME ZONES IN CRISIS CONDITIONS

As noted in Chapter 3, maritime zones established during time of peace for purely peaceful purposes (e.g., navigational safety, etc.), and zones established by belligerents during time of war (e.g., immediate area of operations, blockade, etc.), are generally well understood and addressed in law of the sea and law of naval warfare literature. However, it is in the twilight between peace and war that maritime zones and similar control mechanisms may be both extremely useful and problematic. Chapter 3 focuses on two such concepts; *cordon sanitaire* and quarantine. These mechanisms, as originally conceived, were intended, respectively, to protect against acquisition by a potential adversary of a first strike advantage and to forestall a significant alteration in the balance of weapons deployment. While both were premised (ultimately) upon the inherent right of individual and collective self-defense as articulated in Article 51 of the United Nations Charter, neither are clearly sanctioned by customary or conventional law as peacetime measures.

Moreover, both present escalatory potential. That said, each may possibly be tailored for application in current operational settings, including, perhaps, the global war on terror. Given that *cordon sanitaire* and quarantine are terms often misunderstood and/or taken out of context, a close reading of Chapter 3 should prove useful to operational commanders and judge advocates alike.

Cordon sanitaire, as a maritime concept, was designed (but never formally implemented) as a Cold War measure to protect high value targets from a crippling first strike by excluding intelligence collection assets of a potential adversary (tattletales) from a proscribed, and announced, mobile zone encircling the battle group. As the analysis in Chapter 3 notes, the concept held practical problems of implementation, not the least of which was the necessity of international notification of the location of the mobile zone (and hence the battle group). More importantly, it was a potential trip-wire for escalation. Nonetheless, the notion of announced zones surrounding naval assets operating in high threat environments may have application in time of crisis as a means to help clarify the possibility of the hostile intent of platforms encroaching the zone. That said, it is important to remember that *cordon sanitaire*, or any other maritime control measure for that matter, cannot be a substitute for the sound judgment of the on-scene commander in determining the presence of hostile intent. Although the declaration by higher authority that certain platforms engaged in specified activity (e.g. submerged submarines or “swarming” small boats) encountered in an appropriately announced cordon zone are presumed to be hostile, and therefore subject to engagement, provides obvious tactical advantage to the threatened force, such measures are understandably reserved to the most dire of circumstance. The discussion in Chapter 3 will enable the operational commander and the judge advocate to better understand both the potential and the limitations of *cordon sanitaire* as a self-defense mechanism.

Appendix A provides examples of warning areas employed by U.S. forces in the Persian Gulf and Eastern Mediterranean Sea that were premised, at least in part, on the concept of *cordon sanitaire*.

Quarantine, as described in Chapter 3, refers to the forcible exclusion of specified weapons or weapons systems from a proscribed maritime area during time of crisis. The sole historical example of the implementation of quarantine is the Cuban Missile Crisis of October 1962 in which the United States, in coordination with the Organization of American States, announced that the introduction of Soviet offensive nuclear weapons into Cuba would not be permitted. U.S. naval forces responsible for enforcing the quarantine were authorized to stop, board, inspect, and divert vessels enroute to Cuba carrying proscribed weapons and system components. While this mechanism proved highly effective, and ultimately helped to defuse an extremely tense situation, it was sharply criticized in some quarters as an unlawful attempt to establish a blockade in time of peace. Indeed, the term “quarantine” was coined in an effort to distinguish this peacetime crisis form of interdiction from that of belligerent blockade. Whether or not quarantine will ever again be invoked by the United States, or any other nation for that matter, remains to be seen. However, similar mechanisms have been utilized by U.S. and other maritime forces pursuant to United Nations Security Council mandate, as discussed in Chapter 5.

MARITIME ZONES IN TIME OF WAR

The law of naval warfare has long recognized the utility of maritime zones to both facilitate belligerent control of areas of the seas and as mechanisms to keep neutral commerce out of harms way. Chapter 4 examines the effective use, as well as the abuse, of maritime zones in time

of war. The three principal concepts applicable in this setting are addressed, namely the immediate area of operations, maritime operational zones, and blockade. Each involves, to varying degrees, denial of high seas freedoms of navigation and overflight to enemy as well as neutral vessels and aircraft in the proscribed zone. Those freedoms, articulated in the 1982 Law of the Sea Convention, are eclipsed during armed conflict by the law of naval warfare, which specifically countenances interdiction of enemy platforms as well as measures that are designed to control neutral commerce with the enemy and prevent neutral interference with belligerent operations. As noted in Chapter 4, the high seas freedoms delineated in Part VII (High Seas) of the Law of the Sea Convention are “exercised under conditions laid down in this Convention and by other rules of international law.” Those “other rules” include the law of naval warfare.

Chapter 4 examines the concept of the immediate area of operations as a methodology that permits belligerent naval forces to control the movement and/or activities of neutral vessels and aircraft in areas in which hostilities are taking place or where those forces are then operating. Establishment of such areas has long been recognized as a legitimate tactic to avoid neutral interference in war at sea as well to keep neutral platforms from harms way. As Chapter 4 notes, while the concept is broadly accepted, its content is subject to some debate, particularly with respect to the permissible expanse of the zone and the degree of force that may be employed to compel compliance with its strictures. Accordingly, various sources are reviewed, including the San Remo Manual and U.S. and German military publications. Of particular utility to the operational commander is the discussion in Chapter 4 of contemporary application of the concept by U.S. naval forces during Operation Iraqi Freedom to help counter the threat of terrorist small boat attacks in waters plied by neutral platforms. The text of announcements establishing recent immediate areas of operations is contained in Appendix C.

Maritime operational zones established by belligerents in time of war also have a long history. Various referred to as “war zones,” “exclusion zones,” “total exclusion zones,” or “barred areas,” maritime operational zones are designed to designate waters and superjacent airspace in which the declaring belligerent intends to exercise control over access of ships and aircraft, both enemy and neutral. The lawfulness of such zones depends upon the extent and nature of their application. A maritime operational zone, however labeled, does not permit the targeting of a platform that is not a legitimate military objective. Simply put, a belligerent cannot absolve itself from compliance with the law of targeting by drawing imaginary lines in the water. However, such zones have proven to be extremely useful in management of the contemporary battle space at sea. They serve the dual purpose of warning neutral platforms to avoid areas of potential hostile action and of advising both neutral and enemy merchant vessels and civil aircraft entering the zone that they may be subject to boarding, inspection, diversion, capture or destruction, depending upon their status and activity. For the declaring belligerent, such zones may facilitate a more accurate assessment of the character and intentions of platforms encountered in or over such waters.

Chapter 4 sets forth a clear articulation of contemporary U.S. policy with respect to maritime operational zones. Also provided are case studies of post-World War II application of the concept. Zones established by the United Kingdom and Argentina during the Falklands/Malvinas Conflict, by Iran and Iraq during the Tanker War, and by U.S. and Coalition Forces during Operation Iraqi Freedom are described and assessed as to both their lawfulness and their operational utility. This effort is supported by texts of the declaration of these zones contained in Appendix C.

Lastly, Chapter 4 provides an overview of the law of blockade. Establishment of a blockade is a belligerent act, governed by the law of naval warfare, that is designed to seal off specified enemy ports, harbors, airfields or coastal areas from the ingress or egress of vessels and aircraft of all nations, enemy as well as neutral. The rationale underlying the rules of blockade, e.g., establishment by competent authority, international notification, impartiality of application, effectiveness of enforcement mechanisms, and limitation of interference with commerce among neutrals, are examined. Each of these traditional rules is evaluated in the context of contemporary practice, with emphasis on operational considerations most likely to be encountered in the global war on terror. The concept of breach and attempted breach of blockade are also assessed.

The various zones addressed in Chapter 4 have evolved over time as the means and methods of war at sea, driven by the constant development of technology, have become increasingly sophisticated. The applicability of traditional concepts, such as the immediate area of operations, maritime operational zones and blockade, to the challenges confronting today's war fighters is necessarily influenced by that phenomenon. Yet as Chapter 4 demonstrates, these mechanisms for belligerent control of areas of the world's oceans that developed during by-gone eras continue to have efficacy in war at sea in the 21st Century. The operational commander and the judge advocate need to have an awareness not only of the traditional rules of naval warfare governing these maritime zones, but of the inherent adaptability of their application to contemporary conflict realities, such as the global war on terror, as well.

UNITED NATIONS SECURITY COUNCIL AND MARITIME ZONES

U.S., NATO, and other coalition naval forces have increasingly relied upon UN Security Council Resolutions as the legal basis for maritime interception operations. Chapter 5 describes the overriding authority of the Security Council to maintain and restore international peace and security, and the legal primacy of its binding decisions. This Chapter contrasts the inherent flexibility of that authority with the restrictions and limitations that necessarily encumber the right of individual States to unilaterally control areas of the oceans during time of peace, in the transition to war, and during war itself. This analysis also includes an assessment of the impact of this broad mandate on the inherent right of individual and collective self-defense as articulated in Article 51 of the UN Charter and on the traditional rules of the law of naval warfare. It is clearly incumbent upon operational commanders and the judge advocates that advise them to have a working knowledge of these relationships. The planning and effective execution of maritime interception/interdiction operations in the post-Cold War era requires no less.

Chapter 5 focuses principally upon the various maritime zones that were established by Coalition forces during Operation Desert Shield and Operation Desert Storm pursuant to United Nations Security Council Resolutions following Iraq's aggression against Kuwait. Those Resolutions, inter alia, prohibited the import and export of "all commodities and products" into and from Iraq. As a consequence, Coalition forces established maritime interception zones in the Persian Gulf and in the Red Sea. Those zones remained in place throughout the 1990s and were not rescinded by the Security Council until 2003 when the bulk of the sanctions were lifted. As Chapter 5 notes, the embargo, and the maritime interception operations conducted by Coalition forces in its implementation, took on many of the attributes of belligerent blockade and involved modalities of visit and search applicable in time of war. Yet they were maintained even after the cessation of hostilities in 1991. Absent the continuing efficacy of the Resolutions, Coalition interception operations could not have been maintained (at least in the same form) without widespread

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condemnation. In short, the Resolutions enabled the Coalition to impose constraints on shipping in peacetime ordinarily considered lawful only during time of war.

Operational commanders and judge advocates alike will do well to appreciate the enormous potential inherent in the authority of the United Nations Security Council, as expressed in its binding resolutions, to control the world's oceans once it has determined that a threat to, or breach of, international peace and security has occurred. Given that the global war on terror will most likely be manifest in neither true peace nor traditional war, but in the twilight between the two, reliance upon maritime zones and control mechanisms available only in peace or war, but not in both, may not suffice. The overriding authority of Security Council Resolutions may well prove to be the enabler that will permit the effective use of maritime zones and control areas in this difficult struggle.

*Coastal State Authority:
Zones in and near United States National Waters & Other
Control Mechanisms*

INTRODUCTION

This chapter is a compilation of short, general and practical discussions regarding various maritime zones and other control mechanisms established and used by the United States pursuant to both domestic and international law. For the most part, these maritime zones and other control mechanisms 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. They range in purpose and location from a safety zone around a distressed vessel in internal waters, to a security zone to respond to terrorism in the exclusive economic zone, to an air defense identification zone for national security in international airspace above waters adjacent to the territorial sea.

In all cases, the statutory basis and implementing regulations and policies governing the use of the following United States zones and control mechanisms are consistent with international law, and in particular, the Law of the Sea (LOS) Convention¹. *However, when overseas, commanders should beware 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 the freedom of navigation.* The United States has a robust freedom of navigation program (supported by international law and the Law of the Sea) and routinely challenges excessive maritime claims, as well as other claims which unlawfully impede the freedom of navigation. The United States Maritime Claims Reference Manual² is a compilation of maritime claims by coastal nations, which includes annotations of instances in which the United States has protested excessive or otherwise unlawful claims and conducted operations designed to challenge them.

The proper use of legitimate safety and security zones can enhance the security and safety of both maritime and land-based units. These are especially important considerations for commanders in light of the terrorist attacks of September 11, 2001 and the increased emphasis now placed on antiterrorism and force protection.

While the uses and nature of many of these maritime zones are often uncomplicated and straightforward, in some instances their purposes may seem to overlap. Moreover, on occasion,

* This chapter is an update to that originally authored by Commander Thomas McK. Sparks, U.S. Coast Guard.

¹ See United Nations Convention on the Law of the Sea, Dec. 10, 1982.

² DoD 2005.1-M, June, 23, 2005.

there may be a fair amount of legal complexity, ambiguity and imprecise limitations associated with these zones, with potential issues crossing a legal spectrum ranging from the United States Constitution to customary international law. Accordingly, as the application of these zones may involve significant political sensitivities—particularly concerning foreign vessels—commanders should always consult closely with their servicing judge advocates and chain of command regarding the establishment or enforcement of these zones. Similarly, Department of Defense judge advocates should coordinate closely with judge advocates from the Coast Guard (best contacted via the nearest Coast Guard District Legal Office) or attorneys from the Army Corps of Engineers (best contacted via the nearest Army Corps of Engineers District Office of Counsel) as appropriate, as these are the agencies most often vested with the statutory authority to establish and, in the case of the Coast Guard, enforce these zones.

Prior to discussion of these maritime zones and other control mechanisms, there is a brief description of the various legal divisions of the maritime environment.

A. Legal Classifications of Oceans

The waters of the world are essentially divided into five legal regimes: internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, and the high seas.³ Internal waters are landward of the baseline⁴ from which the territorial sea is measured, and under international law, “have the same legal character as land itself.”⁵ Foreign vessels may not enter internal waters without coastal state consent, absent force majeure or distress.⁶ The territorial sea is a swath of ocean extending no further than twelve nautical miles from the baseline.⁷ With certain exceptions—innocent passage⁸ and transit passage⁹ most prominent among them—coastal nations enjoy almost complete sovereignty and jurisdiction in their territorial seas.¹⁰ The contiguous zone is an area of water seaward of the territorial sea that can extend no further than twenty-four nautical miles from the baseline.¹¹ Within the contiguous zone, coastal nations may exercise the control necessary to enforce their laws regarding customs, fiscal, immigration and sanitation matters within their territory or territorial sea.¹² The exclusive economic zone is an area of water adjacent to the territorial sea which may not measure more than two-hundred nautical miles beyond the baseline.¹³ Within the exclusive economic zone, coastal states may regulate activities such as the exploration, exploitation, management, and conservation of natural resources in the water, seabed, and subsoil, but they may not limit the traditional high seas freedom of navigation enjoyed by all states.¹⁴ Finally, seaward of the exclusive economic zone

³ NWP 1-14M, 1.3 “General Maritime Regimes Under Customary International Law as Reflected in the 1982 LOS Convention.”

⁴ *Id.*, 1.4 “Maritime Baselines.” Typically the low-water line, a baseline is that geographic reference from which the territorial sea and all other maritime regimes are measured.

⁵ *Id.*, 1.5.1 “Internal Waters.”

⁶ *Id.*, 2.5.1 “Internal Waters.”

⁷ *Id.*, 1.3.2 “Territorial Seas.”

⁸ *Id.*, 2.5.2.1 “Innocent Passage.”

⁹ *Id.*, 2.5.3 “Internal Straits.”

¹⁰ *Id.*, 1.5.2 “Territorial Seas.”

¹¹ *Id.*, 1.3.3 “Contiguous Zone.”

¹² *Id.*

¹³ *Id.*, 1.6.2 “Exclusive Economic Zones.”

¹⁴ *Id.*, 1.6.2 “Exclusive Economic Zones”, 2.6.2 “Exclusive Economic Zones.”

are the high seas, upon which all states enjoy the freedom of navigation subject only to due regard for the interests of other states in their exercise of freedom of the high seas.¹⁵

B. Safety Zones

In U.S. domestic law safety zones are areas comprised of water or shoreline, or a combination of both, to which access is limited for safety or environmental purposes.¹⁶ No person, vessel or vehicle may enter or remain within a safety zone unless authorized by the Coast Guard.¹⁷ Safety zones are established for the protection of vessels, structures, waterways and shore areas, as well as for general safety and the protection of the environment.¹⁸ They 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 waters¹⁹ of the United States seaward to 12 nautical miles from the baseline as determined in accordance with international law.²⁰

However, as explicitly permitted by Article 60(5) 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.²¹ Such safety zones may extend up to 500 meters from the outer continental shelf facility.²²

Safety zones may be established in such instances as:

- (1) around a damaged or burning vessel, to facilitate access for fire or rescue units and to protect uninvolved persons and vessels;
- (2) to limit vessel access to an area in which oil or hazardous material removal or mitigation operations are on-going;
- (3) for an extended period of time, to safeguard a vessel grounded or sunk in or near a navigable channel, or to keep vessels off an uncharted shoal before marking or dredging;

¹⁵ *Id.*, 1.6.3 “High Seas”, 2.6.3 “High Seas Freedoms and Warning Areas.” See UNCLOS, Art. 87(2) *supra* note 1.

¹⁶ 33 U.S.C. §§ 1221-1232 (2012); 33 C.F.R. § 165.20 (2012).

¹⁷ 33 C.F.R. § 165.23 (2012).

¹⁸ *Id.*, at § 165.20.

¹⁹ Navigable waters are all internal waters subject to tidal influence; internal waters not subject to tidal influence for which the Coast Guard has made a finding of navigability; and waters of the territorial sea extending up to twelve nautical miles from the baselines of the United States, as determined in accordance with international law. 33 C.F.R. § 2.36 Although Presidential Proclamation No. 5928 of 27 December 1988 extended the territorial sea to 12 nautical miles for international law purposes, it explicitly stated it did not alter “existing federal or state law or jurisdiction, rights, legal interests, or obligations derived therefrom.” Accordingly, some statutes referring to “navigable waters of the United States” are applicable only in waters extending to three nautical miles from the baseline.

²⁰ 33 U.S.C. §§ 1221-1232 (2012); 33 C.F.R. § 165.9 (2012).

²¹ 43 U.S.C. § 1333 (2012); 33 C.F.R. § 147.1 (2012).

²² 33 C.F.R. § 147.15 (2012).

- (4) to limit access to shore-side areas experiencing explosions or fires;
- (5) around an underway naval aircraft carrier, liquefied natural/petroleum gas tank ship, or large cruise ship in confined waters where they may be restricted in their ability to maneuver; and
- (6) to promote the safety of life and property on outer continental shelf facilities being constructed, maintained, or operated, as well as their appurtenances, attending vessels, and those waters adjacent to them.

While the primary purpose of a safety zone is to limit access, the Coast Guard may also control activities within the safety zone.²³ For example, those vessels or persons to whom permission is given to enter the safety zone may be required to meet certain conditions as specified by the Coast Guard prior to entry into the safety zone. Moreover, each person in a safety zone is required to obey any lawful order of the Coast Guard under penalty of criminal law.²⁴ Where the primary intent is to control vessel operations in a zone rather than limiting access to the zone, the more appropriate tool for this purpose is the establishment of a regulated navigation area (taken up later in this chapter).

Enforcement of safety zones is primarily the responsibility of the Coast Guard.²⁵ Those convicted of violations of safety zone regulations are subject to civil and criminal penalties.²⁶

See REQUEST SAFETY BROADCAST NOTICE TO MARINERS P 302137Z NOV 00 in Appendix C for an example of an announcement for a safety zone.

C. Security Zones

Under U.S. domestic law, security zones are areas comprised of water or land, or a combination of both, to which access is limited for 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;²⁷
- (2) securing the observance of the rights and obligations of the United States;²⁸
- (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 vessel of the United States;²⁹ or

²³ 33 C.F.R. § 165.23 (2012).

²⁴ *Id.*

²⁵ 33 C.F.R. § 160.5(2012); 33 C.F.R. § 147.5 (2012). Additionally, state law enforcement agents may make arrests for violations of certain safety zones see 46 U.S.C. § 70118.

²⁶ 33 U.S.C. § 1232 (2012).

²⁷ 50 U.S.C. § 191 (2012); 33 C.F.R. § 6.01-5 (2012); 33 C.F.R. § 165.30

²⁸ *Id.*

²⁹ 33 U.S.C. § 1226 (2012).

- (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.³⁰

In general, security zones may be established within the navigable waters of the United States seaward to 12 nautical miles from the baseline as determined in accordance with international law.³¹

However, security zones established to prevent or respond to an act of terrorism against an individual, vessel, or structure may be either:

- (1) in the navigable waters of the United States seaward to twelve nautical miles of the baseline as determined in accordance with international law or
- (2) 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.³²

Security zones are primarily used for national security purposes instead of solely for safety reasons. Once a security zone is established, no person or vessel may enter or remain in it without the permission of the Coast Guard.³³ Additionally, all persons and vessels within the security zone must obey any lawful direction or order issued by the Coast Guard.³⁴ Similarly, the Coast Guard may control the access to and movement by all vessels, persons, and vehicles within the security zone, as well as take control and possession of any vessel within the security zone.³⁵

Enforcement of security zones is primarily the responsibility of the Coast Guard.³⁶ Those convicted of security zone violations are subject to civil and criminal penalties.³⁷ In certain instances, an offending vessel may be subject to seizure.³⁸

³⁰ 50 U.S.C. § 191 (2012).

³¹ 33 C.F.R. § 165.9(c)(2012)

³² 33 U.S.C. § 1226 (2012). As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99-399) and following the hijacking of the M/V ACHILLE LAURO, Congress amended this section of the Ports and Waterways Safety Act (PWSA) to allow the Coast Guard to take actions, including the establishment of security zones, to prevent or respond to acts of terrorism in waters within or adjacent to the marine environment. The term “marine environment” is defined by the PWSA as “[n]avigable waters of the United States[,]...waters...over which the United States asserts exclusive fishery management authority [the EEZ]...[and waters over] the outer continental shelf...” No national regulations have been written to date implementing this statutory authority to establish security zones beyond the territorial sea and this statutory authority has never been exercised via an ad hoc field regulation. However, if used in a reasonable, limited, and judicious manner, and consistent with the terms of the statute, a security zone beyond the territorial sea could be reconciled with traditional high seas freedom of navigation under a self-defense or defense-of-nationals justification.

³³ 33 C.F.R. §§ 6.04-6 - 6.04-7 (2012).

³⁴ 33 C.F.R. § 6.04-8 (2012).

³⁵ *Id.*

³⁶ *Id.* at § 6.04-1 (2012). Additionally, state law enforcement agents may make arrests for violations security zones see 46 U.S.C. 70118.

³⁷ 50 U.S.C. § 192 (2012), 33 U.S.C. § 1232 (2012).

³⁸ *Id.*

See REQUEST SAFETY BROADCAST NOTICE TO MARINERS P 051436Z AUG 03 and REQUEST SAFETY BROADCAST NOTICE TO MARINERS P 092020Z FEB 04 in Appendix C for examples of announcements for a security zone.

It is worthwhile to note that the United States does not recognize several other countries' unlawful claims (i.e., claims inconsistent with customary international law and the LOS Convention) regarding jurisdiction over security interests in their contiguous zones and beyond. These claims are not temporary in nature or otherwise incident driven, but permanent assertions of jurisdiction prohibited by international law and the LOS Convention. For example, Vietnam illegally claims jurisdiction over security matters in its contiguous zone, but the United States does not recognize this claim and protested it in 1982.³⁹ Similarly, China also makes an unlawful claim of jurisdiction over activities "infringing [upon its]...laws or regulations concerning security" in its contiguous zone.⁴⁰ The United States does not recognize this claim either and protested it in 1992.⁴¹ Finally, North Korea claims a "military zone" 50 nautical miles beyond its territorial sea.⁴² The United States has steadfastly refused to recognize this claim, protesting it by public statement in 1977 and challenging it via actual operations (overflights) in 1988.⁴³ A complete listing of such excessive "security" claims can be found in the Maritime Claims Reference Manual.

D. Regulated Navigation Areas

Regulated navigation areas are comprised of waters within a defined boundary for which regulations for vessels have been established by the Coast Guard to preserve the safety of adjacent waterfront structures, to ensure the safe transit of vessels, or to protect the marine environment.⁴⁴ Essentially, regulated navigation areas provide for the safety of navigation when the condition of the waters they comprise warrants a higher standard of safety than that provided by the Navigation Rules (Rules of the Road).

Regulated navigation areas may be established within the navigable waters of the United States seaward to 12 nautical miles from the baseline as determined in accordance with international law.⁴⁵

Generally, regulations applicable in regulated navigation areas:

- (1) specify the times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;
- (2) establish vessel size, speed, draft limitations, and operating conditions; and

³⁹ DoD 2005.1-M, at 689.

⁴⁰ *Id.*, at 126.

⁴¹ *Id.*

⁴² *Id.*, at 346.

⁴³ *Id.*

⁴⁴ 33 U.S.C. § 1231 (2012); 33 C.F.R. § 165.10 (2012).

⁴⁵ 33 C.F.R. § 165.9 (2012).

- (3) restrict vessel operation in hazardous areas or under hazardous conditions to vessels which have particular operating characteristics or capabilities considered necessary for safe operation under the circumstances.⁴⁶

Regulated navigation areas are designed to permit permanent passive vessel traffic management via their applicable regulations. Examples of such regulations include draft restrictions in areas having excessive but undocumented silting, speed limits in highly congested waterways, and no-passing or overtaking regulations in narrow channels.

Enforcement of regulated navigation areas is primarily the responsibility of the Coast Guard.⁴⁷ Those convicted of violations of regulated navigation area regulations are subject to civil and criminal penalties.⁴⁸

E. Naval Vessel Protection Zones

Naval vessel protection zones are 500-yard areas of water surrounding large United States naval vessels which are necessary to provide for the safety or security of the naval vessels.⁴⁹ Naval vessel protection zones exist around large (greater than 100 feet) United States naval vessels at all times in the navigable waters of the United States seaward to three nautical miles from the baseline, whether the naval vessel is underway, moored, anchored, or within a floating drydock—except when the naval vessel is moored, anchored, or otherwise within a restricted area or within a naval defensive sea area (both of which are taken up later in this chapter).⁵⁰

Naval vessels are:

- (1) all vessels, including floating drydocks, which are owned, operated, chartered, or leased by the United States Navy;
- (2) all pre-commissioned vessels under construction for the United States Navy; or
- (3) all vessels under the operational control of the United States Navy or a Combatant Command.⁵¹

A “large U.S. naval vessel” is any U.S. naval vessel greater than 100 feet in length overall.⁵²

All vessels within a naval vessel protection zone shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules (Rules of the Road), and shall proceed as directed by the Coast Guard, the senior naval officer present in command, or an official patrol.⁵³ No vessel within the naval vessel protection zone is allowed

⁴⁶ 33 C.F.R. § 165.11 (2012).

⁴⁷ 33 C.F.R. § 160.5 (2012).

⁴⁸ 33 U.S.C. §§ 1232 (2012).

⁴⁹ 14 U.S.C. § 91 (2012); 33 C.F.R. 165.2015 (2012).

⁵⁰ 33 C.F.R. §§ 165.2025, 165.2030 (2012).

⁵¹ 33 C.F.R. § 165.2015 (2012).

⁵² *Id.*

⁵³ 33 C.F.R. §§ 165.2025, 165.2030 (2012).

within 100 yards of a large United States naval vessel unless authorized by the Coast Guard, the senior navy officer present in command, or the official patrol.⁵⁴

The Coast Guard and Navy may enforce⁵⁵ naval vessel protection zones.⁵⁶ When immediate action is required and representatives of the Coast Guard are absent or not present in sufficient force to exercise effective control in the vicinity of large naval vessels, the senior naval officer present in command is responsible for enforcement and to ensure the safety and security of all large naval vessels present.⁵⁷ In meeting this responsibility, the senior naval officer present in command may also directly assist any Coast Guard enforcement personnel who are present. Those convicted of violations of naval vessel protection zones are subject to criminal penalties.⁵⁸

Although offending vessels have constructive notice of the naval vessel protection zones via their publication in federal regulations, the Coast Guard and Navy have nevertheless gone to great lengths to give the general public actual notice of their existence. Accordingly, while the violation of a naval vessel protection zone by itself is certainly not tantamount to hostile intent, it is definitely one factor that the naval commander or his personnel should consider when making an assessment of hostile intent. Among other things, commanders should also consider the applicable Rules of Engagement, the failure to respond to orders and warnings to leave the naval vessel protection zone, relevant intelligence, the threat assessment, the potential weapons capability of the violating vessel and specific guidance from higher authority.

F. Restricted Waterfront Areas

Restricted waterfront areas include waterfront facilities and port and harbor areas, including the vessels and harbor craft within them in certain circumstances.⁵⁹ The Coast Guard may prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein including persons who do not possess the proper credentials when certain shipping activities are conducted.⁶⁰ The Coast Guard may establish restricted waterfront areas and limit access to them during certain shipping activities such as:

- (1) those vital to the Military Defense Assistance Program;
- (2) those pertaining to the support of United States military operations;
- (3) those pertaining to the loading and unloading of explosives and other dangerous cargo;
and

⁵⁴ *Id.*

⁵⁵ 33 C.F.R. § 165.2020 (2012). Navy personnel do not have independent authority to arrest those who illegally enter a naval vessel protective zone. They may however, permit or deny entry to vessels wishing to enter a naval vessel protective zone and if practicable, detain suspect violators for turnover to responding Coast Guard units.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ 14 U.S.C. § 91 (2012); 33 U.S.C. § 1232 (2012).

⁵⁹ 50 U.S.C. § 191 (2012); 33 C.F.R. Parts 6, 125 (2012).

⁶⁰ 33 C.F.R. § 165.40

- (4) those essential to the interests of national security and defense, to prevent loss, damage, or injury, or to insure the observance of rights and obligations of the United States.⁶¹

Restricted waterfront areas may be established in the navigable waters of the United States areas where any of the above activities ((1) – (4)) are conducted.⁶²

No person without proper identification credentials acceptable to the Coast Guard may enter or remain within restricted waterfront areas or the port and harbor areas, vessels or harbor craft inside them.⁶³ Restricted waterfront areas are so designated primarily to protect piers, wharves, docks and moored vessels from shore-side trespassers.

Enforcement of restricted waterfront area regulations is primarily the responsibility of the Coast Guard.⁶⁴ Those convicted of violating restricted waterfront area regulations are subject to civil and criminal penalties.⁶⁵ In addition, an offending vessel may be subject to seizure.⁶⁶

G. Restricted Areas

Restricted areas are defined water areas established by the Army Corps of Engineers around United States installations.⁶⁷ Access is prohibited or limited to restricted areas to provide security for government property or protection to the public from the risks of damage or injury arising from the government's use of that area.⁶⁸

Restricted areas may be established in the navigable waters of the United States seaward to three nautical miles from the baseline.⁶⁹

Restricted areas may be closed to the public on a full-time or intermittent basis.⁷⁰

Enforcement of restricted area regulations is primarily the responsibility of the installation commander; however, the Coast Guard also has enforcement authority.⁷¹ Those convicted of violations of restricted area regulations are subject to criminal penalties.⁷²

⁶¹ 33 C.F.R. §125.15 (2012).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ 33 C.F.R. §6.18-1 (2012).

⁶⁶ *Id.*

⁶⁷ 33 U.S.C. § 1 (2012); 33 C.F.R. Part 334.2 (2012).

⁶⁸ 33 C.F.R. § 334.2 (2012).

⁶⁹ *Id.*

⁷⁰ 33 C.F.R. Part 334 (2012)

⁷¹ *Id.*

⁷² 33 U.S.C. § 1 (2012).

H. Danger Zones

Danger zones are defined areas of water normally used by the armed forces for target practice, bombing, rocket firing, or other especially hazardous operations.⁷³ Typically around weapons ranges operated by the armed forces, they are established by the Army Corps of Engineers.⁷⁴

Danger zones may be established in the navigable waters of the United States seaward to three nautical miles from the baseline.⁷⁵

Danger zones may be closed to the public on a full-time or intermittent basis, but in most cases they are open for public access to the maximum extent practicable.⁷⁶

The enforcement of danger zone regulations is primarily the responsibility of the installation commander.⁷⁷ Those convicted of violations of danger zone regulations are subject to civil and criminal penalties.⁷⁸

I. Naval Defensive Sea Areas

Naval defensive sea areas are areas of water in the territorial seas around United States naval installations so designated for the purpose of national defense.⁷⁹ They are established by the President via various executive orders and they restrict access to certain waters near naval installations due to their strategic nature.⁸⁰ They may also serve to protect the naval installation and its facilities, personnel, property and equipment from destruction, loss or injury by accident, enemy action, sabotage or other subversive action.⁸¹ In no case do naval defensive sea areas extend seaward in excess of three nautical miles from the extreme high water mark.⁸²

Vessels and persons are prohibited from entering naval defensive sea areas unless specifically allowed access by the entry control commander or a designated representative.⁸³ However, control of entry into naval defensive sea areas is exercised consistent with international law and the LOS Convention.⁸⁴

During the First World War, the United States, through Presidential Order, established 33 naval defensive sea areas offshore from United States coastal installations. Since the First World War,

⁷³ 33 U.S.C. § 3 (2012); 33 C.F.R. Part 334 (2012).

⁷⁴ *Id.*

⁷⁵ *See, e.g.*, 33 C.F.R. § 334.1130 (Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, Calif. Danger Zone: “The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of about three nautical miles...”).

⁷⁶ 33 C.F.R. § 334.2 (2012).

⁷⁷ 33 U.S.C. § 3 (2012); 33 C.F.R. Part 334 (2012).

⁷⁸ 33 U.S.C. § 1 (2012).

⁷⁹ Various Executive Orders; 32 C.F.R. Part 761 (2012).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² OPNAVINST 5500.11F

⁸³ *Id.*

⁸⁴ *Id.*

the United States has continued to promulgate orders establishing additional naval defensive sea areas in both wartime and peacetime. There currently are naval defensive sea areas near naval installations at Guantanamo Bay,⁸⁵ Honolulu, Kaneohe Bay, Pearl Harbor, Johnston Island, Kingman Reef, Wake Island, Kiska Island, Kodiak, and Unalaska.⁸⁶ However, entry control for some of these naval defensive sea areas has been suspended and public access to them is no longer restricted.⁸⁷

Enforcement of naval defensive sea area regulations is primarily the responsibility of the naval installation commander.⁸⁸ Those convicted of violations of naval defensive sea area regulations are subject to criminal penalties.⁸⁹

See HYDROLANT 604/2003 GUANTANAMO BAY NAVAL DEFENSIVE SEA AREA in Appendix C for an example of announcement of a naval defensive sea area.

J. Practical Considerations Regarding US Coastal State Zones

Military commanders desiring to establish or having technical questions regarding safety zones, security zones, regulated navigation areas, naval vessel protection zones or restricted waterfront areas should contact the nearest Coast Guard Captain of the Port or District Commander.

Military commanders desiring to establish or having technical questions regarding restricted areas or danger zones should contact the nearest Army Corps of Engineers District Engineer.

To be most effective, these zones require adequate numbers of on-scene personnel for enforcement. Without sufficient enforcement personnel, the establishment of these zones will likely have minimal effect. Similarly, while in most cases there is “constructive notice” for these zones, as they are established by federal rulemaking and published in the Federal Register, commanders should realize that as a practical matter, they may want to give widespread actual notice to enhance the effectiveness of these zones and minimize the number of enforcement personnel necessary.

The use of these zones to enhance unit security is likely to deter primarily those vessels and persons who would have entered them “innocently,” that is, inadvertently and without any intent to do harm. (Of course, force protection and on-scene zone enforcement personnel could also have a deterrent effect on a would-be terrorist.) Nevertheless, this reduction in vessels and persons who otherwise may stray “too close for comfort” to a potential terrorist objective is certainly useful as it pares down the field of possible intruders through which force protection and zone enforcement personnel would have to sift.

⁸⁵ Executive Order 8749 established the Guantanamo Bay Naval Defensive Sea Area pursuant to a written agreement between the Republic of Cuba and the United States.

⁸⁶ 32 C.F.R. Part 761 (2012). Although Midway Island is also listed here as having a naval defensive sea area, Executive Order 13022 turned over responsibility to the Department of the Interior.

⁸⁷ 32 C.F.R. § 761.4 (2012).

⁸⁸ 32 C.F.R. § 761.9 (2012).

⁸⁹ 32 C.F.R. § 761.3 (2012).

Finally, there is a “trade-off” interest in using some of these zones for the enhancement of antiterrorism and force protection—particularly in the case of obscure land-based military installations or vessel movements. In giving the requisite legal notice and publicizing the nature and location of the units which these zones surround or buffer, the would-be terrorist may find “target” information that he or she may not otherwise have obtained.

K. Other Control Mechanisms

1.) Suspension of Innocent Passage

Provided for in the LOS Convention, innocent passage is the right of a foreign vessel to pass through the territorial sea of another nation whether inbound, outbound or not proceeding to or from the internal waters of the other nation.⁹⁰ Aircraft do not have the right of innocent passage.⁹¹ All warships, including submarines, have the right of innocent passage on an unimpeded and unannounced basis; submarines must however navigate on the surface and show their flag.⁹²

Although an extreme measure, coastal nations may suspend innocent passage temporarily in specified areas of their territorial seas when “essential for [their] security, including weapons exercises.”⁹³ Coastal states must publish notice of such suspension to the international community prior to it taking effect.⁹⁴ Further, such suspension may not discriminate “[i]n form or in fact among foreign ships.”⁹⁵

Coastal states may not otherwise restrict navigation in their territorial seas and the United States does not recognize any such purported restrictions which it deems not in strict compliance with LOS Convention requirements to suspend innocent passage.

A correlative right to formally suspending passage within the territorial sea is the right of the coastal state under LOS Convention Article 25 to “take the necessary steps in its territorial sea to prevent passage which is not innocent.” Such necessary steps include, where appropriate, the use of force.⁹⁶ However, should a foreign ship enter the territorial sea and engage in non-innocent activities,⁹⁷ customary international law prescribes that the coastal nation should first notify the offending vessel and give it an opportunity to correct its conduct or otherwise clarify its intentions—albeit in a relatively short period of time.⁹⁸

2.) Conditions of Entry

a. Notification of Arrival

⁹⁰ LOS Convention, Articles 17, 18.

⁹¹ NWP, 2.5.2.1.

⁹² *Id.*, 2.5.4.2 “Innocent Passage.”

⁹³ LOS Convention, Article 25.

⁹⁴ LOS Convention, Article 25; NWP, 2.5.2.3 “Temporary Suspension of Innocent Passage.”

⁹⁵ LOS Convention, Article 25.

⁹⁶ NWP, 2.5.2.1.

⁹⁷ LOS Convention, Article 19.

⁹⁸ NWP, 2.5.2.1.

Consistent with international law, nations have the right to place certain conditions upon vessels wishing to enter their internal waters.⁹⁹

For example, vessels bound for the United States must first give the Coast Guard an advance notice of arrival—at least 96 hours (with some exceptions)—prior to their expected arrival in port.¹⁰⁰ In addition to this notice of arrival, vessels must also provide certain information, including, but not limited to: vessel particulars (name, owner, country of registry, etc.); voyage information (last five ports visited and other amplifying information about these port calls); cargo information (particularly as regards hazardous cargo); and information about crewmen and others on board the vessel.¹⁰¹ For the most part, these requirements apply to United States and foreign vessels of 300 gross tons or more or vessels carrying certain dangerous cargoes.

b. Air Defense Identification Zones in International Airspace

Although not maritime in nature, another entry control mechanism available to a coastal nation (and, in actuality, all nations) is the air defense identification zone.¹⁰² This zone, permitted by international law, is in international airspace adjacent to territorial airspace.¹⁰³ Nations are permitted to establish reasonable conditions of entry into their territory and that is the primary purpose of the air defense identification zone.¹⁰⁴ United States air defense identification zone regulations prescribe that aircraft approaching its national airspace identify themselves while in international airspace as a condition of entry approval.¹⁰⁵ These regulations also require aircraft bound for United States airspace to file flight plans and make periodic position reports.¹⁰⁶ However, these regulations do not apply to aircraft not intending to enter national airspace and the United States does not apply them to such aircraft.¹⁰⁷ Similarly, United States military aircraft which do not plan to enter the national airspace of another nation do not identify themselves or comply with other such procedures absent a specific agreement to the contrary.¹⁰⁸

⁹⁹ LOS Convention, Article 25; NWP, 1.5.1.

¹⁰⁰ 33 C.F.R. § 160.212 (2012). Amended after the September 11, 2001 terrorist attacks, the time frame for this notice of arrival was previously only twenty-four hours.

¹⁰¹ 33 C.F.R. § 160.206 (2012).

¹⁰² NWP, 2.7.2.3 “Air Defense Identification Zones in International Airspace.”

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* United States air defense identification zones were established by Federal Aviation Administration regulations. 14 C.F.R. Part 99 (2013).

¹⁰⁶ NWP, 2.7.2.3.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

2

Warning Areas & Operational Warning Zones

Introduction

“Warning areas” are used to warn others of potential hazards created by the operation of maritime forces in a given area of sea and airspace. A warning area is an identified area of the ocean in which a state is conducting or intends to conduct lawful activity which might pose a hazard to or interfere with others’ lawful use of the oceans. Any state may declare a temporary warning area in international waters and airspace to notify other states of the conduct of lawful activities which may be hazardous to navigation and/or overflight of the affected area.¹

In contrast to warning areas, which pertain to notice of hazards *created by* maritime forces, the term “warning zone” is frequently associated with a commander’s effort to ascertain the level of *outside threat posed to* naval forces in a particular area of operations.² Such maritime operational “warning zones,” are discussed in section B of this chapter. It should be borne in mind, however, that the use of, and distinction between, the terms “warning area” and “warning zone,” while helpful in explaining the respective functions, is not universal. This chapter will describe two distinct and commonly occurring warning functions; the terms associated with these warnings may vary from state to state.

Finally, while ostensibly peacetime measures and not associated with belligerent rights, the United States uses warning areas and warning zones when conducting exercises and operations in peace, crisis conditions, war, and transition, establishing them in a manner which provides notice of the danger associated with entering the area or zone.

A. WARNING AREAS

Warning areas may be designated with respect to a variety of functions, including military exercises, weapons testing, gunnery exercises, space vehicle recovery, and other activities. . Such warning areas might adversely affect other states’ use of the oceans to some degree, potentially interfering with freedom of navigation and overflight. With limited exception -- discussed in detail throughout this Manual -- all ships and aircraft, regardless of type, have the right of freedom of transit and operation on and above international waters (that area beyond a coastal state’s territorial seas and superjacent airspace),³ and rights of innocent passage in the

* This chapter is an update to that originally authored by Commander Errol Henriques, JAGC, US Navy.

¹ NWP 1-14M, 2.6.3: “High Seas Freedoms and Warning Areas.”

² NWP 1-14M, 4.4.7: “Maritime Warning Zones.”

³ LOS Convention, Article 87.

territorial seas of another state.⁴ For warships, these freedoms in international waters include maneuver, flight operations, military exercises, weapons testing, surveillance, and intelligence gathering. All such activities are required to be conducted with due regard for the safety of navigation and overflight of other ships and aircraft operating in the proximate area.⁵

States establishing warning areas have a duty to provide notice of the potential hazard or interference.⁶ Typically, notice to the international community of the establishment of such areas is promulgated in advance in the form of a Notice to Mariners (NOTMAR), Notice to Airmen (NOTAM), HYDROLANT, HYDROPAC or Special Warning to Mariners (Special Warning).⁷ Such warning areas are not “exclusion zones”; ships and aircraft of other states are not obliged to remain clear of the area but must avoid interfering with a state’s lawful operations within the area. Notices for warning areas should avoid using language which would indicate that the area is “prohibited” or that U.S. forces are exercising control within.⁸ Ships and aircraft of one state may therefore transit through or operate within a warning area established by another state, conduct surveillance and collect intelligence, subject to the requirement of due regard for the other state’s lawful activities therein.

EXERCISES AND WEAPONS/SYSTEMS TESTING

For exercises, system tests and evaluations, and weapons testing, warning areas provide notice of activities which might pose a hazard to the freedom of navigation and overflight of other vessels and aircraft.⁹ U.S. maritime forces routinely and frequently establish such areas,¹⁰ and in cases where exercises and testing are repeated events over time in the same designated area, the United States publishes a standing notice of these recurrent activities, activating the area as required. Exercise warning areas are primarily designed to de-conflict operations inside the area with routine commercial seagoing and air traffic, although they may also warn vessels and aircraft of risks associated with their failure to provide identification and state their intentions when

⁴ *Id.*, Articles 17-22.

⁵ *Supra*, notes 1 and 3.

⁶ The U.S. maintains that such areas may only be established on a temporary basis, restricted in time commensurate with the duration of the activity. A state establishing a warning area has an obligation to minimize the duration and degree of interference with other states’ rights to the extent possible consistent with its lawful activities in the area.

⁷ *See*, Appendix A for a discussion of the various types of notifications used to warn the international community of hazards to navigation.

⁸ Captain John R. Brock, USN, *Legality of Warning Areas as Used by the United States*, JAG JOURNAL, December 1966-January 1967 at 69-70. Brock stated that the use of the high seas for such purposes (exercises, weapons testing, etc.) is a preparatory measure by a state with regard to its rights of self-defense and is customarily accepted as a legitimate practice.

⁹ Warning areas for exercises and weapons testing have been referred to as “closure areas”. The term “closure areas” is a misnomer, as it implies control over the indicated area which is contrary to the concept of warning areas.

¹⁰ *See*, Appendix C: NAVAREA XII 967/85 CALIFORNIA (establishes an underwater operations area for seven days during specified times in a designated OPAREA); NAVAREA IV 2911/85(11) FLORIDA-EAST COAST (establishes OPAREA for mining and gunnery exercises and ordinance drops in specified areas on particular dates); HYDROLANT 1893/85(53) ADRIATIC SEA (notifies of current meter operations in designated area for 21 days); and HYDROPAC 1332/85(91, 97) OKINAWA (bombing and rocket fire exercises over two days in designated area).

entering the area.¹¹ Specific exercise warning areas, like more general warning areas, can be established inside the territorial seas, in international waters, or both. Warning areas may be static (confined to a designated sea area) or mobile (moving with the naval asset that is performing activities that might adversely interfere with others' lawful use of the oceans).

B. Operational Warning Zones

Even during time of peace, naval forces may be subject to significant land, air, surface, or subsurface threats. The Commander's Handbook on the Law of Naval Operations states:

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 out the common operational picture and ascertain the intent on 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.¹²

Current U.S. practice in the use of such defensive warning zones for worldwide operations had its genesis in the attack on U.S. Marine Battalion Landing Team 1/8 Headquarters at Beirut International Airport in October 1983. Terrorists in Lebanon had developed the tactic of using high-yield, gas-enhanced explosive devices light enough to be delivered by small conveyances, such as cars, fast boats, and light aircraft. In the case of the Marine headquarters, a truck carrying such a device was forcefully driven into the building, killing nearly 250 servicemen.¹³ Primary among the lessons of the Beirut tragedy was the necessity in tactical deployment to ensure commanders at all levels have sufficient time and separation from potential threats in order to assess hostile intent. Consequently, U.S. forces established warning zones for current operations as a measure of self-defense, advising the world of our increased defensive mindset while providing commanders time and distance in their determination of prospective threats. The post-Beirut warnings, focused on close-in threats to U.S. forces, notified the world that, in response to the terrorist threat to U.S. forces operating in the Mediterranean Sea, Persian Gulf, Gulf of Oman, Strait of Hormuz and selected areas of the Arabian Sea, U.S. vessels were operating at a heightened defensive posture. Vessels and aircraft were requested to identify themselves and their intentions prior to approaching within a certain distance of U.S. forces operating in these areas and were notified that failure to do so placed them at risk of being misidentified as a threat and subject to defensive measures.¹⁴ The warning zones did not attempt to suspend the right of transit or use of international waters within the designated area, but stated

¹¹ In response to the tactical problem of identifying the general location of naval forces engaged in pre-deployment certification exercises, the U.S. Navy added these warnings to their exercise area notices after the attacks of 11 September 2001.

¹² NWP 4.4.7

¹³ REPORT OF THE DoD COMMISSION ON BEIRUT INTERNATIONAL AIRPORT TERRORIST ACT, OCTOBER 23, 1983, 20 December 1983.

¹⁴ See, Appendix C: HYDROLANT 2420/83; NOTAM FOR PERSIAN GULF, STRAIT OF HORMUZ, GULF OF OMAN, AND NORTH ARABIAN SEA, CNO RMG 231539Z JAN 84; HYDROPAC 78/84.

that the notices were published “solely to advise that measures in self-defense will be exercised by US forces. The measures will be implemented in a manner that does not impede the freedom of navigation of any vessel or state.”¹⁵

On 17 May 1987, during the Iran-Iraq War (1980-88), USS STARK (FFG 31), a PERRY class frigate, was operating in the Persian Gulf in support of Kuwaiti tanker escort operations.¹⁶ U.S. AWACS reported an Iraqi F-1 Mirage airborne and turning east with an 11 nautical mile CPA to STARK and informed the ship; the STARK achieved radar contact with the Mirage at 70 nautical miles. Closing to within 23 nautical miles of the STARK, the Iraqi aircraft launched two Exocet missiles, striking the hull and superstructure, killing 37 sailors and injuring 11 others.¹⁷ In response to the attack, the United States issued revised warnings to vessels and aircraft approaching U.S. forces, requesting identification and intentions as soon as they were detected, stating that failure to do so or respond to warnings could result in defensive measures, and specifically noting that illuminating a U.S. vessel with fire control radar could result in an immediate defensive reaction.¹⁸ Expanding on the post-Beirut warning-zone concept, the post-STARK warning zone eliminated fixed distances and concentrated on establishing warning zones commensurate with potential threat capabilities.¹⁹ Both the NOTAM and the NOTMAR indicated that, despite the heightened U.S. defensive posture, these measures “will be implemented in a manner that does not unduly interfere with freedom of navigation and overflight.”²⁰ Warning zones of this type were repeatedly established over the years wherever U.S. maritime forces were operating in a heightened defensive posture or within certain areas of international waters.

¹⁵ See, Appendix C: HYDROPAC 78/84

¹⁶ Both Iranian and Iraqi forces were targeting neutral merchant vessels transiting the Persian Gulf. Late in the war, U.S. warships escorted Kuwaiti oil tankers, re-flagged as U.S. vessels, to enforce respect for their neutral status and ensure their safe transit. See, REPORT ON THE STAFF INVESTIGATION INTO THE IRAQI ATTACK ON THE USS STARK, JUNE 14, 1987; and George K. Walker, *The Tanker War, 1980-88: Law and Policy*, U.S. NAVAL WAR COLLEGE INTERNATIONAL LAW STUDIES, Vol. 74 (2000), p. 60-61.

¹⁷ *Supra*, note 13. The first missile hit the ship but did not detonate; the second missile hit the STARK 20-30 seconds later and detonated. The STARK had sent radio warnings to the aircraft after the launch of the first missile as the second missile was launched, initially unaware of the incoming threat.

¹⁸ See, Appendix C: HYDROPAC 870/87; and INTERNATIONAL NOTAMS, COMUSNAVCENT RMG 060210Z AUG 87.

¹⁹ The revised NOTMAR and NOTAM dispensed with the fixed distances used in previous warnings, extending the warning area to the limits of detection by U.S. forces, engaging the potential threat with warnings well beyond the threat’s weapons release range. This had the effect of removing any concept of a “fixed bubble” around U.S. forces and increased the area of potential hazard to other vessels and aircraft (maximizing the effectiveness of time/distance for threat determination and response). For examples of fixed-distance warning zones, sometimes also called “defensive bubbles,” see Appendix C: HYDROPAC 78/84 (“avoid closing U.S. Naval forces closer than 5 NM”) and NOTAM (Jan. 21, 1984) (“Aircraft at altitudes less than 2000 ft AGL...are requested to avoid approaching closer than five NM to U.S. Naval forces.”).

²⁰ *Id.* The following year, on 3 July 1988, USS VINCENNES fired at and destroyed Iran Air flight 655, a civilian airliner, after the airbus’ repeated failure to respond to warnings (the airbus was mistakenly determined by the Tactical Information Coordinator to be descending, an attack profile indicator). At the time, the Commanding Officer of the VINCENNES believed himself and the USS ELMER MONTGOMERY (FF 1082) to be under a coordinated air and sea attack from Iranian forces. Prior to the attack, VINCENNES’ helicopter had been fired upon by Iranian small boats. See, FORMAL INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE DOWNING OF IRAN AIR FLIGHT 655 ON 3 JULY 1988, 28 July 1988; and Walker, *supra* note 12 at 71. This is precisely the type of hazardous situation the Persian Gulf warning areas were designed to mitigate.

Maritime Operational Zones: Warning Areas & Warning Zones

Most recently, after the 11 September 2001 terrorist attacks on New York and Washington, D.C., the United States issued a special broadcast warning, notifying the world that U.S. forces worldwide were operating at a heightened state of readiness in response to attacks on the United States and pursuant to Operation ENDURING FREEDOM in the Middle East.²¹ Similarly, warning zones were used by U.S. and coalition forces in the Mediterranean Sea prior to the initiation of hostilities in Operation IRAQI FREEDOM.²² After hostilities in Iraq commenced, areas of sea control and zones were implemented for combat operations.²³

Warning zones have been used to notify other states' vessels and aircraft of ongoing U.S. operations and that vessels and aircraft whose intentions are unclear risk being subjected to defensive action within the operational area. As with warning areas, notice of warning zones may be promulgated in advance by Notice to Mariners (NOTMAR), Notice to Airmen (NOTAM), HYDROLANT, HYDROPAC or Special Warning to Mariners (Special Warning). The existence of a warning zone might also be communicated via voice radio. As noted above, the geographic scope of these warning zones can be as expansive as the oceans of the entire world, limited to specific regions (e.g., the Mediterranean Sea and the Arabian Gulf), or restricted to a finite area established within a set of specific coordinates. A warning zone, of course, may also be mobile, moving with the naval vessels for whose protection it has been established. The language of the notices and conditions set forth are contingent upon the type of operations being conducted in the warning zone and the perceived potential threat to U.S. forces conducting those operations. As with warning areas, such warning zones can be used during peacetime, crisis conditions, transition, and international armed conflict.

²¹ See, Appendix C: U.S. Special Broadcast Warning to Mariners 162045Z NOV 2001.

²² See, Appendix C: HYDROLANTs 271/03 (U.S. forces warn of heightened state of readiness defensive measures against terrorist threats) and 509/03 (U.S. forces warn of combat training exercises in international waters off the northern and eastern coasts of Cyprus).

²³ Coalition forces established areas of sea control upon commencement of hostilities in Operation IRAQI FREEDOM and notified the international community of the coalition's exercise of its belligerent rights to stop, board and search vessels during operations against Iraq. See, Appendix C: Maritime Liaison Office (MARLO) Bahrain Advisory Bulletin 06-03. See also, Chapter 4 for a discussion of the Mediterranean zones used during combat operations in Operation IRAQI FREEDOM.

Special Zones in Crisis Conditions – Control of Sea and Airspace during Times of National Emergency and Enforcing Collective Security

Introduction

The establishment and enforcement of zones in accordance with national domestic law, during times of international armed conflict, or pursuant to the authority of a United Nations Security Council Resolution are well-established concepts with legal and historical precedent. More problematic and singular is the concept of creating a special zone in the twilight between war and peace, during a national security crisis or an emerging threat to the collective security of several nations acting in concert. Under particular circumstances, such zones could further an effort by one or more states to alleviate or reverse imminently dangerous conditions which have led to a destabilization of the security status quo. This chapter deals with those conditions under which the United States, acting unilaterally or in the furtherance of a collective security arrangement (i.e., via NATO, the OAS, or with those other nations with which the United States maintains mutual defense agreements), might lawfully assert and effect control of international sea and airspace by the establishment of a zone --in the absence of action by the United Nations and when international armed conflict is not occurring.. In order to provide a framework for the establishment and purpose of such zones, this chapter will examine the concept of naval *cordon sanitaire* and the historical application of a “maritime quarantine.”¹

A. CORDON SANITAIRE

The original concept of a *cordon sanitaire* (‘sanitary cordon’ or ‘sanitary zone’) is closely related to the practice of contagion quarantine; such a cordon was used as “a guarded line between infected and uninfected districts, to prevent inter-communication and spread of disease or pestilence...”² The concept of a naval *cordon sanitaire* (roughly translated, for purposes of this chapter, as “sanitary zone”) was adopted by the United States in the late-1960s as a possible answer to the threat of Soviet “tattletale” intelligence collection vessels. Recognizing the significant threat posed to Soviet forces and security by U.S. carrier battle groups, Soviet military leadership believed that they would gain an enormous tactical advantage in the early stages of a war with the West by decisively removing the threat of carrier air power to its

* This chapter is an update to that originally authored by Commander Errol Henriques, JAGC, US Navy.

¹ See NWP 1-14M, 4.4.8 “Maritime Quarantine”

² See Oxford English Dictionary (2d ed. 1989) at 927. Indeed, *cordon sanitaire* is sometimes translated as ‘quarantine line.’ Note, moreover, that ‘*cordon sanitaire*’ might also popularly, if erroneously, be used interchangeably with ‘blockade,’ viz.: “North Korea may face blockade by US Navy” *Belfast Telegraph*, 27 May 2009: “President Barack Obama is weighing a possible naval cordon sanitaire around North Korea as one means of ratcheting up sanctions amid the fierce global criticism of this week’s nuclear and missile tests by the reclusive communist country.”

seagoing and shore-based targets. In order to effect the removal or degradation of carrier air power in the tactical mix, the Soviets would require the ability to pre-emptively strike these forces in a coordinated fashion using up-to-date targeting data provided by “tattletale” ships traveling in company with the battle group. During the Cold War, it was routine Soviet naval practice to have one or more Soviet vessels in company with a U.S. carrier battle group. U.S. commanders recognized that in times of extreme crisis precipitating general war, the presence of Soviet shadow vessels posed an unacceptable risk to such high-value units as American aircraft carriers.³ The solution to the threat of Soviet “tattletale” ships was the concept of *cordon sanitaire*.⁴ Tactically and strategically, there were problems with the concept, primary among them that notice of the ‘sanitary zone’s’ existence and its breadth would provide the Soviets with precisely the information *cordon sanitaire* was designed to deny, the general location of the U.S. carriers. The Soviets would obviously have to be informed where not to sail their ships in order to respect the restrictions of the zone. Second, the establishment and notice of the zone might even invite a pre-emptive strike by the adversary.⁵ Despite the limitations inherent in the tactical situation for which *cordon sanitaire* was originally designed, the concept may be more practically applied to a variety of current tactical scenarios. It is therefore useful to re-examine what *cordon sanitaire* was and how it would work in today’s maritime environment.

Cordon sanitaire, as used by U.S. naval forces, has been defined as,

[A]n area relative to U.S. Naval Forces, defined by [...] a circle centered on the [high value unit’s] formation in which the presence of units of a potential enemy would be considered a hostile act, making such units subject to military action.⁶

³ See Lieutenant Commander William H. Gregory, USN, *Their Tattletales (Our Problems)*, PROCEEDINGS, February 1984, at 97.

⁴ *Cordon sanitaire* was studied and subjected to war-game analysis by the U.S. Navy but never put into formal practice. However, as we have seen in the preceding chapter, in January 1984, during the Iran-Iraq Tanker War, the U.S. announced the use of “defensive bubbles” for its ships and aircraft operating in the Middle East (see NOTAM FOR PERSIAN GULF, STRAIT OF HORMUZ, GULF OF OMAN, AND NORTH ARABIAN SEA, CNO RMG 231539Z JAN 84.) The NOTAM recommended specific standoff distances from U.S. forces for air and surface (2000ft AGL and 5nm, respectively), threatening potential defensive action against unidentified contacts or contacts whose intentions were unclear. The action was justified by the neutral United States under the right of self-defense as a precaution against terrorist threats in the region (the precursor for this action was the 1983 attack on the Marine Barracks at Beirut International Airport). Although the defensive bubbles were categorized as the establishment of a *cordon sanitaire* (see George K. Walker, *The Tanker War, 1980-88: Law and Policy*, U.S. NAVAL WAR COLLEGE INTERNATIONAL LAW STUDIES, Vol. 74 (2000)), they were not nearly as severe in their tactical application. The January 1984 NOTAM specifically stated, “This notice is published solely to advise that hazardous operations are being conducted on an unscheduled basis: it does not affect the freedom of navigation of any individual or state.” Additionally, non-U.S. units transiting near or within the defensive bubble area were requested to maintain radio contact with the concerned U.S. units and warned that they “may be held at risk by U.S. defensive measures.” The *cordon sanitaire*, as originally conceived, is a far more severe response to a much greater state of crisis between potential belligerents: it is a true exclusion zone applied to potential enemy assets. See, Appendix B.

⁵ Lieutenant Commander Stanley F. Gilchrist, USN, *The Cordon Sanitaire – Is It Useful? Is It Practical?*, NAVAL WAR COLLEGE REVIEW, May-June 1982, 61, 65.

⁶ Gilchrist, p. 61. This chapter intentionally removes the language “either geographic boundaries or” from the definition; because the *cordon sanitaire* is designed to protect seagoing, high value units from targeting “tattletales” and conceptually would have little or no value for stationary, land-based, or pierside targets.

Cordon sanitaire is foremost a defensive mechanism. Its characteristics are:

1. It is established pursuant to an order of the President or Secretary of Defense,⁷ or by delegation, of a combatant commander or theater component commander. The establishment of a *cordon sanitaire* is an act of sovereign authority which must be ordered by the head of state or by subordinates at the responsible level of command who have been delegated decision-making authority.
2. It is established as a response to deteriorating conditions between potential political/military adversaries which affect the security of the states involved or have enormous impact on regional stability in an area which affects the interests of the state(s) involved; this is most accurately defined as an international crisis which precipitates but falls just short of international armed conflict.
3. It is selective: *cordon sanitaire* requires the complete removal of all designated potentially (or imminently) hostile forces within the zone but permits the presence of neutrals and friendly forces.

The first two characteristics are particularly important to establish the validity of a *cordon sanitaire*. Absent an international armed conflict, all warships of all states have the right of unimpeded freedom of navigation and overflight on and above the high seas and the exclusive economic zone (those areas beyond a coastal state's territorial waters and superjacent airspace).⁸ The rights of high seas freedoms are constrained only by the requirement that the high seas are reserved for only "peaceful purposes."⁹ No state's warships may intentionally threaten the safety and security of other vessels operating in the same area, nor are they permitted to threaten any other state(s)' security by their actions and operations in international waters; where such a threat exists, states may take appropriate action to deter or decisively counter the threat. This concept, the sovereign state's inherent right to act in defense of itself, individually or collectively,¹⁰ is the heart of the legal efficacy of establishing a *cordon sanitaire*. During international armed conflict, belligerent forces are permitted to exercise greater control over areas of sea and airspace than military forces in times of peace. Unrestricted freedom of navigation and overflight is the norm during peacetime, only to be departed from under the most extreme circumstances. Such conditions are present in peacetime only where a state or its forces must act to assure their security in response to a state of crisis.

⁷ See Gregory, p. 99; Gilchrist, p. 61.

⁸ See United Nations Convention on the Law of the Sea, Dec. 10, 1982, Art. 86. While the United States has not ratified this convention, President Reagan's Statement on United States Ocean Policy of March 10, 1983, recognized that the treaty's provisions relating to navigation and overflight rights reflected the traditional uses of the oceans, existing maritime law, and current state practice.

⁹ See United Nations Convention on the Law of the Sea, article 88. International law also recognizes that coastal states may establish Air Defense Identification Zones (ADIZ) in the international airspace adjacent to their national airspace, and require identification of all aircraft in the zone as a condition of entry into the national airspace. U.S. ADIZ are set forth in 14 CFR 99.42, 99.43, 99.45, and 99.47 for the continental United States, Alaska, Guam, and Hawaii respectively. For a more complete discussion of ADIZ and their effect on rights of international overflight, see Chapter 1.

¹⁰ See Charter of the United Nations, 26 June 1945, Art. 51. Of course, whether a *cordon sanitaire* might prudentially be established by a state implicitly involves balancing that state's right of self-defense with the right of other states to exercise high-seas freedoms.

While *cordon sanitaire* was born of Cold War planning doctrine, it nonetheless may have tactical application in present day operations. The establishment of a *cordon sanitaire* would be lawful where those conditions which permit the exercise of a state's inherent right of individual or collective self-defense exist. The existence of such conditions must be determined by the President, or identified in general terms by him and later determined by an appropriate subordinate commander pursuant to a delegation of this strategic decision-making. The establishment of a *cordon sanitaire* would be a tactical measure required to protect high value units in order to preserve them for further defensive or combat actions occasioned by crisis conditions.¹¹ In this, it performs much like a modified version of belligerent control of the immediate area of naval operations during warfare.¹²

Tactically, *cordon sanitaire* could be used in a variety of current operational scenarios as preparation for conflict or as a deterrent. In the Cold War, *cordon sanitaire* was to be used in the event that military confrontation with the Soviets approached inevitability. In that case, the establishment of the sanitary zone to eliminate tattletales became a measure of anticipatory self-defense, a step below the use of force, though possibly presaging the first salvo of the war; however, the continued viability of carrier air power might also have given the Soviets pause and ultimately prevented a further escalation of the conflict. Applying the concept to today's tactical and strategic environment, *cordon sanitaire* could be applied as a response to intelligence and tactical indicators which presage a coordinated assault by terrorist small boats intended to be the first in a series of attacks. In this situation, it is more than merely unit self-defense, but an exercise of national self-defense which would require direction from higher authority and enabling rules of engagement.¹³

An examination of the state's right to act in self-defense is pertinent to the discussion of how *cordon sanitaire* is applied. Customarily, it has been long recognized that a state, as an element of its sovereignty, has the fundamental right to take actions in national self-defense to ensure its continued survival.¹⁴ Article 51 of the United Nations Charter is a reflection of the continued recognition of that right:

Nothing in the present 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 members of the UN Charter recognized that, while states had generally agreed to refrain from acts of aggression and grant the Security Council the power to deal with breaches and

¹¹ Although the concept was originally designed to protect and preserve carrier air power, *cordon sanitaire* is universally applicable to the protection of any high value unit, such as carriers, flagships, T-AGOS (ocean surveillance) vessels, submarines, ammunition ships, and sea based command and control platforms.

¹² See Chapter 4 for a discussion on the immediate area of operations in naval warfare.

¹³ It might be maintained, however, that *cordon sanitaire* is not a concept useful in defense against such threats as non-state actor/terrorist small boats and that, instead, defensive Warning Zones, discussed in the previous chapter, are the more appropriate measure.

¹⁴ It must be noted that states may take any and all appropriate measures to ensure their survival and viability; however, the range of measures includes a long list of potential actions from diplomatic protest up to and including engaging in war.

threats to international peace and security, they would retain their right to act to preserve their continued survival or political integrity. Although the right to act in response to an armed attack is manifest in the UN Charter, what is not apparent in the language is the state's right to act in anticipation of an armed attack. It is generally accepted that states may also act pre-emptively in anticipation of an armed attack.¹⁵

The application of force to counter aggression under self-defense doctrine, either with regard to an armed attack or in anticipation of one, is dictated by three criteria (derived from customary international law): necessity, proportionality, and immediacy.¹⁶

Necessity is the requirement to act, with counter force, to the threat presented. Proportionality refers to the appropriateness of the level of counter force to the attack or anticipated attack; succinctly put, it is that amount of force required to decisively counter the present or anticipated threat. While it does not require equal force and specifically contemplates sufficient force to overwhelm the adversary, it must be in response to and measured by the threat presented. Admittedly, it can be a gray area within the judgment of the head of state or the operational commander exercising this prerogative on his behalf. Immediacy is the requirement to use force instantly in response to the threat presented.¹⁷

It is these concepts which must be applied to the planning and execution of *cordon sanitaire* in response to an imminent threat: the necessity to establish the zone in response to the anticipated or present threat; the fact that the zone enforcement is a measured and proportional response to the threat; and knowing when to establish the zone so that it is neither too late to respond to the threat or premature.

In the case of a potential international conflict between the United States and another state, the establishment of a *cordon sanitaire* would be useful to eliminate the threat of submarines to command and control platforms or carriers and their escorts: creating an underwater sanitary zone in areas of restricted maneuvering as a measure of anticipatory self-defense, the threat to naval command and control or carrier air power could be eliminated, permitting continued use of those assets and perhaps deterring an enemy from further aggression. The area of the *cordon sanitaire* would be dictated by tactical concerns such as enemy capabilities, maximum effective weapons ranges, speed of advance, potential of maneuverability, and own forces ability to effectively patrol and enforce the zone.¹⁸

¹⁵ For a discussion of the right of anticipatory self-defense under customary international law, see Yoram Dinstein, *WAR, AGGRESSION, AND SELF-DEFENCE*, 3d Ed., Cambridge University Press (2001), p. 165. Note that Professor Dinstein indicates that “preventive use of force in response to sheer threats” would “not be in compliance with Article 51 of the Charter” [emphasis added]. *Id.* at 183.

¹⁶ *Id.*, pp. 183-4, 194.

¹⁷ Immediacy contemplates a nexus between the time of the attack or anticipated attack and the response in self-defense. The degree of nexus is another matter open to the judgment of the appropriate decision-maker.

¹⁸ An arguable example of *cordon sanitaire* preceded US entry into the Second World War. President Franklin Roosevelt, in response to the German submarine attack on the destroyer *USS Greer* southeast of Greenland on September 4, 1941, announced what was regarded as his ‘shoot-on-site’ policy against Axis warships, particularly submarines. President Roosevelt, in a September 11th radio address, said: “... It is no act of war on our part when we decide to protect the seas which are vital to American defense. The aggression is not ours. Ours is solely defense. But let this warning be clear. From now on, if German or Italian vessels of war enter the waters, the protection of which is necessary for American defense, they do so at their own peril. The orders which I have given as

B. “QUARANTINE”

Used in a maritime interdiction context, the term “quarantine” was coined by the Kennedy Administration during the Cuban Missile Crisis of October, 1962.¹⁹ Although critics to this day deride the term ‘quarantine’ as merely a euphemism for an illegal blockade, the word was intended to denote a peacetime military action that would bear little resemblance to a true blockade.²⁰

In July and August of 1962, the Soviet Union increased its military assistance to Cuba in the form of air defense missiles. Strategically, post-revolutionary Cuba had been a thorn in the side of the United States: beginning in the Eisenhower Administration, and solidified by American involvement with the Bay of Pigs fiasco in 1961, Cuba had shifted solidly into the Soviet orbit. A communist satellite within 100nm of the United States was considered strategically significant during the Cold War.²¹ Increasing Soviet military assistance to Cuba throughout 1962 concerned the Kennedy Administration and was seen as a direct threat to United States security and its strategic dominance in the Americas. On 4 September 1962, President Kennedy stated,

The Cuban question must be considered as a part of the worldwide challenge posed by Communist threats to the peace. It must be dealt with as a part of that larger issue as well as in the context of the special relationships which have long characterized the inter-American System.²²

Moreover, he informed the world that were the Soviet Union to place offensive weapons and capabilities in Cuba, “the gravest issues would arise” and the United States would prevent, “by whatever means may be necessary,” the Castro regime from becoming an aggressive power inside the United States’ sphere of influence in the Americas.²³

In this statement, President Kennedy established what was understood to be the security *status quo* for the Americas, and delineated the conditions of change in that *status quo* which would require a response by the United States. From 16 through 18 October, U-2 photographs shown to

Commander in Chief to the United States Army and Navy are to carry out that policy-at once. The sole responsibility rests upon Germany. There will be no shooting unless Germany continues to seek it...”

¹⁹ Max Frankel, *HIGH NOON IN THE COLD WAR, KENNEDY, KHRUSHCHEV, AND THE CUBAN MISSILE CRISIS*, Ballantine Books (2004), p. 94. The term was proposed by the Department of State Deputy Legal Adviser, Leonard Meeker, to more properly define what might otherwise be known as a limited blockade. Initially, the term “quarantine” was more semantic, designed to transmit the intentions of President Kennedy that the action was not an act of war, which is the legal effect of a blockade.

²⁰ See Chapter 4 for discussion of blockade

²¹ The placement of Soviet armament in Cuba was the subject of a variety of National Intelligence Estimates and memoranda from the Secretary of Defense throughout 1962. U.S. Ambassador-at-Large Bowles also met with Soviet Ambassador Dobrynin on 13 October 1962; their discussion centered on the increasing Soviet military build-up in Cuba, potential U.S. responses, and consequential Soviet counter actions against Berlin and Turkey. See U.S. Department of State, *FOREIGN RELATIONS OF THE UNITED STATES, 1961-1963*, Vol. XI, *Cuban Missile Crisis and Aftermath*. It was clear that both superpowers were concerned that Cuba could become the flash point for a larger East-West military confrontation.

²² See U.S. Department of State, *BULLETIN*, Vol. XLVII, No. 1213 (September 24, 1962), p. 450 (read to news correspondents on September 4th by White House Press Secretary Pierre Salinger).

²³ *Id.*

the President confirmed the presence of Soviet medium-range bombers and the construction of Soviet missile installations in Cuba.²⁴ The installations housed Soviet medium and intermediate-range ballistic nuclear missiles capable of striking nearly every major city and every strategic base in the United States (a range of up to 2200 nm), as well as several other nations in North and Central America.²⁵

This defined the change in the security *status quo* in the Americas which the United States had indicated was intolerable.²⁶ In his 22 October speech to the American people, President Kennedy informed the American public of the presence of a Soviet offensive nuclear capability in Cuba and stated,

This urgent transformation of Cuba into an important strategic base [...] constitutes an explicit threat to the peace and security of all the Americas [...] and contradicts the repeated assurances of [the Soviet Union that the arms build-up would remain defensive in nature].

For many years, the Soviet Union and the United States [...] have deployed strategic nuclear weapons with great care, never upsetting the precarious status quo which insured the these weapons would not be used in the absence of some vital challenge. [The introduction of Soviet offensive nuclear weapons] is a deliberately provocative and unjustified change in the status quo which cannot be accepted by this country.

In response to the Soviet disruption of the nuclear *status quo*, the President issued a Proclamation initiating an “Interdiction of the Delivery of Offensive Weapons to Cuba,” prohibiting the further transfer of strategic Soviet weapons and supporting materiel to Cuba, and directing the Secretary of Defense to take appropriate measures.²⁷ The President invoked Articles 6 and 8 of the 1947 Rio Treaty as the legal justification for his actions.²⁸ The Proclamation permitted the Secretary of Defense to designate, “within a reasonable distance” from Cuba, “prohibited or restricted zones” and prescribe routes of transit for cleared vessels. The “quarantine” became effective on 24 October, and was enforced by a naval picket line ordered to intercept inbound military shipments to Cuba from the Soviet Union; the “quarantine interdiction line” included the area

²⁴ The Soviets’ placement of these weapons in Cuba was most likely designed to address the enormous strategic advantage the U.S. had over the Soviet Union in its nuclear arsenal as well as a negotiating tool for concessions on Berlin and a separate peace treaty with East Germany.

²⁵ Frankel, p. 87-88.

²⁶ A joint resolution of the 87th Congress on 3 October 1962 stated that the United States was determined to “prevent in Cuba the creation or use of an externally supported military capability endangering the United States,” identifying the specific threat of a communist Cuba with military ties to the Soviet Union, and citing the self-defense provisions of Article 51 of the UN Charter and the 1947 Inter-American Treaty of Reciprocal Assistance (Rio Treaty).

²⁷ Proclamation 3504, INTERDICTION OF THE DELIVERY OF OFFENSIVE WEAPONS TO CUBA, October 23, 1962. See Appendix C.

²⁸ The OAS met on October 23, 1962 and voted unanimously to prohibit the shipment of strategic arms and materiel to Cuba from “the Sino-Soviet powers” under these articles, which, respectively, require a meeting of the OAS to address threats to regional peace and security in the Americas and permit the use of armed force in response to such threats. Article 6 of the Rio Treaty refers to situations in which “the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation might endanger the peace of America...” Article 8 lists, among actions to be taken, the following: “partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force.”

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“within a circle with its center at Havana and a radius of 500 nautical miles and [...] the area included within a circle with its center at Cape Maisi (Maisi), located at the eastern tip of the Island of Cuba, and a radius of 500 nautical miles.”²⁹ (See figure 1 below). Within the interception area, U.S. forces were authorized to stop, board, inspect, and divert all vessels suspected or discovered to be shipping prohibited weapons and materiel to Cuba.

The immediate Soviet response to the quarantine announcement was a rapid build-up of Cuba’s offensive capability; however, the quarantine served its objective, permitting the United States to halt further shipments to Cuba and ultimately led to a de-escalation in the crisis with the Soviet Union agreeing to remove its offensive weapons from Cuba.³⁰ While the actions of the Kennedy Administration have been criticized as the illegal imposition of a blockade and an improper assertion of the right of self-defense under Article 51 of the UN Charter, the U.S. maintains the interdictions were lawfully undertaken as a collective security measure authorized by a regional organization in the absence of Security Council action. , Under the right conditions, maritime quarantine is available as a peacetime military action involving limited coercive measures and employing the minimum force required.³¹

²⁹ Department of State Press Release No. 645, October 27, 1962. The United States did not publish an official chart of the interception area.

³⁰ The quarantine formally ended on 20 November 1962 with the Soviet agreement in late October to remove not only the missiles but its IL-28 bombers as well. For its part, the US pledged not to invade Cuba; the US also secretly agreed to remove its Jupiter intermediate-range ballistic missiles deployed in Italy and Turkey and targeting the Soviet Union. The naval force tasked with maintaining the quarantine zone, Task Force 136, eventually included Argentine, Dominican, Venezuelan, and United States units and checked 55 merchant ships bound for Cuba.

³¹ Although some observers have questioned whether the United States and the OAS complied with the Charter of the United Nations, the United States placed the question before the UN Security Council. The Council met on 23 October 1962 but failed to take any action. The U.S. position is that regional organizations are permitted to engage in such security actions where the Security Council is ineffective in addressing the situation. It is noteworthy that the Security Council specifically declined to act on a Soviet-proposed resolution condemning the quarantine. *See*, Carter and Trimble, *INTERNATIONAL LAW*, 3d Ed., Aspen Law and Business, Gaithersburg/New York (1999), p. 1239-1240.

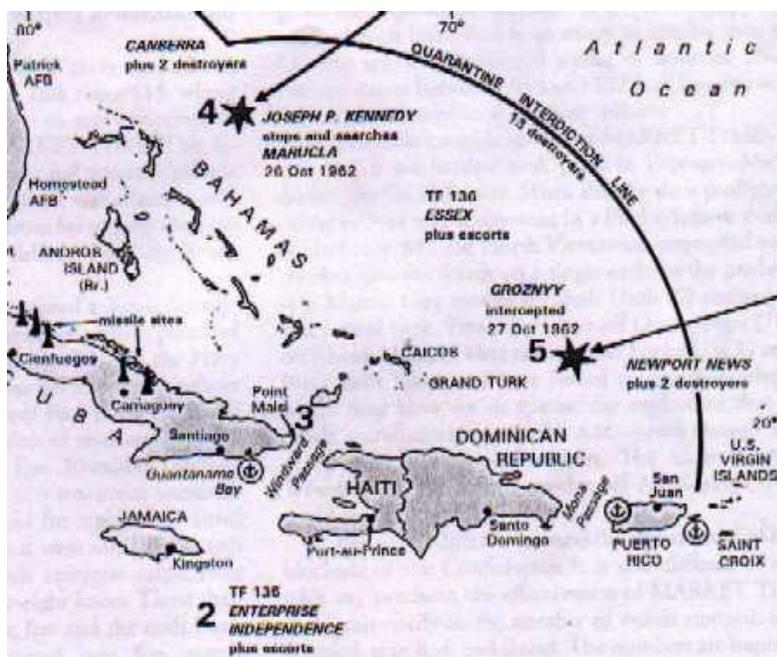


Figure 1: Quarantine Interdiction Line.

The establishment of the naval quarantine was in response to a definitive change in the strategic (nuclear) *status quo* between the United States and the Soviet Union. The United States, pursuant to its pre-conceived conditions of national security and hemisphere defense, acted in accordance with its stated policies and with the consent of those other nations in the region whose security was also at stake.³² The quarantine was an action by the United States in defense of the United States and U.S. interests and security while, to the greatest degree possible, maintaining the rights of freedom of navigation in a peacetime environment.³³ The quarantine was in response to a change in the strategic *status quo* between two political and military adversaries involved in political brinksmanship; the sudden development of the Soviet Union's true nuclear first strike capability -- contrary to the assurances of the Soviet head of state -- combined with its clandestine nature, placed the situation in the realm of unacceptable risk to the United States and the Americas. As such, the United States felt justified in taking action in circumstances which fell below the traditional threshold for actions in self-defense (and in fact took such action in an effort to avoid the need to act in self-defense at some later date).

³² The Cuban-Soviet threat had serious implications beyond the Americas; a war between the United States and the Soviet Union would have necessarily involved the NATO nations and engaged the European continent in a devastating conflict. While not directly involved, the governments of France, Canada, West Germany, and the United Kingdom were briefed on the situation and all gave their approval to the actions of the United States.

³³ As stated in the section on *cordon sanitaire*, all nations' warships have the right of unimpeded freedom of navigation and overflight on and above the high seas and the exclusive economic zone, absent international armed conflict. The right, though, is not unlimited and in cases where national self-defense is at issue, nations faced with such threats may find it necessary to impose measures which affect or impede other states' rights of navigation and overflight. Where the conditions for maritime quarantine are applicable to international waters surrounding other coastal states, the need to act in self-defense may also require the coastal state to set more restrictive conditions on navigation and overflight in the international waters and airspace adjacent to its own territory. In such cases, the quarantine concept would work in reverse, selectively prohibiting the use of international waters and airspace adjacent to its territorial seas by units presenting the threat.

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As the body of international law has developed, an additional justification for the United States to depart from expected norms of international law in peacetime (i.e., by the restriction of freedom of navigation and trade) -- absent the need to act in national self-defense -- might also be found in the doctrine of necessity, which states:

1. A state of necessity may not be invoked by a State as a ground for precluding the wrongfulness of an act of that State not in conformity with an international obligation of the State unless:

a. the act was the only means of safeguarding an essential interest of the State against a grave and imminent peril; and

b. the act did not impair an essential interest of the State toward which the obligation existed.³⁴

In the Cuban Missile Crisis, the President was faced with a destabilizing shift in the *status quo* between the United States and the Soviet Union by the latter's introduction of a nuclear first strike capability in the Americas. Short of engaging his adversary in what could become a global nuclear war, the President determined that the quarantine was the only practical measure available to reverse the events which led to the crisis.³⁵ In contrast, there was no similar essential interest of the Soviet Union in jeopardy, since the conditions of nuclear parity that existed prior to the Missile Crisis were more stable and less threatening to Soviet interests than the situation created by Khrushchev in Cuba.

Under the doctrine of necessity, the lawfulness of the quarantine is supported by:

1. The determinations of the head of state regarding:

a. threats to national security and conditions under which the nation would invoke its right of self-defense, or

b. destabilizing strategic conditions to the security *status quo* which require anticipatory action.

2. The existence of crisis conditions justifying extreme measures in response to a significant threat.

3. Reliance on international legal concepts of the right of self-defense and supporting regional/collective security arrangements.

³⁴ I.L.C. Draft Articles on State Responsibility, Article 33.

³⁵ Khrushchev was relying on finishing the missile sites quickly and secretly, then presenting a *fait accompli* to the United States before it could react to their presence in Cuba; the Soviets were dangerously close to completing construction of the missile facilities in Cuba and had stepped up their timetable once they knew that the missiles had been discovered by the United States. In light of these facts, the President determined that the Soviets would be unresponsive to protracted negotiation through normal diplomatic channels.

4. Determining and engaging in appropriate actions short of warfare.
5. Notice to the international community of those actions the state will take in defense of its interests.

With respect to the contention that quarantine is merely a euphemism for an act of war, quarantine can be distinguished from blockade³⁶ in that:

1. Quarantine is a measured response to a threat to national security or an international crisis; blockade is an unrestrained act of war against an identified belligerent.
2. The goal of quarantine is de-escalation and return to the *status quo* or other stabilizing arrangement; the goal of a blockade is denial and degradation of an enemy capability with the ultimate end state being capitulation in armed conflict.
3. Quarantine, like *cordon sanitaire*, is selective in proportional response to the perceived threat, in this case offensive arms and materiel shipments; blockade requires impartial application to all nations – discrimination by a blockading belligerent renders the blockade legally invalid.³⁷

The Cuban Missile Crisis gave birth to a unique type of maritime zone designed to deal with the complexities of strategic brinkmanship in the modern world. The maritime quarantine concept has not been employed since the Cuban Missile Crisis, most likely due to its controversial justification under international law. Its application outside its original Cold War context is also questioned. However, developments in international law and the current rise of security threats of a similar nature give military planners reason to revisit the concept. Quarantine can be applied to a variety of contemporary situations that could deteriorate to the level of crisis. Consider the threat of North Korean nuclear arms production to United States, South Korean, and Japanese security; as the North Koreans come closer to developing a serious nuclear military capability, the affected states may very well consider the establishment of a quarantine area around North Korea to prevent their acquisition of the materials required to finalize and maintain their nuclear capability. Similarly, a quarantine prohibiting shipments of arms and military materiel could be used against states which are experiencing internal upheaval affecting regional security interests (e.g., Kosovo or Haiti). The quarantine interception and control area would be dictated by a number of factors, including potential sea space, number and location of ports and airfields affected, and the target state's naval capability and shore-based tactical air and surface to surface weapons capability and range.

³⁶ Quarantine is also distinguishable from the concept of “pacific blockade,” used in the nineteenth and twentieth centuries. The pacific blockade was, in essence, the establishment of true blockade conditions during peacetime against target states with the goal of coercing them into a particular behavior. The occasions during which pacific blockade was applied were sporadic, few and controversial. Most pacific blockades were ultimately explained away as acts of reprisal or undeclared war; as such, significant doubt persists as to the existence of the doctrine.

³⁷ See NWP 1-14M, 4.4.8 “Maritime Quarantine.” The quarantine was intentionally selective and designed to allow the United States to apply incremental measures in escalation if the situation deteriorated, to include the ultimate application of total blockade. See Frankel, p. 95. Although the members of ExComm (select members of the National Security Council, including the Vice President, the Secretaries of Defense and State, the Attorney General, and the U.S. Ambassador to the UN) used the terms “blockade” and “quarantine” interchangeably, hindsight demonstrates the creation of a concept separate and distinct from traditional blockade.

C. APPLICATION OF *CORDON SANITAIRE* AND QUARANTINE

Cordon sanitaire and quarantine are different applications of the same overarching requirement for a state to act in defense of its essential security interests. *Cordon sanitaire* is the application of self-defense doctrine to an extreme tactical condition; quarantine is the application of the self-defense concept to a strategic crisis or a strategic anticipatory measure designed to avoid the necessity of having to invoke self-defense at some later time. And, despite their development during the unique circumstances of the Cold War, they may have continued application to contemporary operations. *Cordon sanitaire* can find use in conducting operations in theaters presenting heightened defensive concerns where preventive actions are required: for example, sea- and airborne terrorist threats or threats presented by states. Quarantine may find even more use in response to international crises where the UN has failed or is unable to respond in a timely manner to acts of aggression or threats to international peace: for example, North Korean and Iranian production and exportation of nuclear weapons and materiel, or peacekeeping and humanitarian operations such as Haiti, Somalia, Kosovo, or destabilizing terrorist insurgencies in Iraq. The broad considerations for such operations would be:

1. The existence of an international crisis (a destabilizing departure from the security *status quo*) or extreme threat to U.S. forces, allies, or regional security.
2. The assertion of the state's right to:
 - a. act in individual or collective self-defense in response to the threat; or
 - b. act pursuant to a collective security agreement in the absence of UN action or as an alternative to ineffective action;³⁸ or
 - c. act anticipatorily in response to an unacceptable risk to its security interests (necessity).
3. An order by the President, Secretary of Defense, or responsible combatant commander or theater component commander delegated decision-making authority (quarantine would likely be directed by the President; *cordon sanitaire* could be delegated to subordinate commanders, possibly to the JTF level, depending on the defined national objectives).
4. Notice to the international community of the actions to be taken and areas where U.S./coalition forces would establish the zone of control, typically done through NOTMAR, Special Warning, or similar avenues.³⁹
5. Creation of specific mission Rules of Engagement (ROE) which:
 - a. Identify hostile forces or objects of attack.

³⁸ Chapter 5 deals with zones effected pursuant to UN Security Council Resolution, either by UN forces, single nation-led coalitions, or regional organizations.

³⁹ For the mechanics related to drafting and promulgating NOTMAR, NOTAM, Special Warnings, and HYDROLANT/HYDROPACs, see Appendices A and B.

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- b. Identify actions considered hostile.
 - c. Establish effective warning procedures.
 - d. Establish levels of command authority and conditions required for the application of force (use of warning shots, disabling or destructive fire; in the case of quarantine, requirements for detention and diversion of vessels, boarding party ROE, inspection regimes and procedures for clearance, transit lanes, etc.).
 - e. Coordinate operations of coalition forces in cases of collective action, either through the use of collective self-defense and ROE-sharing or the creation of coalition ROE.
6. Identification of the desired end-state of operations.

Meeting the above criteria would ensure validity under international law and provide the basis for successful mission planning for *cordon sanitaire* and quarantine operations.

Removed from their Cold War context and applied to modern tactical and strategic dilemmas, *cordon sanitaire* and quarantine are special zones designed to address particular crisis-level conflicts during peacetime, primarily those confrontations presenting extreme threats to U.S. forces or security interests. While they are designed to counter specific tactical and strategic threats, the ultimate goal of both *cordon sanitaire* and quarantine is to stabilize the conditions which led to the threat and return to the security *status quo*. Although these zones may not be successful in this regard and armed conflict may nonetheless result, *cordon sanitaire* and quarantine can also perform the function of providing a transitional framework to better control the conversion from peacetime to wartime operations.

Wartime Zones

Introduction

The modern law of naval warfare allows belligerents engaged in armed conflict at sea authority to control sea areas, to interfere with neutral maritime trade and to engage a broad array of targets that directly support the enemy's war fighting capacities. These belligerent rights override more general rights of navigation that are contained in multilateral treaties such as the 1982 Law of the Sea (LOS) Convention. The concept of "zones" is relatively new in the realm of the law of naval warfare, but draws heavily upon more established concepts such as the right to exclude traffic from the immediate area of naval operations and the right to establish a blockade. The relatively recent recognition of "Belligerent Operational Zones" or "Exclusion Zones" draws heavily upon this heritage.

The purpose of this Chapter is to demonstrate the practical utility of maritime zones within an armed conflict at sea. The law has come to recognize that belligerents are permitted broad powers within lawfully declared or enforced zones, which powers can more efficiently shape battle space management. This Chapter deals with the three types of wartime zones mentioned above, namely, the tactically important "immediate area" of belligerent naval operations, strategically important belligerent maritime operational zones (sometimes referred to as "exclusion zones," or "war zones.") and, lastly, blockade. The aim is to demonstrate to operational planners the advantages (and disadvantages) of reliance upon these legal mechanisms to achieve desired military outcomes.

A. IMMEDIATE AREA OF BELLIGERENT OPERATIONS

Since at least the time of the Russo-Japanese war,¹ there has been an acknowledged capacity under customary international law for belligerents to exercise rights within an immediate area of operations to control the manner of access of neutral ships and aircraft into such zones. Most contemporary military manuals² and international restatements of the law³ establish a consensus as to the existence of such zones, but differ as to the rights exercisable by a belligerent within them.

The U.S. position states that "[w]ithin the immediate area or vicinity of naval operations, a belligerent may establish special restrictions upon the activities of neutral vessels and aircraft and

* This chapter is an update to that originally authored by Commander Dale Stephens, CSM, Royal Australian Navy.

¹ CONSTANTINE COLOMBOS, *THE INTERNATIONAL LAW OF THE SEA*, 486–7 (David McKay, ed., 5th ed. 1962).

² NWP 1-14M, para. 7.8; UK LOAC Manual, para. 13.80; German Commander's Handbook, para. 303.

³ San Remo Manual, para. 108.

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may prohibit altogether such vessels and aircraft from entering the area.”⁴ The U.S. position further establishes that the geographic extent of an “immediate area or vicinity” is “that area within which hostilities are taking place or belligerent forces are actually operating.”⁵

While the draft 1923 Hague Rules of Aerial Warfare permitted a belligerent to fire upon belligerent non-military aircraft within, *inter alia*, the immediate vicinity of the military operations of the enemy,⁶ such authority to automatically engage noncombatants is plainly inconsistent with international law that has developed since that time. While it is well established that freedom of navigation rights expressed under the 1982 LOS Convention (and supporting international customary law) may be overridden by the law of naval warfare as the *lex specialis*,⁷ targeting rules must nonetheless conform with international treaty or customary law standards. Thus, the German Commander’s Handbook acknowledges a belligerent’s capacity to establish special restrictions for the movement of neutral vessels and aircraft within the immediate area of operations “or in its adjoining environment.”⁸ Such restrictions relate to conforming to special procedures for approach and even, if “absolutely necessary,”⁹ the complete barring of access to a localized area where this is necessary for the safety of the belligerent units or the success of the respective mission. The German Manual does not, however, anticipate the direct targeting of vessels or aircraft that fail to comply with announced stipulations.

The U.S. policy approach fuses the customary right of localized control within an immediate area of operations with more traditional rights existing under the law of naval warfare for targeting permissions. For example, with respect to communications, the U.S. position provides that the commanding officer of a belligerent warship may exercise control over the communications of a neutral merchant vessel or civil aircraft whose presence might “otherwise endanger or jeopardize those operations.”¹⁰ Failure to comply with a belligerent’s directions concerning communications within such a zone may prompt an assumption of enemy character which might then render the vessel or aircraft liable to be fired upon.¹¹ The acquisition of enemy character (and loss of civilian protection) is established under the law of naval warfare in a number of circumstances, including where a neutral may reasonably be believed to be engaging in belligerent acts on behalf of the enemy,¹² or is incorporated into or assisting the enemy’s intelligence system,¹³ or is otherwise making an effective contribution to the enemy’s military action.¹⁴ The repeated failure of a neutral to comply with express directions of a belligerent vessel

⁴ NWP 1-14M, para. 7.8.

⁵ *Id.*

⁶ Article 34 of the draft *1923 Hague Rules of Aerial Warfare* states: “Belligerent non-military aircraft, whether public or private, are liable to be fired upon, if they fly (1) within the jurisdiction of the enemy, or (2) in the immediate vicinity thereof and outside the jurisdiction of their own State, or (3) in the immediate vicinity of the military operations of the enemy by land or sea.”

⁷ *ICJ Advisory Opinion on Legality of the Threat or Use of Nuclear Weapons*, 1996 ICJ 226, para. 25

⁸ German Commander’s Handbook, para. 303.

⁹ *Id.*

¹⁰ NWP 1-14M, para. 7.8.1.

¹¹ *Id.*

¹² San Remo Manual, para. 67(b).

¹³ *Id.* at para. 67(d).

¹⁴ *Id.* at para. 67(f).

within an immediate area of operations would plainly bolster the reasonableness of the commander's decision to ultimately attack such neutral vessels or aircraft under the law relating to targeting. It is, however, always a matter of grave judgment as to whether an otherwise neutral vessel has lost its protected status. To this end, U.S. policy caveats, for example, that "[l]egitimate distress communications should be permitted to the extent that the success of the operation is not prejudiced thereby."¹⁵

The designation "immediate area" is a critical factor in permitting the exercise of control rights. While it has been mentioned that the U.S. policy position is that the area of relevance is that area within which hostilities are taking place or where U.S. forces are actually operating¹⁶ there is an obvious lack of specificity in this formulation. Academic assessments of the relevant "immediate area" include the area where operations are actually in progress "on the spot,"¹⁷ or, in the case of the German Manual, where "combat activities are taking place or units of the naval or air forces are actually operating."¹⁸ What the extent of an immediate area of operations is will be determined by the tactical picture at the relevant time. Thus, it is a fluid, three-dimensional concept that takes into account modern "over-the-horizon" targeting capabilities. Whatever its geographic scope may be in a given circumstance, there is a consensus that a "belligerent may not . . . 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."¹⁹ Accordingly, while belligerent powers may be exercised over neutral shipping, such zones cannot impinge upon access to a neutral coastline. Similarly, there is a view taken following U.S. warship presence in the Persian Gulf during the Iraq/Iran war, that belligerents may not invoke this customary right to restrict the navigation of neutral warships, naval auxiliaries, ships on governmental or noncommercial service, or neutral State or military aircraft.²⁰ It has also been noted, however, that even in the case of neutral warship operations, the receipt by a neutral warship of a request from a belligerent warship to leave the immediate area of operations "should not be lightly denied, absent other considerations, e.g. conducting one's own naval operations."²¹

Immediate Area of Belligerent Operations: Contemporary Policy

As a customary right, the authority to control activities within an "immediate area of operations" is consistently endorsed as a belligerent right under the law of naval warfare. Under this right, a belligerent may regulate or prohibit entry of neutral vessels or aircraft into this zone. As the right derives from the law of naval warfare, it overrides peacetime freedom of navigation rights. The geographical extent of the "immediate area of operations" is not prescriptively defined. During the

¹⁵ NWP 1-14M, para. 7.8.1.

¹⁶ *Id.* at para 7.8.

¹⁷ J. M. SPAIGHT, AIR POWER AND WAR RIGHTS, 401 (3rd ed., 1947).

¹⁸ German Commander's Handbook, para. 303.

¹⁹ *Id.* at para. 303; NWP 1-14M, para. 7.8, GEORGE K. WALKER, THE TANKER WAR, 1980-88: LAW AND POLICY, 395, 2000, Vol. 74, U.S. Naval War College, International Law Studies.

²⁰ GEORGE K. WALKER, *supra* note 19, at 396.

²¹ *Id.*

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Russo-Japanese war the zones extended some ten miles from land. Given the ranges and capacities of modern weapons systems including, in particular, anti-ship missiles, the “immediate” area of naval operations may now be given a broader understanding based upon reasonable assessments of the existing threats.

Neutrals who fail to comply with stipulations validly provided within such a zone are liable to be forcibly removed or even fired upon. Attacking such vessels is not as an automatic right derived from their entering the zone or failing to respond to a direction to leave, but rather as a function of the existing law relating to targeting under the law of naval warfare. Additionally, as in peacetime, the basic right of unit self-defense²² continues to apply to enable commanders to defend their own units and all other units in the vicinity. Accordingly, the continued presence of a vessel within an immediate area of operations –in peacetime or in wartime- that has been warned to clear may, in the circumstances prevailing at the time, may give rise to a reasonable belief that an attack is imminent, allowing a response by the maritime unit in self-defense.

In the context of the Global War on Terrorism, a preferred tactic of terrorists against warships is the use of the water-borne suicide bomb.²³ Thus, the proximity of a dhow, fishing boat, speedboat or other small vessel within an immediate area of operations may be cause for significant concern. The law of naval warfare and the facility of control exercisable under customary rights applicable in the immediate area of operations provide legal justification for the control, boarding, removal and even engagement of such vessels and can be an effective legal tool for ensuring the safety of the asset and crew.

A contemporary example of an “immediate area of operations” is the declaration of localized maritime zones by the United States with respect to off shore oil platforms in Iraq. On April 24, 2004, during the period of U.S. occupation of Iraq, terrorists conducted a small boat suicide attack against Al Basra Oil Terminal (ABOT) and against a coalition warship in the vicinity of Khawr Al’ Amaya Oil Terminal (KAAOT). On May 2, 2004, a NOTMAR announcement was made simply declaring (without more) the existence of a 3000 meter warning zone and a 2000 meter exclusion zone around the terminals.²⁴ On May 3, 2004, this NOTMAR was cancelled and a further NOTMAR was issued which more comprehensively declared and defined warning and exclusion zones for ABOT and KAAOT.²⁵ The NOTMAR temporarily suspended the right of innocent passage “in accordance with international law” for all vessels in the Iraqi territorial sea and established a series of concentric warning and exclusion zones surrounding KAAOT and ABOT that extended out to 3000 meters.²⁶ Additionally, the latter NOTMAR warned civilian mariners away from the zones and advised ships to “remain clear of Coalition

²² NWP 1-14M, para 4.4.3.

²³ The October 12, 2000 attack on the USS COLE graphically demonstrates the tactics and potency of a small boat threat in the context of the war on terror.

²⁴ HYDROPAC 790/04 (021012Z MAY 2004). See Appendix C

²⁵ HYDROPAC 795/04 (030850Z MAY 2004) See Appendix C; See also MARLO Advisory 06-04, 1 May 2004). See Appendix C.

²⁶ *Id.*

maritime security forces” unless properly identified.²⁷ Such vessels were directed to follow Coalition directions and were further advised 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.”²⁸ These measures were implemented specifically to counter the threat of terrorist small boat attacks in the region and plainly had a self-defense element underpinning them. These measures also successfully invoke, in a contemporary context, the classic customary rights to control access to the immediate area of operations and thus form a useful precedent for operational planning.²⁹

**B. BELLIGERENT OPERATIONAL ZONES/
“EXCLUSION ZONES”/ “WAR ZONES”**

Beyond the tactically important immediate area of operations, there has been an evolving recognition of a broader right to declare zones under the law of naval warfare. Such zones purport to do more than govern activities within a localized area and are implemented to more decisively shape battle space management in the strategic sense. One view is that belligerent maritime operational zones derive their authority strictly pursuant to the law of naval warfare; a contending view is that they might also be said to derive from the right of self-defense which is reflected in Article 51 of the UN Charter.³⁰ Referred to, variously, as “Exclusion Zones,” “Total Exclusion Zones,” “Barred Areas,” “Operational Zones” and “War Zones,”³¹ the purpose of establishing such a zone is to designate an area of water and superjacent air space where a State may exercise control over access of ships and aircraft. A number of national military manuals³² and international restatements on the law of naval warfare³³ acknowledge the lawfulness of belligerent operational zones, provided that a number of legal criteria are observed. Thus, the lawfulness of a declared belligerent operational zone is dependent upon compliance with the law of naval warfare as to target selection, as well as more general obligations as to proportionality and reasonableness in the establishment and enforcement of such zones. A belligerent maritime operational zone is distinct from the belligerent right to declare a blockade³⁴ as well as the customary right to exercise necessary control over neutral vessels and aircraft in the immediate area of naval operations.³⁵

As a mechanism to “contain the geographic area of the conflict or to keep neutral shipping at a

²⁷ *Id.*

²⁸ *Id.*

²⁹ MARLO ADVISORY BULLETIN 08-03 issued March 31, 2003 is a further example where it was announced upon commencement of the armed conflict in Iraq that “Vessels should remain clear for the duration of Coalition military operations, so as to ensure their safety, the safety of their vessel, and passengers.” See Appendix C.

³⁰ See for example Australian Reference Manual, para. 815.

³¹ Canadian LOAC Manual, para. 70.

³² NWP 1-14M, para.7.9; UK LOAC Manual, paras. 13.77–13.80; German Commander’s Handbook, paras. 304–5; Canadian LOAC Manual, paras. 70–74; Australian Reference Manual, paras 8.15–8.18.

³³ San Remo Manual, paras. 106–8.

³⁴ Michael N. Schmitt, *Aerial Blockades in Historical, Legal, and Practical Perspective*, 2 UNITED STATES AIR FORCE ACADEMY JOURNAL OF LEGAL STUDIES 21(1991) at 22.

³⁵ San Remo Manual, para. 108; See also NWP 1-14M, para. 7.9.

safe distance from areas of actual or potential hostilities”³⁶ a declared maritime operational zone is both laudable and plainly lawful.³⁷ Critically, all legal texts universally state that such a belligerent operational zone is *not* a free fire zone.³⁸ This remains an undoubted and immutable legal proposition. The law of naval warfare, especially the rules and obligations relating to attacking vessels and aircraft continue to apply within, for instance, a declared maritime “exclusion zone” (or “war zone,” etc.) just as it would outside of such a zone. Individual commanders remain liable under the law of naval warfare for violations committed within such a declared exclusion zone, such as for attacking vessels that derive protection under the general law, just as they would for similar actions undertaken outside such a zone.

What a lawfully declared “exclusion zone” does provide is a limited authority to manage access and movement within a zone. It grants an opportunity for neutral vessels to avoid the area, thus ensuring better protection for such vessels. It also allows a belligerent more accurately to assess the intention and ultimate status of a neutral vessel or aircraft that enters a lawfully established exclusion zone. This may entitle the State declaring the zone to more confidently invoke other belligerent rights permitting the capture or destruction of vessels that have acquired enemy character. The San Remo Manual reiterates this threshold position by expressly acknowledging that “it might be more likely to presume that ships or aircraft in the area without permission were there for hostile purposes.”³⁹

The experience of establishing large maritime war zones during the course of the Russo-Japanese War, World War I and World War II has contributed to the false belief by some that unilateral declaration of an exclusion zone permits a “sink on sight” policy of all vessels, be they enemy or neutral, warships or merchant ships, which are within such zones.⁴⁰ The legal principles supporting these earlier wartime zones were of highly questionable authority and dealt with propositions of “long distance blockade” and “reprisal.” These grounds do *not* provide a reliable or accepted conceptual basis for determining the lawfulness of contemporary belligerent maritime operational zones. U.S. policy is firm that commanders do not acquire any special targeting permissions outside of the law of naval warfare merely as a result of the declaration of an operational zone.⁴¹

Contemporary Policy Regarding Belligerent Operational Zones

U.S. policy as reflected in NWP 1-14M acknowledges the lawfulness of belligerent

³⁶ NWP 1-14M, para. 7.9.

³⁷ *Id.*

³⁸ *Id.* at para. 7.9; UK LOAC Manual para. 13.77; German Commander’s Handbook, para. 304; Canadian LOAC Manual, para. 71; Australian Reference Manual, para. 8.18; San Remo Manual, para. 105

³⁹ San Remo Manual, para. 105; *see also* YORAM DINSTEIN, THE CONDUCT OF HOSTILITIES UNDER THE LAW OF INTERNATIONAL ARMED CONFLICT, 106–7 (2004).

⁴⁰ DINSTEIN, *supra* note 39 at 106.

⁴¹ NWP 1-14M, para 7.9, states “. . . 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 which 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.”

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maritime operational zones such as “exclusion zones” and “war zones” provided that they are “reasonable” in containing the “geographic area of the conflict”⁴² and/or keeping neutral shipping “at a safe distance from areas of actual or potential hostilities.”⁴³ Thus, to the extent to which such zones “serve to warn neutral vessels and aircraft away from belligerent activities,”⁴⁴ by reducing the likelihood of risk of collateral damage and incidental injury, they serve a useful purpose. Enforcement of such zones may be equally facilitated by decisions of maritime insurers who may compel avoidance of these areas for vessels covered by their respective policies as a prudent business risk calculation. In any event, the establishment of such zones often has the effect of “de-cluttering of the radar.”

The San Remo Manual provides a thorough analysis of the legal texture of belligerent maritime zones and prescribes a number of conditions necessary to ensure their lawfulness. Importantly, as a foundational proposition, the San Remo Manual repeats the emphasis of NWP 1-14M concerning the maintenance of the law of naval warfare by dictating that a belligerent is not absolved of its duties under the law of armed conflict/naval warfare when establishing such a zone.⁴⁵ In the event that a belligerent decides to establish a zone, the San Remo Manual stipulates the following cumulative criteria apply:

1. The same body of law applies both inside and outside the zone;
2. The extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principle of proportionality;
3. Due regard shall be given to the rights of neutral States to legitimate uses of the sea;
4. Necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i). where the geographical extent of the zone significantly impedes free and safe access to ports and coasts of a neutral State;
 - (ii). in other cases where normal navigation routes are affected, except where military requirements do not permit; *and*
5. The commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.⁴⁶

In addition to listing the criteria necessary to establish the legitimacy of a belligerent maritime zone, the San Remo Manual further stipulates that compliance by a neutral with the measures imposed by a belligerent in respect of a maritime zone shall not, in itself, be construed as an act harmful to the opposing belligerent, thus rendering the neutral liable to capture or attack by the

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ San Remo Manual, para. 105:

“A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.”

⁴⁶ *Id.* at para. 106.

other side.⁴⁷

Belligerent Maritime Operational Zones: Case Studies

Falkland/ Malvinas Islands Conflict

The Falkland/Malvinas Islands conflict of 1982 witnessed the extensive use of belligerent maritime operational zones by both the United Kingdom and Argentina, and thus, provides a useful case study for assessing the legality of declared maritime “exclusion zones.”

On April 2, 1982, Argentine military forces invaded the Falkland/Malvinas Islands and ousted resident British military forces while asserting Argentine sovereignty over the Islands. A British naval task force was dispatched from the United Kingdom shortly after the invasion to restore British administration to the islands and on April 3, 1982, the United Nations Security Council adopted Resolution 502 which, *inter alia*, demanded an immediate withdrawal of Argentine forces as well as an “immediate cessation of hostilities.”⁴⁸

During the course of events leading up to the recovery of the Islands, the British Government declared four maritime zones. The first, a “Maritime Exclusion Zone” (MEZ) was declared on April 7, 1982 (to be made effective April 12, 1982), establishing a 200 nautical mile circle around the islands. The British declared that “Argentine warships and Argentine naval auxiliaries found within this zone will be treated as hostile and are liable to be attacked by British forces.”⁴⁹ The declaration of the MEZ was expressed to be “without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defense, under Article 51 of the United Nations Charter.”⁵⁰ The declaration was plainly addressed to Argentine warships and naval auxiliaries only. Thus, neutral vessels and Argentine merchant ships were not impacted by the declaration.

The second zone declared by the United Kingdom was the so-called “defensive bubble” or “defensive area” of April 23, 1982, with respect to which the British Government advised that,

... any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of British Forces in the South Atlantic will encounter the appropriate response. All Argentine aircraft, including civil aircraft engaging in surveillance of these British Forces, will be regarded as hostile and are liable to be dealt with accordingly.⁵¹

⁴⁷ *Id.* at para. 107.

⁴⁸ UNSC Resolution 502 (1982) adopted at the 2350th meeting by 10 votes to 1 (Panama) with 4 abstentions (China, Poland, Spain, USSR).

⁴⁹ Speech by the Secretary of State for Defence, Mr John Nott, in the House of Commons on 7 April 1982 as found in *Britain and the Falklands Crisis, A Documentary Record*, Central Office of Information Reference Pamphlet 176, 38 (1982). See Appendix C.

⁵⁰ *Id.*

⁵¹ The Right of Self-Defence: Message of April 23, 1982 from the British Government to the Argentine Government, as found in *supra* note 49 at 42.

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This zone plainly covered an area (undefined in geographic scope) surrounding the British task force and, unlike the declaration of April 12, incorporated an express reference to Argentine aircraft. It seemed to be predicated upon a normal unit self-defense⁵² paradigm in conjunction with an immediate area of operations element, although it seemed from its literal terms to give a lesser threshold trigger for the manifestation of “hostile intent” as being merely one of “approaching” the task force.

On April 30, 1982, a third British zone took effect, namely a “Total Exclusion Zone” (TEZ). Covering the same 200 nautical mile circle as the MEZ, this zone was declared to apply

not only to Argentine warships and Argentine naval auxiliaries but also to any other ship, whether naval or merchant vessel, which is operating in support of the illegal occupation of the Falkland Islands by Argentine Forces. The exclusion zone will also apply to any aircraft, whether military or civil, which is operating in support of the illegal occupation.⁵³

Moreover the declaration establishing the Total Exclusion Zone emphasized that:

Any ship and any aircraft, whether military or civil, which is found within this zone without due authority from the Ministry of Defence in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by British Forces.⁵⁴

On May 7, 1982, the British Government declared a fourth zone, namely an extension to the TEZ. Argentina was informed that any of its warships or aircraft more than 12 nautical miles from the Argentine coast would be treated as hostile and dealt with accordingly.⁵⁵

On its part, the Argentine Government declared three different belligerent zones: first, on April 8, 1982, a 200 nautical mile “maritime zone” around the Islands and the Argentine coast⁵⁶ and second, on April 28, 1982, a 200 nautical mile zone around the Argentine coast.⁵⁷ Within these areas it was declared that all British naval and air forces would be considered hostile. The declaration also threatened to attack all British vessels and aircraft entering Argentine airspace or waters. Finally, the Argentine Government declared on May 11, 1982, the entire South Atlantic to be a “war zone” thus rendering any British vessel therein liable to attack presumably covering all vessels whether having military character or not. Referencing British attempts to impose restrictions on “Argentine marine traffic in the South Atlantic,” the Argentine declaration stated: “[A]ny vessel flying the United Kingdom

⁵² NWP 1-14M, para 4.432.2. outlines the U.S. approach to this concept:

The [Standing Rules of Engagement] provide implementation guidance on the inherent right and obligation of self-defense and the application of force for mission accomplishment. A principal tenet of these ROE is the 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.

⁵³ Total Exclusion Zone: Statement by Mr. John Nott in the House of Commons on April 28, 1982 as found in *supra* note 49 at 43.

⁵⁴ *Id.*

⁵⁵ As taken from W. J. Fenrick, *The Exclusion Zone Device in the Law of Naval Warfare*, 1986 CANADIAN YEARBOOK OF INTERNATIONAL LAW, Vol. XXIV, 91 at 111.

⁵⁶ See Appendix C.

⁵⁷ See Appendix C.

flag which is navigating in the aforementioned zone towards the area of operations and/or which may be presumed to constitute a threat to national security shall be considered hostile, and action will be taken accordingly.”⁵⁸

Falkland/ Malvinas Islands Zones Analysis

The prominence of the declaration and implementation of “exclusion zones” and “war zones” within this conflict has shaped subsequent recognition of the legal usefulness and limits of the zone concept.⁵⁹ Notwithstanding, it is equally evident that both the UK and Argentina are not free from criticism as to aspects of their respective declarations.

For the most part, the respective British and Argentine declarations were potentially useful in delimiting the geographical nature of the conflict and thus served to protect neutral shipping by providing notice of the area of operations. Moreover, as the conflict revolved around the restoration of British administration to the islands, rather than operations in either the United Kingdom or Argentina themselves, such belligerent-declared zones could (with the exception of the Argentine declaration of the South Atlantic as a “war zone”) be said to be reasonable and proportionate measures in defining the naval battle space. Of course, this relied greatly on the fact of limited neutral merchant traffic in the South Atlantic, for a 200 nm “TEZ” declared over the Strait of Malacca would manifestly be disproportionate in scale and thus beyond the recognized legal limits of such a zone.⁶⁰

What appears to be problematic from a legal perspective was the reservation in the British TEZ statement of 30 April that, *prima facie*, deemed any neutral ship within the 200 nm radius without permission from London as being hostile and thus liable to attack.⁶¹ Engaging neutral vessels merely because they are within a declared maritime exclusion zone, without any other indicia of hostility or acquisition of enemy character, is not consistent with the law of naval warfare. It may be, however, that the TEZ statement is being read too broadly and it was presumed that a British decision to engage a neutral vessel in this region would be predicated upon establishing that such

⁵⁸ See Appendix C. See also United Nations Security Council Document S/15069 (“Letter dated 11 May 1982 from the Permanent Representative of Argentina to the United Nations Addressed to the President of the Security Council”) quoting statement of the Joint General Staff of the Argentine Armed Forces.

⁵⁹ R. P. Barston and P. W. Birnie, *The Falkland Islands/Islands Malvinas Conflict, A Question of Zones*, MARINE POLICY, 14 (January 1983).

⁶⁰ San Remo Manual at para 106.2, notes:

There must be a proportional and demonstrable nexus between the zone and the measures imposed, including both restrictive and enforcement measures, and the self-defense requirements of the State establishing the zone. For example, in the Falklands conflict, Argentina’s 200-mile zone around the Falklands was probably adequate but its declaration that the entire South Atlantic was a war zone was disproportionate to its defence requirements and would affect shipping unconnected with the conflict. Zones located in isolated areas far from normal shipping routes, such as those used in the Falklands, are less likely to raise objections than zones on major shipping routes such as those in the Persian Arabian Gulf. Zones occupying relatively small areas or established for relatively brief periods are more likely than the converse to be considered acceptable.

⁶¹ Fenrick, *supra* note 55, at 111.

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a vessel had come within one of the established grounds for divesting itself of protected status. Such grounds include the carrying of contraband,⁶² engaging in belligerent acts on behalf of the enemy,⁶³ incorporated into or assisting the enemy's intelligence system⁶⁴ or under American formulations, when otherwise integrated into the enemy's war-fighting or war-sustaining effort.⁶⁵ It is relevant that the statement merely refers to such vessels being "liable" to attack, which suggests a level of discretion for the military decision maker, based presumably upon the establishment of additional criteria that would permit the lawful targeting of such a vessel. Such an interpretation of the application of the rights unilaterally reserved within the TEZ may be what the British Government had in mind as the British did not, in fact, engage any neutral vessel within the TEZ during the course of the conflict.⁶⁶

Alternatively, the Argentine declaration that the South Atlantic was a "war zone" thus permitting the indiscriminate attack on any British vessel (including merchantmen) within the region can plainly be regarded as unlawful, on both geographic proportionality grounds as well as violating the law of naval warfare as to targeting.⁶⁷

What has proven controversial in the enduring public perception of the Falkland/Malvinas conflict was the British attack upon the Argentine cruiser, the *General Belgrano*, on May 2, 1982. The ship was attacked and sunk by a British submarine when it was outside the British declared TEZ of April 30, 1982. While the attack may at first appear to be inconsistent with the British declaration concerning the rights exercisable within the TEZ, it was not unlawful as a matter of the law of naval warfare. As the Security Council had recognized in UNSCR 502, a state of hostilities existed between the UK and Argentina at the time of the attack and thus engagement of an Argentinean warship outside of neutral waters was perfectly consistent with the law of naval warfare.⁶⁸ Moreover, the British declarations were always careful to reserve the right to undertake actions in national self-defense, irrespective of the geographical extent of the various exclusion zones. The incident nonetheless serves to demonstrate both the care needed when declaring rights under a maritime exclusion zone so as to preserve both political and legal expectations and it also highlights the need to recognize and emphasize maritime exclusion zones as being principally a tool for the management of merchant shipping.⁶⁹

⁶² San Remo Manual, para. 67(a).

⁶³ *Id.* at para. 67(b).

⁶⁴ *Id.* at para. 67(d).

⁶⁵ NWP 1-14M, para. 8.2.; note that under para. 67(f) of San Remo, the limitation is restricted to "otherwise make an effective contribution to the enemy's military action."

⁶⁶ Fenrick, *supra* note 55, at 114. Wolff Heintschel von Heinegg observes that possibly "the proclamation of the TEZ was nothing but a most effective ruse of war because it obviously induced the Argentine forces to avoid the area." If so, "the British measure was not illegal under the law of naval warfare." Wolff Heintschel von Heinegg "Current Issues in Maritime Operations," *International Law Studies*, vol. 80, p. 207, 217; US Naval War College.

⁶⁷ *Id.* at 113; San Remo Manual, para 106.2.

⁶⁸ DINSTEIN, *supra* note 39, at 107.

⁶⁹ Australian Reference Manual, 8.18.

Iran/Iraq War

The Iran/Iraq war of the 1980s also witnessed the establishment of belligerent zones which purportedly allowed for the reservation of rights relating to initiation of force against any vessel entering such zones and which have been subject to significant criticism. At the commencement of the war, the Iraqi Government declared the northern part of the Persian Gulf as a war zone.⁷⁰ The Iranian Government made a similar announcement declaring an offshore war zone that ran the length of the Iranian shoreline; warnings were issued that Iranian authorities would not permit any merchant ship to carry cargo to Iraqi ports.⁷¹

In August 1982, the Iraqi Government established a “Naval Total Exclusion Zone” around the Iranian oil facility on Kharg Island⁷² which was enforced by both military aircraft and naval mines. The declaration did not designate safe passage routes for merchant ships and, like the Iranian declared zone, seemed to unlawfully operate as a “free fire zone” for all vessels entering such zone. In the period extending between 1980 and 1984, Iraq undertook approximately 60 attacks on neutral shipping within the region.⁷³ Curiously, Iran arguably relied upon the doctrine of reprisal to target neutral shipping in the region, which approach has been correctly criticized for its misreading of the rights available under this controversial doctrine.⁷⁴

The actions of both Iraq and Iran have been comprehensively criticized for violating the law of naval warfare with their respective policies of indiscriminate attacks upon neutral shipping within the Gulf during the course of their conflict. It is plainly evident that the disruption of oil exports by either side did have military utility as such exports did contribute greatly to the war-fighting/war-sustaining capacity of both sides. The legal mechanisms for undertaking this type of economic warfare derive from the law relating to blockade or visit and search. Under each body of law are a number of onerous obligations regarding third party notice and enforcement capacities. Similarly, general principles of the law of naval warfare permit the targeting of vessels 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.”⁷⁵ One might imagine arguments supporting the selective targeting of neutral tankers that, through the purchase and carriage of oil, they directly facilitated the war fighting capacities of the belligerents. However, military engagement of neutral vessels is a last resort, and is plainly not something that may be overcome with unilateral statements seeking to establish preminent rights within a maritime exclusion zone to

⁷⁰ Fenrick, *supra* note 55, at 118.

⁷¹ *Id.* at 117–8; SPECIAL WARNING No. 53 of 27 May 81; SPECIAL WARNING 72 of 7 August 1987; *See* Appendix C.

⁷² ANDREA DE GUTTRY AND NATALINO RONZITTI, *THE IRAN-IRAQ WAR (1980–1988) AND THE LAW OF NAVAL WARFARE*, (1993) 61; *See* Appendix C.

⁷³ Fenrick, *supra* note 55, at 119.

⁷⁴ Maxwell Jenkins, *Air Attacks on Neutral Shipping in the Persian Gulf: The Legality of the Iraqi Exclusion Zone and Iranian Reprisals*, 8(2) *BOSTON COLLEGE INTERNATIONAL & COMPARATIVE LAW REVIEW* 517 (1985).

⁷⁵ NWP 1-14M, para. 8.2.

attack any vessels that should so enter such a zone.

Operation Iraqi Freedom—U.S. Declared Maritime Zones⁷⁶

Significant U.S. naval forces were involved in Operation Iraqi Freedom (OIF) combat operations.⁷⁷ Moreover, from the Special Warnings, NOTAMs and NOTMARs that were issued immediately before and during OIF, it is evident that U.S. naval forces initially took measures to control shipping in the immediate area of naval operations, but refined this localized legal tool in a more strategic manner as the conduct of hostilities were underway with the declaration of more strategically focused operational zones.

Zones in the Eastern Mediterranean

In his testimony before the U.S. Senate Armed Service Committee on March 4, 2004, the Commander of U.S. European Command (EUCOM) noted that EUCOM's naval component commander exercised operational control of the USS *HARRY S. TRUMAN* and USS *THEODORE ROOSEVELT* Carrier Strike Groups, with 22 ships and 157 carrier-based aircraft.⁷⁸ He went on to state that strike-group aircraft flew over 3,000 combat sorties from the Eastern Mediterranean Sea and delivered precision-guided ordnance in Northern Iraq.⁷⁹ Additionally, cruisers and destroyers launched 36 Tomahawk Land Attack Cruise missile strikes into Iraq from the Mediterranean.⁸⁰

As these forces gathered in the Eastern Mediterranean before OIF, a series of NOTAMs and NOTMARs were issued. On February 5, 2003 a NOTAM/ NOTMAR was issued advising all aircraft and surface vessels that "U.S. forces in the Mediterranean sea are operating at a heightened state of readiness and taking additional defensive precautions against terrorist and other potential threats."⁸¹ The notice went on to request that all aircraft and surface vessels maintain radio contact with U.S. forces to ensure that their intentions were known. The notice also specifically stated that "nothing in this warning is intended to impede or otherwise interfere with the freedom of navigation or overflight of any vessel or aircraft, or to limit or expand the inherent self-defense rights of U.S. forces."⁸²

⁷⁶ The section outlining U.S. Zones utilized in Operation Iraqi Freedom was prepared by Captain Stauffer "Corky" Malcolm, USN.

⁷⁷ See Remarks of Admiral Vernon Clark, USN, Chief of Naval Operations, Sea Air Space Exposition, Washington, D.C. April 17, 2003, accessible at <http://www.navy.mil/navydata/cno/speeches/clark030417.txt>

A month before conflicts started in Iraq, we had five carrier battle groups and three quarters of my amphibious structure carrying the United States Marine Corps committed. . . . The first agility comes from the freedom of operating out of our domain, that maneuver space that I talked about. The free access, not much has been said about this. Think of this, half of our force is sitting over in the Eastern Mediterranean. A thousand miles away is another piece of our force, and these groups are operating in a totally cohesive way.

⁷⁸ Statement of General James L. Jones, USMC, Commander, United States European Command, before the Senate Armed Services Committee on March 4, 2004, at 9.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ HYDROLANT 271/03 (051340Z FEB 2003). See Appendix C.

⁸² *Id.*

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On March 6, 2003 a second NOTMAR was issued advising ships of a potential hazard to navigation since U.S. forces were conducting “combat training exercises in international waters off the northern and eastern coast of Cyprus.”⁸³ The warning provided coordinates for two operating areas in international waters and advised all vessels to navigate these areas with extreme caution.⁸⁴ Once again, the warning advised that U.S. forces were “operating at a heightened state of readiness and taking additional defensive precautions against terrorist and other potential threats.”⁸⁵ The notice requested vessels to make radio contact and again specifically stated that “nothing in this warning is intended to impede or otherwise interfere with the freedom of navigation or overflight of any vessel or aircraft, or to limit or expand the inherent self-defense rights of U.S. forces.”⁸⁶

On March 20, 2003, as the war against Iraq commenced, a NOTMAR was issued declaring that “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.”⁸⁷ The warning defined the perimeter of the zone with exact coordinates and requested that all vessels remain clear. Like the previous NOTMARs, vessels in the area of this designated zone were requested to make their intentions known via radio contact.⁸⁸ However, in contrast to the previous NOTMARs, this one advised that vessels entering the maritime safety zone were subject to boarding and visit by U.S. forces.⁸⁹ Moreover, this NOTMAR made no reference to the unrestricted right of freedom of navigation or overflight that was contained in the previous NOTMARs.

On March 21, 2003, a second maritime safety zone was declared off the eastern coast of Cyprus.⁹⁰ The exact coordinates of the zone were listed to establish its perimeter and it contained substantially the same language as the NOTMAR issued on March 20, 2003.⁹¹

Zones Declared in General Area of Operations—OIF

In addition to the specific measures being taken in the Eastern Mediterranean that are described above, when hostilities commenced against Iraq, a Special Warning was issued March 20, 2003 advising all shipping and aircraft of military operations in the Eastern Mediterranean, Red Sea, Gulf of Aden, Arabian Sea, Gulf of Oman, and Arabian Gulf.⁹² The warning advised all vessels and aircraft that Coalition vessels would seek to determine “timely and accurate identification,” and that Coalition naval forces would be prepared to “exercise appropriate

⁸³ HYDROLANT 509/03 (061620Z MAR 2003). See Appendix C.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ HYDROLANT 597/03 (202135Z MAR 2003). See Appendix C.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ HYDROLANT 602/03(211240Z MAR 2003). See Appendix C.

⁹¹ *Id.*

⁹² SPECIAL WARNING 121 PERSIAN GULF (200120Z MAR 2003), Repeated in MARLO Advisory Bulletin 06-03 of 20 March 2003. See Appendix C.

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measures in self-defense to ensure their safety in the event they are approached.”⁹³ The warning notified all vessels that they were “subject to query, being stopped, boarded and searched by U.S./Coalition warships operating in support of operations against Iraq [and that] [v]essels found to be carrying contraband bound for Iraq or carrying and/or laying naval mines are subject to detention, seizure and destruction.”⁹⁴

OIF—Zones Legal Analysis

The notices issued on February 5 and March 6, 2003 were not based upon any assertion of belligerent right to control the immediate area of operations nor were they establishing a belligerent maritime operational zone. Rather, they were based upon a unit self-defense paradigm and were prudent measures taken to inform shipping in the area of the posture adopted by U.S. forces in the build up to the conflict.

The announcements of March 20 and 21, 2003 in the eastern Mediterranean were examples of U.S.-declared belligerent maritime operational zones. These zones were established in the context of armed conflict, they specified a geographic area in which traditional rights under the law of naval warfare were being exercised, and where control over neutral shipping was asserted. The purpose of the zones was to ensure appropriate battle space management given that the warships in the zone were the source of sustained offensive operations against an enemy. In general, the zones were enunciated with sufficient specificity as to scope and measures relied upon and they appeared to satisfy the criteria of reasonableness and respect for access to neutral ports. If criticism could be leveled at the announcements of March 20 and 21, it would be their paucity of detail concerning restrictions on freedom of navigation. These were asserted only implicitly, although the reservation as to reliance on boarding operations under the regime of “visit and search” gave a significant indication as to U.S. preparedness to control movement within the announced zones.

The announcement of the Special Warning of March 20 applicable to all general areas of maritime operations did not constitute a belligerent “zone” of the type discussed within this Chapter. The announcement was designed not to assert specific belligerent rights within a specified area, but rather was an indicator of the assertion of general belligerent rights that would be exercised in the course of the maritime phase of the conflict in conjunction with a heightened application of unit self-defense rights within these regions.

The declaration of the maritime zones by U.S. forces within the eastern Mediterranean during the course of Operation Iraqi Freedom represents a useful precedent for operational planners. The design and implementation of the zones generally complied with the conditions precedent for lawfulness mandated by U.S. and international assessments of this legal and operational planning tool and serve as a viable model for the future. As a matter of historical record, there were no third party protests registered following the implementation of the zones and neutral shipping stayed clear of the declared zones for the duration of offensive operations, which necessarily

⁹³ *Id.*

⁹⁴ *Id.*

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allowed for more efficient battle space management and, concomitantly, served to better protect neutral and civilian rights and protections.

Summary: Legal Analysis of Belligerent Operational Zones/ “Exclusion Zones”/ “War Zones”

As a mechanism for controlling movement within a defined general area, the Maritime Operational Zone may, in circumstances justified by military necessity, act to restrict all neutral or enemy vessels from entry or may impose qualified entry and routing conditions.

As a recognized belligerent right, the establishment of a Maritime Operational Zone necessarily impinges upon peacetime navigational rights as reflected within the 1982 LOS Convention. Article 87(1) of the 1982 LOS Convention expressly acknowledges that freedom of the high seas is exercisable under the Convention “subject to other rules of international law.” In this context, George Walker notes pertinently that “the overwhelming majority of commentators including the International Law Commission, a UN General Assembly agency of international law experts, have said the “other rules” clauses in the 1958 and 1982 LOS Conventions refer to the [Law of Armed Conflict].”⁹⁵ Accordingly, as a recognized belligerent right, a maritime operational zone that (1) is justified by military necessity, (2) is reasonable in its extent, location and duration and (3) exhibits a proportional and demonstrable nexus between the establishment of the zone and measures imposed, may validly impose restrictions upon neutral navigational freedoms. The key to determining “reasonableness” is necessarily case specific and what is reasonable in the South Atlantic may not be reasonable elsewhere having regard to maritime traffic patterns and available navigational channels.⁹⁶

While general navigational freedoms reflected within the 1982 LOS Convention may be subordinated to the *lex specialis* of the law of naval warfare, the law relating to maritime neutrality remains a principal bulwark against excessively declared belligerent maritime zones. Accordingly, a maritime operational zone may not be declared by a belligerent that purports to apply within the territorial sea or archipelagic waters of a neutral State. Assertion of belligerent rights within neutral territory threatens retaliation by the neutral State. Similarly, declaration by a belligerent of a maritime operational zone within a neutral State’s contiguous zone or exclusive economic zone while possible, must as far as practicable, be undertaken with due regard for the legitimate interests possessed by the Coastal State in those zones.⁹⁷

The San Remo Manual stipulates that a State declaring a zone is required to publicize the “general range” of enforcement measures that will apply within such a zone.⁹⁸ This may be done through diplomatic channels and appropriate international organizations, in particular the International Maritime Organization and the International Civil Aviation Organization.⁹⁹ It may also be publicized through the expedient of NOTMARs and NOTAMs.

⁹⁵ WALKER *supra* note 19, at 487–9.

⁹⁶ San Remo Manual, para. 106.2.

⁹⁷ With respect to Areas of Naval Operations *see* San Remo Manual, Part II, at pp. 11–14.

⁹⁸ San Remo Manual, para. 106.3.

⁹⁹ *Id.* at para. 106.6.

The enforcement measures that may apply to neutral or enemy vessels transiting a belligerent's declared maritime operational zone derive generally from the law of naval warfare. Customary international law as enunciated by the San Remo Manual acknowledges that a neutral vessel entering a validly declared belligerent operational zone without permission might raise a reasonable suspicion as to its purpose being hostile.¹⁰⁰ With respect to enemy warships and military aircraft, the law of naval warfare entitles a belligerent to capture or attack such vessels/aircraft whether inside or outside of the belligerent's operational zone. As a policy determination, a belligerent may refrain from exercising its rights to attack enemy warships and enemy merchant vessels that have become military objectives outside the zone, while reserving its rights to attack within a zone. Such voluntary self-restraint is plainly acceptable, but not lawfully mandated. Similarly, enemy merchant ships may be captured or, should they lose their protection under the law of naval warfare, may be attacked whether inside or outside of a zone. It thus remains essentially a policy matter as to whether belligerent rights should only be exercised within a zone.

C. BLOCKADE

A blockade is defined as “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.”¹⁰¹ The declaration of a blockade is a belligerent act under international law¹⁰² and is traditionally justified as an action taken under the law of naval warfare applicable in a time of armed conflict.¹⁰³ The purpose of a blockade is to stop the commerce to and/or from an enemy¹⁰⁴ and is unambiguously concerned with restricting the enemy's trade.¹⁰⁵ As a belligerent right¹⁰⁶ and a method of warfare,¹⁰⁷ it allows the blockading State to override peacetime rights regarding freedom of navigation and also allows, consistent with the principle of distinction, for the capture and targeting of all vessels or aircraft who breach or attempt to breach the blockade.

¹⁰⁰ *Id.* at para. 105.1.

¹⁰¹ NWP 1-14M, para. 7.7

¹⁰² Article 3 of the 1974 Definition of Aggression, UN GA Resolution 3314 (XXIX) UN GAOR 29th Sess, Supp No. 31 (1974) states that: “Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression. . . . (c) The blockade of the ports or coasts of a State by the armed forces of another State.”

¹⁰³ Wolff Heintschel von Heinegg, Naval Blockade, in INTERNATIONAL LAW ACROSS THE SPECTRUM OF CONFLICT: ESSAYS IN HONOR OF PROFESSOR L. C. GREEN, 204, (Michael N. Schmitt ed., 2000) Vol. 75, U.S. Naval War College, International Law Studies.

¹⁰⁴ Schmitt, *supra* note 34, at 22.

¹⁰⁵ *Id.* at 39.

¹⁰⁶ Traditional rules regarding the imposition of a blockade under the law of naval warfare must be distinguished from claims as to the continued doctrine of *Pacific Blockade* which purports to apply in a time of peace. The doctrine of *Pacific Blockade* has been subject to much equivocation given its apparent inconsistency with the dictates of the UN Charter, see WALKER, *supra* note 19 at 389.

¹⁰⁷ German Commander's Handbook, para. 291.

A blockade is “generally limited geographically”¹⁰⁸ and is set up as a “cordon”¹⁰⁹ in a “defined area adjacent to the target country’s territory.”¹¹⁰ Unlike the separate belligerent right of visit and search¹¹¹ there is no obligation to declare specific items of cargo as contraband. Similarly, unlike the right of visit and search which applies only to the capture of vessels and goods en route to the enemy port, the right of blockade permits, subject to specific exceptions, the interception and capture of all imports and/or exports from the enemy territory.

To be valid, a blockade must be declared and notified,¹¹² it must be “effective,”¹¹³ it must be applied impartially¹¹⁴ and it must allow for certain limited exceptions.¹¹⁵ A blockade can be enforced by surface, subsurface or aerial units¹¹⁶ or other mechanisms¹¹⁷ of the blockading belligerent.

Declaration and Notification

The imposition of a lawful blockade requires a declaration by the government of the belligerent nation or by naval authorities acting on behalf the government. The declaration must include the date the blockade is to begin, its geographic limits and any grace period granted for neutral vessels and aircraft to leave the area to be blockaded.¹¹⁸ As a strategic measure, the notification of these elements underpinning the declaration is to be formally transmitted to the enemy State as well as all neutral States through normal diplomatic channels. It is the practice of the U.S. to also inform local authorities.¹¹⁹ Such notification may be undertaken through the normal means available for advising international shipping and air traffic such as NOTMARs and NOTAMs, and direct communications to the International Maritime Organization as well as the International Civil Aviation Organization.

The obligations of declaration and notification are critical if belligerent rights are to be legitimately exercised. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade.¹²⁰ Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments.¹²¹ Given the speed of modern communications, it may be the case that a validly

¹⁰⁸ Schmitt, *supra* note 34, at 22.

¹⁰⁹ NWP 1-14M, para. 7.7.1

¹¹⁰ Schmitt, *supra* note 34, at 22.

¹¹¹ NWP 1-14M para. 7.6.

¹¹² *Id.* at para. 7.7.2.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.* at para. 7.7.2.5.

¹¹⁶ *Id.* at para. 7.7.2.3.

¹¹⁷ Heintschel von Heinegg, *supra* 103 at 214–5.

¹¹⁸ NWP 1-14M, para. 7.7.2.1.

¹¹⁹ *Id.* at para. 7.7.2.2.

¹²⁰ *Id.* at para. 7.7.4.

¹²¹ *Id.*

established blockade can be properly notified within a matter of hours.¹²² For operational planning purposes, it is desirable that the notifications carry with them a high level of specificity. It is appropriate that notices declaring the blockade outline communication protocols that will be observed and specify the requisite channels and frequencies that will permit exchange between the blockading force and vessels in the area. Such specificity concerning communication measures is plainly advantageous in ensuring that intentions are clarified.

Requirement for Effectiveness

In order to be valid, a blockade must be “effective.”¹²³ This is test of fact¹²⁴ that ensures that “paper” blockades may not simply be declared and enforced in a non-discriminatory manner at vast distances from the specific area subject to the blockade.¹²⁵ Such “paper” blockades are unlawful.¹²⁶ To be effective, a blockade must be maintained by a surface, air, or subsurface force or mechanisms that are sufficient to render ingress and/or egress of the blockaded area dangerous.¹²⁷ The requirement of effectiveness does not preclude temporary absence if this is due to stress of weather or pursuit of a blockade runner.¹²⁸ Nor does effectiveness require that every possible avenue of approach to the blockaded area be covered.¹²⁹

The area which may be blockaded can comprise a specific port, a discrete geographical area or the entire enemy coastline.¹³⁰ Whatever the geographical area being blockaded, the blockading force must ensure that it has the requisite forces or at least the military capabilities to prevent access. It is not necessary “for the blockading force to be deployed in close vicinity to the coast. The force may also be stationed at some distance seaward as long as ingress and egress continues to be dangerous.”¹³¹ The distance element is subject to military requirements of the specific situation.¹³² Should the coastal State being blockaded have effective coastal armaments, aircraft or submarines, the blockading State is not required to position itself within effective range of such threats.¹³³ However, the blockade must still be conducted at “such a distance that there is a reasonable risk that access to the blockaded coastline and egress from those waters will be effectively prevented.”¹³⁴ The ability to properly discriminate between vessels and aircraft that attempt to breach the blockade and those that have permission for entry (i.e.

¹²² See Heintschel von Heinegg, *supra* note 103, at 214, where the author notes that the Iranian declaration of October 1, 1980 regarding the imposition of a blockade on Iraq was made known to international shipping within a few hours.

¹²³ See 1856 Paris Declaration Respecting Maritime Law, Article 4, “Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy,” see also NWP 1-14M para 7.7.2.3.

¹²⁴ San Remo Manual, para. 95; Article 3, 1909 London Declaration.

¹²⁵ Heintschel von Heinegg, *supra* note 103, at 216

¹²⁶ WALKER, *supra* note 19, at 390.

¹²⁷ NWP 1-14M, para. 7.7.2.3.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Australian Reference Manual, para. 9.12.

¹³¹ Heintschel von Heinegg, *supra* note 103, at 214

¹³² San Remo Manual, para 96

¹³³ Australian Reference Manual, para. 9.16.

¹³⁴ San Remo Manual, para. 96.

distressed neutral vessels) may well be undertaken at a considerable distance and may be effectively enforced with requisite modern weaponry by the blockading State.¹³⁵ However, there may be circumstances where this is not possible and the legitimacy of the blockade under the “effectiveness” criteria will be questioned.

The question of effectiveness turns on military capability. A blockade may be maintained by a number of surface ships or submarines or combat aircraft; or even one surface ship, submarine, or combat aircraft if the area being blockaded is sufficiently circumscribed to allow single units to effectively render ingress or egress dangerous or hazardous. The test of dangerousness essentially turns on the probability of interception.¹³⁶ It must be established that the blockading State has sufficient military means to ensure an adequate probability that leaving or heading for the blockaded area can be detected and prevented.¹³⁷ As a matter of probability, a blockading force may decide to concentrate its forces within a particular quadrant of the blockaded area where it is likely, due to navigational, political or historical reasons, that a third-party State or a particular waterway will be used by blockade runners.¹³⁸ Such a concentration of forces still enables the blockade to be legally “effective,” notwithstanding that vessels may sometimes evade the blockade in another part of the cordon where the blockading force has not so concentrated its forces.

A blockade may also be rendered “effective” by the placement of naval mines¹³⁹ or an offshore missile battery, if such weapons can be utilized in a discriminatory fashion. In the absence of the necessary means to conduct an effective blockade, a belligerent party may well lose the opportunity to employ this particular legal mechanism of naval warfare. During the Iraq/Iran tanker war for example, neither State formally declared a blockade, but it has been noted that Iraq may have lacked the military means to render a blockade effective in any event.¹⁴⁰ Iran declared that the transport of all goods and cargoes to Iraq were prohibited¹⁴¹ but the generality of the assertion and lack of specific invocation and application of the juridical elements of blockade ensured that Iran could not lawfully rely upon the mechanism of blockade.¹⁴² It has been observed in at least one military manual that the subsequent targeting of oil tankers during that conflict was illegal, given the absence of a formally declared blockade.¹⁴³ Of course, as already canvassed, there might be have been an argument that such tankers themselves independently constituted military targets given their specific function, though even this argument was not specifically pressed in that conflict.

In allocating resources, it may be advantageous for a blockading State to elect only to prevent the ingress or, alternatively, the egress of vessels. Under the law of blockade there is no

¹³⁵ Australian Reference Manual, para. 9.16.

¹³⁶ Schmitt, *supra* note 34, at 45.

¹³⁷ German Commander's Handbook, para. 293.

¹³⁸ Schmitt, *supra* note 34, at 39.

¹³⁹ Heintschel von Heinegg, *supra* note 103, at 215.

¹⁴⁰ WALKER, *supra* note 19, at 392, although there is evidence that Iraq possibly had the means to effect a blockade via its air force assets.

¹⁴¹ NOTAM 17/59 *see* Heintschel von Heinegg, *supra* note 103, at 212. *See* Appendix C.

¹⁴² WALKER, *supra* note 19, at 393.

¹⁴³ German Commander's Handbook, para. 291

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requirement that both inward and outward passages be intercepted and a blockading State may choose to prevent only one or other passage, providing that enforcement is undertaken impartially against all flags. As an operational tactic, there may be merit in electing such a course of action. It has been cogently noted that,

if the target country is primarily dependent on the export of oil for funds, it may be just as effective to prohibit egress as it is to close off all transit. Likewise, a nation heavily reliant on oil imports may need only to be blockaded as to ingress to achieve the desired results. Both approaches would contribute to the availability of assets for employment elsewhere.¹⁴⁴

Discussions at international fora as to the “effectiveness” requirement indicate that a blockade will still be effective even if the circumstances permit a single or even small number of aircraft to land within the blockaded territory. Such action in itself does not necessarily mean that the blockade is to be assessed as ineffective and thus invalid.¹⁴⁵

Areas Subject to Blockade

A blockaded area must be within established areas of naval warfare,¹⁴⁶ namely, enemy territorial waters and the high seas. Similarly, a declared blockade may not bar access to ports and coasts of neutral States.¹⁴⁷ Neutral States retain the right to engage in neutral commerce that does not involve trade or communications originating in, or destined for, the blockaded area.¹⁴⁸

Unlawful Blockade: Effect Upon Civilian Population

Reflecting existing canons of customary international law, the declaration or establishment of a blockade is prohibited if it has the sole purpose of starving the civilian population or denying it other objects for its survival.¹⁴⁹ As a corollary to this fundamental principle, it would appear to follow that under existing precepts of the law of armed conflict, a blockade is similarly prohibited if the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.¹⁵⁰

Special Entry and Exit Authorization

A belligerent may authorize neutral warships and military aircraft to enter a blockaded area subject to such conditions as the blockading State considers expedient and necessary. As the law of blockade is concerned with limiting international trade with a blockaded enemy, there is no pressing need to prohibit entry of neutral warships and military aircraft in every case, providing that there is no possibility of such warships and/or military aircraft violating their neutral obligations within the enemy territory.

¹⁴⁴ Schmitt, *supra* note 34, at 38.

¹⁴⁵ San Remo Manual, para. 95.2.

¹⁴⁶ San Remo Part II, “Regions of Operations.”

¹⁴⁷ NWP 1-14M, para. 7.7.2.5.

¹⁴⁸ *Id.*

¹⁴⁹ San Remo Manual, para. 102.

¹⁵⁰ *Id.* at para. 102; *see also* WALKER, *supra* note 19, at 392.

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Special authorization may also be granted to neutral vessels and aircraft to enter and subsequently depart blockaded areas in circumstances where such neutral vessels and aircraft are in evident distress.¹⁵¹ Such permission may be under “conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g. mines).”¹⁵²

The law of naval warfare traditionally recognizes that if the civilian population of the blockaded territory is inadequately provided with food or other objects essential to its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies. This may be subject to the right to prescribe technical arrangements, including search, under which passage is permitted. It is also subject to the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross. Similar stipulations also apply for the passage of medical supplies for the civilian population or for wounded and sick members of armed forces.¹⁵³

Breach and Attempted Breach of Blockade

Breach of a blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent.¹⁵⁴ Consistent with the general law of naval warfare, vessels believed to be breaching a blockade may be captured. Vessels which, after prior warning, offer forcible resistance to capture (as opposed to attempting to flee) may be attacked and sunk.¹⁵⁵ Capture of a vessel attempting to breach a blockade renders the vessel subject to immediate confiscation and subsequent adjudication under national prize court processes.

U.S. policy stipulations provide that attempted breach of a 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.”¹⁵⁶ For incoming vessels, this perspective arguably relies upon the doctrine of continuous voyage¹⁵⁷ and would allow the capture and engagement of vessels at considerable distances from the blockaded zone. For example, where a blockade is mounted off the port of a country in Asia, the doctrine of continuous voyage would enable the capture and targeting of a vessel leaving a port in Europe where its perceived intention was to ultimately evade the blockade being conducted half way around the world. If applied haphazardly and without significant intelligence support, the doctrine of continuous voyage can prove to be problematic. Indeed, in the specific context of the law of blockade, one military manual has gone so far as to say that the doctrine is

¹⁵¹ NWP 1-14M, para. 7.7.3.

¹⁵² *Id.*

¹⁵³ San Remo Manual, paras 103 & 104.

¹⁵⁴ NWP 1-14M, para. 7.7.4.

¹⁵⁵ San Remo Manual, para. 98.

¹⁵⁶ NWP 1-14M, para. 7.7.4.

¹⁵⁷ German Commander’s Handbook, para. 301.

contrary to international law.¹⁵⁸

The doctrine of continuous voyage arose out of the experience of the American Civil War where European powers would use third party (Caribbean) ports to transship materials to fast blockade runners seeking to evade the Union-imposed blockade on the Confederate states coastline.¹⁵⁹ Equally, exports were returned to third party ports for trans-shipment through similar means. The doctrine of continuous voyage was prohibited under the 1909 London Declaration concerning the Laws of Naval Warfare (which was not ultimately ratified). Article 17 of the London Declaration states that “[n]eutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective” and Article 19 states “[w]hatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.”

Consistent with the principles of proportionality and necessity applicable in the law of naval warfare, it may be concluded that with respect to ingressing vessels, the attempted breach of a blockade must, in the general course of events, occur generally within the zone of the declared blockade. Such proximity bolsters the reasonableness of the decision that a vessel or aircraft has a demonstrated intent to evade the blockade and more solidly grounds the legality of the decision to capture or subsequently attack such a vessel. With respect to vessels that are egressing from the enemy coastline and have evaded the blockade zone, the U.S. policy states that pursuit may be undertaken against such vessels indefinitely and capture undertaken anywhere outside neutral waters or airspace.¹⁶⁰

International practice, (for instance, as undertaken by the United States mining of Haiphong Harbor during the Vietnam conflict)¹⁶¹ allows for a grace period between the declaration and enforcement of a blockade. In that instance a period of three days was allowed for neutral ships to leave the port prior to the activation of naval mines. Vessels whose registry has been changed from enemy to a neutral flag may be restricted from leaving.¹⁶²

Unlike the law applicable to land conflicts, the law of naval warfare has a slightly broader interpretation of the principle of distinction. The requirements of “active”¹⁶³ and “direct”¹⁶⁴ participation for loss of civilian status in land conflict are broadened, in the naval context, to conduct which more generally relates to the war fighting capacity. In this sense a blockade’s purpose is more generally to “deny the enemy the use of enemy and neutral vessels or aircraft to

¹⁵⁸ *Id.* at para. 301.

¹⁵⁹ Schmitt, *supra* note 34 at 27.

¹⁶⁰ *Id.* at 46.

¹⁶¹ San Remo Manual, para 85.1, footnote 138.

¹⁶² WALKER, *supra* note 19, at 390.

¹⁶³ Common Article 3 of the 1949 Geneva Conventions (1949 Geneva Convention I, 75 UNTS 31; 1949 Geneva Convention II, 75 UNTS 85; 1949 Geneva Convention III, 75 UNTS 135; 1949 Geneva Convention IV, 75 UNTS 287) states that a civilian is entitled to protection provided he/she is taking no active part in hostilities.

¹⁶⁴ Article 51(3) of 1977 AP I, 1391–441; states: “Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities.”

transport personnel and goods to or from enemy territory.”¹⁶⁵ Attempting to breach a validly declared and notified blockade that maintains its “effectiveness” ensures that the ultimate targeting of such aircraft and vessels is within the contours of the principle of discrimination. Where a blockade is not, *inter alia*, properly declared or notified or is not effective then targeting vessels in the area under the guise of breach of blockade may violate the principle of distinction and constitutes offenses under both international and, in most cases, domestic law.

Impartial Application

A blockade must be applied impartially to all vessels and aircraft, including those of the blockading nation. Discrimination by the blockading belligerent in favor of, or against, the vessels and aircraft of particular nations renders the blockade legally invalid.¹⁶⁶ The rule relating to impartiality requires that the “blockading force not pick and choose among vessels flying the flags of different nations when enforcing a blockade”¹⁶⁷ enabling, therefore, the possibility of restricting either ingress or egress of all flagged vessels if this is considered necessary to achieve strategic outcomes.

The Cessation of a Blockade

The cessation, temporary lifting, reestablishment or extension of a blockade must be properly declared and notified through similar channels to those used to impose a blockade. Significantly, if a blockade is interrupted, a blockading belligerent must declare a blockade again.¹⁶⁸ If the coastal enemy through military action ends the blockade, then the blockading State must re-institute the blockade through formal declaration and notification mechanisms.¹⁶⁹ Similarly, if the blockading nation captures the specific port or geographical area being blockaded, then the blockade obviously ends.¹⁷⁰

Contemporary Practice

The doctrine of blockade draws heavily upon its nineteenth century treaty and customary base. The reaffirmation of the doctrine in contemporary Military Manuals¹⁷¹ and its evident military utility as an effective measure to intercept all vessels and aircraft seeking to cross a declared cordon¹⁷² attests to its continuing efficacy. Since the Second World War, blockades have been imposed in the Korean War,¹⁷³ the Vietnam War,¹⁷⁴ the 1971 India/Pakistan war,¹⁷⁵ the 1967/1973

¹⁶⁵ NWP 1-14M, para. 7.7.1.

¹⁶⁶ NWP 1-14M, para. 7.7.2.4.

¹⁶⁷ Schmitt, *supra* note 34, at 38.

¹⁶⁸ WALKER, *supra* note 19, at 390.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ E.g. NWP 1-14M, para 7.7; UK LOAC Manual, pages 362–3; German Commander’s Handbook, para 291.

¹⁷² NWP 1-14M, para. 7.7.1.

¹⁷³ *See generally*, Heintschel von Heinegg, *supra* note 103, at 211.

¹⁷⁴ *Id.* at 211–12, see also NWP 1-14M, para. 7.7.5.

¹⁷⁵ Schmitt, *supra* note 34, at 31.

Israeli/Arab wars,¹⁷⁶ and the Israeli conflicts with Hezbollah in Lebanon (2006) and Hamas in Gaza (2009-present).¹⁷⁷ Blockades offer maximum legal scope for the capture of all vessels and permit a broad application of the principle of distinction in the law of naval warfare context with respect to targeting vessels that resist capture. Concomitantly with the rights bestowed upon the blockading State are obligations regarding declaration, notification and effectiveness. Such obligations are onerous and must be strenuously complied with in order to realize the opportunities this mechanism of zone warfare allows.

During the 2003 war with Iraq, the United States did not impose a blockade upon Iraq, notwithstanding the abundant American military capacity. Rather, reliance was placed upon the right of visit and search for contraband, as complemented by the exercise of powers under the extent of Security Council Resolutions. Such a decision was undoubtedly influenced by factors relating to port access and the overlay of the Security Council sanctions regime as well as the well founded anticipation that the maritime phase of that conflict was likely to be short-lived and control of the ports an early operational outcome.

Planning Considerations in Respect of Blockades

Where a blockading State has relatively few assets to enforce a blockade, it may wish to concentrate its forces in likely areas where a blockade may be breached. Such a decision may be based upon navigational features or might be based upon political assessments of the source of potential blockade runners. Additionally, thought may also be accorded to having a layered approach to blockade enforcement with a series of identification and interception zones of various distances where the blockading force may efficiently corral its forces for effective interception.

Finally, a strategic decision might be made as to whether a blockade is to be “total” or should apply only to the ingress or egress of shipping and aircraft. Where an enemy State’s capacity for war fighting is based heavily upon either the import or alternatively export of goods and commodities, then a decision to more precisely frame the terms of the blockade has obvious

¹⁷⁶ See generally, Heintschel von Heinegg, *supra* note 103, at 212.

¹⁷⁷ For the text of the January 6, 2009, Israeli Navy declaration regarding the blockade of Gaza, see Appendix C; see also HYDROLANT 881/11(56) 25 May 2011 (Gaza) and HYDROLANT 58/10(56) 12 January 2010 (UN Interim Force in Lebanon monitoring of merchant shipping approaching Lebanese waters). For discussion of the legality, under the law of naval warfare, of the Lebanon and Gaza blockades, see James Farrant, “The Gaza Flotilla Incident and the Modern Law of Blockade,” *Naval War College Review*, vol. 66 (Summer 2013), p 81-98; James Kraska, “Rule Selection in the Case of Israel’s Blockade of Gaza: Law of Naval Warfare or Law of the Sea?” *Yearbook of International Humanitarian Law*, vol. 13 (2010), p 367-395. Kraska writes: “[T]he 2006 Lebanon War involved an Israeli blockade of the coast of Lebanon, but arguably the contest was a transnational NIAC [non-international armed conflict] rather than an IAC [international armed conflict] since the IDF was fighting Hezbollah, a non-state irregular armed force...” A similar situation obtains with Israel’s blockade of Hamas-controlled Gaza. Drawing a parallel between the blockade of southern ports in the American Civil War and the blockade of Gaza, Kraska observes: “While blockade originated as a legal concept in IAC, usage, state practice and *opinio juris* have caused it to migrate into NIAC. It is no longer the case that application of the law of blockade ...[is] restricted only to conflicts in which both parties are states.” Kraska, *id.*, at 392. Farrant writes: “Despite a lack of consensus on every aspect of the law of blockade, the three investigations into the [2010 Gaza flotilla] incident all relied on the classic law of blockade. It seems, therefore, that the concept of blockade is alive and well today. It is equally clear that in certain circumstances blockade can be an effective method of warfare.” Farrant, *id.*, at 94.

efficiency advantages.

Conclusion

The law of naval warfare offers much to the planner who seeks to rely upon designing and implementing zones for battle space management in a concept of operations. At the tactical, operational and strategic levels, the law of naval warfare anticipates the assertion of belligerent rights within such zones that may override peacetime freedom of navigation rights of neutrals and which allow a belligerent to directly and efficiently control shipping movements within a defined zone. In each of the zones outlined in this Chapter, namely the Immediate Area of Operations, the Maritime Operational Zone and the Blockade, there is ample capacity for ensuring force protection and the maintenance of broader operational and strategic goals. The obligations imposed by the law upon the belligerent in creating such zones are high, although the rewards from a legal perspective are correspondingly great. It is surprising that such legal tools have not been invoked more thoroughly than they have been in recent years. This reticence possibly owes much to their perceived antiquity but, as the use of such maritime zones in Operation Iraqi Freedom has demonstrated, the concepts still possess significant utility and can greatly assist the achievement of military/naval objectives in a time of armed conflict.

UN Security Council and Maritime Zones

Introduction

Under the terms of the United Nations Charter, the Security Council possesses broad and overriding legal authority to decide how to deal with the maintenance or restoration of international peace and security.¹ This authority has been invoked to an unprecedented level in recent years with numerous Peace Operations having been initiated or otherwise authorized by the Security Council through the 1990s and into this century. While these operations have largely focused upon land-based operations, the Security Council has also specifically authorized maritime measures from time to time to assist in the realization of Security Council goals. Such a maritime focus is not unusual given that the Security Council has express authority under the UN Charter to impose a maritime blockade as well as “other operations by [the] sea forces of members of the United Nations,”² although it is also evident that the Security Council has been sparing in its resort to such maritime measures.

There have only been five principal occasions where the Security Council has established maritime embargoes, namely: Rhodesia in the 1960s;³ Iraq/Kuwait in the early 1990s;⁴ Haiti and the Former Yugoslavia in the early and mid-1990s; and Libya in 2011.⁵ Of these, the maritime embargo applicable to Iraq from 1990 to 2003 represents the “classic” template concerning the Security Council’s approach to this mechanism, and is the principal focus of analysis in this chapter.

This chapter examines the legal quality of maritime zones declared by the Security Council as reflected principally in the maritime embargo structure applicable to Iraq. The analysis will review the authority underpinning such zones and will assess the limits to enforcement of such

* This chapter is an update to that originally authored by Commander Dale Stephens, CSM, Royal Australian Navy.

¹ Article 39, UN Charter.

² Article 42, UN Charter.

³ See Appendix C: UNSC Resolution 217, November 20, 1965, on *The Question of Southern Rhodesia*; see also Appendix C: UNSC Resolution 221, April 9, 1966; UNSC Resolution 232, December 16, 1966.

⁴ See Appendix C: UNSC Resolution 661, August 6, 1990, on *The Situation between Iraq and Kuwait*; see also Appendix C: UNSC Resolution 660, August 2, 1990; UNSC Resolution 665, August 25, 1990. UNSC Resolution 666, September 13, 1990.

⁵ Haiti: UNSC Resolution 917, May 6, 1994, on *sanctions for restoration of democracy and return of the legitimately elected President to Haiti*, at para. 9; see excerpt in Appendix C. Former Yugoslavia: UNSC Resolution 787, November 16, 1992, on *the Situation in the Former Republic of Yugoslavia*, at para. 12; see excerpt in Appendix C. Libya: UNSC Resolution 1970, February 26, 2011, and UNSC Resolution 1973, March 17, 2011, see Appendix C. For NATO-issued Navigational Warning for Libya (March 25, 2011; October 31, 2011), see Appendix C.

zones. Additionally, it will be demonstrated that in the context of an armed conflict, it is possible for an operational planner to take advantage of the *sui generis* or “stand alone” rights of such a Security Council authorized zone in conjunction with more traditional rights exercisable under the law of naval warfare. The chapter concludes with a summary of some general planning considerations which follow from the analysis undertaken on the authority and character of UN Security Council maritime zones.

A. MARITIME INTERCEPTION OPERATIONS AND ZONES

The design and implementation of the maritime embargo against Iraq during Operation Desert Shield represents the key moment where the Security Council was able to muster its considerable latent legal authority to ensure an effective operational mechanism in the maritime environment. The maritime interdiction operations that were authorized by the Security Council during the latter half of 1990 with respect to Iraq remained in place throughout the 1990s and into the twenty-first century, until they were (largely) rescinded by the Security Council in May 2003.⁶ The maritime operations undertaken pursuant to the Security Council authority were directed towards achieving different goals, ranging from compelling Iraqi withdrawal from Kuwait through ensuring effective Iraqi disarmament. The embargo transcended both the build-up and conduct of armed conflict with Iraq.

While the legal framework underpinning the Security Council’s authorization of these operations against Iraq has become the working model for successfully implementing effective maritime measures against an aberrant State, the evolution of the framework was far from straightforward. Fundamental questions concerning use of force, the existence of an armed conflict and the limits of Security Council authority were all posed during the fall of 1990. The answers provided to these questions established the enduring foundation for understanding the capacities of the Security Council to mandate the creation and enforcement of maritime zones directed at restricting trade with an identified State.

The implementation of the Security Council maritime embargo against Iraq in the latter half of 1990 was a bold and unique step. Implemented at a time when the international community was not then ready to undertake armed conflict with Iraq, there was palpable concern that the embargo on trade constituted a blockade or was akin to the right of visit and search, two belligerent rights that were exercisable only in a time of armed conflict. Alternatively, some argued that while the embargo was not an exercise of maritime belligerent rights it shared some (though not all) of the same characteristics as a Pacific Blockade,⁷ a controversial peacetime measure applicable under customary international law.

It became evident at the time, and has since been established in the minds of many, that the Security Council authorized embargo was, in fact, a unique creation. The rights and obligations

⁶ UNSC Resolution 1483 of May 22, 2003, on *The Situation Between Iraq and Kuwait*, para. 10. See also MARLO Advisory Bulletin 01-04 of 12 January 04, which continued to apply the sanctions regime to the import of arms and related material within a defined and localized maritime zone off the coast of Iraq. See Appendix C.

⁷ Lois E. Fielding, *Maritime Interception: Centerpiece of Economic Sanctions in the New World Order*, 53 LOUISIANA LAW REVIEW 1191 at 1216 (1993) where the author notes “France and Canada did not wish to become “co-belligerents” with those nations conducting the interception.”

⁸ *Id.* at 1218.

possessed and owed while enforcing the embargo were themselves defined by the Security Council under its plenary authority to authorize action to restore international peace and security. As will be discussed subsequently in this chapter, the broadness of the Resolutions and the evolving jurisprudence deriving from their implementation meant there were numerous gaps in determining the applicable law at the tactical level and recourse was naturally made to general international law concepts, particularly the law of naval warfare, to fill those gaps and to shape operational decisions.

It may appear disingenuous to refer to the maritime interception operations authorized by the Security Council as “zones.” The Security Council Resolutions establishing the maritime embargo against Iraq in Operation Desert Shield and thereafter did not, in themselves, define an area of operations. Rather, the parties that enforced the embargo defined the operable area where these measures would be enforced. The area defined, principally by the United States, included the Persian Gulf, the Gulf of Oman and the Red Sea, representing a proximate and reasonable “zone” for ensuring that the prohibition of illicit trade with Iraq was given effect.

While not formally predicated upon the declaration of a specific area, the subject is nonetheless properly included in any analysis concerning maritime zones because, in practice, the Iraq experience demonstrates that it is within operationally defined areas of operations that these measures were actually enforced. Indeed, as one commentator noted, the particularity of the zone was evident enough so that “ship masters had time and opportunity to consider options and make a reasoned choice whether to enter the zone and be challenged.”¹⁰

Additionally, on a qualitative level, the Security Council has the formal legal capacity to transcend existing treaty and customary law in its creation of new legal rights and obligations where this is necessary for the maintenance or restoration of international peace and security. The geographically targeted maritime interception operations that were developed in relation to Iraq are a new and profoundly important measure in the armory of legal “weapons” possessed by the Security Council. The legal framework adopted for the use of force in this maritime context represents a significant step in the evolution of unique supra-national rights exercisable in the maritime environment. The reconciliation of the undoubted authority of the Security Council to mandate unique measures to achieve its goals in the maritime arena is a vitally relevant subject to the discussion of maritime operational zones.

B. MARITIME EMBARGO—IRAQ 1990

On 2 August 1990, Iraq invaded and occupied Kuwait. The Security Council quickly condemned the invasion and adopted Resolution 660 that demanded Iraq “immediately and unconditionally” withdraw from Kuwait.¹¹ On 6 August 1990, the Security Council adopted Resolution 661 which imposed sanctions on Iraq in an effort to “secure compliance of Iraq with . . . resolution 660.”¹²

⁹ U.S. Department of the Navy, SPECIAL WARNING No. 80, August 17, 1990, *see* Appendix C.

¹⁰ Fielding, *supra* note 7, at 1238.

¹¹ UNSC Resolution 660 of August 2, 1990, on *The Situation Between Iraq and Kuwait*, at para. 2 “Demands that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990.”

¹² UNSC Resolution 661 of August 6, 1990, on *The Situation Between Iraq and Kuwait*, at para. 2.

The Resolution required all member States to prevent the import of “all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution.”¹³ Significantly, the only exception to this general embargo was for medical supplies and foodstuffs.¹⁴

Acting pursuant to a request by the legitimate government of Kuwait, the United States and other responding States, acting under the collective self-defense provisions of Article 51 of the UN Charter, deployed naval forces to the Persian Gulf in a effort to ensure conformity with Resolution 661.¹⁵ In an environment marked by much initial legal uncertainty, U.S. and allied naval forces resolved to monitor and intercept vessels in the region to maintain the sanctions regime imposed by Resolution 661.¹⁶ The actions were expressly not regarded as a blockade of the Iraqi/Kuwaiti coastline, but rather were designed to ensure that the embargo was made effective.¹⁷ There remained, however, considerable disquiet as to what measures of force could be employed under the aegis of the adopted Resolutions.

Great Britain and Australia had agreed to join the United States in this naval action, but other countries, especially France, Malaysia, the Soviet Union and Canada were not supportive, considering that any use of force was required to be justified expressly under Article 42 of the UN Charter.¹⁸ Article 42 deals with the enforcement capacities of the Security Council and the absence of an express invocation of this Article meant, according to France and Canada at least, that they would be in danger of becoming “co-belligerents” with those nations undertaking the interception operations.¹⁹ The subsequent adoption of Security Council Resolution 665 on 25 August 1990, “called upon [States] cooperating with the Gulf government of Kuwait which are employing maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations.”²⁰

¹³ *Id.* at para. 3(a).

¹⁴ *Id.* at para. 3 (c) “. . . but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs.”

¹⁵ Request of 12 August 1990 by His Excellency Sheik Jabar al-Ahmed al-Sabah, Emir of the State of Kuwait who requested that “the United States Government take such military or other steps as are necessary to ensure that economic measures designed to fully restore our rights are effectively implemented.” Letter from His Excellency Sheik Jabar al-Ahmed al-Sabah, Emir of the State of Kuwait, to George Bush, President of the United States (Aug. 12, 1990) as taken from Jane Gilliland Dalton, *The Influence of Law on Seapower in Desert Shield/Desert Storm*, 41 *NAVAL LAW REVIEW* 27 at 34 (1993).

¹⁶ See Fielding, *supra* note 7, at 1215 where the author references a U.S. Department of Defense press release concerning naval interdiction, Aug. 16, 1990; U.S., Department of Defense, Desert Shield No. 10, memorandum for correspondence, Aug. 16, 1990.

¹⁷ The U.K. Ambassador to the United Nations characterized the action as “the close monitoring of maritime traffic as a key element in making the embargo effective,” as taken from Dalton, *supra* note 15, at 31.

¹⁸ *Id.* at 34–5.

¹⁹ Fielding, *supra* note 7, at 1216.

²⁰ UNSC Resolution 665 of August 25, 1990, on *The Situation Between Iraq and Kuwait*, at para. 1.

This Resolution resolved the issue of whether forceful measures were permitted, by acknowledging outright that such measures, if necessary, were indeed authorized. Interestingly, given the original concern by some countries as to the specific authority under the Charter for these maritime interception measures, the wording was made purposely unclear in Resolution 665. Rather than invoking any specific Article, the Resolution simply referred to Chapter VII *simpliciter* and maritime interception operations were thus conducted without the need for finite arguments as to the internal machinations as to the legal architecture of the Chapter VII framework.

The maritime sanctions framework endured through both Operation Desert Shield/Storm as well as Operation Iraqi Freedom. The latent ambiguity as to the specific provisions being invoked under Chapter VII²¹ in the resolutions sustaining the sanctions regime permitted an opportunity for constructive and operationally effective reading of the terms throughout this period. Indeed, the Resolution structure imposed for the liberation of Kuwait and the subsequent maritime sanctions regime directed towards Iraq, became a model for numerous subsequent Peace Enforcement missions authorized by the Security Council through the 1990s and into this century. Far from undermining Security Council effectiveness, the ambiguous formula of referring to broad “Chapter VII” and “all necessary means” authority within the Resolutions actually permitted the conduct of bold UN action through this period.

C. THE UN CHARTER FRAMEWORK

The concern originally expressed by a number of States as to the specific authority for the maritime interception operations conducted against Iraq was well founded given the escalatory framework of Chapter VII of the Charter. In hindsight, however, it seems that interpretations originally given to the extant Resolutions imposing the sanctions by some countries were too narrowly focused and overly “legalistic.” This being the first time the legal capacities of the Security Council to mandate the imposition of maritime zones on a global scale had been undertaken,²² the experience now stands as a significant precedent for the conclusion that reasonable and necessary force at the tactical level to compel compliance with Security Council mandated ends is permitted, even in circumstances falling short of those enumerated within Article 42.

With the ending of the Cold War, the literal terms of the Charter do provide enormous capacity to the Security Council to deal with threats to international peace and security and to establish appropriate mechanisms for dealing with such threats. The imposition of maritime embargoes through the promulgation of maritime interdiction zones is one such expression of this capacity.

²¹ UNSC Resolution 660 of August 2, 1990, on *The Situation Between Iraq and Kuwait* did specifically note in its preamble that the Security Council was “Acting under Articles 39 and 40 of the Charter” but this level of specificity was not maintained in subsequent Resolutions adopted by the Security Council.

²² Rob McLaughlin, *United Nations Mandated Naval Interdiction Operations in the Territorial Sea*, 51 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 249 At 258-59 (2002) who pertinently observes in relation to the embargo imposed upon Southern Rhodesia that “The Beira Patrol was clearly an Article 41 authorised blockade. . . . It is not, however, the predominant precedent or authority for this practice—a title clearly held by Resolution 665 (1990) on the Iraq-Kuwait crisis.” The author arrives at this conclusion because, inter alia, the authorization from the Security Council was directed towards only one State to enforce the sanctions, namely the UK and the phraseology used in the Resolution was not susceptible to universal application.

Thus, in an examination of the Charter, Article 39 accords to the Security Council wide discretion to determine “the existence of any threat to the peace, breach of the peace, or act of aggression.”²³ It is evident that the Security Council may rely upon its own politico-legal appreciations as to what may constitute a requisite “threat,” “breach” or “act” for the purposes of Article 39.²⁴ Indeed, following the precedent established in Operations Desert Shield/Storm, the Security Council has demonstrated a readiness to identify a broad range of threats to international peace and security for establishing an Article 39 base for further action. These have included domestic disputes,²⁵ violations of human rights²⁶ and even mass refugee migration.²⁷

Article 41 of the Charter permits the Security Council to decide that measures not involving the use of force are to be employed to give effect to its decisions. While Article 41 specifically mentions disruption of economic, communications and diplomatic relations, the Security Council is not bound by such subject matter in its determination of what measures may be appropriate. While it seems conclusive that “measures” may be given a broad and somewhat subjective meaning by the Security Council, its discretion cannot be unlimited. Thus, it has already been mentioned that when adopting Resolution 661 the Security Council exempted from the sanction regime “supplies intended strictly for medical purposes, and . . . foodstuffs.”²⁸ Whether or not the Security Council was bound to make these exemptions, it made good sense from a policy perspective.

Article 42 provides that “[s]hould 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.” It is Article 42 that provides the ultimate formal sanction for application of force under a UN peace

²³ Article 39, UN Charter.

²⁴ Matthias J. Herdegen, *The “Constitutionalization” of the UN Security System*, (1994) 27 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 135 at 155.

²⁵ UNSC Resolution 688 of April 5, 1991, on *The Situation Between Iraq and Kuwait*, Preamble “Gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq... which threaten[s] international peace and security in the region.”

²⁶ UNSC Resolution 925 of June 8, 1994, on the *Extension of the Mandate and deployment of the 2 additional battalions of the UN Assistance Mission for Rwanda and settlement of the conflict in Rwanda*, “Noting with the gravest concern the reports indicating that acts of genocide have occurred in Rwanda and recalling in this context that genocide constitutes a crime punishable under international law”; UNSC Resolution 929 of June 22, 1994, on the *Establishment of a temporary multinational operation for humanitarian purposes in Rwanda until the deployment of the expanded UN Assistance Mission for Rwanda*, “Determining that the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region.”

²⁷ UNSC Resolution 940 of July 31, 1994, on the *Authorization to form a multinational force under unified command and control to restore the legitimately elected President and authorities of the Government of Haiti and extension of the mandate of the UN Mission in Haiti*, “Gravely concerned by . . . the desperate plight of Haitian refugees” determines that “. . . the situation in Haiti constitutes a threat to peace and security in the region.”

²⁸ UNSC Resolution 661 of August 6, 1990, on *The Situation Between Iraq and Kuwait*, para. 3 (c) “. . . but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs” and UNSC Resolution 666 of September 13, 1990, on *The Situation Between Iraq and Kuwait*, Preamble “Recognizing that circumstances may arise in which it will be necessary for foodstuffs to be supplied to the civilian population in Iraq or Kuwait in order to relieve human suffering.”

enforcement operation.²⁹ The invocation of this Article does not require that Article 41 measures have actually been implemented, rather it merely provides that the Security Council must only “consider” that such measures would be inadequate.

There is considerable debate as to where the authority for the maritime sanctions regime against Iraq properly lies within the Charter structure. Some academics view the placement as falling somewhere between Article 41 and 42, probably closer to Article 41.³⁰ Others seem more inclined to view the action as falling more logically under Article 42.³¹ Suffice it to say, the ambivalence of the Security Council itself to identify the specific Article of the Charter it is relying upon, coupled with the 13 years of successful multi-national action in enforcing the zone,³² does indicate that there is a wide latitude for the authorization of forceful measures within Chapter VII irrespective of the particular Article relied upon. Such a reading is consistent with the International Court of Justice’s approach to discerning lawful authority for Security Council or General Assembly action in a more general sense where it has eschewed strict literalism and has been prepared to find both inherent and implied authority for Security Council and General Assembly action deriving from a holistic reading of the Charter.³³

D. LEGAL PRIMACY OF SECURITY COUNCIL DECISIONS

The legal significance of a duly adopted Security Council Resolution lies in the primacy it enjoys as a matter of international law. Article 2(5) of the UN Charter requires that “All 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.” Similarly, Article 25 mandates that “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.” Article 49 stipulates that “The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.” In respect of pre-existing obligations owed by States under treaties that may be inconsistent with a decision of the Security Council, Article 103 of the Charter states that “In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

²⁹ Hilaire McCoubrey and Nigel White, *BLUE HELMETS: LEGAL REGULATION OF UNITED NATIONS MILITARY OPERATIONS* 71, (1996).

³⁰ Fielding, *supra* note 7, at 1241–2; *see also* McLaughlin, *supra* note 22, at 254–5 where the author canvasses the various assessments of the appropriate placement of UNSC Resolution 665 under either Article 41 or 42.

³¹ Dalton, *supra* note 15, at 45.

³² *See* SPECIAL WARNING 115 of February 16, 2001 which provides an illustration of the procedural requirements of enforcement within the sanctions zone. *See* Appendix C.

³³ Nigel White, *The UN Charter and Peacekeeping Forces: Constitutional Issues*, 3(4) *INTERNATIONAL PEACEKEEPING* 43 (1996) at 50.

The maritime interdiction measures established by the Security Council have a unique legal quality. Being neither a blockade nor based upon established criteria for a lawful visit and search regime,³⁴ the interdiction operations possess their own special legal character, justified as they were as a Chapter VII measure. Importantly, as a manifestation of Security Council determination, the condemnation of Iraqi actions³⁵ and the invocation of Chapter VII authority in framing the resulting maritime embargo meant that there was no possibility of neutral rights of third States being proclaimed. When armed conflict was eventually initiated between Iraq and the United States-led coalition forces, it was the constant and formal U.S. view that proclamations of neutrality were of no effect³⁶ and that belligerent actions could therefore be conducted in what were otherwise “neutral” areas. Such a determination is hardly revolutionary given the express obligations owed under the Charter. Accordingly, all States were required to observe the prohibition on trade and were to comply and render “mutual assistance” to effectuate the measures.

E. LAW OF SELF-DEFENSE AND SECURITY COUNCIL ACTION

Article 51 of the UN Charter suggests that States have the right to act in individual or collective self-defense *until* the Security Council takes the necessary action to maintain international peace and security.³⁷ The debate concerning use of force measures relating to the maritime interdiction framework against Iraq in 1990 highlighted the issue whether the decisions of the Security Council effectively exhausted the residual rights of individual and collective self-defense of the participating States. That is, did the decisions of the Security Council become the single frame of reference for determining the legality of forceful measures applied by those States supplying forces confronting Iraq. This argument was strongly rejected by the United States and the actual experience of Operation Desert Shield/Storm establishes that there is a symbiotic and accommodative relationship between general international law and decisions of the Security Council, especially in the context of rights of individual and collective self-defense. The differentiation between these respective bodies of law was clearly summarized by the commentator Eugene Rostow who stated at the time that “the customary law of self-defense is

³⁴ Michael Schmitt, *Aerial Blockades in Historical, Legal, and Practical Perspective*, 2 UNITED STATES AIR FORCE ACADEMY JOURNAL OF LEGAL STUDIES 21 (1991) at 21–2.

³⁵ UNSC Resolution 660 of August 2, 1990, on *The Situation Between Iraq and Kuwait*, “Condemns the Iraqi invasion of Kuwait” and UNSC Resolution 661 (1990) of 6 August 1990, Preamble “Determined to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence and territorial integrity of Kuwait.”

³⁶ “It was the U.S. position during the Persian Gulf crisis that, regardless of assertions of neutrality, all nations were obligated to avoid hindrance of Coalition operations undertaken pursuant to, or in conjunction with, UNSC decisions, and to provide whatever assistance possible.” Final Report to Congress, *Conduct of the Persian Gulf War*, April 1992 at 626.

³⁷ Article 51 of the UN Charter states “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence 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. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”

not impaired in any way by the Charter but remains intact until the Council has *successfully* dealt with the controversy before it.”³⁸ The sentiment expressed by Rostow acknowledges the legal supremacy of Security Council Resolutions, though he prefaces this recognition on a requirement of effectiveness. It is an established view held by other academics³⁹ and has been similarly invoked in the course of other world events. Indeed, with respect to the Falkland Islands crisis, the UK Manual of the Law of Armed Conflict reflects this dichotomy and similarly observes that “The UK’s actions in recovering the Falkland Islands in 1982 were based throughout on self-defence. This conflict also showed that the right of self-defence is not placed in abeyance merely because the Security Council has been able to pass a resolution calling for one of the parties to a conflict to withdraw.”⁴⁰

This differentiation between rights to national and collective self-defense and the content of a particular Security Council Resolution also applies at the operational or tactical level. While the specificity of a particular Resolution adopted under Chapter VII will naturally shape operational planning considerations directly, it is not common for a Resolution to get into that level of detail and to speak directly to the operational or tactical level.⁴¹ Accordingly, as will be more fully discussed below, in circumstances of armed conflict, the prevailing law of naval warfare will operate in conjunction with the Security Council framework to shape operational planning outcomes in a mutually re-enforcing manner. This reinforcing corpus of law has significant impact upon the enforcement of Security Council established maritime interdiction zones in a time of armed conflict.

F. SECURITY COUNCIL MARITIME ZONES AND THE LAW OF ARMED CONFLICT

The conduct of armed hostilities by coalition forces against Iraq in 2003 comprised integrated land, air and maritime operations. With respect to the maritime component, the legal framework for the conduct of operations against Iraq during Operation Iraqi Freedom was based upon the concurrent application of both relevant United Nations Security Council resolutions (that had remained essentially unchanged since first developed in 1990) and the traditional law of naval warfare. The contours of the interaction between these two authorities is not altogether settled. The commentary to the San Remo Manual has noted that traditional rights of neutrality that would otherwise be asserted in a time of armed conflict by third parties are obviated in circumstances where the Security Council has acted in accordance with its powers under Chapter VII and has “identified one or more of the parties to an armed conflict as responsible for

³⁸ Eugene V. Rostow, *Until What? Enforcement Action or Collective Self-Defense? In Agora: The Gulf Crisis in International and Foreign Relations Law*, 85 AMERICAN JOURNAL OF INTERNATIONAL LAW, 506 (1991) at 511.

³⁹ Todd Wynkoop, *The Use of Force Against Third Party Neutrals to Enforce Economic Sanctions Against a Belligerent*, 42 NAVAL LAW REVIEW 91 (1995) at 98 where the author notes “. . . the Article 51 right of self-defense is only terminated when the Security Council’s actions actually restore peace and security.”

⁴⁰ UK LOAC Manual, para. 3.2.2, footnote 4.

⁴¹ UNSC Resolution 1319 of September 8, 2000, on *The Situation in East Timor* is an exception in its statement within paragraph 6 that “. . . UNTAET should respond robustly to the militia threat in East Timor, consistent with its resolution 1272 (1999) of 22 October 1999.”

resorting to force in violation of international law.”⁴² Similar sentiments are contained within a number of operative Military Manuals.⁴³

Interestingly, the commentary further provides that while this rule concerning the denial of neutrality is a plain application of the import of Article 25⁴⁴ of the UN Charter, as to the broader impact of Article 25 on elements underpinning the law of naval warfare, the Manual states that the “precise implications of this duty . . . are not entirely clear.”⁴⁵ Thus, the Manual itself does not pursue the implications of the Security Council’s capacity to specifically modify the traditional law applicable in an armed conflict at sea. Instead it merely notes that “where the Security Council has taken a decision to use force, or to authorize the use of force by a particular State or States, the rules set out in this document and any other rules of international humanitarian law applicable to armed conflicts at sea shall apply to all parties to any such conflict which may ensue.”⁴⁶ The issue is, however, the manner of that application.

Notwithstanding the hesitancy reflected in the San Remo Manual, it is evident that there is a need to integrate the mandates and prerogatives of Security Council directives and the law of naval warfare when undertaking maritime operations within an embargo zone. When dealing with United Nations Security Council involvement in an international armed conflict at sea, the law of naval warfare is the principal body of international law that is used to complement the application of a relevant Security Council Resolution. The corpus of law comprising the law of naval warfare is thus employed to fill gaps and resolve ambiguities in the language employed in the applicable Resolution in situations where the language of the Resolution is applied in a tactical context.

G. SECURITY COUNCIL RESOLUTIONS INVOKING “ALL NECESSARY MEANS”

One of the principal issues to be answered in an operational sense is whether, in a time of armed conflict, a comprehensive Chapter VII peace enforcement Resolution containing an authority for States to employ “all necessary means” to engage in maritime interdiction/sanctions activity would enable the exercise of belligerent rights which *exceed* those contained within the law of naval warfare. Such an interpretation could conceivably permit the exercise of rights of naval warfare extending beyond the traditional means of conducting naval warfare, namely the visit and search regime or imposition of a blockade, or at least ameliorate the conditions precedent necessary for the exercise of such traditional naval warfare rights. Support for such an outcome may be indirectly drawn from the reasoning employed by the International Court of Justice in

⁴² San Remo Manual para. 7; *see also* Section III, para. 8 where the Manual states as follows: Where, in the course of an international armed conflict, the Security Council has taken preventive or enforcement action involving the application of economic measures under Chapter VII of the Charter, Member States of the United Nations may not rely upon the law of neutrality to justify conduct which would be incompatible with their obligations under the Charter or under decisions of the Security Council.

⁴³ NWP 1-14M, paras 7.2.1 & 7.2.2, at 7-1 & 7-2; German Commander’s Handbook, para. 230, and phrased more generally, Australian Reference Manual para. 7.25.

⁴⁴ San Remo Manual, para. 7.1.

⁴⁵ *Id.*

⁴⁶ *Id.* at para 9.

matters such as the *Certain Expenses*⁴⁷ and *Namibia*⁴⁸ Advisory Opinions. In these matters, the Court consistently provided robust support for the mandatory authority of the Security Council, venturing even (in the case of the former Opinion) to find a presumption against *ultra vires* for Security Council action.⁴⁹

The Security Council itself is now well practiced in wording Chapter VII Resolutions so as to ensure that there is no legal deficit in respect of the application of force. The phraseology “all necessary means” has, since the Iraqi precedent was set in 1990, become a term of art, which is intended to ensure that forces acting under Chapter VII authority are permitted a broad basis to realistically address the Security Council’s perception of a threat to the peace, breach of the peace or act of aggression. The specific reference to use of force measures in Security Council Resolution 665 is a testament to this capacity to modify existing international law with the consensus view as to the placement of the Resolution into a mythical Article “41½” category. With such an interpretation, it plainly helps that the ICJ has supported a presumption against *ultra vires* for Security Council capacities.

Academic commentary on this issue appears to be mixed, especially in the context of armed conflict. The notion that the fundamental rules of the Geneva Conventions could be modified, for example, through adherence to a strongly worded Security Council Resolution is an anathema to some. A number of commentators are quite emphatic in stating that “although Article 103 of the Charter asserts that the obligations of UN members under the Charter—thus including the duty under Article 25 to accept and carry out the decisions of the Security Council—prevail over their obligations under any other international agreement, this provision cannot apply to “Geneva law” obligations binding States as well as the UN itself, as these obligations stem from “intransgressible” norms that may never be justifiably contravened, either by the former or by the latter.”⁵⁰ However, following the occupation of Iraq in 2003, the Security Council adopted Resolution 1483,⁵¹ which detailed the powers of the Governing Authority in Iraq and appeared to modify the traditional obligations and rights of an occupying power under both the Hague law and Fourth Geneva Convention. The Resolution provided a specific foundation for modifying existing Iraqi law and an express license “to change the laws, institutions, and personnel of the occupied state.”⁵² Such an authority plainly conflicts with conventional obligations regarding modification of structures and institutions within an occupied territory, though one commentator has correctly pointed out that “[i]t does not seem too remarkable a proposition, that a resolution

⁴⁷ *Certain Expenses of the United Nations (Advisory Opinion)*, 1962 ICJ Reports 151. (Hereinafter *Certain Expenses case*)

⁴⁸ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970)(Advisory Opinion)* 1971 I.C.J. Reports 16.

⁴⁹ *Certain Expenses case*, *supra* note 47, at 168.

⁵⁰ Laurence Boisson de Chazournes and Luigi Condorelli, *Common Article 1 of the Geneva Conventions Revisited: Protecting Collective Interests*, 837 INTERNATIONAL REVIEW OF THE RED CROSS, 67 (2000) at 76.

⁵¹ UNSC Resolution 1483 of May 22, 2003, on *The Situation Between Iraq and Kuwait*.

⁵² Thomas D. Grant, *Iraq: How to reconcile conflicting obligations of occupation and reform*, ASIL Insights, The American Society of international Law, June 2003.

of the Security Council could carve out such provisions. The Security Council has sweeping dispositive authority, as evidenced by its resolutions establishing a legal basis for such ambitious programs as the independence of East Timor or administration of Kosovo, not to mention power to create upon the member States obligations, which, owing to Article 103 of the Charter, enjoy primacy over treaty obligations.”⁵³

As a matter of simple construction of the terms of the Charter, unless an obligation has acquired peremptory status,⁵⁴ or is founded upon fundamental humanitarian protections, then it may be overridden or subsequently modified by the Security Council in a specifically worded Resolution. Whether the use of lethal force to stop or even sink a vessel which failed to submit to inspection under the authority of the Security Council Resolution (assuming such action not being in conformity with the law of naval warfare) would result in a violation of the law of armed conflict/law of naval warfare or, for those countries that have ratified it, the Rome Statute of the International Criminal Court, remains a poignantly unanswered question.⁵⁵ It does suggest though, that in the design of maritime interception zones, the Security Council might modify the existing law under the law of naval warfare and can set the terms for the manner in which such zones may be enforced, quite impervious to the traditional requirements for enforcing similar zones, such as blockade under the law of naval warfare. Indeed, such a proposition enjoys a level of mature consensus in much of the literature. It has been tacitly accepted, for example, that even when declaring a blockade against a State under its express authority contained within Article 42

⁵³ *Id.* Regarding the situation in Libya, Paragraph 9 of UNSC Resolution 1970, February 26, 2011, stated: “Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types...” Paragraph 11 of UNSCR 1970 called upon all states “to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Libyan Arab Jamahiriya, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 or 10 of this resolution for the purpose of ensuring strict implementation of those provisions.” The language of Paragraph 11 was superseded by Paragraph 13, UNSC Resolution 1973, March 17, 2011, which called “upon all flag States of such vessels and aircraft to cooperate with such inspections and authorize[d] Member States to use all measures commensurate to the specific circumstances to carry out such inspections...” See Appendix C.

⁵⁴ Article 53 of the Vienna Convention on the Law of Treaties entitled “*Treaties conflicting with a peremptory norm of general international law (jus cogens)*” provides:

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

⁵⁵ Article 8(2) of the ICC Rome Statute states “For the purpose of this Statute, “war crimes” means: (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: (i) Wilful killing” Rome Statute of the International Criminal Court, July 18, 1998, 37 ILM 999 (1998).

of the Charter, the Security Council is⁵⁶ at liberty to set whatever terms it deems fit while still preserving the lawfulness of its actions.

It is a truism that the application of any and all force must comply with the cardinal principles of necessity and proportionality.⁵⁷ With respect to actions predicated upon rights reflected in Article 51 of the UN Charter, the necessity/proportionality formula would generally allow a State to restore the *status quo ante* that existed prior to an armed attack. Such a constraint is not necessarily applicable to a Chapter VII maritime embargo and interdiction zone established by the Security Council and dedicated to restoring international peace and security. In that context, what is necessary and proportionate becomes more nebulous, especially when an authority contained within an applicable Resolution includes the “all necessary means” formulation to achieve a strategic outcome. Conversely, the level of specificity contained within an applicable Security Council Resolution could have the effect of minimizing the authority permitted under a classic recitation of the law of naval warfare. While Security Council Resolutions are generally targeted at the strategic level, there appears to be no limitation on focusing upon more operational levels of detail if deemed necessary to maintain or preserve international peace and security. In respect to Iraq, the Security Council had established through the 1990s an elaborate system of⁵⁸ sanctions administration, overseen by a specifically created central Sanctions Committee. This Committee exercised considerable power to approve items exported to Iraq. Allied to this procedural regime was a changing strategic approach to the importation and exportation of goods under the “oil for food” program and other concessions to an expedited approval process for agricultural and educational items destined for Iraq.⁵⁹

The reconciliation of the sanctions approval process and the exercise of belligerent rights applicable in a time of armed conflict were of critical concern during the coalition maritime operations conducted in support of Operation Iraqi Freedom. Traditional rules of naval warfare employed during the course of the conflict were based upon the belligerent right of visit and search against all incoming vessels suspected of carrying contraband. Consistent with its own tenor, the law did not permit the exercise of boarding rights for outbound vessels or the boarding of vessels dormant in Iraqi waterways. Alternatively, the ongoing sanctions regime authorized under existing Security Council Resolutions and applicable Sanctions Committee procedures did permit a general boarding authority with respect to all vessels, wherever located within the embargo zone in order to verify sanctions compliance. Whether goods unilaterally declared as contraband by the belligerents could be seized remained a contentious point. For example, in

⁵⁶ Lauterpacht notes that “a naval operation established under Chapter VII of the U.N. Charter is not required to conform to the strictures of blockade or other traditional forms of maritime zones” as taken from Fielding, *supra* note 7, at 1217; *see also* Annotated NWP 1-14M, para. 7.7.2.1, footnote 131 where it is stated “[i]t is not possible to say whether, or to what extent, a UN blockade would be governed by the traditional rules.”

⁵⁷ As reaffirmed by the International Court of Justice in its Advisory Opinion Concerning the *Legality of the Threat or Use of Nuclear Weapons*, 1996 I.C.J. 20 at 41 (July 8).

⁵⁸ *See generally*, Paul Conlon, *Lessons From Iraq: The Functions of the Iraq Sanctions Committee as a Source of Sanctions Implementation Authority and Practice*, 35 VIRGINIA JOURNAL OF INTERNATIONAL LAW 633 (1995).

⁵⁹ Refer to HYDROPACs 205/206 of 2002 of 1 Feb 02 which detail the procedural application of sanctions committee authorities within the sanctions zone. *See* Appendix C.

such circumstances, did a letter of approval for the importation of goods issued some months earlier by the Sanctions Committee override a belligerent right to seize contraband applicable in a time of armed conflict? Employing an integrative approach to interpretation, one may conclude that the Resolutions, applicable following the first Gulf War through the 1990s should recognize the existence of a state of armed conflict in 2003 and thus be “read down” so as to accommodate more traditional and more specific legal rights, such as the seizing and condemnation of prize under the traditional law. This would enable the Resolutions to provide a starting point upon which the law of armed conflict/naval warfare could then be applied in a manner consistent with the purpose of the Resolutions, which was to ensure Iraqi compliance with Security Council goals of restoring/ preserving international peace and security. The harmonious invocation of traditional law of naval warfare rights within the embargo zone would undoubtedly have furthered that particular aim. This is certainly the reading the United States gave to the Resolutions as it transitioned from Operation Desert Shield to Operation Desert Storm in 1991 without any protest or objection from the international community⁶⁰ and was similarly undertaken in the course of Operation Iraqi Freedom.

H. PLANNING CONSIDERATIONS

The experience of Security Council authorization of maritime embargoes over the past 15 years has distilled some key operational planning points, namely:

1. A Security Council authorized maritime embargo is, in practice, based upon a zone concept of enforcement. Unlike the imposition of a blockade or Maritime Exclusion Zone, there is no requirement to specify with the same rigor the area or zone of enforcement. The zone to be enforced will in fact be proximate and reasonable to the goals being sought.
2. A Resolution adopted pursuant to Chapter VII of the Charter ensures that third party States are obliged to provide “mutual assistance” and cannot formally declare themselves neutral should the enforcement transition from a peacetime environment to a time of armed conflict.
3. Use of reasonable force at the tactical level to enforce a Security Council authorized embargo is permitted (and ROE can be drafted accordingly) when authorized under Chapter VII of the UN Charter, irrespective if the specific authority for the Resolution derives from Article 39, 40, 41 or 42 of the UN Charter.
4. Depending on the effectiveness of an extant Security Council Resolution, the customary law underpinning the right to individual or collective self-defense is not automatically extinguished and planners may configure CONOPS accordingly.
5. There is the potential that a Security Council Resolution, especially when adopted under Chapter VII, may override elements of the existing law of naval warfare. The specificity of the particular Resolution will be key to reconciling the confluence of legal standards and a complementary approach to each body of law should be adopted. Similarly, it is open for a

⁶⁰ Dalton, *supra* note 15, at 68 where the author describes a straightforward transition and reconciliation between the sanctions regime and the overlay of the law of naval warfare, noting “When Desert Storm began, on January 17, 1991, all parties involved could correctly be termed belligerents. Although the Maritime Interception Operations continued as before, important changes took place in the status of the Iraqi merchant vessels.”

Maritime Operational Zones: UN Security Council & Maritime Zones

Resolution to specifically liberalize constraints under the existing law of naval warfare, providing that fundamental humanitarian protections are not dispensed with.

APPENDIX A

Maritime Notification Systems

Each nation state bears primary responsibility for providing warning notices for their territorial waters, national airspace and adjacent areas of international waters and airspace under their effective control.¹ As a matter of practice, those states discovering or creating hazardous conditions in international waters and airspace are typically responsible for issuing the appropriate warning notices.² Thus, United States maritime forces are required to notify the international community of operations that may pose hazards to navigation and overflight, identifying those areas in which they establish maritime operational zones and warning areas.³

This appendix provides a summary of the notification systems used by the United States for announcing maritime operational zones to users of the oceans and airspace. It gives an overview of the different types of messages, such as NOTMAR, HYDROLANT, and Special Warnings, as well as where each type of message can be found.

In fulfilling its mission to improve navigation of maritime vessels, the U.S. National Geospatial-Intelligence Agency (NGA) maintains a Maritime Safety Information portal (MSI).⁴ This portal allows NGA to consolidate and disseminate important navigational safety information to Mariners.

The MSI Portal provides worldwide coverage of vital information for safe navigation. In order to do this, five types of Navigational Warnings, categorized by their location, are issued. The first two types of messages, NAVAREA IV and NAVAREA XII, fulfill the United States responsibilities

¹ See, e.g., Chicago Convention, Annex 15. Such examples include hazards found or created in the territorial seas from oil spills, security around oil platforms in the exclusive economic zone, and restrictions in the ADIZ and FIR.

² The exception to this rule is where states create zones within or overlapping areas of another state's control or responsibility, typically during crisis conditions and armed conflict, which are discussed in Chapters 3 through 5.

³ Although this requirement is not specifically stated, it is an implied duty commensurate with the obligation to operate with due regard for (a) the safety of navigation and overflight of other states' vessels and aircraft operating on or above the oceans, and (b) the interests of those states in the affected ocean regimes. See generally, United Nations Convention on the Law of the Sea, 10 December 1982, Articles 39(2)(a), 39(3)(a), 56(2), 58(3), 87(2), 142(1).

⁴ The MSI portal can be found at <http://msi.nga.mil/NGAPortal/MSI.portal>.

Appendix A

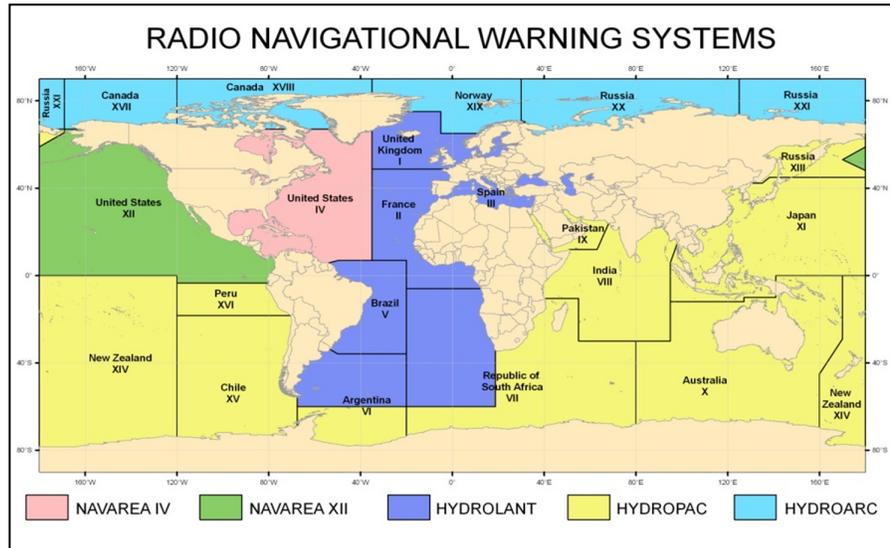
in the Worldwide Navigational Warning Service (WWNWS), a global radio and satellite broadcast system.⁵ The primary objective of WWNWS is the timely promulgation of information of concern to ocean-going navigators, including the location of hazardous military operations. In order to facilitate the dissemination of information, WWNWS divides the world's oceans into 21 Navigation Warning Areas (NAVAREAS). Each NAVAREA has one nation designated as the NAVAREA Coordinator, responsible for consolidating and disseminating all relevant warnings for that NAVAREA.

The United States is the NAVAREA Coordinator for NAVAREA IV (Western North Atlantic) and NAVAREA XII (Eastern North Pacific). NGA acts as the area coordinator, and as such, disseminates all relevant warnings for those NAVAREAS. In addition to NAVAREA messages, the U.S. maintains worldwide coverage of vital navigational information through the HYDROPAC, HYDROLANT, and HYDROARC Long Range Navigation Systems. HYDROPAC messages cover those areas of the Pacific Ocean not covered by NAVAREA XII, as well as the South China Sea, Indian Ocean, Red Sea, Persian Gulf, and contiguous areas. HYDROLANT messages cover those areas of the Atlantic not covered by NAVAREA IV, as well as the North Sea, Baltic Sea, English Channel, Mediterranean Sea, and contiguous areas. HYDROARC messages cover those arctic areas not covered by HYDROLANT or HYDROPAC messages. See the figure below for message coverage areas, as well as the other NAVAREA locations and their coordinators.⁶

⁵ The WWNWS was jointly created in 1977 by the International Hydrographic Organization (IHO), an intergovernmental consultative and technical organization established to support the safety of navigation and the protection of the marine environment (<http://www.iho.int>) and the International Maritime Organization (IMO), a specialized agency of the UN responsible for the safety and security of shipping and the prevention of marine pollution by ships (<http://www.imo.org>).

⁶ For a list of the other NAVAREA coordinators and their corresponding websites, see <http://www.gmdss.org/navareas.html>.

Appendix A



In addition to Navigation Warnings, which are issued regularly and contain information about persons in distress, or objects and events that pose an immediate hazard to navigation, Special Warnings to Mariners (Special Warnings) and Maritime Administration (MARAD) Advisories are occasionally issued and contain information about potential hazards caused by global political events. Special Warnings are urgent warnings approved by the Department of State to promulgate official U.S. Government proclamations affecting navigation and political/military incidents that could develop into direct threats to the safety of U.S. mariners.⁷ U.S. forces typically notify the world of dangerous operations at sea through Special Warnings.⁸ The U.S. Maritime Administration also periodically issues MARAD Advisories in order to rapidly disseminate information on government policy, danger, and safety issues pertaining to vessel operations and other timely maritime matters.

The primary dissemination method of NAVAREAS, HYDROS, Special Warnings and MARAD Advisories is via radio.⁹ In addition, NGA publishes two Daily Memorandums containing summaries of all Broadcast Warnings, including Navigation Warnings and Special Warnings, promulgated during the past 24 – 72 hours. The Atlantic Edition Daily

⁷ See Appendix B: DoD Directive 5030.57, December 5, 2011

⁸ Although specific guidance exists which defines the purpose of each type of notification discussed above, in practice the U.S. approach to the use of the international notification system has been inconsistent with that guidance.

⁹ See NGA Publication 117, Radio and Navigational Aids.

Appendix A

Memorandum contains HYDROLANT and NAVAREA IV Warnings, while the Pacific Edition contains HYDROPAC and NAVAREA XII Warnings. Both editions contain Special Warning and HYDROARC messages issued during the same time period.

NGA also publishes via the MSI Portal weekly U.S. Notice to Mariners (NOTMARs). The NOTMAR provides timely marine safety information for the correction of all U.S. government charts and publications from a wide variety of sources, both foreign and domestic. The weekly NOTMAR also includes a list of all Broadcast Warnings that remain in force, as well as texts of those warnings promulgated during the previous week.

Guidance for mariners on how to receive and report warnings via radio is contained in NGA Publication 117, Radio and Navigational Aids. Reports should be brief, but must contain the information called for in the publication. Additionally, mariners are requested to notify NGA of discrepancies in charts and publications, using the Marine Information Report and Suggestions Sheet found at the end of each published NOTMAR. For those items that should be made known immediately, mariners can make a report to the U.S. Coast Guard and to foreign authorities via radio, TELEX, telephone and fax.

Unique to the Middle East, the Maritime Liason Office, U.S. Naval Support Activity, Bahrain (MARLO) facilitates the exchange of information between the U.S. Navy and the commercial shipping community in the U.S. Central Commands area of responsibility.¹⁰ MARLO operates as a conduit for information focused on safety of shipping and is committed to assisting the commercial shipping community. MARLO publishes Advisory Bulletins on an ad hoc basis to notify the community of late-breaking or time-critical developments in port entry requirements or U.S. Navy Operations that have a potential impact on commercial affairs.

Notices to Airmen (NOTAM) are governed by Federal Aviation Order 7930.2M,¹¹ and proscribe the procedures used to obtain, format, and disseminate information on unanticipated or temporary changes to

¹⁰ More information on MARLO, as well as their published Advisory Bulletins can be found at <http://www.cusnc.navy.mil/marlo/>.

¹¹ See Appendix B. Individual states are typically responsible for publishing warnings concerning national airspace and adjacent areas of international airspace within the state's Flight Information Regions (FIR) and Air Defense Identification Zones (ADIZ).

Appendix A

components of or hazards in the National Airspace System (NAS) until associated aeronautical charts and related publications have been amended. NOTAM are published every 28 days by Systems Operations Services of the Federal Aviation Administration (FAA). Current NOTAM are available by calling 1-800-WX-BRIEF or on the internet at <https://pilotweb.nas.faa.gov/PilotWeb/>.

NOTAM pertaining to U.S. Air Force, Army, and Navy navigational aids that are part of NAS are disseminated in both the civil and Department of Defense NOTAM systems. Military NOTAM are governed by Air Force Instruction Interservice Publication 11-208.

Appendix B

Notification Procedure Directives for United States Military Forces

This appendix contains the basic directives, or links to the directives, for United States military forces concerning the procedures and controlling authorities for publishing notices to the international community via Notices to Mariners (NOTMAR), Notices to Airmen (NOTAM), HYDROPAC and HYDROLANT messages, and Special Warnings to Mariners (Special Warnings).



Department of Defense INSTRUCTION

NUMBER 5030.57

December 5, 2011

USD(I)

SUBJECT: Special Warnings to Mariners

- References:
- (a) DoD Directive 5030.57, "Special Warnings to Mariners," May 3, 1977 (hereby cancelled)
 - (b) DoD Directive 5143.01, "Under Secretary of Defense for Intelligence (USD(I)), November 23, 2005
 - (c) Memorandum of Understanding Between the Department of State, Defense, Commerce, and the Central Intelligence Agency with Respect to Special Warnings to Mariners, July 20, 1976¹

1. **PURPOSE.** This Instruction reissues Reference (a) as a DoD Instruction in accordance with the authority in Reference (b) to update established policy and assigned responsibilities concerning the warning to U.S. mariners of potential political or military hazards affecting U.S. shipping in accordance with Reference (c).

2. **APPLICABILITY.** This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the "DoD Components").

3. **DEFINITIONS.** See Glossary.

4. **POLICY.** It is DoD policy that the implementation of DoD responsibilities for special warnings to U.S. mariners shall be in accordance with the guidelines and criteria set forth in Reference (c).

5. **RESPONSIBILITIES.** See Enclosure.

¹https://usdi.dtic.mil/usdi_docs/keyref/dcs/keydocs/2011/MOU%20-%20DoS%20DoD%20DoC%20CIA%20Special%20Warnings%20to%20Mariners.pdf

6. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



Michael G. Vickers
Under Secretary of Defense
for Intelligence

Enclosure
Responsibilities
Glossary

ENCLOSURE

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I) shall:
 - a. Have overall responsibility for dissemination of special warnings to U.S. mariners.
 - b. Represent the DoD in maintaining and updating Reference (c).

2. DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY (NGA). The Director, NGA, under the authority, direction, and control of the USD(I), shall:
 - a. Expeditiously disseminate special warnings.
 - b. Distribute copies of special warnings to interested agencies.
 - c. Provide receipt of acknowledgement messages generated by special warnings to the Maritime Administration on a continual basis.

3. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:
 - a. Ensure information germane to the safety of U.S. mariners is made available to the Department of State, NGA, and the National Maritime Intelligence Center by the most expeditious means.
 - b. Ensure that communications related to the safety of U.S. mariners is prefaced with “Mariner Special Warning Information” to aid in alerting interested parties.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

NGA National Geospatial-Intelligence Agency

USD(I) Under Secretary of Defense for Intelligence

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Instruction.

special warnings. A limited series of urgent warnings approved by the Department of State and disseminated by the Director, NGA, which disseminate official U.S. Government proclamations affecting navigation and political or military incidents that could develop into direct threats to the safety of U.S. mariners.

U.S. mariners. Crewmembers of U.S. flagged merchant ships, U.S. effectively controlled merchant ships, research vessels, offshore oil rigs, fishing boats and yachts, and personnel on all U.S. naval ships, Army vessels, and other Government-owned ships having been issued a U.S. merchant mariner document and the Standards of Training, Certification, and Watchkeeping certificate issued by the U.S. Coast Guard.



DEPARTMENT OF STATE

Washington, D.C. 20520

Memorandum of Understanding Between the Departments of
State, Defense, Commerce and the Central Intelligence
Agency with Respect to Special Warnings to Mariners

ARTICLE I

History of Special Warnings

With the onset of World War II (1939), the U.S. Government found it necessary to institute a procedure to disseminate quickly to all ships at sea certain political information relevant to ship operations. Officials from the Departments of State, Navy, and the Maritime Administration decided the best way to do this was to establish a type of Notice to Mariners called a Special Warning. The State Department would draft the Special Warning message. The Navy would then approve the message and have its Hydrographic Office broadcast it to all ships at sea. No interagency agreement was signed confirming these procedures. The use of the special warning system was discontinued at the end of World War II. However, in May, 1948, special warning procedures were reinstated under the same basic guidelines established in 1939. Since 1948, 45 Special Warnings have been issued.

ARTICLE II

Statement of the Problem

Events surrounding the capture of the SS MAYAGUEZ in May, 1975, revealed that not every government agency having an interest in this incident knew either about maritime warning procedures or about agency responsibilities for the issuance of Special Warnings to Mariners. In addition, the Comptroller General of the United States investigated the mariners warning aspect of the MAYAGUEZ capture and submitted a report, "System to Warn U.S. Mariners of Potential Political/Military Hazards: S.S. MAYAGUEZ, A Case Study", dated February 11, 1976, to the Subcommittee on International Relations, U.S. House of Representatives. In the report, the

Comptroller General noted, inter alia, that the State Department has the primary responsibility for issuing Special Warnings. Furthermore, the Comptroller General recommended that the Department of State "enter into formal interagency agreements which set forth responsibilities together with the criteria and guidelines." The Department, in its response to the report, supported the recommendation and indicated its willingness to formalize an interagency agreement.

ARTICLE III

Guidelines/Criteria

The Office of Maritime Affairs within the Department of State is the governmental office which acts upon information received from a variety of sources to determine whether or not a Special Warning message should be issued. In acting upon this information, the Office has the option of drafting a Special Warning message, approving the text of a Special Warning message drafted by another agency, or determining that the circumstances do not justify the issuance of a Special Warning message. If the latter determination is made, the Office will so inform interested parties. In such instances, the Office of Maritime Affairs, or any other government agency, may recommend to the Defense Mapping Agency Hydrographic Center (DMAHC) that the information be disseminated in a HYDROLANT/HYDROPAC or the Notice of Mariners as appropriate.

The Department of State considers that a Special Warning message is warranted when incidents are reported which could develop into a direct threat to the safety of U.S. mariners. Such incidents could include, but not be limited to, political developments in a country whose forces could pose such a threat, actual declaration of hostilities, orders by one or more countries to seize contraband, certain new or expansive territorial sea claims or temporary closure of sea areas, seizure or harrassment of certain vessels, or other incidents at sea. In evaluating the situation, the Office takes into consideration such factors as the diplomatic relations of the concerned nation and patterns of hostile acts. Throughout this decision process, the paramount criterion is whether a threat exists to the safety of U.S. mariners.

ARTICLE IV

Responsibilities

General

All Agencies --

- (1) will make available to the Department of State by the most expeditious means information received which is germane to the safety of U.S. mariners. In the case of intelligence source material, the information should be communicated to the Department of State, Bureau of Intelligence and Research. In all other cases (non-intelligence source material), the Department of State Operations Center should be contacted. The National Operations Intelligence Watch Officers Net (NOIWON) should be utilized whenever circumstances permit;
- (2) will preface records communications transmitting information within the context of (1) with the caption: "Mariner Warning Information" in order to aid in the alerting of interested parties; and
- (3) will ensure that the Department of State, Office of Maritime Affairs is notified on a continuing basis of those individuals designated in the respective agency as the point of contact on Special Warning matters. The Office of Maritime Affairs will, in turn, coordinate the interagency flow of information on this matter.

Specific

Department of State --

- (1) through its Office of Maritime Affairs, has the primary responsibility for ensuring the issuance of a Special Warning to mariners;
- (2) will promulgate internal procedures which:
 - (a) clarify and support the responsibility of the Office of Maritime Affairs; and

- (b) ensure that the Bureau of Intelligence and Research (State) is the recipient of information which is considered germane to special warning matters and which is generated within the intelligence community, especially CIA, DIA, NSA, and NOSIC;
- (3) will inform the relevant diplomatic post(s) when a Special Warning is issued;
- (4) will inform the Department of Commerce (Maritime Administration) early in the decision process of any situation that may warrant the issuance of a Special Warning and which could involve U.S. flag merchant shipping; and
- (5) will, prior to approving the issuance of a Special Warning, secure the release of or "sanitize" whatever classified information is in the warning.

Department of Defense --

- (1) will promulgate procedures which:
 - (a) ensure that the National Military Command Center, DIA, NSA, and NOSIC will notify the Bureau of Intelligence and Research (State) and/or State Operations Center, as appropriate, of any information that may warrant the issuance of a Special Warning;
 - (b) ensure that the Defense Mapping Agency Hydrographic Center (DMAHC) expeditiously broadcasts the Special Warning as prepared or approved by the Department of State;
 - (c) ensure that the DMAHC distributes copies of Special Warnings to interested agencies and passes on a continuing basis to the Maritime Administration receipt of acknowledgment messages generated by the Special Warning; and

- (d) ensure that the Joint Chiefs of Staff advise overseas military commands of relevant Special Warnings.

C.I.A. --

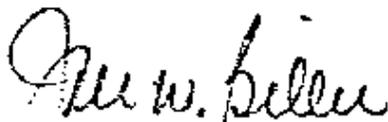
- (1) will establish procedures for informing the Bureau of Intelligence and Research (State) of any information considered relevant to the safety of U.S. mariners.

Department of Commerce --

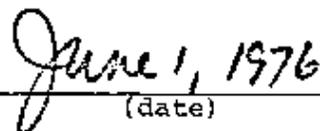
- (1) will promulgate procedures which:
 - (a) provide for the filing of U.S. flag merchant vessel location information, with NOSIC, by all such vessels engaged in foreign commerce;
 - (b) provide the DMAHC current telegraphic and mailing addresses of owners/operators of U.S. flag merchant vessels engaged in foreign commerce;
 - (c) in coordination with NOSIC and DMAHC, follow up Special Warnings and verify receipt by and acknowledgment of the message by U.S. flag merchant vessels in the affected area;
 - (d) inform the Office of Maritime Affairs (State) on a continuing basis of the progress of the follow-up; and
 - (e) provide specific U. S. flag merchant shipowners with information concerning Special Warnings when issued in order to achieve the fastest communications with U.S. flag shipping in the affected area.

ARTICLE V

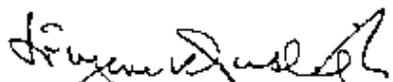
This Agreement will be subject to review or revision at such time as any party so desires.



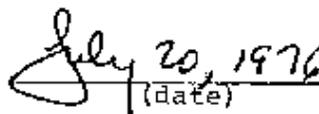
Joel W. Biller
Deputy Assistant Secretary for
Transportation, Telecommunications
and Commercial Affairs
Department of State



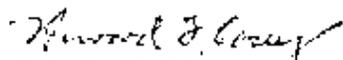
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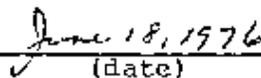
Eugene V. McAuliffe
Assistant Secretary for Inter-
national Security Affairs
Department of Defense



(date)



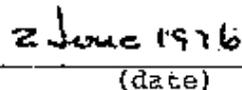
Robert J. Blackwell
Assistant Secretary for
Maritime Affairs
Department of Commerce



(date)



Sayre Stevens
Deputy Director for Intelligence
Central Intelligence Agency



(date)

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE,
ARMY, AND NAVY**

**AIR FORCE INSTRUCTION INTERSERVICE
PUBLICATION 11-208 ARMY REGULATION
95-10 OPNAVINST 3721.20D**



3 JUNE 2011

Flight Operations

**DEPARTMENT OF DEFENSE NOTICE TO
AIRMEN (NOTAM) SYSTEM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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(Mr. Harry C. Disbrow, SES)

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1 August 2004

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This instruction is governed by FAAO JO 7930.2, *Notices to Airmen*, and implements AFD 11-2, *Aircraft Flight Rules and Procedures*. This is an inter-service publication that applies to individuals at all levels including Air Force Reserve and Air National Guard (ANG) with the Air Force as the lead service. The Air Force is the single manager of the DoD NOTAM System. The DoD NOTAM System disseminates information to aircrews and flight operations personnel regarding the establishment, condition, or change in any aeronautical facility, service, procedure or hazard of which the timely knowledge may be critical to safe DoD flight operations. It also provides DoD agencies the capability to create NOTAMs via the Internet. The Defense Internet NOTAM Service (DINS) is the only authorized site for DoD NOTAM creation and retrieval. Records Disposition for Air Force units: Maintain and dispose of records created by prescribed processes in accordance with AFRIMS and AFMAN 33-363 and disposed of in accordance with services' records disposition process – in the case of the Air Force in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://www.my.af.mil/gcsss-af61a/afirms/>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publications*; route AF Form 847 from the field through the appropriate chain of command.

SUMMARY OF CHANGES

This document is substantially revised and shall be reviewed in its entirety. Major changes include: Chapter 1: Chief and Deputy Chief requirements. Chapter 2: "X" Series NOTAMS,

Graphical NOTAMS, Domestic and International NOTAMS. Chapter 3: Connectivity and Processing Capability. Backup facility requirements. Chapter 4: Information Specifications, Authorized Delays, Operations and Firings over the High Seas, Controlled Airspace Outside of the US and Bare-Bases Operations, Contingency Operations, Digital Aeronautical Flight Information File (DAFIF) Verification. Chapter 5: Online Resources. Minor changes were made throughout and include reference updates and editing errors.

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Chapter 1

ROLES AND RESPONSIBILITIES

1.1. General Information. The USAF is the executive agent for the DoD NOTAM System. The DoD NOTAM Cell (HQ AF/A3O-BN) is located at the FAA Air Traffic Control System Command Center (ATCSCC) in Warrenton, VA. It is responsible for overall management of the DoD NOTAM System. The DoD NOTAM Cell represents the services in all NOTAM related issues.

1.2. Roles and Responsibilities.

1.2.1. Chief, DoD NOTAM Cell. The Cell Chief shall be a rated AF officer in the grade of at least Colonel (O-6) or civilian (GS15) as agreed on by sister services and appointed by HQ AF/A3O-B. Specific responsibilities include:

1.2.1.1. Manages the DoD portion of the United States NOTAM System (USNS).

1.2.1.2. Coordinates directly with domestic, international, and military NOTAM offices, as well as aeronautical information services (AIS) offices in order to meet DoD NOTAM requirements.

1.2.1.3. Corresponds with the FAA NOTAM Manager and USNS contractor to protect and represent the DoD position.

1.2.1.4. Ensures the NOTAM system complies with pertinent DoD regulations and requirements.

1.2.1.5. Co-chairs the FAA/DoD Configuration Control Board (CCB), serving as a final voting member.

1.2.1.6. Approves DoD NOTAM system modification requests.

1.2.1.7. Establishes policy and guidance to maintain NOTAM system integrity.

1.2.1.8. Ensures standardization of NOTAM products through training, field conferences, and briefings.

1.2.1.9. Exercises operational control of the DoD NOTAM system through management of the military coordinators at FAA's ATCSCC and the DoD European NOTAM Liaison Office at Ramstein AB, Germany.

1.2.1.10. Provides interface for resolution of DoD NOTAM issues.

1.2.1.11. Implements "flag to deny" procedures when directed by competent authority, thereby restricting DoD NOTAM data distribution only to DoD facilities.

1.2.1.12. Relays critical information to the FAA NOTAM specialists through the FAA NOTAM Manager.

1.2.1.13. Coordinates and monitors furnished communications circuits as required.

1.2.2. DoD NOTAM Cell HQ AF/A3O-BN. Each service provides senior enlisted personnel to serve as military coordinators in the DoD NOTAM Cell. The Deputy Chief of the Cell shall be a rated AF officer in the grade of at least Lieutenant Colonel (O-5) or

civilian (GS13/14). The Deputy Chief shall fill all roles and responsibilities of Chief, DoD NOTAM Cell in his/her absence.

1.2.2.1. DoD NOTAM Cell. Collocated with the FAA's US NOTAM Office (USNOF), DoD NOTAM Cell's specific responsibilities include:

1.2.2.1.1. Ensures 24-hour NOTAM support to all DoD customers.

1.2.2.1.2. Responsible to and receives direction from the Chief, DoD NOTAM Cell.

1.2.2.1.3. Serves as the operational liaison between FAA specialists and DoD users.

1.2.2.1.4. Creates and maintains DoD tables in the USNS database.

1.2.2.1.5. Develops DoD unique Q-codes.

1.2.2.1.6. Establishes new DINS user accounts.

1.2.2.1.7. Issues and manages DINS system security certificates.

1.2.2.1.8. Troubleshoots DINS operations and certificate installations.

1.2.2.1.9. Publishes DoD NOTAMs as directed or required by competent DoD authority.

1.2.2.1.10. Monitors military NOTAMs, performs monthly quality assurance checks, and provides guidance to NOTAM Authorities and users.

1.2.2.1.11. Conducts Staff Assistance Visits (SAVs) and comprehensive training, briefings, and workshops as required or directed by the Chief, DoD NOTAM Cell.

1.2.2.1.12. Maintains statistical data on DoD related NOTAM activity. Prepares and submits activity reports to appropriate agencies as required.

1.2.2.1.13. Provides DoD representation on CCBs.

1.2.2.1.14. Monitors contractor performance, conducts USNS test and acceptance procedures, identifies inaccuracies and malfunctions, and suggests performance enhancements when warranted.

1.2.2.1.15. Initiates, reviews, and validates NOTAM system test data.

1.2.2.1.16. Maintains and updates office FLIP publications as required.

1.2.2.2. **DoD European NOTAM Liaison Office (HQ AF/A30-BNE).** Stationed at Ramstein AB, Germany and collocated with National Geospatial-Intelligence Agency (NGA) Europe representatives (providers of Host Nation aeronautical data), the DoD European NOTAM office is the in-theater point of contact for all European DoD NOTAM-related issues. Specific responsibilities include:

1.2.2.2.1. Ensures 24-hour coverage for European DoD NOTAM customers.

1.2.2.2.2. Responsible to and receives direction from the Chief, DoD NOTAM Cell.

1.2.2.2.3. Serves as the DoD's centralized European, Southwest Asia (SWA), and African NOTAM Authority, entering NOTAMs into the USNS as required.

1.2.2.2.4. Acts as the operational liaison between theater NOTAM Authorities, FAA specialists, and international civil and military NOTAM offices.

1.2.2.2.5. Recommends DoD tables pertaining to OCONUS stations.

1.2.2.2.6. Trains in-theater NOTAM Authorities on operations, procedures, and NOTAM formats.

1.2.2.2.7. Performs quality control checks of all NOTAM and products pertaining to European area of responsibility (AOR).

1.2.2.2.8. Monitors the distribution of international military NOTAM information over authorized communication circuits. Identifies problems, proposes solutions, and coordinates implementation with the Chief, DoD NOTAM Cell.

1.2.2.2.9. Conducts Staff Assistance Visits (SAVs) and comprehensive training, briefings, and workshops as required or directed by the Chief, DoD NOTAM Cell.

1.2.2.2.10. Produces and distributes exercise and contingency NOTAM products when required under the direction of the Chief, DoD NOTAM Cell.

1.2.2.2.11. Maintains statistical data on DoD related NOTAM activity. Prepares and submits activity reports as required to appropriate agencies.

1.2.2.2.12. Maintains and updates office FLIP publications as required.

1.2.3. US Army (USA) Operations.

1.2.3.1. US Army Aeronautical Services Agency (HQ USAASA). Located at Fort Belvoir, VA, HQ USAASA serves as the Army's responsible officer for the NOTAM system and central coordinating authority, providing specific policy and guidance to Army units on NOTAM matters worldwide. HQ USAASA determines Army specific NOTAM requirements and coordinates with other services and government agencies in the operation of the NOTAM system. HQ USAASA provides the Army representative to the DoD NOTAM office.

1.2.3.2. US Army Aeronautical Services Detachment – Europe (USAASD-E). Located at Heidelberg, Germany, USAASD-E is a regional extension for operations in Europe, Africa, and the Middle East. Specific responsibilities include:

1.2.3.2.1. Provides technical assistance on airspace, ATC, aeronautical information, and NAVAIDs.

1.2.3.2.2. Responsible for all US Army instrument procedures and NOTAM authority for Procedural NOTAMs ("V" Series) within AOR.

1.2.3.2.3. Official Army liaison and representative to the FAA in Europe.

1.2.3.3. Army Flight Operations Detachment (AFOD). Located at Heidelberg, Germany, AFOD NOTAM Section serves as the Army's centralized European NOTAM Authority. Specific responsibilities include:

1.2.3.3.1. The AFOD NOTAM section submits flight safety NOTAMs for U.S. AAF/AHP into the USNS through the German Military NOTAM Office. AFOD local NOTAMs are entered directly into the USNS.

1.2.3.3.2. NOTAM request for Army Special Use Airspace in Germany will be handled by AFOD NOTAM section.

1.2.3.3.3. Produces US Army-Europe unique NOTAMs and non-NOTAM aeronautical information products that can be viewed on the European Theater section of DINS Query website.

1.2.3.3.4. Under National Agreement 127 (NAT-127), the FAA provides Instrument Procedure development services to the Army. Contact USAASA/IP or USAASD-E with Instrument Procedure requests or questions.

1.2.4. **National Geospatial-Intelligence Agency (NGA).** Located at Mail Stop L-27 3838 Vogel Road, Arnold, MO 63010-6238, NGA uses a combination of military directives, host country Aeronautical Information Publications (AIP) and imagery to produce Flight Information Publications (FLIP) for the DoD. Specific responsibilities include:

1.2.4.1. Processes DoD requirements for new or modified FLIP products.

1.2.4.2. Evaluates navigational and related operational data submissions to determine if NOTAM action is required.

1.2.4.3. Publishes “W” Series NOTAMs to maintain the accuracy of DAFIF and/or FLIP products when out of cycle changes are made by an official Aeronautical Information Service or NOTAM Office.

1.2.4.4. Provides one copy of DAFIF to DINS through early distribution.

1.2.4.5. Notifies the NOTAMs Division of any errors or omissions in NOTAM data.

1.2.5. **Pacific Theater (USAF).** Within the Pacific theater, each USAF Numbered Air Force (NAF) with an Airfield Operations (AO) Subject Matter Expert (SME) will handle NOTAM-related issues within their respective AOR. If a NAF does not have an AO SME, contact HQ PACAF/A3OA.

1.2.6. **Service Lead Organizations.** USAF (HQ AF/A3O-AA), USA (HQ USAASA), USN (CNO, N887). Specific responsibilities include:

1.2.6.1. Coordinates service specific NOTAM requirements with other services and government agencies.

1.2.6.2. Acts as central coordinating authority and provides service specific guidance to its respective units on NOTAM matters.

1.2.6.3. Responsible for NOTAM system personnel requirements.

1.2.6.4. Establishes, develops, and manages NOTAM system procedures and operations at its locations.

1.2.7. **Component Commanders.** Component Commanders shall coordinate with the proper agencies to ensure the INO issues NOTAMs concerning increased or unusual air or surface-to-air activities associated with military exercises or operations over the high seas, international airspace, or host nation airspace.

1.2.8. **Major Commands.** MAJCOMs (USAF), ACOMs (USA), MARFORs (USMC), and TYCOMs (USN). Specific responsibilities include:

1.2.8.1. Ensures aircrews have NOTAM access.

1.2.8.2. Coordinates NOTAM requirements with each service through HQ AFFSA, HQ USAASA, or CNO (N887) as needed. Ensures NOTAM processing is always accessible.

1.2.8.3. Issues NOTAM requests to INOs of affected area(s) when military operations, exercises, or maneuvers are not under the jurisdiction of a component commander.

1.2.8.4. Ensures each aviation commander complies with this instruction by ensuring aircrews have access to current NOTAM material and DINS website.

1.2.8.5. USAF processes FAA Chart Change Procedure (CCP) NOTAMs for FAA Instrument Procedures developed for the USAF IAW FAAO 8260.32.

1.2.8.6. The respective Service Terminal Instrument Procedures (TERPS) branch will submit and maintain NOTAMs for Foreign Terminal Instrument Procedures (FTIP) published in DoD FLIP (Terminal).

1.2.9. **Airfield Facility Manager.** Airfield Manager (USAF); post, installation, garrison, airfield (AAF), or heliport commander (AHP) (USA); Airfield Operations Officer (USMC); and Air Operations Officer (USN). Specific responsibilities include:

1.2.9.1. Ensures NOTAM Authorities receive the funding necessary to perform their duties and that aircrews can access NOTAM data.

1.2.9.2. Ensures knowledgeable personnel are available to assist aircrews with NOTAMs.

1.2.9.3. Ensures NOTAMs are drafted, transmitted, and coordinated according to applicable instructions.

1.2.9.3.1. Joint-use aerodromes:

1.2.9.3.1.1. Collaborates with civilian counterparts to establish a letter of agreement (LOA) that specifies NOTAM authoring, handling, and coordination responsibilities (see 4.7.4). Attachment 3 shows a sample LOA.

1.2.9.3.1.2. Ensures all NOTAMs are submitted and coordinated in accordance with procedures established in the LOA.

1.2.9.3.2. OCONUS stations:

1.2.9.3.2.1. Tenant on host nation military aerodromes. Ensures a LOA with host nation is on file that specifically grants DoD the authority to create DINS NOTAMs and delineates coordination responsibilities. **Note:** AIPs, status of forces agreements, host nation agreements, and/or LOAs establish host nation NOTAM procedures. In most cases, host nation retains safety NOTAM authority for aerodromes.

1.2.9.3.2.2. Ensures host nation military or civil NOTAM offices are informed of station's current DINS NOTAMs.

1.2.9.3.2.3. Shall crosscheck and validate host nation and DINS NOTAMs to identify and correct discrepancies. **Note:** Host nation NOTAMs may not display in DINS (see 5.3). For distribution problems and other issues that require host-nation coordination, contact the DoD European NOTAM Office or DoD NOTAM Cell.

1.2.9.4. Coordinates with the air traffic control (ATC) facility chief/officer on procedures for issuing NOTAMs on NAVAIDs or facilities that ATC controls or monitors.

1.2.9.5. Ensures NOTAMs are classified IAW Chapter 4, e.g., “M” Series: Flight Safety, “L” Series: Local, and “V” Series: Procedural NOTAMs.

1.2.9.6. Establishes and maintains connectivity to the USNS.

1.2.9.6.1. Takes necessary actions to accurately process and publish NOTAMs.

1.2.9.6.2. Establishes and maintains a LOA with another DoD installation to provide backup NOTAM support.

1.2.9.7. Monitors all NOTAMs, military and civil, that correspond to airfields and airspace under their jurisdiction for accuracy and validity.

1.2.9.8. Reviews and determines accuracy of base specific publications, charts, and other products for their area of responsibility, correcting discrepancies via NOTAM.

1.2.9.9. Retains base specific and other associated NOTAM data in accordance with applicable service regulations following aircraft accidents or incidents.

1.2.9.10. Contacts the DoD NOTAM Cell to resolve problems with NOTAM procedures. Contact information can be located on the DINS website (<https://www.notams.jcs.mil>).

1.2.9.11. Periodically checks DINS website for system and procedural changes (<https://www.notams.jcs.mil>).

1.2.10. **NOTAM Authority.** NOTAM Authorities are units or offices that are authorized to originate NOTAMs. Specific responsibilities include:

1.2.10.1. Drafts, transmits, and coordinates NOTAMs according to applicable instructions.

1.2.10.1.1. Joint-use aerodromes: Submits and coordinates NOTAMs in accordance with procedures established in the LOA.

1.2.10.1.2. OCONUS station:

1.2.10.1.2.1. Tenant on host nation military aerodromes. Host nation authorities are the NOTAM Authority for safety NOTAMs unless a LOA is on file that allows DoD to issue safety NOTAMs.

1.2.10.1.2.2. Informs host nation military or civil NOTAM offices of station’s current DoD NOTAMs.

1.2.10.1.2.3. Crosschecks and validates host nation and DINS NOTAMs to identify and correct discrepancies.

1.2.10.2. Contacts DoD NOTAM Cell to resolve problems with NOTAM procedures. **Note:** For NOTAM assistance, forward deployed Army units in Europe, Africa, and Middle East should contact USAASD-E at DSN: (314) 373-5600 or the DoD European NOTAM Office at DSN: (314) 480-8092/7257 or email: europ.notam@ramstein.af.mil; all other OCONUS based Army units should contact DoD NOTAM Cell: DSN: (510) 422-4757/58/59.

1.2.10.3. Cancels active NOTAMs when the condition no longer exists or NGA publishes the information in the FLIP.

1.2.10.4. Ensures disposition and accuracy of authored NOTAMs.

1.2.10.5. Monitors all NOTAMs—military and civil—that correspond to airfields, NAVAIDs and radars, and airspace under their jurisdiction for accuracy and currency.

1.2.10.6. Ensures NOTAMs are classified correctly, e.g., “M” Series: Flight Safety, “L” Series: Local, and “V” Series: Procedural NOTAMs.

1.2.10.7. Establishes and maintains connectivity to the USNS.

1.2.10.8. Verifies the accuracy of Graphical NOTAMs when DAFIF information changes.

1.2.10.9. Checks DINS website for system and procedural changes prior to assuming NOTAM Authority duties; notifies the Airfield Facility Manager of applicable changes.

Chapter 2

NOTAM CLASSIFICATIONS

2.1. What are NOTAMs? NOTAMs are unclassified notices or advisories distributed by means of telecommunication that contain information concerning the establishment, conditions or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel and systems concerned with flight operations.

2.2. NOTAM Classifications. NOTAMs are classified as Military, Domestic, International, and FDC:

2.2.1. Military NOTAMs.

2.2.1.1. DESC NOTAM (“F” Series). Defense Energy Support Center issues “F” Series NOTAMs for OCONUS locations concerning fuel availability for DoD users.

2.2.1.2. Local NOTAM (“L” Series). Local NOTAMs usually promulgate non-critical related information. Airfield Facility Manager shall establish the parameters for classifying local NOTAMs.

2.2.1.3. Flight Safety NOTAM (“M” Series). Flight Safety NOTAMs promulgate safety related information that is critical for safety of flight, such as aerodrome closures, runway closures, or changes in NAVAID availability.

2.2.1.4. Procedural NOTAM (“V” Series). Procedural NOTAMs promulgate information concerning published instrument procedures, such as Standard Instrument Approach Procedure (SIAPs), Standard Instrument Departure (SID), Standard Terminal Arrival Route (STAR), and Departure Procedure (DP).

2.2.1.5. DAFIF and/or FLIP Change NOTAMs (“W” Series). DAFIF and/or FLIP Change NOTAMs promulgate changes in DoD FLIP products that provide data/digital data for worldwide flight operations.

2.2.1.6. “X” Series. Reserved for DoD NOTAM Cell use only.

2.2.1.7. Graphical NOTAMs. Graphical NOTAMs allow NOTAM Authorities to create “M” and “L” Series NOTAMs that disseminate like existing NOTAMs and also depict NOTAM information graphically on the airport diagram. **Note:** At OCONUS locations, the Graphical NOTAM tool is only available at locations that have host nation approval to process NOTAMs through DINS.

2.2.1.8. Attention Notices. DoD NOTAM Cell and select other agencies, under the direction of competent military authority, promulgate regulatory and advisory Attention Notices by theater or under the general "ALL" category, i.e., ATTA (All), ATTC (Caribbean), ATTE (European), ATTN (North America), and ATTP (Pacific).

2.2.2. Domestic NOTAMs (Civil).

2.2.2.1. NOTAM D. FAA issued NOTAMs that promulgate flight safety information concerning the NAS, NAS NAVAIDs, as well as all public use airports, seaplane bases, and heliports listed in the Airport/Facility Directory.

2.2.2.2. Pointer NOTAM. FSS issued NOTAMs that highlight or “point out” other, potentially obscure NOTAMs, e.g., FDC or PJE NOTAMs. Pointer NOTAMs assist users in cross-referencing important information that may not be found under an airport or NAVAID identifier.

2.2.3. International NOTAMs (Civil).

2.2.3.1. International NOTAM (“A” Series). USNOF issues international NOTAMs to partner INOs concerning NOTAM D information at major international airports; OMEGA, LORAN, and GPS systems; and certain airspace NOTAMs; e.g., ARTCC and CARF altitude reservations (ALTRVs) and warning area information. In addition, USNOF issues international NOTAMs for select overseas locations and NAVAIDs when directed by competent authority.

2.2.3.2. International NOTAM from Foreign Sources. INOs issue NOTAMs to the USNOF using guidance published in the general section of each country’s AIP. OCONUS stations may be required to provide and review specific country NOTAM Series.

2.2.4. FDC NOTAM (Civil). USNOF issues FDC NOTAMs, which promulgate regulatory information. Examples of FDC NOTAMs include: interim IFR flight procedures, Instrument Approach Procedure (IAP) changes, temporary flight restrictions, flight restrictions in the proximity of the President and other parties, 14 CFR Part 139 certificated airport condition changes, snow conditions affecting glideslope operation, air defense emergencies, emergency flight rules, substitute airway routes, special data, US Government charting corrections, and laser activity.

Chapter 3

COMMUNICATION REQUIREMENTS

3.1. USNS. In 1988, FAA and DoD combined the NOTAM systems into a single infrastructure that receive, store, and display military, international, and domestic NOTAMs. Today, this system is called the USNS.

3.1.1. FAA. The FSSs and ARTCCs access NOTAMs through FAA Domestic NOTAM Systems.

3.1.2. DoD accesses the USNS through DINS, which allows authorized users the ability to Create, Cancel, or Replace (CCR) NOTAMs via NIPRNet and lets all users query NOTAM data via the NIPRNet/Internet. The DoD NOTAM Cell is only responsible for DINS NOTAM data.

3.2. Connectivity. DINS is the only authorized DoD avenue for military NOTAM creation and the primary means of NOTAM retrieval. In addition to DINS Query, all DoD base and flight operations facilities shall have the ability to CCR NOTAMs.

3.2.1. NOTAM Accounts and Passwords. In order to create NOTAMs, units shall establish an authority account and request a certificate from the DoD NOTAM Cell. NOTAM Authorities shall ensure the security of the assigned username and password required to CCR NOTAMs.

3.2.2. Encryption Certificates. DoD NOTAM Cell issues encryption certificates in order to prevent unauthorized access to USNS databases. Certificates are valid for one year. Airfield Facility Managers should limit certificates to those who regularly author NOTAMs. DINS CCR Training Guide details the certificate requisition and installation process.

3.3. Processing Capability. After system connectivity is established, units may connect to either DINS primary or secondary site via their primary or secondary computer, or by using a non-LAN dependent computer.

3.3.1. Primary and Secondary DINS Query sites (<https://www.notams.jcs.mil> and <https://www.notams.faa.gov>) allow users and NOTAM Authorities to query NOTAMs, link to CCR sites, request and install NOTAM certificates, download DINS CCR Training Guide and instruction, view DINS updates, as well as link to various FAA and DoD-related websites.

3.3.2. Primary and Secondary DINS CCR sites (<https://www.dinsccr.notams.jcs.mil/ccr/> and <https://www.dinsccr.notams.faa.gov/ccr/>) allow NOTAM Authorities to CCR NOTAMs.

3.3.3. Alternate Computer. Units should have a second computer with the appropriate encryption certificate available for NOTAM processing.

3.3.4. Backup Facility Procedures: Units shall have a LOA on file with a backup facility to act as NOTAM Authority surrogate in case of extended outages or facility closures, thereby allowing for uninterrupted NOTAM coverage. Any DoD service may act as a backup facility; Airfield Facility Managers should choose a backup facility that is in different geographic

location and accessible around the clock. USNOF should only be used as an emergency back up. Attachment 2 shows a sample LOA.

3.3.5. Processing Difficulty. Units experiencing NOTAM processing difficulty should attempt the following troubleshooting steps:

3.3.5.1. Ensure user's browser has a valid certificate.

3.3.5.2. Attempt accessing both primary and secondary sites, using a secondary computer if necessary.

3.3.5.3. Contact the base communication help desk to ensure base network is functioning correctly, e.g., LAN is available, firewall settings have not been modified, etc.

3.3.5.4. If DINS connectivity is lost for an untenable amount of time, units shall coordinate with their designated backup facility to process NOTAMs as required (see [3.3.4](#)).

3.3.5.5. If DINS is the only website that is down and if the preceding steps do not provide resolution, contact the DoD NOTAM Cell.

Chapter 4

STANDARD OPERATING PROCEDURES

4.1. System Integrity. The following requirements are essential for information integrity and optimal performance of the DoD/FAA's NOTAM system; compliance is mandatory.

4.2. DoD NOTAM Qualifications. NOTAMs shall be:

- 4.2.1. A hazard to flight safety or may limit military flight operations.
- 4.2.2. Published or qualify for publication in FLIP.
- 4.2.3. More restrictive than the information published in FLIP.
- 4.2.4. Under the jurisdiction of the NOTAM Authority.
- 4.2.5. Temporary in nature, not exceeding 90 days. When conditions warrant a longer period, initiate required changes to the appropriate FLIP product as soon as practical and request reissue of NOTAM. Ensure the NOTAM is cancelled when the changes are published correctly in the FLIP.

4.3. Information Specifications.

- 4.3.1. Q-Codes are used to standardize format of NOTAMs and, with the exception of "L" Series, shall be used when drafting NOTAMs.
- 4.3.2. NOTAMs shall not exceed 20 lines or 1500 characters in one part.
- 4.3.3. Instrument and Microwave Landing Systems. Always use runway designation when transmitting ILS and MLS system NOTAMs. Do not NOTAM changes of 0.2 degrees or less from the published glideslope.
- 4.3.4. Airfield Lighting Facilities. Follow appropriate service guidelines for issuing airfield lighting NOTAMs.
- 4.3.5. Service Facilities. NOTAM servicing delays only if Airfield Facility Manager determines that such delays would impact operations significantly. If sent, NOTAMs should specify service and extent of delay.
- 4.3.6. Explanations. Reasons as to why a NOTAM condition exists are optional and at the discretion of the Airfield Facility Manager.

4.4. Use of Numbers.

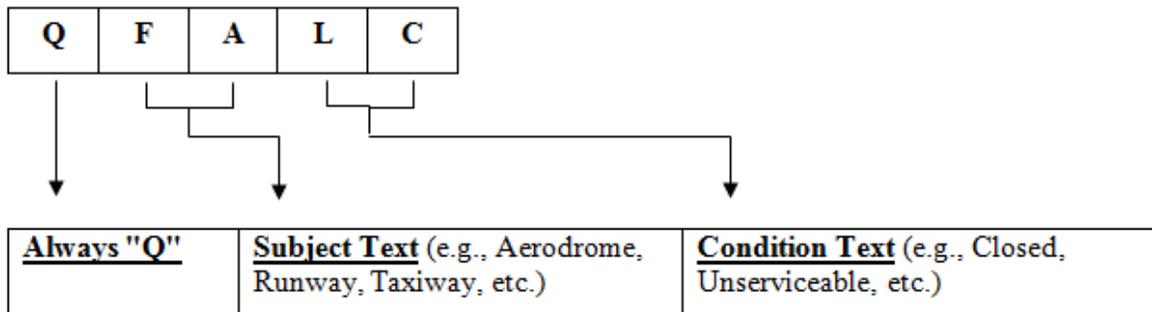
- 4.4.1. Altitude shall be expressed in feet or established flight level (FL) relative to mean sea level (MSL), e.g., 1700 MSL, FL70, and FL550. Specify AGL only when MSL altitudes are not known or available, e.g., 500 AGL.
- 4.4.2. Latitude and longitude coordinates shall be expressed in degrees and, if necessary, minutes, e.g., 39N077E or 3910N07751E.

4.5. Time. NOTAM times shall be expressed in coordinated universal time (UTC) and indicated to the nearest minute. The day begins at 0000 hours and ends at 2359 hours. "With Immediate Effect (WEF or WIE)" and "Until Further Notice (UFN)" shall not be used as

condition effective/expiration times in DINS. Similarly, 0000 is not a valid condition expiration time.

4.6. Q-Codes. The Q-Code is a five-letter NOTAM code that standardizes subject and condition text by converting the respective codes into plain language. If a Q-Code exists for a specific subject and condition being addressed in a Flight Safety NOTAM, use it (see example below). When the subject/condition text does not exist/apply, complete the Q-code text with "QXXXX." DINS and CCR web sites both have comprehensive Q-Code listings.

Figure 4.1. Q-Codes Example:



Note: If "XX" is used frequently in subject or condition texts, Airfield Facility Managers should forward the condition to the DoD NOTAM Cell for possible Q-Code inclusion.

4.6.1. Additional Condition Text. In order to increase clarity, NOTAM Authorities should use amplifying information to augment Q-Codes, such as geographical coordinates, frequencies, and runways. **Note:** When using free text, NOTAM Authorities should use both plain language and ICAO approved contractions outlined in FAAO JO 7340.2 to clearly express NOTAM conditions. NOTAM Authorities shall not use contractions in a way that undermines readability or causes confusion.

4.6.2. Derived Q-Codes. The Derived Q-Code function allows units to select predefined Q-Code combinations to populate the NOTAM Q-line. Q-Code static listing may be used as a guideline to determine NOTAM classification.

4.6.3. Smart Agents. Computer "smart agents" query the NOTAM system for specific conditions, Q-Codes, or NOTAM Series. Accordingly, units shall use correct Q-Codes and NOTAM Series to classify their condition.

4.7. Duplication Avoidance.

4.7.1. Do not issue NOTAMs to advertise data already published or charted correctly in such media as FLIPS or the FAA Notice to Airmen Publication (NTAP).

4.7.2. Use the NOTAM system to obtain, format, and disseminate unanticipated or temporary changes to airfield or airspace hazards.

4.7.3. Publish a NOTAM when changes occur rapidly and time does not permit issuing notice via FLIP chart or appropriate publication. NOTAMs should display temporary conditions which should be corrected before the next FLIP publishing date.

4.7.4. At joint-use aerodromes, Airfield Facility Managers shall collaborate with civilian counterparts to establish a LOA that specifies NOTAM authoring, handling, and coordination responsibilities. The LOA should direct that NOTAM conditions that affect both civil and military users (e.g., RWY and TWY closures, NAVAID outages, changes to Aerodrome status, etc.) be issued as civil NOTAMs. Conversely, NOTAM conditions that affect only military users (e.g., OLS outages, drag chute operations, LOX availability, etc.) should be issued via DINS and coordinated with the civilian Airport Manager. All told, duplication of NOTAMs shall be avoided as much as possible. (A sample LOA is contained at Attachment 3.)

4.7.5. When necessary, TERPS Authorities shall collaborate with appropriate sister service and civilian counterparts to ensure that NOTAM authoring, handling, and coordination responsibilities are clearly delineated for joint use and overseas locations.

4.8. Timeliness. Timeliness of NOTAM information is critical to flight safety. New NOTAM information with an immediate effectiveness shall be coordinated and submitted within 15 minutes of receipt or discovery. **Exception:** TERPS personnel may require additional time to safely coordinate procedural NOTAMS.

4.8.1. **NOTAM Transmission.** NOTAMs shall be submitted no earlier than 3 days prior to the expected condition.

4.8.2. **Authorized Delays.** NOTAM Authorities may delay transmitting NOTAMs concerning NAVAIDs for up to 1 hour and radars for up to 30 minutes, provided the aerodrome meets the following conditions:

4.8.2.1. During daylight hours.

4.8.2.2. At least 3000 foot ceiling.

4.8.2.3. At least 5 statute miles visibility.

4.9. Preventative Maintenance Schedules. Preventative maintenance schedules normally should be promulgated via FLIP. Airfield Facility Managers shall coordinate preventative maintenance schedules affecting NAVAIDs and radars that are a part of the National Airspace System (NAS) with the appropriate FSS and affected facilities with at least 5 hours prior notice.

4.10. Specific NOTAM Conditions and Criteria. Conditions affecting the NAS shall be promulgated to civilian and DoD users via the appropriate NOTAM system. FAAO JO 7930.2 details NOTAM origination and coordination responsibilities for NOTAMs that fall outside of DINS' purview. The following procedures shall be adhered to:

4.10.1. **Special Operations.** Special operations, such as Aerial Refueling, Parachute Jumping/Sky Diving (PJE), Lights Out/Night Vision Device (NVD) Operations in a MOA, Unmanned Aircraft Operations, and flight demonstrations, shall be issued by the appropriate FAA facility IAW FAAO JO 7930.2.

4.10.2. **Special Use Airspace (SUA).** FAAO JO 7400.2, *Procedures for Handling Airspace Matters*, describes the various types of SUA in the NAS and FAAO JO 7400.8, *Special Use Airspace*, details the legal definition of all SUA. NOTAMs for SUA shall be processed IAW FAAO JO 7930.2.

4.10.3. **NAS NAVAIDs.** Changes in the status of NAVAIDs that make up the NAS shall be promulgated through the FAA via civil NOTAMs. Airfield Facility Managers, at locations with NAVAIDs and radars that are part of the NAS, shall coordinate civil NOTAM issuance with the tie-in FSS IAW FAAO JO 7930.2. If necessary, a replicating “M” Series NOTAM may also be issued via DINS.

4.10.4. **Surface Area Hours of Operation.** For facilities whose surface area is listed as part time in the Airport/Facility Directory (AFD) (e.g., Class D part of the time; Class G another), changes in the hours of operation of surface areas require a civil NOTAM. Airfield Facility Managers shall coordinate civil NOTAM issuance with tie-in FSS IAW FAAO JO 7930.2. **Example:** The normal operating hours for NAS Key West, FL (KNQX) are 1200-0300 UTC. In order to accommodate aircraft operations, the aerodrome and Class D surface area will remain open an additional two hours. This scenario requires sending two NOTAMs. First, a DINS “M” Series NOTAM shall be sent stating “AERODROME HOURS OF SERVICE ARE...” (Q-Code: QFAAH). Second, a civil NOTAM changing the hours of the Class D surface area from 0300 to 0500 UTC shall be sent via the FSS. **Note:** Continuously active surface areas (e.g., Class D is always active) cannot be changed by NOTAM action, only rulemaking.

4.11. Overseas Operations.

4.11.1. **Host Nation Territory.** In order to request NOTAM issuance for activities within non-DoD controlled international airspace, using agencies shall submit NOTAM requests to the ATS/controlling agency (e.g., ACC/FIR) for the affected airspace at least two weeks prior to the scheduled activity. This lead time permits timely promulgation of information in accordance with the provisions of ICAO Annex 15. INOs normally issue NOTAMs 48 to 72 hours prior to the activity.

4.11.2. **Operations and Firings over the High Seas.** Activities that present a hazard to air navigation and safety of nonparticipants require coordination with the appropriate ATS and/or controlling agency for potential deconfliction and, if necessary, NOTAM issuance. Component Commanders shall ensure proper coordination is accomplished (**see 1.2.7**). DoD FLIP General Planning and DODINST 4540.01 detail policy and procedures for “Operations and Firings over the High Seas.” Specific NOTAM requirements are as follows:

4.11.2.1. Activities occurring within correctly scheduled SUA parameters (time and boundaries) do not require NOTAM issuance.

4.11.2.2. Activities occurring outside scheduled SUA parameters (time and boundaries) require NOTAM issuance. Using agencies shall coordinate NOTAM issuance with the affected ATS/controlling agency. **Note:** Using agencies should coordinate with appropriate Component Commander if the ATS/controlling agency coordination procedures in either **4.11.1** or **4.11.2** are not clear.

4.11.3. **Controlled Airspace Outside of the US and Bare-Base Operations.** Coordinate with HQ AF/A3O-BNE for European Theater operations, as appropriate, to establish the temporary authorization to process NOTAMs for locations listed in the enroute supplement but are not covered by the USNS, or for unpublished locations (aerodromes, highways used for landing, perforated steel planking strips, etc.).

4.11.3.1. The European NOTAM office hours are Monday – Friday, 0500Z – 1500Z+1(+2DT). Standby personnel process NOTAMs on weekends and holidays.

4.11.3.2. Locations requiring international dissemination of NOTAMs as directed by HQ AF/A3O-BNE shall coordinate NOTAMs as follows:

4.11.3.2.1. During European NOTAM Office Duty Hours (for Urgent and Non-Urgent NOTAMs): Units shall provide the following NOTAM information to the European NOTAM Office via DSN (314) 480-8092/7257 or email at europ.notam@ramstein.af.mil:

4.11.3.2.1.1. Four-Letter ICAO Identifier.

4.11.3.2.1.2. Start Date and Time (UTC).

4.11.3.2.1.3. Expiration Date and Time (UTC).

4.11.3.2.1.4. Schedule (if applicable, e.g., 0400 – 1800 DAILY; 8, 10, 12 FEB; Every FRI, etc.).

4.11.3.2.1.5. NOTAM Text, e.g., “TWY F CLOSED DUE TO CONSTRUCTION,” or “RWY 7/25 CLOSED DUE TO NUMEROUS HOLES ON THE RWY.”

4.11.3.2.1.6. Additional information as appropriate.

4.11.3.2.1.7. Requestor’s name and telephone number.

4.11.3.2.2. During European NOTAM Office Non-Duty Hours (for Urgent NOTAMs): Units shall e-mail the USNOF with the NOTAM information indicated in paragraph [4.11.3.2.1.1](#) – [4.11.3.2.1.7](#) at 9-awa-notams@faa.gov; verify e-mail receipt at commercial: (540) 422-4260/61/62/63 or DSN: (510) 422-4757/58/59.

4.11.3.2.3. During European NOTAM Office Non-Duty Hours (for Non-Urgent NOTAMs): Units shall transmit NOTAM via DINS and email the NOTAM information indicated in paragraph [4.11.3.2.1.1](#) – [4.11.3.2.1.7](#) to the European NOTAM Office.

4.11.3.2.4. The European NOTAM Office and/or the USNOF will issue an “A” Series NOTAM. **Note:** Once the “A” Series NOTAM appears under the location’s ICAO within DINS, units shall cancel corresponding “M” Series NOTAM.

4.11.4. **Contingency Operations.** During contingency operations, the Task Force Commander (US Army) takes overall control over operations and subsequent NOTAM issuance. Task Force Commanders may delegate control over air assets and pertinent NOTAM issuance to the Combined Forces Air Component Commander (CFACC [USAF]). Working together, these authorities shall designate NOTAM authorities necessary to issue NOTAMs on foreign airfields, airspace, and territory.

4.12. Instrument Procedures and Changes. Establishing new instrument/radar approaches or making changes to existing instrument/radar approaches may require publishing procedural data temporarily via NOTAM. Airfield Facility Managers or authorized TERPS personnel shall adhere to the following:

4.12.1. Promulgate procedural changes only through “V” Series NOTAMs and under the direction of TERPS personnel.

4.12.2. When TERPS office is detached from the Airfield Facility Manager, TERPS personnel shall coordinate “V” Series NOTAMs with the Airfield Facility Manager so that appropriate local coordination can be accomplished.

4.12.3. Publish instrument procedures for aerodromes covered by the DoD NOTAM system only when waiting for the normal FLIP publication cycle would negatively impact flight operations. Instrument procedures shall meet the requirements of AFI 11-230, AR 95-2, or OPNAVINST 3722.16.

4.12.4. Procedural changes made to published approaches shall be more restrictive than existing procedures, necessary for safety, and meet criteria set forth in FAAO 8260.3 or appropriate service TERPS directive.

4.12.5. “V” Series NOTAMs shall identify the exact procedure by name. If two or more minima values change in any aircraft category, the NOTAM shall state the entire minima

4.13. NOTAM Disposition. Airfield Facility Managers shall retain NOTAM transmission forms for 15 days after NOTAM expiration. If an accident or incident occurs, retain forms with the same disposition as historical documents.

4.14. DAFIF Verification. When DAFIF data is changed, which occurs on a 28-day cycle, NOTAM Authorities shall verify the accuracy of graphical NOTAMs to ensure their validity. CCR Guide details proper verification procedures.

Chapter 5

ADDITIONAL INFORMATION

5.1. Notices to Airmen Publication. Published every 28 days, this FAA publication promulgates current NOTAMs that are considered essential to the safety of flight and known sufficiently in advance to be published in this format.

5.2. NOTAM Briefings. USNS Specialists, which include both DoD Coordinators and FAA personnel, do not provide aircrew NOTAM briefings. Likewise, aircrews do not receive FAA Notice to Airmen Publication information or military NOTAMs from FSS briefers unless specifically requested during weather and NOTAM briefings.

5.3. International NOTAM Exchange. USNOF exchanges NOTAM data with partner INOs throughout the world. While DINS pulls and promulgates all NOTAMs received by the USNS, DINS users need to be aware that USNS may not have received all NOTAMs for a specific location, which—in turn—could affect DINS coverage. Accordingly, users should check host nation for supplementary NOTAM information to better ensure complete NOTAM coverage.

5.4. GPS. GPS availability NOTAMs, e.g., “GPS ONLY NPA NOT AVBL FROM 29 MAY 1500 TIL 29 MAY 1520,” appear under location identifiers where GPS approaches are currently available. GPS NOTAMs are computer generated, self-canceling, and require no action from Airfield Facility Managers.

5.5. Coordination. Submit aeronautical data affecting FAA publications or airspace to the FAA through the responsible military authority.

5.6. Online Resources. DINS Query site (<https://www.notams.jcs.mil>) provides detailed, up-to-date resources, such as instructions, training manuals and tutorials, which are invaluable in maximizing DINS’ robust features. To better ensure a NOTAM Authority’s familiarity with these features, Airfield Facility Managers should integrate these materials into their respective training syllabi and check for subject matter mastery prior to qualification.

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Deputy Chief of Staff, Operations, Plans and
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DEBORAH A. RICHARDSON, Col, USA
USAASA Commander

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Chief Naval Airspace and Air Traffic Control

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION***Abbreviations and Acronyms*

ACC—Area Control Center

AFFSA—Air Force Flight Service Agency

AFOD—Army Flight Operations Detachment

AFRIMS—Air Force Records Information Management System

ALTRV—Altitude Reservation

ARTCC—Air Route Traffic Control Center

ATC—Air Traffic Control

ATS—Air Traffic Services

ATTA—Attention All

ATTC—Attention Caribbean

ATTE—Attention Europe

ATTN—Attention North America

ATTP—Attention Pacific

ATZ—Aerodrome Traffic Zone

AUTODIN—Automatic Digital Network

CARF—Central Altitude Reservation Function

DAFIF—Digital Aeronautical Flight Information File

DESC—Defense Energy Support Center

DINS—Defense Internet NOTAM Service

DoD—Department of Defense

DP—Departure Procedures

FAA—Federal Aviation Administration

FDC—Flight Data Center

FIR—Flight Information Region

FLIP—Flight Information Publication

FSS—Flight Service Station

GP—General Planning

GPS—Global Positioning System

IAP—Instrument Approach Procedure

IAW—In Accordance With

ICAO—International Civil Aviation Organization

IFR—Instrument Flight Rules

INO—International NOTAM Office

LOA—Letter of Agreement

LORAN—Long Range Aid to Navigation

ACOM—US Army Major Command

MAJCOM—Major Command

MARFOR—US Marine Corps Forces

MOA—Military Operating Area

NAS—National Airspace System

NAVAID—Navigational Aid

NAVFIG—Naval Flight Information Group

NGA—National Geospatial-Intelligence Agency

NOTAM—Notice to Airmen

NTAP—FAA Notice to Airmen Publication

OCONUS—Outside Continental United States

OPNAVINST—Chief of Naval Operations Instruction

SIAP—Standard Instrument Approach Procedure

SID—Standard Instrument Departure

TERPS—Terminal Instrument Procedures

TYCOM—Type Commander

UFN—Until Further Notice

US—United States

USA—US Army

USAADE—E United States Army Aeronautical Services Detachment - Europe

USAASA—United States Army Aeronautical Services Agency

USAF—US Air Force

USAREUR—US Army Europe

USMC—US Marine Corps

USN—US Navy

USNOF—US NOTAM Office

USNS—US NOTAM System

UTC—Coordinated Universal Time

VASI—Visual Approach Slope Indicator

Terms

Aerodrome—Area (including buildings, installations, and equipment) prepared to accommodate the landing and takeoff of aircraft.

Aeronautical Fixed Telecommunication Network (AFTN)—AFTN is a worldwide system of fixed circuits that operate mainly between the Air Traffic Service providers. It provides a telecommunications service (e.g., NOTAMs, flight planning, and movement messages) between specified fixed points.

Air Traffic Services (ATS)—A generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (e.g., Flight Information Region / Area Control Center, approach control service, or aerodrome control service).

Base—Any installation owned, leased, operated, occupied, or jointly occupied by a DoD unit or organization where DoD aircraft operate.

International NOTAM Office (INO)—A governmental agency (military or civilian) that normally prepares and transmits NOTAMs according to ICAO Aeronautical Information Services, Annex 15.

National Airspace System (NAS)—Common network of US airspace; air navigation facilities, equipment and services, airports or landing areas; aeronautical charts, information and services; rules, regulations, and procedures, technical information, and manpower and material. Included are system components shared jointly with DoD.

United States NOTAM Office (USNOF)—The FAA office that operates the US NOTAM system. It is a Cell within the National Flight Data Center (NFDC). HQ AF/A3O-BN is collocated with the USNOF.

Attachment 2**SAMPLE NOTAM AUTHORITY BACKUP LETTER OF AGREEMENT**

4 May 10

LETTER OF AGREEMENT (LOA) FOR LANGLEY AFB AND NAS LEMOORE NOTAM AUTHORITIES**SUBJ: LETTER OF AGREEMENT**

1. Purpose: This LOA establishes backup procedures between Langley AFB Airfield Management Operations and NAS Lemoore Base Operations so that each base may transmit NOTAMs for each other if either location is unable to access DINS for extended periods.
2. Instruction: AFI 11-208/OPNAVINST 3721.20D, Paragraph **3.3.4**
3. Policy: This agreement allows Langley AFB Airfield Management Operations and NAS Lemoore Base Operations to coordinate with each other via DSN or e-mail in order to transmit NOTAMs when DINS CCR access is interrupted for either base. The backup base will need the originating base's username and password in order to provide DINS CCR interface. All required coordination shall be accomplished by the originating base. Upon receipt, the backup base shall fax or e-mail the comeback copy to the originating base (Langley AFB FAX: xxx-xxxx, E-Mail: KLFI_AMO@LANGLEY.AF.MIL, NAS Lemoore FAX: xxx-xxxx, E-mail: KNLC_BASEOPS@NAVY.MIL).
4. This agreement is effective until further notice or until both parties mutually agree to terminate the agreement.
5. This letter supersedes previous letters, same subject.

John Doe, Rank, USAF
Langley AFB, VA

Jane Smith, Rank, USN

Attachment 3

SAMPLE JOINT-USE NOTAM AUTHORITY LETTER OF AGREEMENT

LETTER OF AGREEMENT (LOA) FOR CHARLESTON AFB AND CHARLESTON INTERNATIONAL AIRPORT NOTAM AUTHORITIES

SUBJ: LETTER OF AGREEMENT

1. **Purpose:** This LOA establishes responsibilities and procedures for reporting outages or closures, and processing NOTAMs for Charleston AFB and Charleston International Airport, Charleston, South Carolina.

2. **Cancellation:** Letter of Agreement between Charleston Air Traffic Control Tower and Charleston AFB dated May 21, 2001; same subject.

3. **Scope:** This LOA applies to all system and movement areas at Charleston AFB and Charleston International Airport that are subject to NOTAM action in according with (IAW) FAA JO 7930.2, *Notices to Airmen (NOTAM)*.

4. Responsibilities:

Charleston AFB Base Operations.

Shall report outages/closures as per paragraph 5 and issue civil NOTAMs via Washington FSS for the following movement areas:

All runways (including runway conditions).

All taxiways except A and B.

All ramps except Ramp 1 and 2.

Emergency equipment capability.

Primary and secondary air traffic control radar systems.

All radar approach control and emergency frequencies.

Shall report outages/closures as per paragraph 5 and issue DINS NOTAMs for the following movement areas:

Taxiway A and B.

Ramp 1 and 2.

Optical Landing System (OLS).

Charleston Air Traffic Control Tower (ATCT) shall report outages as per paragraph 5 and issue civil NOTAMs via Washington FSS for the following:

Instrument Landing System (ILS)

Airport and approach lighting systems or aids (except OLS).

All tower frequencies.

5. Coordination: All outages/closures shall be coordinated with the following:

Charleston AFB Airfield Manager

Charleston International Airport Manager

Charleston Control Tower

Washington Hub (FSS)

Washington ARTCC

6. This agreement is effective until further notice or until both parties mutually agree to terminate the agreement.

John Doe, Rank, USAF
Charleston AFB, SC

Jane Smith
Air Traffic Manager
Charleston Air Traffic Control Tower

Federal Aviation Administration Order 7930.2M

FAA Order 7930.2M is the U.S. Government directive that covers Notice to Airmen. For purposes of this manual, only Chapter 8 – Military NOTAMs has been included. The entire directive can be found at:

http://www.faa.gov/air_traffic/publications/atpubs/NTM/index.htm



U.S. Department
of Transportation

**Federal Aviation
Administration**

Order JO 7930.2M

Notices to Airmen

(NOTAM)

September 25, 2008

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Vice President, System Operations Services

Chapter 8. Military NOTAMs

Section 1. General

8-1-1. MILITARY FACILITIES

NOTAMs pertaining to U.S. Air Force, Army, and Navy navigational aids that are part of the NAS shall receive dissemination in the civil system in addition to dissemination in the military system.

8-1-2. SUBMISSION OF MILITARY DATA FOR PUBLICATION

Military aeronautical data affecting FAA publications shall be submitted to the FAA through the responsible military authority.

8-1-3. MILITARY NOTAMs NOT MEETING CRITERIA

All military NOTAMs that do not meet the criteria outlined in this chapter will be distributed in accordance with local agreements or within the military NOTAM system only.

Section 2. Military NOTAM Dissemination

8-2-1. MILITARY ARMY NOTAMs

Department of Defense (DOD) NOTAMs on facilities that are part of the NAS are disseminated in the FAA NOTAM system. Most of these facilities are assigned to a tie-in FSS for NOTAM purposes. (See Note 1.)

NOTE-

1. *Some Army airfields are not assigned to a tie-in FSS. Army aeronautical data and NOTAMs are not necessarily published in FAA publications.*
2. *Publication of NOTAM data in the DOD Flight Information Publication (FLIP) is justification for NOTAM cancellation.*

8-2-2. ALASKAN MILITARY NOTAMs

Alaskan military facility NOTAMs are classified and disseminated in the FAA NOTAM system. Military data submitted for NOTAM issuance shall be classified and disseminated as a NOTAM in accordance with the procedures in this order. The base operations shall transmit NOTAM data into the NOTAM system. If they are unable to transmit the data, the base operations shall contact their tie-in FSS for assistance. The USNOF shall contact the military base for resolution of NOTAM issues. However, if the USNOF is unable to contact the base, they shall contact the tie-in FSS for resolution.

10/20/11

JO 7930.2M CHG 2

Section 3. Military NOTAM Retrieval

8-3-1. MILITARY NOTAM AVAILABILITY

a. All military NOTAMs are stored in the USNS data base. While current, they may be retrieved by both AFTN subscribers and FAA facilities via request/reply.

b. Refer to the DOD Flight Information Publication (Enroute), IFR, or VFR Supplements to determine whether NOTAM service is provided for a facility. A diamond symbol is used in the supplements to show that NOTAM service is provided.

c. Military NOTAMs are entered in the military system using the following NOTAM format:

EXAMPLE-
 GG KCNFYNYX
 121345 KADW
 (YYYYYY/YY NOTAMN
 Q)/QMRLC
 A) KADW
 B) 1106021300
 C) 1106021500
 E) RWY 1L/19R CLSD

NOTE-
 Refer to AFM 11-208/AR 95-10/OPNAVINST 3721.20 (series) for acceptable NOTAM (Q) codes. Although similar, military NOTAM (Q) codes and international NOTAM (Q) codes are not the same.

8-3-2. MILITARY NOTAM RETRIEVAL

Formats for retrieving military NOTAMs via NADIN are as follows:

a. A request for a single NOTAM for a given location:

EXAMPLE-

AIS:

GG KDZZNAXX
 DTG KDCAYFYX
)SVC RQ MIL ACC=KADW NT=M0134/00

b. A request for all military NOTAMs for a given location:

EXAMPLE-

AIS:

GG KDZZNAXX
 DTG KSJTYFYX
)SVC RQ MIL LOC=KNGP

c. A request for all military NOTAMs for multiple locations (maximum of eight):

EXAMPLE-

AIS:

GG KDZZNAXX
 DTG KEKNYFYX
)SVC RQ MIL
 LOC=KADW,KDAA,KNGP,KNGU,KNUW,
 KHST,KHIF

NOTE-

All facilities must use their particular equipment's keyboard equivalent of the closed parenthesis or the equal symbol as appropriate.

d. To review all NOTAMs for a joint-use airport; e.g., CHS, both civil (CHS) and military (KCHS) NOTAMs must be retrieved.

e. A request for all NOTAMs for a given location from all files (domestic, FDC, international, and military) that meets the military NOTAM criteria:

EXAMPLE-

AIS:

GG KDZZNAXX
 DTG KEKNYFYX
)SVC RQ DOD LOC=KADW

RESPONSE:

GG KEKNYFYX
 DTG KDZZNAXX
)SVC RQ DOD LOC=KADW
 KADW ANDREWS AFB
 1L/19R RWY CLSD 2 JUN 1300 TO 2 JUN 1500

8-3-3. SERVICE MESSAGES

Receipt of the USNS generated service message "NOTAMS FOUND 0" indicates that there are no military NOTAMs on file for the number or location requested.

8-3-4. MILITARY NOTAM CRITERIA FOR MILITARY NOTAM SYSTEM

Military units issue NOTAMs pertaining to their bases and airspace based on the guidelines set forth in DOD joint departmental publication (JPD) AFM 11-208/AR 95-10/OPNAVINST 3721.20 (series), U.S. DOD Notice to Airmen (NOTAM) System.

APPENDIX C

Zone Announcements, Warnings, Resolutions, and International Notices

This appendix contains: (a) an historical compilation of various notices published to the international community by the United States—published primarily as NOTMAR, NOTAM, HYDROPAC, HYDROLANT, and Special Warnings to Mariners—regarding zones and warnings areas associated with U.S. safety, security, and maritime operations; (b) various United Nations Security Council Resolutions related to maritime operations; and (c) other international notices published by states regarding navigational safety, security, and military operations.

All contents of this Appendix are arranged chronologically from earliest to latest.

**Presidential Proclamation Regarding Interdiction of Offensive Weapons Delivery to Cuba
October 23, 1962**

A PROCLAMATION

WHEREAS the peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America;

WHEREAS by a Joint Resolution passed by the Congress of the United States and approved on October 3, 1962, it was declared that the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere, and to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

WHEREAS the Organ of Consultation of the American Republics meeting in Washington on October 23, 1962, recommended that the Member States, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take all measures, individually and collectively, including the use of armed force, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military material and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent:

Now, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority conferred upon me by the Constitution and statutes of the United States, in accordance with the aforementioned resolutions of the United States Congress and of the Organ of Consultation of the American Republics, and to defend the security of the United States, do hereby proclaim that the forces under my command are ordered, beginning at 2:00 p.m. Greenwich time October 24, 1962, to interdict, subject to the instructions herein contained, the delivery of offensive weapons and associated materiel to Cuba.

For the purposes of this Proclamation, the following are declared to be prohibited materiel:

Surface-to-surface missiles; bomber aircraft; bombs, air-to-surface rockets and guided missiles; warheads for any of the above weapons; mechanical or electronic equipment to support or operate the above items; and any other classes of materiel hereafter designated by the Secretary of Defense for the purpose of effectuating this Proclamation.

To enforce this order, the Secretary of Defense shall take appropriate measures to prevent the delivery of prohibited materiel to Cuba, employing the land, sea and air forces of the United States in cooperation with any forces that may be made available by other American States.

The Secretary of Defense may make such regulations and issue such directives as he deems necessary to ensure the effectiveness of this order, including the designation, within a reasonable distance of Cuba, of prohibited or restricted zones and of prescribed routes.

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Any vessel or craft which may be proceeding toward Cuba may be intercepted and may be directed to identify itself, its cargo, equipment and stores and its ports of call, to stop, to lie to, to submit to visit and search, or to proceed as directed. Any vessel or craft which fails or refuses to respond to or comply with directions shall be subject to being taken into custody. Any vessel or craft which it is believed is en route to Cuba and may be carrying prohibited materiel or may itself constitute such materiel shall, wherever possible, be directed to proceed to another destination of its own choice and shall be taken into custody if it fails or refuses to obey such directions. All vessels or craft taken into custody shall be sent into a port of the United States for appropriate disposition.

In carrying out this order, force shall not be used except in case of failure or refusal to comply with directions, or with regulations or directives of the Secretary of Defense issued hereunder, after reasonable efforts have been made to communicate them to the vessel or craft, or in case of self-defense. In any case, force shall be used only to the extent necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the United States of America to be affixed.

DONE in the City of Washington this twenty-third day of October in the year of our Lord, nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:
DEAN RUSK,
Secretary of State

**United Nations Security Council Resolution 217
November 20, 1965**

**Resolution 217 (1965)
of 20 November 1965**

The Security Council,

Deeply concerned about the situation in Southern Rhodesia,

Considering that the illegal authorities in Southern Rhodesia have proclaimed independence and that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, looks upon this as an act of rebellion,

Nothing that the Government of the United Kingdom has taken certain measures to meet the situation and that to be effective these measures should correspond to the gravity of the situation,

1. *Determines* that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the Government of the United Kingdom of Great Britain and Northern Ireland should put an end to it and that its continuance in time constitutes a threat to international peace and security;

2. *Reaffirms* its resolution 216 (1965) of 12 November 1965 and General Assembly resolution 1514 (XV) of 14 December 1960;

3. *Condemns* the usurpation of power by a racist settler minority in Southern Rhodesia and regards the declaration of independence by it as having no legal validity;

4. *Calls upon* the Government of the United Kingdom to quell this rebellion of the racist minority;

5. *Further calls upon* the Government of the United Kingdom to take all other appropriate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority regime in Southern Rhodesia to an immediate end;

6. *Calls upon* all States not to recognize this illegal authority and not to entertain any diplomatic or other relations with it;

7. *Calls upon* the Government of the United Kingdom, as the working of the Constitution of 1961 has broken down, to take immediate measures in order to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV);

8. *Calls upon* all States to refrain from any action which would assist and encourage the illegal regime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products;

9. *Calls upon* the Government of the United Kingdom to enforce urgently and with vigour all the measures it has announced, as well as those mentioned in paragraph 8 above;

10. *Calls upon* the Organization of African Unity to do all in its power to assist in the implementation of the present resolution, in conformity with Chapter VIII of the Charter of the United Nations;

Appendix C

11. *Decides* to keep the question under review in order to examine what other measures it may deem it necessary to take.

Adopted at the 1265th meeting by 10 votes to none, with 1 abstention (France).

United Nations Security Council Resolution 221
April 9, 1966
Resolution 221 (1966)
of 9 April 1966

The Security Council,

Recalling its resolutions 216 (1965) of 12 November 1965 and 217 (1965) of 20 November 1965 and in particular its call to all States to do their utmost to break off economic relations with Southern Rhodesia, including an embargo on oil and petroleum products,

Gravely concerned at reports that substantial supplies of oil may reach Southern Rhodesia as the result of an oil tanker having arrived at Beira and the approach of a further tanker which may lead to the resumption of pumping through the Companhia do Pipeline Moçambique Rodésias pipeline with the acquiescence of the Portuguese authorities,

Considering that such supplies will afford great assistance and encouragement to the illegal régime in Southern Rhodesia, thereby enabling it to remain longer in being,

1. *Determines* that the resulting situation constitutes a threat to the peace;
2. *Calls upon* the Portuguese Government not to permit oil to be pumped through the pipeline from Beira to Southern Rhodesia;
3. *Calls upon* the Portuguese Government not to receive at Beira oil destined for Southern Rhodesia;
4. *Calls upon* all States to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Southern Rhodesia which may be en route for Beira;
5. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland to prevent, by the use of force if necessary, the arrival at Beira of vessels reasonably believed to be carrying oil destined for Southern Rhodesia, and empowers the United Kingdom to arrest and detain the tanker known as the *Joanna V* upon her departure from Beira in the event her oil cargo is discharged there.

Adopted at the 1277th meeting by 10 votes to none, with 5 abstentions (Bulgaria, France, Mali, Union of Soviet Socialist Republics, Uruguay).

United Nations Security Council Resolution 232
December 16, 1966
Resolution 232 (1966)
of 16 December 1966

The Security Council,

Reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost to break off economic relations with Southern Rhodesia,

Deeply concerned that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end,

Reaffirming that, to the extent not superseded in the present resolution, the measures provided for in resolution 217 (1965), as well as those initiated by Member States in implementation of that resolution, shall continue in effect,

Acting in accordance with Articles 39 and 41 of the United Nations Charter,

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;
2. *Decides* that all States Members of the United Nations shall prevent:
 - (a) The import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of the present resolution;
 - (b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Southern Rhodesia for the purpose of such activities or dealings;
 - (c) Shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution;
 - (d) Any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;
 - (e) Any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of

Appendix C

equipment and materials for the manufacture, assembly, or maintenance of aircraft and motor vehicles in Southern Rhodesia; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;

(f) Participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia;

notwithstanding any contracts entered into or licences granted before the date of the present resolution;

3. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation Article 25 of the United Nations Charter;

4. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

5. *Calls upon* all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia;

6. *Calls upon* all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 of the United Nations Charter;

7. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution;

8. *Calls upon* States Members of the United Nations or members of the specialized agencies to report to the Secretary-General the measures which each has taken in accordance with provisions of paragraph 2 of the present resolution;

9. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

10. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments.

Adopted at the 1340th meeting by 11 votes to none, with 4 abstentions (Bulgaria, France, Mali, Union of Soviet Socialist Republics).

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**Notice to Mariners No. 17/59 22
September 1980**

From: Commander-in-Chief of Naval Army of Islamic Republic of Iran.

Regarding to the Iraqi aggression we declare Iranian maritime border nearby coast war area.

The Iranian Government does not give any authorization to the vessels intending to proceed to Iraqi ports. For the safety of shipping in Persian Gulf the following route shall be strictly observed.

Vessels after having passed Hormuz Strait will change the route to pass 12 miles south of Abu Musa Island, 12 miles south of Sirri Island, south of Cable Bank Light and 12 miles south west of Farsi Island.

Iranian Government will not take responsibility for those vessels which do not pay consideration to this notice. Thanks.

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**Special Warning No. 53 27
May 1981**

1. The Iranian government has recently revised the guidelines which it issued last fall for the navigational safety of merchant shipping in the Persian Gulf.
2. Relevant portions of the revised Iranian guidelines are as follows:
 - After transiting the Strait of Hormuz, merchant ships sailing to non-Iranian ports should pass 12 miles south of Abu Musa Island; 12 miles south of Sirri Island; south of Cable Bank Island; 12 miles south of Farsi Island; thence west of a line connecting the points 27-55N 49-53E and 29-10N 49-12E; thereafter south of the line 29-10N as far as 48-40E.
 - All Iranian coastal waters are war zones.
 - All transportation of cargo to Iraqi ports is prohibited.
 - The Iranian government will bear no responsibility for merchant ships which fail to comply with the above instructions.
3. Iraqi government has stated that the area north of 29-30N is a prohibited war zone.
4. Deep-draft shipping should be aware of shoal waters near Farsi Island.

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**United Kingdom Maritime Exclusion Zone (MEZ)
April 7, 1982**

7 April 1982

United Kingdom established a maritime exclusion zone (MEZ) effective
0400Z 12 April 1982

From 0400 Greenwich Mean Time on Monday April 12, 1982, a maritime exclusion zone will be established around the Falkland Islands. The outer limits of this zone is a circle of 200 nautical mile radius from Latitude 51 degrees 40 minutes South, 59 degrees 30 minutes West, which is approximately the centre of the Falkland Islands.

From the time indicated, any Argentine warships and Argentine naval auxiliaries found within this zone will be treated as hostile and are liable to be attacked by British forces.

This measure is without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self defence under Article 51 of the United Nations Charter.

The Times (London), 8 April 1982, at 6. Passed by Embassy of Switzerland in Buenos Aires to the Argentine Government.

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**Argentina 200 Mile Maritime Zone
April 8, 1982**

8 April 1982

Argentina declared 200 mile maritime zone around the disputed islands and Argentine coast as a theater of operations in which military action could be taken, declaring it will act in self-defense at any time in the zone if national security was in danger. Argentine also created an Argentine Atlantic Command.

Washington Post, April 8, 1982, at A-1, col. 6; *The Times* (London), 10 April 1982, at 1.

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**United Kingdom “Defensive Area”
April 23, 1982**

23 April 1982:

United Kingdom established a “Defensive Area” or “bubble” around the task force by warning to the Argentine Government on 23 April and reported to the United Nations on 24 April.

In announcing the establishment of a Maritime Exclusion Zone around the Falkland Islands, Her Majesty’s Government made it clear that this matter was without prejudice to the right of the United Kingdom to take whatever additional measures might be needed in exercise of the right to self-defence under Article 51 of the United Nations Charter.

In this connection Her Majesty’s Government now wishes to make clear that any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of British Forces in South Atlantic will encounter the appropriate response.

All Argentine aircraft including civil aircraft engaging in surveillance of these British Forces will be regarded as hostile and are liable to be dealt with accordingly.

The Times (London), 26 April 1982, at 5.

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**United Kingdom Total Exclusion Zone (TEZ)
April 28, 1982**

28 April 1982:

United Kingdom established a Total Exclusion Zone as of 1100Z 30 Apr 82

From 11 am GMT on April 30, 1982, a Total Exclusion Zone (TEZ) will be established around the Falkland Islands. The outer limits of this zone will be the same as for the MEZ established on April 12, namely a circle of 200 nautical miles from latitude 51 degrees, 40 minutes South and longitude 59 degrees, 39 minutes West.

From the time indicated the Exclusion Zone will apply not only to Argentine warships and Argentine naval auxiliaries but also to any other ship, whether naval or merchant vessel, which is operating in support of the illegal occupation of the Falkland Islands by Argentine forces.

The zone will also apply to any aircraft, whether military or civil, which is operating in support of the illegal occupation. Any ship and any aircraft, whether military or civil, which is found within this zone without due authority from the Ministry of Defence in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by British Forces.

Also from the time indicated, Port Stanley airport will be closed; and any aircraft on the ground in the Falkland Islands will be regarded as present in support of the illegal occupation and accordingly is liable to attack.

These measures are without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its rights of self-defence, under Article 51 of the United Nations Charter.

“A Defence Minister spokesman emphasized that the new zone applied to all ships and all aircraft of any country. It therefore applied to any Soviet spy ships which might be trailing British forces inside the zone.”

The Times (London), 29 April 1982, at 1.

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**Special Warning No. 60
May 7, 1982**

7 May 1982

Special Warning No. 60

1. Because of the present situation involving Argentina and the United Kingdom in the western portion of the South Atlantic, mariners are advised to exercise particular caution when visiting or transiting the region. In particular, mariners are cautioned not to sail within 200 nautical miles of the Falkland Islands (Islas Malvinas), South Georgia Island (Isla San Pedro), and the South Sandwich Islands (Islas Sandwich Del Sur). The British Government has announced that any ship found within 200 nautical miles of the Falkland Islands without due authority of the Ministry of Defense in London will be liable to attack by British forces and that any Argentine warship which is found more than 12 nautical miles from the Argentine coast will be regarded as hostile and liable to be dealt with accordingly.
2. This notice is solely for the purpose of advising US mariners of information relevant to navigational safety and in no way constitutes a US Government position regarding foreign claims or proclamations.
3. Special Warning No.59 is hereby cancelled.

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**Argentina Declaration of War Zone
May 11, 1982**

11 May 1982

Argentina declares South Atlantic as war zone

Argentina declared entire the South Atlantic as war zone and threatened to attack any British vessel. Extension of exclusion zone in response to Britain's persistent aggressive attitude, which had placed restrictions on Argentine maritime traffic in the South Atlantic.

The Times (London), 12 May 1982, at 1.

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**Special Warning No. 62
August 16, 1982**

16 August 1982

Defense Mapping Agency and Hydrographic Center Special Warning No. 62

1. Special Warning No. 53 regarding the Persian Gulf remains in effect except that the Iraqi government has expanded the restricted military zone described below.
2. The Iraqi government has warned that it will attack all vessels appearing within a zone believed to be north and east of a line connecting the following points: (1) 29-30N 48-30E; (2) 29-25N 49-09E; (3) 29-00N 49-30E; (4) 28-30N 49-30E; (5) 28-30N 51-00E. The Iraqi government has further warned that all tankers docking at Kharg Island, regardless of nationality, are targets for the Iraqi Air Force.

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**HYDROLANT 2420/83 (54, 56)
December 27, 1983**

P 271845Z DEC 83
FM DMAHTC WASHINGTON DC//NVS//
TO AIG FOUR FIVE ZERO ONE
AIG FIVE SEVEN SEVEN FOUR
SIG FOUR FIVE FIVE SEVEN
RUHJWUA/COMSCSEA SUBIC BAY RP
ZEN/COORDINATOR NAVAREA III INSTITUTO HYDROGRAFICA
DE LA MARINA CADIZ SPAIN TELEX 76147 MEDCO
INFO RHDLCNE/CINCUSNAVEUR LONDON UK
RUDHAAD/DMA WASHINGTON DC

BT

UNCLAS

HYDROLANT 2420/83 (54, 56). MEDITERRANEAN SEA, HAZARDOUS OPERATIONS.

1. HAZARDOUS OPERATIONS WILL BE CONDUCTED BY U.S. NAVAL FORCES IN THE EASTERN MEDITERRANEAN 30 DEC 83 TO 31 JAN 84 IN AREA BOUND BY 34-32N 035-56E, 34-30N 034-30E, 33-20N 033-00E, 33-20N 035-15E.
2. ALL SURFACE AND SUBSURFACE CRAFT SHOULD ATTEMPT TO AVOID APPROACHING CLOSER THAN 5 NAUTICAL MILES TO U.S. NAVAL FORCES WITHIN THE BOUNDED AREA DUE TO POTENTIALLY HAZARDOUS OPERATIONS BEING CONDUCTED AND HEIGHTENED SECURITY AWARENESS RESULTING FROM TERRORIST THREATS. ON THEIR PART, U.S. NAVAL FORCES WILL ALSO ATTEMPT TO AVOID APPROACHING OTHER SURFACE AND SUBSURFACE CRAFT. IT IS REQUESTED THAT RADIO CONTACT WITH U.S. NAVAL FORCES BE MAINTAINED ON VHF CHANNEL 16, INTERNATIONAL SAFETY AND CALLING CHANNEL, WHEN WITHIN 5 NAUTICAL MILES OF U.S. NAVAL VESSELS.
3. THIS NOTICE IS PUBLISHED SOLELY TO ADVISE THAT HAZARDOUS OPERATIONS ARE BEING CONDUCTED ON AN UNSCHEDULED BASIS; IT DOES NOT AFFECT THE FREEDOM OF NAVIGATION OF ANY INDIVIDUAL OR STATE. BT

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**NOTAM for Persian Gulf, Strait of Hormuz, Gulf of Oman, and North Arabian
Sea January 20, 1984**

P 202222Z JAN 84

FM USCINCCENT MACDILL AFB FL//CCJ3/

TO AFCNF CARSWELL AFB TX//

INFO JCS WASH DC//

CNO WASH DC//

CSAF WASH DC//

CMC WASH DC//

USCINCPAC HONOLULU HI//

USCINCLANT NORFOLK VA//

USCINCEUR VAHINGEN GE//

USCINCSO

QUARRY HEIGHTS PN//

CINCPACFLT PEARL HARBOR HI//

COMUSNAVCENT

PEARL HARBOR HI//

COMIDEASTFOR//

COMSEVENTH FLT//

CTF SEVEN ZERO//

CMDT COGARD WASH DC//

UNCLAS

SUBJ: NOTAM FOR PERSIAN GULF, STRAIT OF HORMUZ, GULF OF OMAN, AND
NORTH ARABIAN SEA.

1. IN RESPONSE TO JCS TASKING, REQUEST THE FOLLOWING NOTAM BE
PUBLISHED WORLDWIDE IN THE ICAO ALERTING SYSTEM:

QUOTE

A. US NAVAND GULF OF OMAN ARE TAKING ADDITIONAL DEFENSIVE
PRECAUTIONS AGAINST TERRORIST THREATS. AIRCRAFT AT ALTITUDES LESS
THAN 2000 FT AGL WHICH ARE NOT CLEARED FOR APPROACH/DEPARTURE TO OR
FROM A REGIONAL AIRPORT ARE REQUESTED TO AVOID APPROACHING CLOSER
THAN FIVE NM TO US NAVAL FORCES. IT IS ALSO REQUESTED THAT AIRCRAFT
APPROACHING WITHIN FIVE NM ESTABLISH AND MAINTAIN RADIO CONTACT
WITH US NAVAL FORCES ON 121.5 MZ VHF OR 243.0 MZ UHF. AIRCRAFT WHICH
APPROACH WITHIN FIVE NM AT ALTITUDES LESS THAN 2000 FT AGL WHOSE
INTENTIONS ARE UNCLEAR TO US NAVAL FORCES MAY BE HELD AT RISK BY US
DEFENSIVE MEASURES.

B. THIS NOTICE IS PUBLISHED SOLELY TO ADVISE THAT HAZARDOUS
OPERATIONS ARE BEING CONDUCTED ON AN UNSCHEDULED BASIS; IT DOES NOT
AFFECT THE FREEDOM OF NAVIGATION OF ANY INDIVIDUAL OR STATE.

UNQUOTE

2. THIS IS A JOINT USCINCPAC AND USCINCCENT NOTAM AFFECTING
OPERATIONS WITHIN THEIR RESPECTIVE AREA OF RESPONSIBILITY.

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**HYDROPAC 78/84 (62)
January 21, 1984**

P 210100Z JAN 84

FM DMAHTC WASHINGTON DC//NVS//

TO AIG FOUR FIVE FIVE SEVEN

INFO CNO WASHINGTON DC	SECSTATE WASHINGTON DC
SECDEF WASHINGTON DC	JCS WASHINGTON DC
CSA WASHINGTON DC	CSAF WASHINGTON DC
CMC WASHINGTON DC	USCINCPAC HONOLULU HI
USCINCCENT	CINCPACFLT
MACDILL AFB FL	PEARL HARBOR HI
COMUSNAVCENT	COMIDEASTFOR
PEARL HARBOR HI	

UNCLAS

HYDROPAC 78/84 (62) PERSIAN GULF, STRAIT OF HORMUZ AND GULF OF OMAN.

A. US NAVAL FORCES OPERATING IN INTERNATIONAL WATERS WITHIN THE PERSIAN GULF, STRAIT OF HORMUZ AND THE GULF OF OMAN AND THE ARABIAN SEA NORTH OF TWENTY DEGREES NORTH ARE TAKING ADDITIONAL DEFENSIVE PRECAUTIONS AGAINST TERRORIST THREATS. ALL SURFACE AND SUBSURFACE SHIPS AND CRAFT ARE REQUESTED TO AVOID CLOSING US FORCES CLOSER THAN FIVE NAUTICAL MILES WITHOUT PREVIOUSLY IDENTIFYING THEMSELVES. US FORCES ESPECIALLY WHEN OPERATING IN CONFINED WATERS, SHALL REMAIN MINDFUL OF NAVIGATIONAL CONSIDERATIONS OF SHIPS AND CRAFT IN THEIR IMMEDIATE VICINITY. IT IS REQUESTED THAT RADIO CONTACT WITH US NAVAL FORCES BE MAINTAINED ON CHANNEL 16, 121.5MZ VHF, OR 243.0 MZ UHF WHEN APPROACHING WITHIN FIVE NAUTICAL MILES OF US NAVAL FORCES. SURFACE AND SUBSURFACE SHIPS AND CRAFT THAT CLOSE US NAVAL FORCES WITHIN FIVE NAUTICAL MILES WITHOUT MAKING PRIOR CONTACT AND/OR WHOSE INTENTIONS ARE UNCLEAR TO SUCH FORCES MAY BE HELD AT RISK BY US DEFENSE MEASURES.

B. THESE MEASURES WILL ALSO APPLY WHEN US FORCES ARE ENGAGED IN TRANSIT PASSAGE THROUGH THE STRAIT OF HORMUZ OR WHEN IN INNOCENT PASSAGE THROUGH FOREIGN TERRITORIAL WATERS AND WHEN OPERATING IN SUCH WATERS WITH THE APPROVAL OF THE COASTAL STATE.

C. THIS NOTICE IS PUBLISHED SOLELY TO ADVISE THAT MEASURES IN SELF DEFENSE WILL BE EXERCISED BY US NAVAL FORCES. THE MEASURES WILL BE IMPLEMENTED IN A MANNER THAT DOES NOT IMPEDE THE FREEDOM OF NAVIGATION OF ANY VESSEL OR STATE. BT

Appendix C

HYDROPAC 1332/85 (91, 97)

October 17, 1985

PRIORITY P 171630Z OCT 85

FM DMAHTC WASHINGTON DC//HNNM/
TO AIG FOUR FIVE FIVE SEVEN

UNCLAS

SUBJECT: HYDROPAC 1332/85 (91,97). OKINAWA. ORDNANCE.

1. BOMBING AND ROCKET FIRING EXERCISES 0400Z TO 0800Z DAILY 22 TO 24 OCT WITHIN 10 MILES OF 25-30N 129-30E.
2. CANCEL THIS MSG 240900Z OCT. BT

Appendix C

**HYDROLANT 1893/85 (53)
October 17, 1985**

PRIORITY P 171931Z OCT 85

FM DMAHTC WASHINGTON DC//HNNM/
TO AIG FOUR FIVE ZERO ONE AIG FIVE SEVEN SEVEN FOUR

UNCLAS

SUBJECT: HYDROLANT 1893/85 (53). ADRIATIC SEA.

1. CURRENT METER OPERATIONS BY M/V BANNOCK 18 OCT TO 08 NOV IN 40-06-18N 18-37-00E AND 40-06-18N 18-57-30E.
2. CANCEL THIS MSG 09 NOV. BT

Appendix C

**NAVAREA IV 2911/85 (11)
October 17, 1985**

PRIORITY

P 172202Z OCT 85

FM DMAHTC WASHINGTON DC//HNNM/

TO AIG FOUR FIVE ZERO ONE AIG FOUR NINE ZERO NINE

UNCLAS

SUBJECT: NAVAREA IV 2911/85 (11). FLORIDA-EAST COAST. ORDNANCE.

1. MINING EXERCISES 221500Z TO 231700Z OCT IN AREA W133, 11-12/ I-K BETWEEN 32-20N 32-39N AND 79-30W 80-00W.
2. TORPEDO EXERCISES 231100Z TO 231700Z OCT IN AREA 13-14/P BETWEEN 32-00N 32-20N AND 78-40W 78-50W.
3. LIVE ORDNANCE DROPS 241500Z TO 261600Z OCT IN AREA W158A, 28/I-J BETWEEN 29-40N 29-50N AND 79-40W 80-00W.
4. GUNNERY EXERCISES 221900Z TO 222200Z AND 232000Z TO 232300Z OCT IN AREA W132A, 13-14M BETWEEN 32-00N 32-20N AND 79-10W 79-20W.
5. FLARE SMOKE DROPS 210900Z TO 260300Z OCT IN AREA W158E/F BETWEEN 30-00N 30-36N AND 80-58W 81-25W. BT

Appendix C

NAVAREA XII 967/85

October 18, 1985

PRIORITY P 180200Z OCT 85

FM DMAHTC WASHINGTON DC//HNNM/

TO AIG FOUR FIVE FIVE SEVEN

UNCLAS

SUBJECT: NAVAREA XII 967/85. CALIFORNIA.

1. UNDERWATER OPERATIONS 181930Z TO 190559Z AND DAILY 1300Z TO 0100Z 19, 21-25 OCT IN AREA BETWEEN 32-45N 32-55N AND 117-30W 117-35W.

2. CANCEL NAVAREA XII 731/85, 883/85 AND THIS PARA UPON RECEIPT.

3. CANCEL THIS MSG 250200Z OCT. BT

Appendix C

**International NOTAMS
July 29, 1987**

P 291950Z JUL 87
FM USCINCCENT MACDILL AFB FL//CCJ5//
TO AFCNF CARSWELL AFB TX//CC//
INFO JCS WASH DC//J3//
USCINCPAC HONOLULU HI
FAA WASHINGTON HQ WASHINGTON DC
COMUSCENTAF SHAW AFB SC
COMUSNAVCENT PERARL HARBOR HI
COMIDEASTFOR

UNCLAS

SUBJ: INTERNATIONAL NOTAMS

A. JCS/DJS 212335Z JUL 87. SUBJ: REVISED NOTAM/NOTMAR FOR PERSIAN GULF AREA (NOTAL)

1. USCINCCENT REQUESTS PUBLICATION OF THE FOLLOWING JCS APPROVED (REF A) NOTAM OVER THE INTERNATIONAL NOTAM SYSTEM. THIS NOTAM REPLACES THE NOTICE CURRENTLY IN EFFECT AS ORIGINALLY PUBLISHED IN JAN 84.

2. IT IS IMPERATIVE THAT NOTAM BE TRANSMITTED TO INTERNATIONAL NOTAM OFFICES IN THE MIDDLE EAST REGION WITHING THE FOLLOWING COUNTRIES/FIRS.

A. COUNTRIES:

OMAN	UNITED ARAB EMIRATES
QATAR	BAHRAIN
SAUDI ARABIA	KUWAIT
IRAQ	IRAN
PAKISTAN	

B. FIRS:

KABUL---OAKX	TEHRAN---OIIX
BAHRAIN---OB BB	BAGHDAD---ORBB
AMMAN---OJAC	DAMASCUS---OSTT
JEDDAH---OFJN	MUSCAT---OOMM
KARACHI---OPKR	

3. NOTAM FOR THE PERSIAN GULF, STRAIT OF HORMUZ, GULF OF OMAN, AND NORTH ARABIAN SEA TO BE PUBLISHED WORLD WIDE IN THE ICAO ALERT SYSTEM: QUOTE

Appendix C

A. IN RESPONSE TO THE RECENT ATTACK ON THE USS STARK, AND THE CONTINUING TERRORIST THREAT IN THE REGION, U.S. NAVAL VESSELS OPERATING WITHIN THE PERSIAN GULF, STRAIT OF HORMUZ, GULF OF OMAN AND THE ARABIAN SEA, NORTH OF 20 DEGREES NORTH, ARE TAKING ADDITIONAL DEFENSIVE PRECAUTIONS. IT IS REQUESTED THAT AIRCRAFT (FIXED WING AND HELICOPTERS) APPROACHING U.S. NAVAL FORCES ESTABLISH AND MAINTAIN RADIO CONTACT WITH U.S. NAVAL FORCES ON 121.5 MHZ VHF OR 243.0 MHZ UHF. UNIDENTIFIED AIRCRAFT, WHOSE INTENTIONS ARE UNCLEAR OR WHO ARE APPROACHING U.S. NAVAL VESSELS MAY BE REQUESTED TO IDENTIFY THEMSELVES AND STATE THEIR INTENTIONS AS SOON AS THEY ARE DETECTED. IN ORDER TO AVOID INADVERTENT CONFRONTATION, AIRCRAFT (FIXED WING AND HELICOPTERS) INCLUDING MILITARY AIRCRAFT MAY BE REQUESTED TO REMAIN WELL CLEAR OF U.S. VESSELS. FAILURE TO RESPOND TO REQUESTS FOR IDENTIFICATION AND INTERNTIONS, OR TO WARNINGS, AND OPERATING IN A THREATENING MANNER, COULD PLACE THE AIRCRAFT (FIXED WING AND HELICOPTERS) AT RISK BY U.S. DEFENSIVE MEASURES. ILLUMINATION OF A U.S. NAVAL VESSEL WITH A WEAPONS FIRE CONTROL RADAR WILL BE VIEWED WITH SUSPICION AND COULD RESULT IN IMMEDIATE DEFENSIVE REACTION.

B. THIS NOTICE IS PUBLISHED SOLELY TO ADVISE THAT MEASURES IN SELF-DEFENSE ARE BEING EXERCISED BY U.S. NAVAL FORCES IN THIS REGION. THE MEASURES WILL BE IMPLEMENTED IN A MANNER THAT DOES NOT UNDULY INTERFERE WITH THE FREEDOM OF NAVIGATION AND OVERFLIGHT. UNQUOTE.

4. THIS IS AN UPDATED NOTAM AFFETING OPERATIONS WITHIN THE USCINCPAC AND USCINCCENT AREAS OF RESPONSIBILITY. AFCNF PLEASE ACKNOWLEDGE RECEIPT OF THIS MESSAGE TO USCINCCENT CCJ5. POC IS CDR (OMITTED). AV 968-5854. BT

Appendix C

**HYDROPAC 870/87 (62)
August 3, 1987**

P 032215Z AUG 87 PSN 455045G18
FM DMAHTC WASHINGTON DC/MONM//
TO AIG FOUR FIVE FIVE SEVEN
INFO DEPT OF STATE WASHINGTON DC//EB/TRA/MA//

UNCLASS

HYDROPAC 870/87 (62). PERSIAN GULF-STRAIT OF HORMUZ-GULF OF OMAN-NORTH ARABIAN SEA.

1. IN RESPONSE TO THE RECENT ATTACK ON THE USS STARK, AND THE CONTINUING TERRORIST THREAT IN THE REGION, U.S. NAVY VESSELS OPERATING WITHIN THE PERSIAN GULF, STRAIT OF HORMUZ, GULF OF OMAN AND THE ARABIAN SEA, NORTH OF 20 DEGREES NORTH, ARE TAKING ADDITIONAL DEFENSIVE PRECAUTIONS. IT IS REQUESTED THAT RADIO CONTACT BE ESTABLISHED ON VHF CHANNEL 16 (156.8 MHZ, 121.5 MHZ, OR UHF 243.0 MHZ WHEN APPROACHING U.S. NAVAL FORCES. UNIDENTIFIED SURFACE OR SUBSURFACE SHIPS OR CRAFT WHOSE INTENTIONS ARE UNCLEAR OR WHO ARE APPROACHING U.S. NAVAL VESSELS MAY BE REQUESTED TO IDENTIFY THEMSELVES AND STATE THEIR INTENTIONS AS SOON AS THEY ARE DETECTED. IN ORDER TO AVOID INADVERTENT CONFRONTATION, SHIPS OR CRAFT, INCLUDING MILITARY VESSELS, MAY BE REQUESTED TO CHANGE COURSE TO REMAIN WELL CLEAR OF U.S. NAVY VESSELS. FAILURE TO RESPOND TO REQUESTS FOR IDENTIFICATION AND INTENTIONS, OR TO WARNINGS, OR A REQUEST TO REMAIN CLEAR, AND OPERATING IN A THREATENING MANNER COULD PLACE THE SHIP OR CRAFT AT RISK BY U.S. DEFENSIVE MEASURES. ILLUMINATION OF A U.S. NAVAL VESSEL WITH A WEAPONS FIRE CONTROL RADAR WILL BE VIEWED WITH SUSPICION AND COULD RESULT IN IMMEDIATE U.S. OFFENSIVE REACTION. U.S. FORCES, ESPECIALLY WHEN OPERATING IN CONFINED WATERS, WILL REMAIN MINDFUL OF NAVIGATION CONSIDERATIONS OF SHIPS AND CRAFT IN THEIR IMMEDIATE VICINITY.

2. THIS NOTICE IS PUBLISHED SOLELY TO ADVISE THAT MEASURES IN SELF DEFENSE ARE BEING EXERCISED BY U.S. NAVAL FORCES IN THIS REGION. THE MEASURES WILL BE IMPLEMENTED IN A MANNER THAT DOES NOT UNDULY INTERFERE WITH FREEDOM OF NAVIGATION AND OVERFLIGHT.

3. CANCEL HYDROPAC 1/87. BT

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**Special Warning No. 72
August 7, 1987**

7 August 1987

SPECIAL WARNING NO.72.

PERSIAN GULF-STRAIT OF HORMUZ-GULF OF OMAN.

1. U.S. mariners are advised to exercise extreme caution when transiting the waters of the Persian Gulf, the Strait of Hormuz, and the Gulf of Oman, due to hostilities between Iran and Iraq. Mariners are further advised to avoid Iranian or Iraqi ports and coastal waters and to remain outside the areas delimited in paragraphs 2 and 3 below until further notice.

2. Iran has stated:

A. Iranian coastal waters are war zones.

B. Transportation of cargo to Iraqi ports is prohibited.

C. Guidelines for the navigational safety of merchant shipping in the Persian Gulf are as follows: after transiting the Strait of Hormuz, merchant ships sailing to non-Iranian ports should pass 12 miles south of Abu Musa Island; 12 miles south of Sirri Island; south of Cable Bank Light; 12 miles south of Farsi Island; thence west of a line connecting the points 27-55N. 49-53E. and 29 10N. 49-12E.; thereafter south of the line 29-10N. as far as 48-40E.

D. The government of Iran disclaims any responsibility for merchant ships failing to comply with the above instructions.

E. Iranian naval forces patrol the Gulf of Oman up to 400 kilometers from the Strait of Hormuz.

3. Iraq has stated:

A. The area north of 29-30N. is a prohibited war zone.

B. It will attack all vessels appearing within a zone believed to be north and east of a line connecting the following points: 29-30N. 48-30E., 29-25N. 49-09E., 28-23N. 49-47E., 28-23N. 51-00E.

C. All tankers docking at Kharg Island regardless of nationality are targets for the Iraqi Air Force.

4. Several vessels have suffered damage from moored or floating mines in the Persian Gulf. U.S. mariners should exercise caution in navigable waters throughout the Gulf region and particularly in the following areas where moored mines have been encountered:

A. The Mina AI Ahmadi/Mina Ash Shu'aybah Channel (28-56N. 48-53E.) and its approaches.

B. The shipping channels south and west of Farsi Island.

5. Mariners should be aware that Iranian naval forces visit, search and in some cases seize or divert to Iranian ports vessels of non-belligerents in the Persian Gulf/Gulf of Oman region.

6. The publication of this notice is solely for the purpose of advising U.S. mariners of information relevant to navigational safety and in no way constitutes a legal recognition by the United States of the validity of any foreign rule, regulation, or proclamation so published.

1. Cancel SPECIAL WARNING NO. 67.

2. Cancel SPECIAL WARNING NO. 70.

**United Nations Security Resolution 660
August 2, 1990**

**Resolution 660 (1990)
of 2 August 1990**

The Security Council,

Alarmed by the invasion of Kuwait on 2 August 1990 by the military forces of Iraq,

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait,

Acting under Articles 39 and 40 of the Charter of the United Nations,

1. *Condemns* the Iraqi invasion of Kuwait;
2. *Demands* that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990;
3. *Calls upon* Iraq and Kuwait to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and especially those of the League of Arab States;
4. *Decides* to meet again as necessary to consider further steps to ensure compliance with the present resolution.

Adopted at the 2932th meeting by 14 votes to none. One member (Yemen) did not participate in the vote.

**United Nations Security Council Resolution 661
August 6, 1990**

**Resolution 661 (1990)
of 6 August 1990**

The Security Council,

Reaffirming its resolution 660 (1990) of 2 August 1990,

Deeply concerned that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues, with further loss of human life and material destruction,

Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Noting that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

Mindful of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Affirming the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

Acting under Chapter VII of the Charter,

1. *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;

2. *Decides*, as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;

3. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

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4. *Decides* that all States shall not make available to the Government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

5. *Calls upon* all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or licence granted before the date of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. *Calls upon* all States to co-operate fully with the Committee in the fulfilment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

8. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose;

9. *Decides* that, notwithstanding paragraphs 4 to 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States:

(a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

(b) Not to recognize any regime set up by the occupying Power;

10. *Requests* the Secretary-General to report to the Security Council on the progress made in the implementation of the present resolution, the first report to be submitted within thirty days;

11. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

Adopted at the 2933rd meeting by 13 votes to none with 2 abstentions (Cuba and Yemen).

Appendix C

**Special Warning No. 80
August 17, 1990**

17 August 1990

United States Department of the Navy
Special Warning No. 80

1. In response to requests from the legitimate Government of Kuwait and in exercising the inherent right of collective self-defense recognized under Art. 51 of the UN Charter, United States forces will, in cooperation with regional and allied forces, conduct a maritime operation to intercept the import and export of commodities and products to and from Iraq and Kuwait that are prohibited by UN Security Council Resolution 661.
2. Affected areas include the Strait of Hormuz, Strait of Tiran, and other choke points, key ports, and oil pipeline terminals. Specifically, Persian Gulf interception efforts will be concentrated in international waters south of 27 degrees north latitude; Red Sea interception efforts will be conducted in international waters north of 22 degrees north latitude.
3. All merchant ships perceived to be proceeding to or from Iraqi or Kuwaiti ports, or transshipment points, and carrying embargoed material to or from Iraq or Kuwait, will be intercepted and may be searched.
4. Ships which, after being intercepted, are determined to be proceeding to or from Iraq or Kuwait ports, or transshipment points, and carrying embargoed material to or from Iraq or Kuwait, will not be allowed to proceed with their planned transit.
5. The intercepting ship may use all available communications, primarily VHF channel 16, but including international code signals, flag hoists, other radio equipment, signal lamps, loudspeakers, and other appropriate means to communicate his directions to a ship. (Safe navigation may require vessels to be diverted to a port or anchorage prior to conducting a search.)
6. Failure of a ship to proceed as directed will result in the use of the minimum level of force necessary to endure compliance.
7. Any ships, including waterborne craft and armed merchant ships, or aircraft, which threaten or interfere with U.S. forces engaged in enforcing this maritime interception will be considered hostile.

**United Nations Security Council Resolution 665
August 25, 1990**

**Resolution 665 (1990)
of 25 August 1990**

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990 and 664 (1990) of 18 August 1990 and demanding their full and immediate implementation,

Having decided in resolution 661 (1990) to impose economic sanctions under Chapter VII of the Charter of the United Nations,

Determined to bring to an end the occupation of Kuwait by Iraq which imperils the existence of a Member State, and to restore the legitimate authority and the sovereignty, independence and territorial integrity of Kuwait, which requires the speedy implementation of the above-mentioned resolutions,

Deploring the loss of innocent lives stemming from the Iraqi invasion of Kuwait and determined to prevent further such losses,

Gravely alarmed that Iraq continues to refuse to comply with resolutions 660 (1990), 661 (1990), 662 (1990) and 664 (1990) and in particular at the conduct of the Government of Iraq in using Iraqi flag vessels to export oil,

1. *Calls upon* those Member States co-operating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990);
2. *Invites* Member States accordingly to co-operate as may be necessary to ensure compliance with the provisions of resolution 661 (1990) with maximum use of political and diplomatic measures, in accordance with paragraph 1 above;
3. *Requests* all States to provide, in accordance with the Charter of the United Nations, such assistance as may be required by the States referred to in paragraph 1 above;
4. *Also requests* the States concerned to co-ordinate their actions in pursuit of the above paragraphs of the present resolution using, as appropriate, mechanisms of the Military Staff Committee and, after consultation with the Secretary-General, to submit reports to the Security Council and the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in order to facilitate the monitoring of the implementation of the present resolution;
5. *Decides* to remain actively seized of the matter.

Adopted at the 2938th meeting by 13 votes to none with 2 abstentions (Cuba and Yemen).

**United Nations Security Council Resolution 666
September 13, 1990**

**Resolution 666 (1990)
of 13 September 1990**

The Security Council,

Recalling its resolution 661 (1990) of 6 August 1990, paragraphs 3 (c) and 4 of which apply, except in humanitarian circumstances, to foodstuffs,

Recognizing that circumstances may arise in which it will be necessary for foodstuffs to be supplied to the civilian population in Iraq or Kuwait in order to relieve human suffering,

Noting that in this respect the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait has received communications from several Member States,

Emphasizing that it is for the Security Council, alone or acting through the Committee, to determine whether humanitarian circumstances have arisen,

Deeply concerned that Iraq has failed to comply with its obligations under Security Council resolution 664 (1990) of 18 August 1990 in respect of the safety and well-being of third-State nationals, and reaffirming that Iraq retains full responsibility in this regard under international humanitarian law including, where applicable, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

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

1. *Decides* that in order to make the necessary determination whether or not, for the purposes of paragraphs 3 (c) and 4 of resolution 661 (1990), humanitarian circumstances have arisen, the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait shall keep the situation regarding foodstuffs in Iraq and Kuwait under constant review;
2. *Expects* Iraq to comply with its obligations under resolution 664 (1990) in respect of third-State nationals and reaffirms that Iraq remains fully responsible for their safety and well-being in accordance with international humanitarian law including, where applicable, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;
3. *Requests*, for the purposes of paragraphs 1 and 2 above, that the Secretary-General seek urgently, and on a continuing basis, information from relevant United Nations and other appropriate humanitarian agencies and all other sources on the availability of food in Iraq and Kuwait, such information to be communicated by the Secretary-General to the Committee regularly;
4. *Also requests* that in seeking and supplying such information particular attention be paid to such categories of persons who might suffer specially, such as children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly;
5. *Decides* that if the Committee, after receiving the reports from the Secretary-General, determines that circumstances have arisen in which there is an urgent humanitarian need to

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supply foodstuffs to Iraq or Kuwait in order to relieve human suffering, it will report promptly to the Council its decision as to how such need should be met;

6. *Directs* the Committee that in formulating its decisions it should bear in mind that foodstuffs should be provided through the United Nations in cooperation with the International Committee of the Red Cross or other appropriate humanitarian agencies and distributed by them or under their supervision, in order to ensure that they reach the intended beneficiaries;

7. *Requests* the Secretary-General to use his good offices to facilitate the delivery and distribution of foodstuff to Kuwait and Iraq in accordance with the provisions of the present resolution and other relevant resolutions;

8. *Recalls* that resolution 661 (1990) does not apply to supplies intended strictly for medical purposes, but in this connection recommends that medical supplies should be exported under the strict supervision of the Government the exporting State or by appropriate humanitarian agencies.

Adopted at the 2939th meeting by 13 votes to 2 (Cuba and Yemen).

Special Warning No. 53
May 27, 1991

O 272112Z MAY 91

FM DMAHTC WASHINGTON DC //NVS//
TO AIG FOUR FIVE ZERO ONE AIG FOUR FIVE FIVE SEVEN
INFO DEPT OF STATE WASHINGTON DC //EB/TT/MA//
OSO WASHINGTON DC //ASK(PA)// JCS WASHINGTON DC
.....(OMITTED)

BT

UNCLAS

SPECIAL WARNING NR 53.

1. THE IRANIAN GOVERNMENT HAS RECENTLY REVISED THE GUIDELINES WHICH IT ISSUED LAST FALL FOR THE NAVIGATIONAL SAFETY OF MERCHANT SHIPPING IN THE PERSIAN GULF.

2. RELEVANT PORTIONS OF THE REVISED IRANIAN GUIDELINES ARE AS FOLLOWS:

---AFTER TRANSITING THE STRAITS OF HORMUZ, MERCHANT SHIPS SAILING TO NON-IRANIAN PORTS SHOULD PASS 12 MILES SOUTH OF ABU MUSA ISLAND; 12 MILES SOUTH OF SIBBA ISLAND; SOUTH OF CABLE BANK LIGHT; 12 MILES SOUTH OF FARSI ISLAND; THENCE WEST OF A LINE CONNECTING THE PONTS 27-53N 49-53E AND 29-10N 49-12E; THEREAFTER SOUTH OF THE LINE 29-10N AS FAR AS 40-40E.

--- ALL IRANIAN COASTAL WATERS ARE WAR ZONES.

---ALL TRANSPORTATION OF CARGO TO IRAQI PORTS IS PROHIBITED.

---THE IRANIAN GOVERNMENT WILL BEAR NO RESPONSIBILITY FOR MERCHANT SHIPS WHICH FAIL TO COMPLY WITH THE ABOVE INSTRUCTIONS.

3. THE IRAQI GOVERNMENT HAS STATED THAT THE AREA NORTH OF 29-30N IS A PROHIBITED WAR ZONE.

4. DEEP DRAFT SHIPPING SHOULD BE AWARE OF SHOAL WATERS NEAR FARSI ISLAND.

5. IN VIEW OF CONTINUED HOSTILITIES BETWEEN IRAN AND IRAQ AND RECENT ACTS OF INTERFERENCE OR HOSTILITY AGAINST VESSELS OF THIRD COUNTRIES, U.S. MARINERS ARE ADVISED, UNTIL FURTHER NOTICE, TO AVOID IRANIAN OR IRAQI PORTS AND COASTAL WATERS, TO REMAIN OUTSIDE THE AREAS DELIMITED IN PARAGRAPHS 2 AND 3 ABOVE, AND TO BE ALERT TO POSSIBLE HAZARDOUS CONDITIONS, INCLUDING HOSTILE ACTIONS, WHEN TRANSITING THE WATERS WITHIN THE PERSIAN GULF.

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6. THE PUBLICATION OF THIS NOTICE IS SOLELY FOR THE PURPOSE OF ADVISING U.S. MARINERS OF INFORMATION RELEVANT TO NAVIGATIONAL SAFETY, AND IN NO WAY CONSTITUTES A LEGAL RECOGNITION BY THE UNITED STATES OF THE VALIDITY OF ANY FOREIGN RULE, REGULATION, OR PROCLAMATION SO PUBLISHED.

7. CANCEL SPECIAL WARNING NR 51.

ACKNOWLEDGEMENT TRAILER: ALL U.S. FLAG MERCHANT SHIPS IN THE PERSIAN GULF AREA ACKNOWLEDGE RECEIPT OF THIS MESSAGE THROUGH THE SAME COMMUNICATIONS CHANNELS USED FOR USMER REPORTS.

BT

**United Nations Security Council Resolution 787
November 16, 1992**

Excerpt from
RESOLUTION 787 (1992)

Adopted by the Security Council at its 3137th meeting, on 16 November 1992

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Reaffirming its determination that the situation in the Republic of Bosnia and Herzegovina constitutes a threat to the peace, and reaffirming that the provision of humanitarian assistance in the Republic of Bosnia and Herzegovina is an important element in the Security Council's effort to restore peace and security in the region,

Deeply concerned at the threats to the territorial integrity of the Republic of Bosnia and Herzegovina, which, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

Reaffirming also its full support for the International Conference on the Former Yugoslavia as the framework within which an overall political settlement of the crisis in the former Yugoslavia may be achieved, and for the work of the Co-Chairmen of the Steering Committee of the Conference,

Recalling the decision by the International Conference on the Former Yugoslavia to examine the possibility of promoting safe areas for humanitarian purposes,

Recalling the commitments entered into by the parties and others concerned within the framework of the International Conference on the Former Yugoslavia,

Reiterating its call on all parties and others concerned to cooperate fully with the Co-Chairmen of the Steering Committee,

Noting the progress made so far within the framework of the International Conference, including the Joint Declarations signed at Geneva on 30 September 1992 and 20 October 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Statement made at Geneva on 19 October 1992 by the Presidents of the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Communiqué issued on 1 November 1992 at Zagreb by the Presidents of the Republic of Croatia and the Republic of Bosnia and Herzegovina; the establishment of the Mixed Military Working Group in the Republic of Bosnia and Herzegovina; and the production of a draft outline constitution for the Republic of Bosnia and Herzegovina,

Noting with grave concern the report of the Special Rapporteur appointed following a special session of the Commission on Human Rights to investigate the human rights situation in the former Yugoslavia, which makes clear that massive and systematic violations of human rights and grave violations of international humanitarian law continue in the Republic of Bosnia and Herzegovina,

Appendix C

Welcoming the deployment of additional elements of the United Nations Protection Force for the protection of humanitarian activities in the Republic of Bosnia and Herzegovina, in accordance with its resolution 776 (1992) of 14 September 1992,

Deeply concerned about reports of continuing violations of the embargo imposed by its resolutions 713 (1991) and 724 (1991) of 15 December 1991,

Deeply concerned also about reports of violations of the measures imposed by its resolution 757 (1992) of 30 May 1992,

.....

12. Acting under Chapters VII and VIII of the Charter of the United Nations, calls upon States, acting nationally or through regional agencies or arrangements, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992);

.....

United Nations Security Council Resolution 917 May 6, 1994

Excerpt from RESOLUTION 917 (1994)

Adopted by the Security Council at its 3376th meeting,
on 6 May 1994

The Security Council,

Reaffirming its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993 and 905 (1994) of 23 March 1994,

Recalling its Presidential statements of 11 October 1993 (S/26567), 25 October 1993 (S/26633), 30 October 1993 (S/26668), 15 November 1993 (S/ 26747) and 10 January 1994 (S/PRST/1994/2),

Noting resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92, MRE/RES.4/92, and MRE/RES.5/ 93, adopted by the Foreign Ministers of the Organization of American States, and resolutions CP/RES.575 (885/92) and CP/RES.594 (923/92) and declarations CP/Dec.8 (927/93), CP/Dec.9 (931/93), CP/Dec.10 (934/93) and CP/Dec.15 (967/93), adopted by the Permanent Council of the Organization of American States,

Noting in particular resolution CP/RES.610 (968/93) of 18 October 1993 of the Organization of American States,

Bearing in mind the statement of conclusions adopted at the Meeting of the Four Friends of the Secretary-General on Haiti, held in Paris on 13 and 14 December 1993 (S/26881),

Having examined the reports of the Secretary-General of 19 January 1994 (S/1994/54) and 18 March 1994 (S/1994/311) regarding the United Nations Mission in Haiti (UNMIH),

Commending the continuing efforts undertaken by the Special Envoy for Haiti of the Secretaries-General of the United Nations and the Organization of American States to bring about compliance with the Governors Island Agreement and the full restoration of democracy in Haiti,

Reaffirming that the goal of the international community remains the restoration of democracy in Haiti and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement,

Stressing in this context the importance of a proper and secure environment for all legislative action agreed to in the Governors Island Agreement and the New York Pact, as well as preparations for free and fair legislative elections in Haiti, as called for in the constitution, in the framework of the full restoration of democracy in Haiti, Concerned at the continued failure of the military authorities in Haiti, including the police, to comply with their obligations under the Governors Island Agreement, and at the violations of the related New York Pact committed by political organizations party thereto in relation to the disputed elections of 18 January 1993,

Strongly condemning the numerous instances of extra-judicial killings, arbitrary arrests, illegal detentions, abductions, rape and enforced disappearances, the continued denial of freedom of expression, and the impunity with which armed civilians have been able to operate and continue operating,

Appendix C

Recalling that in resolution 873 (1993) the Council confirmed its readiness to consider the imposition of additional measures if the military authorities in Haiti continued to impede the activities of the United Nations Mission in Haiti (UNMIH) or failed to comply in full with its relevant resolutions and the provisions of the Governors Island Agreement,

Reaffirming its determination that, in these unique and exceptional circumstances, the situation created by the failure of the military authorities in Haiti to fulfil their obligations under the Governors Island Agreement and to comply with relevant Security Council resolutions constitutes a threat to peace and security in the region,

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

.....

9. Decides to prohibit any and all traffic from entering or leaving the territory or territorial sea of Haiti carrying commodities or products the export of which from Haiti or the sale or supply of which to Haiti would be prohibited under paragraphs 6 and 7 above, excepting regularly scheduled maritime shipping lines calling in Haiti with goods permitted under paragraph 7 and which are also carrying other commodities or products in transit to other destinations, subject to formal monitoring arrangements established with States cooperating with the legitimate Government of Haiti as provided in paragraph 1 of resolution 875 (1993) and paragraph 10 below;

.....

Appendix C

**Request Safety Broadcast Notice to Mariners
November 30, 2000**

P 302137Z NOV 00
FM COGARD MSO NEW ORLEANS LA//OPS//
TO COMCOGARDGRU NEW ORLEANS LA I
NFO CCGDEIGHT NEW ORLEANS LA//M/CC/OB//
COGARD ANT NEW ORLEANS LA
COGARD STA NEW ORLEANS LA
COGARD MSD BATON ROUGE LA
NAVSUPPACT NEW ORLEANS LA
CDRUSAED NEW ORLEANS LA/ /CEMVN-OD-T//
COGARD ANT VENI CE LA
COGARD STA VENICE LA

BT

UNCLAS VOL CC //N16502//

SUBJ: REQUEST SAFETY BROADCAST NOTICE TO MARINERS

1. BROADCAST UPON RECEIPT AND EVERY SCHEDULED BROADCAST UNTIL CANCELLED.
2. QUOTE: THE COAST GUARD CAPTAIN OF THE PORT NEW ORLEANS, UNDER THE AUTHORITY OF THE PORTS & WATERWAYS SAFETY ACT HAS ESTABLISHED A SAFETY ZONE FROM MILE MARKER 17, LOWER MISSISSIPPI RIVER, ABOVE HEAD OF PASSES TO MILE MARKER 30, LOWER MISSISSIPPI RIVER, ABOVE HEAD OF PASSES, DUE TO OIL SPILL CLEAN UP OPERATIONS. COMMENCING AT 1600 LOCAL, ALL VESSELS REQUIRING TRANSIT THROUGH THE SAFETY ZONE MUST CONTACT THE NEW ORLEANS VESSEL TRAFFIC SERVICE ON CHANNEL 12 VHF ONE HOUR PRIOR TO EXPECTED ARRIVAL AT THE SAFETY ZONE.
3. THE FOLLOWING RESTRICTIONS ARE IN EFFECT:
 - A. ALL NORTH BOUND AND SOUTH BOUND VESSELS PLANNING TO ENTER THE SAFETY ZONE MUST GUARD CHANNEL 12 VHF.
 - B. ALL VESSELS SHALL TRANSIT THE SAFETY ZONE AT THEIR SLOWEST SAFE SPEED AND MINIMIZE THEIR WAKE.
 - C. ALL NORTH AND SOUTH BOUND TRAFFIC MUST STAY AS CLOSE TO THE LEFT DESCENDING BANK AS SAFE NAVIGATION PERMITS.
 - D. THERE SHALL BE NO OVERTAKING OR MEETING WITHIN THE SAFETY ZONE.
 - E. NO VESSEL WILL BE ALLOWED TO ENTER THE SAFETY ZONE WITHOUT PERMISSION OF THE NEW ORLEANS VESSEL TRAFFIC SERVICE.
4. ANY SOUTH OR NORTH BOUND TOW VESSEL WITHIN THE IMMEDIATE AREA OF THE SAFETY ZONE MAY CONTACT NEW ORLEANS VESSEL TRAFFIC SERVICE ON CHANNEL 12 VHF AND REQUEST TRANSIT THROUGH THE SAFETY ZONE.
UNQUOTE.

5. IN EFFECT UNTIL FURTHER NOTICE.

BT

NNNN

Appendix C

**Special Warning No. 115
February 16, 2001**

16 February 2001
Special Warning No. 115
Persian Gulf

1. IN THE PERSIAN GULF, MULTI-NATIONAL NAVAL UNITS CONTINUE TO CONDUCT A MARITIME OPERATION TO INTERCEPT THE IMPORT AND EXPORT OF COMMODITIES AND PRODUCTS TO/ FROM IRAQ THAT ARE PROHIBITED BY UN SECURITY COUNCIL RESOLUTIONS 661 AND 687.
2. VESSELS TRANSITING THE PERSIAN GULF AND GULF OF OMAN CAN EXPECT TO BE QUERIED AND, IF BOUND FOR OR DEPARTING FROM IRAQ OR THE SHATT-AL-ARAB WATERWAY, ALSO INTERCEPTED AND BOARDED. SAFE NAVIGATION MAY REQUIRE VESSELS TO BE DIVERTED TO A PORT OR ANCHORAGE PRIOR TO CONDUCTING AN INSPECTION.
3. MARITIME INTERCEPTION OPERATIONS IN THE RED SEA, STRAIT OF TIRAN AND STRAIT OF HORMUZ HAVE CEASED. CARGO BOUND FOR AQABA OR TRANSSHIPMENT FROM AQABA MAY BE INSPECTED ON SHORE ACCORDING TO AN AGREEMENT WORKED OUT BY THE UN SANCTIONS COMMITTEE AND JORDANIAN AUTHORITIES.
4. DOCUMENTATION REQUIREMENTS FOR THE NAVAL REGIME IN THE PERSIAN GULF AND THE SHORE-BASED REGIME IN AQABA ARE IDENTICAL AND CAN BE FOUND IN THE MOST RECENT HYDROPACS COVERING THE ENFORCEMENT OF UN SANCTIONS AGAINST IRAQ.
5. STOWAGE AND OTHER REQUIREMENTS FOR VESSELS TRANSITING THE PERSIAN GULF CAN ALSO BE FOUND IN THE MOST RECENT HYDROPACS COVERING THE ENFORCEMENT OF UN SANCTIONS AGAINST IRAQ.
6. SHIPS WHICH, AFTER BEING INTERCEPTED, ARE DETERMINED TO BE IN VIOLATION OF UN SECURITY COUNCIL RESOLUTION 661 WILL NOT BE ALLOWED TO PROCEED WITH THEIR PLANNED TRANSIT.
7. THE INTERCEPTING SHIP MAY USE ALL AVAILABLE COMMUNICATIONS, PRIMARILY VHF CHANNEL 16, BUT INCLUDING INTERNATIONAL CODE OF SIGNALS, FLAG HOISTS, OTHER RADIO EQUIPMENT, SIGNAL LAMPS, LOUDSPEAKERS, BOW SHOTS, AND OTHER APPROPRIATE MEANS TO COMMUNICATE DIRECTIONS TO A SHIP.
8. FAILURE OF A SHIP TO PROCEED AS DIRECTED WILL RESULT IN THE USE OF THE MINIMUM LEVEL OF FORCE NECESSARY TO ENSURE COMPLIANCE.
9. ANY SHIPS, INCLUDING WATERBORNE CRAFT AND ARMED MERCHANT SHIPS, OR AIRCRAFT, WHICH THREATEN OR INTERFERE WITH MULTINATIONAL FORCES ENGAGED IN ENFORCING A MARITIME INTERCEPTION MAY BE CONSIDERED HOSTILE.
10. CANCEL SPECIAL WARNING 100.

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**United States Special Broadcast Warning to Mariners
November 16, 2001**

16 November 2001
Special Warning No. 120
Worldwide

1. DUE TO RECENT EVENTS IN THE MIDDLE EAST AND THE AMERICAN HOMELAND, U.S. FORCES WORLDWIDE ARE OPERATING AT A HEIGHTENED STATE OF READINESS AND TAKING ADDITIONAL DEFENSIVE PRECAUTIONS AGAINST TERRORIST AND OTHER POTENTIAL THREATS. CONSEQUENTLY, ALL AIRCRAFT, SURFACE VESSELS, AND SUBSURFACE VESSELS APPROACHING U.S. FORCES ARE REQUESTED TO MAINTAIN RADIO CONTACT WITH U.S. FORCES ON BRIDGE-TO-BRIDGE CHANNEL 16, INTERNATIONAL AIR DISTRESS (121.5 MHZ VHF) OR MILAIR DISTRESS (243.0 MHZ UHF).
2. U.S. FORCES WILL EXERCISE APPROPRIATE MEASURES IN SELFDEFENSE IF WARRANTED BY THE CIRCUMSTANCES. AIRCRAFT, SURFACE VESSELS, AND SUBSURFACE VESSELS APPROACHING U.S. FORCES WILL, BY MAKING PRIOR CONTACT AS DESCRIBED ABOVE, HELP MAKE THEIR INTENTIONS CLEAR AND AVOID UNNECESSARY INITIATION OF SUCH DEFENSIVE MEASURES.
3. U.S. FORCES, ESPECIALLY WHEN OPERATING IN CONFINED WATERS, SHALL REMAIN MINDFUL OF NAVIGATIONAL CONSIDERATIONS OF AIRCRAFT, SURFACE VESSELS, AND SUBSURFACE VESSELS IN THEIR IMMEDIATE VICINITY.
4. NOTHING IN THE SPECIAL WARNING IS INTENDED TO IMPEDE OR OTHERWISE INTERFERE WITH THE FREEDOM OF NAVIGATION OR OVERFLIGHT OF ANY VESSEL OR AIRCRAFT, OR TO LIMIT OR EXPAND THE INHERENT SELF-DEFENSE RIGHTS OF U.S. FORCES. THIS SPECIAL WARNING IS PUBLISHED SOLELY TO ADVISE OF THE HEIGHTENED STATE OF READINESS OF U.S. FORCES AND TO REQUEST THAT RADIO CONTACT BE MAINTAINED AS DESCRIBED ABOVE.

(Issued 162045Z NOV 2001)

HYDROPAC 205/2002 (Part I)
HYDROPAC 2006/2002 (Part II)
February 1, 2002

IRAQ EMBARGO.
HYDROLANT 245/2002 (GEN).
HYDROLANT 245/2002 (GEN).
(011310Z FEB 2002)

1. SUMMARY: THE NAVAL INTERCEPTION EFFORT IN SUPPORT OF THE UNITED NATIONS SANCTIONS PERTAINING TO IRAQ CONTINUES IN THE ARABIAN GULF AND OTHER AREAS WHERE VESSELS ARE INBOUND TO OR OUTBOUND FROM IRAQ. CARGO BOUND FOR AQABA OR TRANSSHIPMENT FROM AQABA WILL NORMALLY BE INSPECTED ASHORE BY A TEAM CONSISTING OF LLOYD'S REGISTER AND THE AQABA PORT AUTHORITY. VESSELS TRAVERSING THE NORTHERN ARABIAN GULF, THE SHATT ALARAB WATERWAY OR KHAWR ABD-ALLAH WATERWAY SHOULD EXPECT TO BE QUERIED AND IF BOUND FOR OR DEPARTING IRAQI PORTS, BOARDED BY MULTINATIONAL NAVAL UNITS ENFORCING UNITED NATIONS SANCTIONS. DOCUMENTATION REQUIREMENTS FOR THE OFFICIALS IN AQABA AND THE NAVAL UNITS IN THE ARABIAN GULF ARE IDENTICAL. IRAQ-BOUND CARGOES OTHER THAN APPROVED FOOD, MEDICAL SUPPLIES OR HUMANITARIAN ITEMS WILL NOT BE ALLOWED TO PASS. VESSELS NOT IN POSSESSION OF APPROPRIATE AUTHORIZATION LETTERS FROM THE UNITED NATIONS MAY BE SUBJECT TO DELAY UNTIL PROPER DOCUMENTATION IS OBTAINED. ALL GOODS SENT INTO IRAQ UNDER THE OIL-FOR-FOOD PROGRAM REQUIRE A UNITED NATIONS AUTHORIZATION LETTER. ALL GOODS SENT LEGALLY INTO IRAQ OUTSIDE THE OIL-FOR-FOOD PROGRAM, WITH THE EXCEPTION OF FOOD AND MEDICINE, REQUIRE A UNITED NATIONS AUTHORIZATION LETTER. FOOD AND MEDICINE ARE NOT SUBJECT TO UNITED NATIONS SANCTIONS AND ARE NOT REQUIRED TO HAVE A UNITED NATIONS AUTHORIZATION LETTER UNLESS THEY ARE BEING SENT IN UNDER THE OIL-FOR-FOOD PROGRAM.

2. UNITED NATIONS SECURITY COUNCIL RESOLUTION 986 AND SUBSEQUENT RESOLUTIONS, THE OIL-FOR-FOOD PROGRAM: THE IMPLEMENTATION OF OIL-FOR-FOOD DOES NOT AFFECT THE MISSION OF THE MULTINATIONAL FORCES OPERATING UNDER THE AUTHORITY OF UNSCR 661 (1990), UNSCR 665 (1990), AND OTHER RELEVANT RESOLUTIONS. THE OPERATING PROCEDURES SET FORTH IN THIS NOTICE ACCOUNT FOR THE REQUIREMENTS OF UNSCR 986 AND SUBSEQUENT RESOLUTIONS. SHIPS TRAVERSING THE ENFORCEMENT AREA IN THE ARABIAN GULF SHOULD EXPECT DELAYS STEMMING FROM MARITIME INTERCEPTION OPERATIONS. STRICT ADHERENCE TO THE PROCEDURES IN THIS NOTICE WILL MINIMIZE ANY DELAYS ASSOCIATED WITH SEABORNE INSPECTIONS.

3. THE FOLLOWING REQUIREMENTS ARE IN EFFECT FOR ALL IRAQBOUND SHIPPING TRAVERSING THE MARITIME INTERCEPTION OPERATIONS AREA IN THE ARABIAN GULF:

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A. NOTIFICATION: A MINIMUM OF 72 HOURS ADVANCE NOTIFICATION IS REQUIRED PRIOR TO ARRIVAL AT THE ENFORCEMENT AREA. CONTACT THE MARITIME INTERCEPTION FORCES (MIF) COORDINATOR, U.S. NAVAL FORCES, CENTRAL COMMAND (BAHRAIN) BY FAX: 973 724 344 OR 973 724 334 OR LETTER (SEE PARAGRAPH 8). THE FOLLOWING INFORMATION MUST BE INCLUDED:

- (1) VESSEL NAME.
- (2) VESSEL FLAG.
- (3) INTERNATIONAL RADIO CALL SIGN.
- (4) ITINERARY, INCLUDING PORT OF CARGO ORIGIN.
- (5) DESCRIPTION OF CARGO.
- (6) VOLUME OF CARGO.
- (7) NUMBER OF HOLDS.
- (8) DIMENSIONS OF HOLDS.
- (9) IDENTIFICATION OF THE VESSEL'S SHIPPING AGENT.
- (10) IDENTIFICATION OF THE VESSEL'S OWNERS.
- (11) IF REQUIRED (REFER TO PARAGRAPH 1), UNITED NATIONS SECURITY COUNCIL LETTER SHOWING SERIAL NUMBER, ISSUE DATE AND EXPIRATION DATE.
- (12) ESTIMATED ARRIVAL DATE AND TIME AT THE CHECKPOINT (SEE PARAGRAPH 3.C).

B. CARGO CONFIGURATION: ALL CARGO MUST BE ACCESSIBLE FOR INSPECTION AT SEA. CARGO CARRIERS ARE RESPONSIBLE FOR LOADING CARGOES TO ENSURE ACCESSIBILITY. THE FOLLOWING SPECIFIC GUIDANCE APPLIES:

- (1) CONTAINERIZED CARGO: CARGO CONTAINERS MUST NOT BE STACKED MORE THAN THREE HIGH FROM THE DECK. AS A SAFETY PRECAUTION TO PROTECT INSPECTION TEAMS, CONTAINERS STACKED MORE THAN THREE HIGH WILL BE CONSIDERED INACCESSIBLE. THIS PROVISION APPLIES TO BOTH INTERNAL AND DECK-LOADED CONTAINERS.
- (2) BREAK BULK: PACKAGED OR BAGGED CARGO MUST BE LOADED IN A MANNER WHICH PERMITS THOROUGH INSPECTION. PALLETIZED ROWS OF CARGO REQUIRE ADEQUATE SEPARATION TO ALLOW FOR SAFE ACCESS.
- (3) LOOSE BULK: LOOSE BULK CARGO MUST BE ACCESSIBLE FOR PHYSICAL AND VISUAL INSPECTION, VERIFICATION OF MEASUREMENT SOUNDINGS AND SAMPLING. HATCH COVERS MUST BE OPENED TO ALLOW FOR THOROUGH INSPECTION.
- (4) IF A VESSEL'S CARGO IS DEEMED INACCESSIBLE FOR INSPECTION, THE VESSEL MAY BE DIRECTED TO RETURN TO A PORT WHERE ACCEPTABLE CARGO LOADING CAN BE ARRANGED.

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C. CHECKPOINT: VESSELS BOUND FOR OR DEPARTING FROM IRAQI PORTS OR THE MINA AL-BAKR OIL TERMINAL MUST PASS WITHIN A FIVE NAUTICAL MILE RADIUS OF LATITUDE TWENTYNINE DEGREES TWELVE MINUTES NORTH AND LONGITUDE FORTYNINE DEGREES TWENTY MINUTES EAST (29-12N 049-20E). APPROACHING VESSELS SHOULD CONTACT THE MIF COMMANDER ON BRIDGETO-BRIDGE RADIO, CHANNEL 16, WHEN WITHIN FIVE NAUTICAL MILES OF THIS POINT. VESSELS WILL NOT BE PERMITTED TO PROCEED FROM THIS POINT UNTIL CLEARED BY THE MIF COMMANDER. VESSELS CONTAINING CARGOES FOR DESTINATIONS OTHER THAN IRAQ WILL NOT BE ALLOWED PASSAGE INTO IRAQ.

D. VESSEL TONNAGE LIMIT: VESSELS UNDER 30,000 DWT WILL NOT BE AUTHORIZED TO PROCEED TO MINA AL-BAKR FOR THE PURPOSE OF LOADING PETROLEUM CARGOES.

E. DOCUMENTATION: VESSEL DOCUMENTATION MUST CONFORM TO THE FOLLOWING REQUIREMENTS:

(1) AN ORIGINAL MANIFEST LIST, DESCRIBING THE CARGO AS WELL AS IT'S LOCATION IN THE SHIP, MUST BE ON BOARD. THE ORIGINAL MANIFEST MUST INCLUDE THE PORT OF ORIGIN, PORTS OF CALL, COMPLETE BUSINESS NAMES AND ADDRESSES OF ALL SHIPPERS AND CONSIGNEES AND A FINAL DESTINATION OF ALL CARGO. A COMPLETE BUSINESS ADDRESS MUST INCLUDE EITHER THE STREET ADDRESS, A PROMINENT IDENTIFIABLE GEOGRAPHIC LOCATION OR A POST OFFICE BOX PLUS A TELEPHONE NUMBER OR FAX NUMBER.

(2) CARGO ADDRESSED TO A FREE-TRADE ZONE MUST HAVE THE NAME, ADDRESS, TELEPHONE OR FAX NUMBER OF THE CONSIGNEE TAKING CUSTODY OF THE CONTAINER OR CARGO.

(3) CONSIGNEE NAMES AND ADDRESSES ON ALL CARGO MUST MATCH THE MANIFEST.

(4) THE MANIFEST MUST BE SIGNED IN THE ORIGINAL BY THE VESSEL'S MASTER OR CHIEF MATE. THE MANIFEST MAY BE ON SHIPPER'S LETTERHEAD, FAX, PHOTOCOPY OR COMPUTER PRINTOUT, BUT IT MUST BEAR AN ORIGINAL SIGNATURE, CONTAIN ALL THE INFORMATION LISTED ABOVE AND OTHERWISE COMPLY WITH NORMAL MARITIME TRANSPORT PRACTICE.

(5) THE ORIGINAL MANIFEST MAY CONSIST OF MORE THAN ONE DOCUMENT IF THERE ARE AMENDMENTS THAT LIST CARGO DROPPED OFF AT A GIVEN PORT OR CORRECT THE ORIGINAL MANIFEST. THESE AMENDMENTS MAY ORIGINATE FROM THE SHIPPER OR CARRIER. SINCE ADDITIONAL DOCUMENTS MAY BE TRANSMITTED TO A VESSEL BY SUCH MEANS AS TELEGRAM OR FAX, THEY NEED NOT BEAR AN ORIGINAL SIGNATURE. HOWEVER, THE MASTER IS REQUIRED TO CERTIFY IN WRITING THAT THE AMENDED MANIFEST ACCURATELY REFLECTS WHAT IS ON BOARD THE VESSEL. THE UNDERLYING REQUIREMENTS ARE FOR ACCURATE DOCUMENTATION OF CARGO AND

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DESTINATION AND FOR A HIGH DEGREE OF CONFIDENCE THAT THE DOCUMENTS ARE AUTHENTIC.

(6) IF APPLICABLE, THE CARGO DOCUMENTATION MUST INCLUDE A COPY OF THE AUTHORIZATION ISSUED BY THE U.N. PURSUANT TO UNSCR 661 OR UNSCR 986 AND SUBSEQUENT RESOLUTIONS. REFER TO PARAGRAPH 1 ABOVE FOR SPECIFIC AUTHORIZATION REQUIREMENTS.

4. VESSEL PRE-CLEARANCE:

A. OIL TANKERS INBOUND TO THE MINA AL-BAKR TERMINAL PURSUANT TO U.N. AUTHORIZATION UNDER UNSCR 986 AND SUBSEQUENT RESOLUTIONS WILL NORMALLY BE AUTHORIZED TO PROCEED UNINTERRUPTED THROUGH THE CHECKPOINT DESCRIBED IN PARAGRAPH 3.C. ADVANCE NOTIFICATION AND CHECK-IN ON CHANNEL 16 ARE STILL REQUIRED.

B. VESSELS TRANSPORTING BULK HUMANITARIAN CARGOES ARE INVITED TO CONTACT THE MIF COORDINATOR PRIOR TO SAILING TO EXPLORE PRE-CLEARANCE OPTIONS WHICH USE VOYAGE MONITORING METHODS AND CARGO LOADING CERTIFICATION FROM APPROVED AGENTS. THE MIF COORDINATOR MAY CONSIDER ALTERNATE PRE-CLEARANCE PROCEDURES ON A CASE-BY-CASE BASIS.

C. NOTWITHSTANDING THE PRE-CLEARANCE OPTIONS DISCUSSED ABOVE, THE MULTINATIONAL NAVAL FORCES RETAIN THE RIGHT UNDER UNSCR 665 AND OTHER RELEVANT RESOLUTIONS TO CONDUCT DOCUMENT CHECKS AND AT-SEA INSPECTIONS OF ANY VESSEL WHEN DEEMED NECESSARY.

5. INCOMPLETE DOCUMENTATION: IRAQ-BOUND VESSELS WHICH ARE DETERMINED TO HAVE INCOMPLETE CARGO MANIFESTS OR TO BE OTHERWISE IN VIOLATION OF REQUIREMENTS LISTED IN THIS ADVISORY, MAY BE DETAINED BY THE NAVAL FORCES OR DIVERTED TO A NON-IRAQ PORT UNTIL APPROPRIATE CONDITIONS ARE MET.

6. PETROLEUM EXPORTS AND BUNKER FUEL NOT APPROVED BY THE U.N: OUTBOUND VESSELS ARE SUBJECT TO SEARCH BY THE MIF. IF AN INTERCEPTED VESSEL IS SUSPECTED TO BE CARRYING A CARGO OF IRAQI PETROLEUM, PETROLEUM PRODUCTS OR HAS TAKEN ON IRAQI BUNKER FUEL WITHOUT U.N. AUTHORIZATION, THE MIF WILL TAKE CARGO AND BUNKER FUEL SAMPLES FOR LABORATORY ANALYSIS, EXAMINATION, AND COMPARISON WITH IRAQI CONTROL SAMPLES. VESSELS SUSPECTED OF VIOLATING U.N. SANCTIONS MAY BE DETAINED, AND IF IT IS DETERMINED THAT A PETROLEUM CARGO IS OF IRAQI ORIGIN, THE CARGO WILL BE SEIZED AND DISPOSED OF IN ACCORDANCE WITH UNSCR 778. IN SUCH CASES THE VESSEL ITSELF AND CREW MAY BE SUBJECT TO ENFORCEMENT ACTIONS BY AN ACCEPTING U.N. MEMBER STATE.

7. CRUISE AND PASSENGER SHIPS: CRUISE OR PASSENGER SHIPS TRAVERSING THE MIF ENFORCEMENT AREA WILL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

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A. VESSELS WITH NO COMMERCIAL CARGO CARRYING CAPACITY MAY ARRANGE FOR AN EXPEDITIOUS TRANSIT THROUGH THE ENFORCEMENT AREA BY FORWARDING CERTIFICATION FROM A MEMBER OF THE INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS) THAT THE SHIP HAS NO SUCH CAPACITY. THE CERTIFICATION MUST BE SENT BY LETTER OR FAX AT LEAST SIXTY DAYS PRIOR TO TRANSIT.

B. A PASSENGER VESSEL ARRIVING IN THE ENFORCEMENT AREA WHICH HAS NOT COMPLIED WITH THE REQUIREMENTS OF PARAGRAPH 7.A WILL BE BOARDED AND INSPECTED DURING DAYLIGHT HOURS. IF IT IS DETERMINED THAT THE VESSEL HAS NO COMMERCIAL CARGO CARRYING CAPACITY, IT'S IDENTIFICATION WILL BE RECORDED SO THAT IT MAY BE VISUALLY IDENTIFIED AND NOT BOARDED DURING SUBSEQUENT TRANSITS.

8. FOR MERCHANT ADVISORY UPDATES, VESSELS SHOULD CONTACT THE COMMANDER, U.S. NAVAL FORCES CENTRAL COMMAND, MARITIME INTERCEPTION COORDINATOR (N31CG), FPO AE 09501 6008, PHONE: 973 724839 OR 973 724841. FAX: 973 724344 OR 973 724334.

9. CANCEL HYDROPAC 170/01 AND 171/01.

HYDROLANT 271/03
February 5, 2003

HYDROLANT 271/03(GEN). MEDITERRANEAN SEA.
(051340Z FEB 2003)

1. U.S. FORCES IN THE MEDITERRANEAN SEA ARE OPERATING AT A HEIGHTENED STATE OF READINESS AND TAKING ADDITIONAL DEFENSIVE PRECAUTIONS AGAINST TERRORIST AND OTHER POTENTIAL THREATS. ALL AIRCRAFT OR SURFACE VESSELS APPROACHING U.S. FORCES ARE REQUESTED TO MAINTAIN RADIO CONTACT WITH U.S. FORCES ON BRIDGE-TO-BRIDGE CHANNEL 16, INTERNATIONAL AIR DISTRESS (121.5 MHZ VHF) OR MILAIR DISTRESS (243.0 MHZ UHF).
2. U.S. FORCES WILL EXERCISE APPROPRIATE MEASURES IN SELFDEFENSE IF WARRANTED BY THE CIRCUMSTANCES. AIRCRAFT AND SURFACE 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.
3. NOTHING IN THIS WARNING IS INTENDED TO IMPEDE OR OTHERWISE INTERFERE WITH THE FREEDOM OF NAVIGATION OR OVERFLIGHT OF ANY VESSEL OR AIRCRAFT, OR TO LIMIT OR EXPAND THE INHERENT SELF-DEFENSE RIGHTS OF U.S. FORCES. THIS WARNING IS PUBLISHED SOLELY TO ADVISE OF THE HEIGHTENED STATE OF READINESS OF U.S. FORCES AND TO REQUEST THAT RADIO CONTACT BE MAINTAINED AS DESCRIBED ABOVE.
4. SPECIAL WARNING NUMBER 120 REFERS.

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HYDROLANT 433/2003

February 25, 2003

HYDROLANT 433/2003(GEN). FRANCE.

(251140Z FEB 2003)

THE AUTHORITIES OF FRANCE ADVISE THAT SINGLE-HULL OIL TANKERS, MORE THAN 15 YEARS OLD, CARRYING HEAVY FUEL, TAR, ASPHALTIC BITUMEN OR HEAVY CRUDE OIL ENTERING INTO THE ECONOMIC EXCLUSIVE ZONE, ARE SUBJECT TO 24 HOUR NOTIFICATION TO RELEVANT FRENCH MRCC (CORSEN, JOBOURG OR GRIS NEZ) AND ARE STRICTLY CONTROLLED.

HYDROLANT 509/03

March 6, 2003

UNCLAS

061620Z MAR 03

FM NIMA NAVSAFETY BETHESDA MD//

MSGID/GENADMIN/NIMA NAVSAFETY BETHESDA MD// RMKS/

HYDROLANT 509/03(54,56) .EASTERN MEDITERRANEAN SEA.

1. U.S. FORCES ARE CONDUCTING COMBAT TRAINING EXERCISES IN INTERNATIONAL WATERS OFF THE NORTHERN AND EASTERN COAST OF CYPRUS UNTIL FURTHER NOTICE. COMBAT EXERCISE ACTIVITIES MAY POSE A HAZARD TO NAVIGATION. ALL VESSELS ARE ADVISED TO NAVIGATE WITH EXTREME CAUTION.

2. REQUEST SURFACE VESSELS WITH DESTINATIONS AT PORTS IN SOUTHWESTERN TURKEY, NORTH AND EASTERN CYPRUS OR SYRIA REMAIN CLEAR OF THE FOLLOWING DESIGNATED OPERATING AREAS:

A. OPAREA ONE: 36-30N 034-40E, 36-12N 035-30E, 35-50N 035-30E, 35-50N 034-54E, 36-00N 034-36E, 35-45N 034-00E, 35-55N 034-00E.

B. OPAREA TWO: 35-25N 034-40E, 35-25N 035-30E, 34-40N 035-35E, 34-10N 035-10E, 34-10N 033-55E, 34-25N 033-55E, 34-55N 034-25E, 35-15N 034-25E.

3. DURING THESE COMBAT TRAINING EXERCISES U.S. FORCES WILL BE OPERATING AT A HEIGHTENED STATE OF READINESS AND TAKING ADDITIONAL DEFENSIVE PRECAUTIONS AGAINST TERRORIST AND OTHER POTENTIAL THREATS. SURFACE VESSELS APPROACHING U.S. FORCES ARE REQUESTED TO MAINTAIN RADIO CONTACT WITH U.S. FORCES ON BRIDGE-TO-BRIDGE CHANNEL 16.

4. U.S. FORCES WILL EXERCISE APPROPRIATE MEASURES IN SELFDEFENSE IF WARRANTED BY THE CIRCUMSTANCES. SURFACE VESSELS APPROACHING U.S. FORCES SHOULD MAKE THEIR INTENTIONS CLEAR AND AVOID UNNECESSARY INITIATION OF SUCH DEFENSIVE MEASURES BY INITIATING RADIO CONTACT AS DESCRIBED ABOVE.

5. NOTHING IN THIS WARNING IS INTENDED TO IMPEDE OR OTHERWISE INTERFERE WITH THE FREEDOM OF NAVIGATION. OF ANY VESSEL, OR TO LIMIT OR EXPAND THE INHERENT SELFDEFENSE RIGHTS OF U.S. FORCES. THIS WARNING IS PUBLISHED SOLELY TO ADVISE OF THE HEIGHTENED STATE OF READINESS OF U.S. FORCES AND TO REQUEST THAT RADIO CONTACT BE MAINTAINED AS DESCRIBED ABOVE.

6. CANCEL HYDROLANT 499/03.//

Appendix C

**Special Warning 121 Persian Gulf
March 20, 2003**

Special Warning 121 Persian Gulf
(200120Z MAR 2003)

1. 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 ARE CRITICAL TO AVOID THE INADVERTENT USE OF FORCE.

2. ALL VESSELS ARE ADVISED THAT COALITION NAVAL FORCES ARE PREPARED TO EXERCISE APPROPRIATE MEASURES IN SELFDEFENSE 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).

3. 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 US/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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**HYDROLANT 597/03 (54, 56)
March 20, 2003**

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 SELFDEFENSE 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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**MARLO Advisory Bulletin 06-03
March 20, 2003**

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.

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 SELFDEFENSE 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 US/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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**HYDROLANT 602/03 (54, 56)
March 21, 2003**

HYDROLANT 602/03(54,56). EASTERN MEDITERRANEAN SEA.
(211240Z MAR 2003)

1. U.S. FORCES IN THE EASTERN MEDITERRANEAN HAVE ESTABLISHED A MARITIME SAFETY ZONE AND ARE CONDUCTING COMBAT OPERATIONS IN INTERNATIONAL WATERS EAST OF CYPRUS THAT POSE A HAZARD TO NAVIGATION. ALL VESSELS ARE ADVISED TO EXERCISE EXTREME CAUTION AND TO REMAIN CLEAR OF AREA BOUND BY

35-25N 034-40E, 35-25N 035-30E, 34-40N 035-35E,
34-10N 035-10E, 34-10N 033-55E, 34-25N 033-55E,
34-55N 034-25E, 35-15N 034-25E.

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 SELFDEFENSE 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 SPECIAL WARNING IS PUBLISHED SOLELY FOR SAFETY OF NAVIGATION AND TO WARN VESSELS AWAY FROM COMBAT ACTIVITIES.

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**MARLO Advisory Bulletin 08-03
March 21, 2003**

Maritime Liaison Office (MARLO) Bahrain
MARLO Advisory Bulletin 08-03
21 March 2003

The following information was provided to MARLO by Coalition forces. We are passing it in order to keep you informed of ongoing activity that may affect your shipping operations and planning. We request you pass this information widely throughout your own commercial circles. If any of you have any information related to this issue, please contact either your nearest U.S. Embassy/Consulate or MARLO through this channel. In the event of a critical or emergency situation, please contact us via the MARLO 24-hour duty telephone (973-940-1395).

Coalition maritime forces are conducting clearing operations in Iraqi waterways. Coastal merchants and the maritime shipping agencies that have vessels underway in the Khor Abd Allah waterway are requested to immediately contact their vessels and direct them to proceed south in order to depart Iraqi waterways. Inform your vessels to contact Coalition units on bridge-to-bridge radio for specific instructions. For units located north of Umm Qasr, you will be required to remain in place until counter-mining operations are completed in Umm Qasr and the Khor Abd Allah waterway. Once these clearing operations are complete, you will be allowed to exit into the Arabian Gulf.

Coalition military forces will conduct a routine boarding to ensure the safety of both the crew and vessel. Upon completion of the boarding, vessels will be given navigation instructions that will keep them out of harms way. If vessels of the maritime shipping community or coastal merchants are used for military purposes, these vessels will be confiscated or destroyed by the Coalition.

Vessels should remain clear for the durations of Coalition military operations, so as to ensure their safety, the safety of their vessel, and passengers. You will be given instructions from Coalition forces as soon as possible on when to resume maritime operations in and around Iraqi waters. Their goal is to open the waterways to legitimate maritime shipping as quickly as possible.

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**HYDROLANT 604/2003 (26, 27)
March 21, 2003**

HYDROLANT 604/2003 (26,27).
GUANTANAMO BAY NAVAL DEFENSE SEA AREA.
(212253Z MAR 2003)

AT NO TIME SHALL ANY SHIP OR OTHER CRAFT, OTHER THAN PUBLIC SHIPS OF THE UNITED STATES, BE NAVIGATED INTO GUANTANAMO BAY NAVAL DEFENSIVE SEA AREA, UNLESS AUTHORIZED BY THE SECRETARY OF THE NAVY. COMMANDER, U.S. NAVAL BASE, GUANTANAMO BAY, CUBA, HAS BEEN AUTHORIZED TO ACT ON REQUESTS FROM VESSELS WHOSE NORMAL LEGITIMATE BUSINESS REQUIRES ENTRY INTO GUANTANAMO BAY. U.S. NAVAL BASE GUANTANAMO MAINTAINS A COMMUNICATIONS GUARD "GUANTANAMO BAY PORT CONTROL" ON MARINE BAND VHF CHANNEL 12 (156.6MZ) AND 16 (156.8MZ).

THE GUANTANAMO BAY NAVAL DEFENSIVE SEA AREA IS DESCRIBED AS FOLLOWS: THE TERRITORIAL WATERS WITHIN GUANTANAMO BAY, CUBA BETWEEN HIGH AND LOW WATER MARK AND THE SEA AND IN AND ABOUT THE ENTRANCE CHANNEL WITHIN A LINE BEARING TRUE SOUTH EXTENDING THREE NAUTICAL MILES FROM THE SHORE LINE OF THE EASTERN BOUNDARY OF GUANTANAMO NAVAL RESERVATION (LONGITUDE 75 DEGREES 05 MINUTES 15 SECONDS) AND A LINE BEARING TRUE SOUTH EXTENDING THREE NAUTICAL MILES FROM THE SHORELINE OF THE WESTERN BOUNDARY OF THE SAID NAVAL RESERVATION (LONGITUDE 75 DEGREES 14 MINUTES 00 SECONDS) AND A LINE JOINING THE EXTREMITIES OF THE ABOVE TWO BEARING LINES, AND HEREBY SET APART AND RESERVED AS A NAVAL DEFENSIVE SEA AREA. ALL VESSELS ARE DIRECTED TO STAND CLEAR OF THE GUANTANAMO BAY NAVAL DEFENSIVE SEA AREA.

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**Request Safety Broadcast Notice to Mariners
August 5, 2003**

P 051436Z AUG 03

FM COGARD MSO NEW ORLEANS LA
INFO CCGDEIGHT NEW ORLEANS LA//M/OAN/CC//
COGARD ANT NEW ORLEANS LA
COGARD MSU BATON ROUGE LA
COGARD MSO MORGAN CITY LA COGARD MSD
HOUMA LA
CDRUSAED NEW ORLEANS LA//CEMVN-OD-T//
NAVSUPPACT NEW ORLEANS LA

BT

UNCLAS

UNCLAS //N16502//

SUBJ: REQUEST SAFETY BROADCAST NOTICE TO MARINERS

1. COMMENCE BROADCASTING UPON RECEIPT AND EVERY SCHEDULED BROADCAST THEREAFTER UNTIL CANCELLED:

2. QUOTE: THE U.S. COAST GUARD CAPTAIN OF THE PORT OF NEW ORLEANS, UNDER THE AUTHORITY OF THE MAGUNSON ACT, HAS ESTABLISHED A SECURITY ZONE FROM MILE MARKER 92.5 TO MILE MARKER 93.5, ON THE LOWER MISSISSIPPI RIVER, AHOP, IN THE VICINITY OF THE NAVAL SUPPORT ACTIVITY EXTENDING THE ENTIRE WIDTH OF THE RIVER. THE SECURITY ZONE HAS BEEN ESTABLISHED TO PROTECT THE NAVAL SUPPORT ACTIVITY AND ITS PROPERTY FROM DESTRUCTION, LOSS, OR INJURY FROM SABOTAGE OR OTHER SUBVERSIVE ACTS, ACCIDENTS, OR OTHER CAUSES OF A SIMILAR NATURE. THE FOLLOWING RESTRICTIONS ARE PLACED ON VESSELS WITHIN THE SECURITY ZONE:

(A) VESSELS WILL NOT BE ALLOWED TO TRANSIT FROM MM 92.5 TO 93.5 FROM 6:00 A.M. LOCAL TO 6:00 P.M. LOCAL UNLESS AUTHORIZED BY THE COAST GUARD TRAFFIC LIGHT OPERATOR AT THE GOVERNOR NICHOLLS TRAFFIC LIGHT ON VHF-FM CHANNEL 16 OR 67.

(B) ALL VESSELS ARE PROHIBITED FROM TRANSITING WITHIN 200 FEET OF THE NAVAL SUPPORT ACTIVITIES ON THE EAST AND WEST BANKS. ENTRY INTO THIS AREA IS PROHIBITED TO ALL MARINE TRAFFIC AT ALL TIMES.

3. FAILURE TO COMPLY WITH THE SECURITY ZONE WILL SUBJECT PERSONS TO CRIMINAL PENALTIES OF IMPRISONMENT FOR NOT MORE THAN TEN YEARS AND MAY, IN THE DISCRETION OF THE COURT, BE FINED NOT MORE THAN \$10,000.

SIGNED: (OMITTED), COMMANDER, U.S. COAST GUARD, ALTERNATED CAPTAIN OF THE PORT NEW ORLEANS, LA. UNQUOTE.

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**MARLO Advisory Bulletin 01-04
January 12, 2004**

Maritime Liaison Office (MARLO) Bahrain
MARLO Advisory Bulletin 01-04 12
January 2004

The following information on Iraq maritime security checkpoint procedures is provided by the coalition leadership for the benefit of the regional shipping community. Please disseminate widely to ensure safe and efficient coordination.

Following the removal of the former Iraqi regime, UNSCR 1483 terminated all trade sanctions against Iraq except the import of arms and related material. Coalition maritime forces continue to enforce this remaining sanction while conducting broader maritime law enforcement and security operations in Iraqi waters. The former UN checkpoint at 29-12N/049-20E has been disestablished and anew checkpoint established to the north to be more convenient to Iraq-bound shipping.

Vessels bound for or departing from Iraqi ports and offshore oil terminals must pass within a five nautical mile radius of latitude twenty-nine degrees thirty-five minutes north and longitude forty-eight degrees fifty-three minutes east (29-35N/048-53E). Approaching vessels must contact the on station coalition warship on marine VHF (bridge-to-bridge) radio-telephone, channel 16 within five nautical miles of this point and be prepared to be queried, boarded, and inspected for prohibited cargo by coalition Maritime Security Forces (MSF). Vessels will not be permitted to proceed from this point until cleared by the MSF. Clearance through the Iraqi maritime security checkpoint does not grant clearance to enter any specific Iraqi port or the internal waters of Iraq; such clearances must be obtained from appropriate authorities in Iraq.

This information will be incorporated in a forthcoming HYDROPAC notice detailing revised procedures for maritime trade with Iraq.

Request Safety Broadcast Notice to Mariners February 9, 2004

P 092020Z FEB 04
FM COGARD MSO NEW ORLEANS LA
TO COMCOGARDGRU NEW ORLEANS LA
INFO COGARD MSO MORGAN CITY LA
COGARD MSU HOUMA LA
USCGC PELICAN
USCGC RAZORBILL
USCGC STURGEON
USCGC PAMLICO
COGARD ANT GULFPORT MS
COGARD ANT DULAC LA
COGARD ANT VENICE LA

BT

UNCLAS //N16502//

SUBJ: REQUEST SAFETY BROADCAST NOTICE TO MARINERS

1. BROADCAST UPON RECEIPT AND EVERY SCHEDULED BROADCAST UNTIL CANCELLED.

2. QUOTE: THE U.S. COAST GUARD CAPTAIN OF THE PORT NEW ORLEANS, UNDER THE AUTHORITY OF THE PORTS AND WATERWAYS SAFETY ACT, HAS ESTABLISHED A MOVING SECURITY ZONE ON THE LOWER MISSISSIPPI RIVER FROM THE SOUTHWEST PASS ENTRANCE LIGHTED BUOY TO MM 96.0. THIS MOVING SECURITY ZONE WILL PROVIDE A 500 YARD BUFFER ZONE AROUND CRUISE SHIPS AND IS NEEDED TO PROTECT CRUISE SHIPS FROM DESTRUCTION, LOSS, OR INJURY FROM SABOTAGE OR OTHER SUBVERSIVE ACTS, ACCIDENTS, OR OTHER CAUSES OF SIMILAR NATURE. THE FOLLOWING RESTRICTIONS ARE PLACED ON VESSELS OR PERSONS WITHIN THE SECURITY ZONE:

(A) NO VESSEL MAY OPERATE WITHIN 500 YARDS OF A CRUISE SHIP UNLESS OPERATING AT THE MINIMUM SAFE SPEED REQUIRED TO MAINTAIN A SAFE COURSE. VESSELS REQUIRING ENTRY WITHIN 500 YARDS OF A CRUISE SHIP THAT CANNOT SLOW TO THE MINIMUM SPEED NECESSARY TO MAINTAIN A SAFE COURSE MUST REQUEST PERMISSION TO PROCEED FROM THE VESSEL TRAFFIC CENTER (VTC) AT 589-2780 OR ON VHF-FM CHANNEL 67.

(B) NO PERSON OR VESSEL IS PERMITTED TO ENTER WITHIN 100 YARDS OF A CRUISE SHIP UNLESS EXPRESSLY AUTHORIZED BY THE CAPTAIN OF THE PORT. VESSELS REQUESTING PERMISSION TO ENTER THIS SECURITY ZONE MUST CONTACT THE VESSEL TRAFFIC CENTER (VTC) AT 589-2780 OR ON VHF-FM CHANNEL 67.

3. FAILURE TO COMPLY WITH THIS SECURITY ZONE WILL SUBJECT PERSONS TO A CIVIL PENALTY OF UP TO THIRTY-TWO THOUSAND FIVE HUNDRED DOLLARS. WILLFUL VIOLATION OF THIS ORDER MAY BE PUNISHABLE BY A FINE OF NOT

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MORE THAN FIFTY THOUSAND DOLLARS OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BOTH.

SIGNED: (OMITTED), CAPTAIN, U. S. COAST GUARD, CAPTAIN OF THE PORT, NEW ORLEANS, LA. UNQUOTE.

4. CANCEL AT TIME //141100Z OCT 02//.

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MARLO ADVISORY 06-04 1
May 2004

WARNING AND EXCLUSION ZONES AT KHAWR AL'AMAYA OIL TERMINAL (KAAOT) AND AL BASRA OIL TERMINAL (ABOT).

1. On 24 April 2004, 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 (GEOREF 29-46.8n, 048-48.5e) and the Al Basra Oil Terminal, formerly known as the Mina Al Bakr Oil Terminal (GEOREF 2940.8n, 048-48.5e) as follows:
4. Khawr Al'Amaya Oil Terminal (GEOREF 29-46.8n, 048-48.5e). The warning zone extends 3,000 meters from the outer edge of the terminal structure, in all directions, creating a racetrack shape 6,990 meters long by 6,107 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 (GEOREF 29-40.8n, 048-48.5e). The warning zone extends 3,000 meters from the outer edge of the terminal structure, in all directions, creating a racetrack shape 7,030 meters long by 6,107 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 6 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

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ABOT oil terminals within Iraqi territorial waters. The exclusion zones extend 2,000 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, tel: 973-17-85-4627 or 973-17-85-4839, fax: 973-17-85-9117 or 973-17-85-4344, or the U.S. Maritime Liaison Office (MARLO) Bahrain, tel: 973-17-85-3925, fax: 973-17-85-3930.

Appendix C

HYDROPAC 790/04

May 2, 2004

UNCLASSIFIED

021010Z MAY 04

FM NGA NAVSAFETY BETHESDA MD//

MSGID/GENADMIN/NGA NAVSAFETY BETHESDA MD//

RMKS/ HYDROPAC 790/04(62). PERSIAN GULF.

CHART 62590 (2ND ED).

3000 METER WARNING ZONES AND 2000 METER EXCLUSION ZONE ESTABLISHED

IN:

A. 29-46.8N 048-48.5E

B. 29-40.8N 048-48.5E.//

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HYDROPAC 795/2004

May 3, 2004

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 3. UNKNOWN AND WHICH POSES A THREAT.
3. EFFECTIVE IMMEDIATELY, WARNING ZONES ARE ESTABLISHED AROUND THE KHAWR AL'AMAYA OIL TERMINAL (29-46.8N 04848.5E) 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.

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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.

**HYDROLANT 1750/05 (GEN).
26 SEP 2005**

NORTH ATLANTIC. MEDITERRANEAN SEA

MILITARY EXERCISE WITH PARTICIPATION OF MERCHANT SHIPPING.

1. FAMEX-05. NCAGS EXERCISE WILL TAKE PLACE 26 THRU 28 SEP IN THE MEDITERRANEAN SEA (INCLUDING THE STRAIT OF GIBRALTAR) AND THE ATLANTIC OCEAN. THE PARTICIPATING UNITS INCLUDE MILITARY FORCES AND NATIONAL AUTHORITIES AND NATIONAL ADMINISTRATIONS AND ORGANIZATIONS WITH RELATION TO THE ACTION OF THE STATE AT SEA. DURING THIS EXERCISE, SPANISH NAVAL COOPERATION AND GUIDANCE FOR SHIPPING (NCAGS) STRUCTURE WILL BE ACTIVATED.

2. THE NCAGS AREA IS DEFINED AS THE AREA CONTAINED BY PARALLELS 25-00N 45-00N AND MERIDIANS 005-00E 020-00W. NCAGS PROCEDURES WILL BE USED TO INTERACT WITH MERCHANT SHIPPING THROUGHOUT THE EXERCISE PERIOD.

3. 26 THRU 28 SEP COOPERATION OF MERCHANT SHIPS WILL BE OF SIGNIFICANT VALUE FOR THE EXERCISE. EVERY MERCHANT SHIP GREATER THAN 300GRT APPROACHING THE EXERCISE AREA OR PORTS WITHIN THE NCAGS AREA, IS INVITED TO PARTICIPATE TO IMPROVE THE REPORTING AND EXCHANGE OF INFORMATION. SUCH REPORTING IS VOLUNTARY, HOWEVER ORGANIZATIONS ARE ENCOURAGED TO SUPPORT THIS SERVICE WHICH IS AIMED AT BENEFITING SHIPPING OPERATING IN THE VICINITY OF MILITARY ACTIVITY.

4. SHIPPING AUTHORITIES AND MERCHANT SHIPS ARE KINDLY REQUESTED TO COLLABORATE WITH THE NATIONAL SPANISH SHIPPING CENTER (NATIONAL SP SC), LOCATED IN CARTAGENA (SPAIN). INDIVIDUAL MERCHANT VESSELS WILL BE ENCOURAGED TO REPORT DIRECTLY TO THE NATIONAL SP SC WHEN APPROACHING OR SAILING WITHIN THE NCAGS AREA BY SENDING ABBREVIATED VERSION OF FORMAT ALFA. THESE REPORTS SHOULD BE SENT AT LEAST 24 HOURS IN ADVANCE OF ENTERING THE AREA OF EXERCISE.

5. VESSELS ARE INVITED TO CONTACT THE NATIONAL SPANISH SHIPPING CENTER AS FOLLOWS, EMAIL: SPFAMNCAGS(AT)FN.MDE.ES, FAX: 34 968 12 7033.

6. PROVISION OF THIS INFORMATION WILL ASSIST IN THE PRACTICE OF COMPILING AN ACCURATE SHIPPING PLOT FOR THE SECURITY OF

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SHIPPING BY NAVAL FORCES. IT WILL ALSO HELP THE PROCESS TO REDUCE UNNECESSARY VHF TRAFFIC BETWEEN MERCHANT SHIPS AND NATO WARSHIPS.

7. WHEN IN OR APPROACHING THE EXERCISE AREA, SHIPPING MAY BE CONTACTED BY PARTICIPATING NAVAL VESSELS OR ONE OF THE SHIPPING COOPERATION POINTS (SCP'S) ESTABLISHED IN CARTAGENA, LAS PALMAS, FERROL, CADIZ OR PALMA DE MALLORCA.

8. FORMAT ALFA (ABBREVIATED). THE FOLLOWING FORMAT ALFA WILL BE USED DURING FAMEX-05. NCAGS EXERCISE:

- (1) SHIP'S NAME.
 - (2) INTERNATIONAL CALL SIGN.
 - (3) TYPE OF VESSEL.
 - (4) FLAG OF REGISTRY.
 - (5) IMO NUMBER.
 - (11A) SERVICE SPEED.
 - (15) INMARSAT TELEPHONE NUMBERS.
 - (16) INMARSAT FAX NUMBERS.
 - (17) INMARSAT TELEX NUMBERS.
 - (18) INMARSAT DATA NUMBERS.
 - (19) OTHER COMMUNICATION MEANS INCLUDING E-MAIL ADDRESSES.
 - (20) INTENDED MOVEMENT - DESCRIPTION OF ROUTE.
 - (21) LAST PORT AND COUNTRY OF CALL INCLUDING ACTUAL DATE AND TIME OF DEPARTURE FROM LAST PORT (ETD).
 - (22) NEXT PORT AND COUNTRY OF CALL INCLUDING ETA.
 - (23) CURRENT POSITION (0600Z, 1200Z).
- FOR TIMINGS, PLEASE INDICATE THE USE OF LOCAL OR UTC/ZULU.
(261503Z SEP 2005)

SPECIAL WARNING NO. 123.

SOMALIA.

11 November 2005

1. Due to continuing conditions of armed conflict and lawlessness in Somalia and waters off its coast, mariners are advised to avoid the Port of Muqdisho (Mogadishu) and to remain at least 200 nautical miles distant from the Somali coast. The U.S. Government does not have an Embassy in Somalia and cannot provide services to US citizens.
2. Recent vessel hijackings off the east coast of Somalia demonstrate that pirates are able to conduct at sea hijackings from as far south as Kismaayo (Chisimayu) (00-22S) - though vessels are advised to transit no closer than 02-00S - to as far north as Eyl (08-00N), and out to a distance of 170 miles. The first known attempt to hijack a cruise vessel occurred in November 2005. All merchant vessels transiting the coast of Somalia, no matter how far offshore, should increase antipiracy precautions and maintain a heightened state of vigilance. Pirates are reported to have used previously hijacked ships as bases for further attacks.
3. Another reported pirate tactic has been to issue a false distress call to lure a ship close inshore. Therefore, caution should be taken when responding to distress calls keeping in mind it may be a tactic to lure a vessel into a trap.
4. Victimized vessels have reported two to three (2-3) speedboats measuring six to nine meters (6-9M) in length. Each vessel has a crew of three to six (3-6) armed men with AK-47s and shoulder launched rockets, which are opening fire on vessels in broad daylight in order to intimidate them into stopping.
5. To date, vessels that increase speed and take evasive maneuvers avoid boarding while those that slow down are boarded, taken to the Somali coastline, and released after successful ransom payment, often after protracted negotiations of as much as 11 weeks.
6. Cancel Special Warning number 111. (Dept. of State) (11 November 2005)

**HYDROLANT 851/07(61).
21 MAY 2007**

SOMALI PIRACY

1. THE NATIONAL MARITIME INTELLIGENCE CENTER (NMIC) ADVISES THAT PIRACY HAS RESUMED IN INTERNATIONAL SHIPPING LANES OFF THE CENTRAL EAST COAST OF SOMALIA AS OF 14 MAY 2007. VESSELS REPORT BEING FIRED UPON APPROXIMATELY 190 NM OFF THE SOMALI COAST IN THE VICINITY OF 01-20N 049-00E BY GUNMEN IN SMALL WHITE SPEEDBOATS ARMED WITH MACHINE GUNS AND ROCKET PROPELLED GRENADES. GIVEN THE DISTANCE FROM SHORE THESE RECENT ATTACKS HAVE OCCURRED AND POOR WEATHER CONDITIONS TYPICAL FOR THIS TIME OF YEAR, ONI ASSESSES PIRATES ARE LIKELY UTILIZING A LARGER MERCHANT VESSEL AS A MOTHER-SHIP TO LAUNCH THEIR SMALL-BOAT ATTACKS. THE INTERNATIONAL MARITIME BUREAU (IMB) HAS INCREASED THEIR RECOMMENDED TRANSIT DISTANCE FROM 75 NM TO 200 NM FOR VESSELS NOT CALLING ON SOMALI PORTS.
2. ONI FURTHER ADVISES VESSELS TO STAY AT LEAST 50 NM AWAY FROM POSITION 01-02N 048-10E UNTIL THE MOTHER-SHIP THREAT CAN BE EVALUATED.
3. ALL VESSELS ARE ADVISED TO REMAIN AT LEAST 200 NM FROM THE EAST COAST OF SOMALIA. ALL MERCHANT VESSELS TRANSITING THE COAST OF SOMALIA, NO MATTER HOW FAR OFFSHORE, SHOULD INCREASE ANTI-PIRACY PRECAUTIONS AND MAINTAIN A HEIGHTENED STATE OF VIGILANCE. PIRATES ARE REPORTED TO HAVE USED PREVIOUSLY HIJACKED SHIPS AS BASES FOR FURTHER ATTACKS.
4. ANOTHER REPORTED PIRATE TACTIC HAS BEEN TO ISSUE A FALSE DISTRESS CALL TO LURE A SHIP CLOSE INSHORE. THEREFORE, CAUTION SHOULD BE TAKEN WHEN RESPONDING TO DISTRESS CALLS KEEPING IN MIND IT MAY BE A TACTIC TO LURE A VESSEL INTO A TRAP.
5. VICTIMIZED VESSELS REPORT TWO TO THREE 6 TO 9 METER SPEEDBOATS WITH 3 TO 6 ARMED MEN PER VESSEL ARMED WITH AK-47S AND SHOULDER LAUNCHED ROCKETS, OPENING FIRE ON THEIR VESSELS IN BROAD DAYLIGHT IN ORDER TO INTIMIDATE THEM INTO STOPPING.
6. TO DATE, VESSELS THAT INCREASE SPEED AND TAKE EVASIVE MANEUVERS AVOID BOARDING WHILE THOSE THAT SLOW DOWN ARE BOARDED, TAKEN TO THE SOMALI COASTLINE, AND RELEASED AFTER SUCCESSFUL RANSOM PAYMENT, OFTEN AFTER PROTRACTED NEGOTIATIONS OF AS MUCH AS 11 WEEKS.
7. FOR FURTHER INFORMATION REGARDING THIS ADVISORY, CONTACT THE MARITIME ADMINISTRATION, OFFICE OF SECURITY, CODE MAR-420, 2W23-312, 1200 NEW JERSEY AVE, SE, WASHINGTON, DC 20590; TELEPHONE 202-366-1883, OR BY E-MAIL TO OWEN.DOHERTY@DOT.GOV.
8. SUSPECTED ACTIVITY OR ACTUAL PIRACY/TERRORIST INCIDENT REPORTING GUIDANCE IS PROVIDED IN MARAD ADVISORY 05-01.
9. DEPARTMENT OF STATE SPECIAL WARNING NUMBER 123 PERTAINS.

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10. CANCEL MARAD ADVISORY 05-03 (28 OCT 2005). (211348Z MAY 2007)

**HYDROPAC 44/08(GEN).
09 JAN 2008**

NORTHERN ARABIAN GULF

1. BACKGROUND: AT THE REQUEST OF THE IRAQI GOVERNMENT AND IN ACCORDANCE WITH UNITED NATIONS SECURITY COUNCIL RESOLUTIONS (UNSCR) 1483 AND 1546, A MULTINATIONAL MARITIME SECURITY FORCE (MSF) CONTINUES TO OPERATE IN THE NORTHERN ARABIAN GULF (NAG). THIS FORCE IS AUTHORIZED TO CONDUCT MARITIME SECURITY OPERATIONS TO PREVENT THE UNAUTHORIZED TRADE OF ARMS AND RELATED MATERIAL, TO PERFORM CUSTOMARY DEFENSE MISSIONS ON BEHALF OF THE IRAQI GOVERNMENT AND TO TAKE ALL NECESSARY MEASURES TO CONTRIBUTE TO THE MAINTENANCE OF SECURITY AND STABILITY IN IRAQ.

2. ACTION: ALL VESSELS EN ROUTE TO AND FROM IRAQI PORTS ARE SUBJECT TO QUERY, AND MAY BE SUBJECT TO BOARDING AND INSPECTION BY THE MSF UNTIL FURTHER NOTICE. THIS NOTICE AFFECTS VESSELS TRAVERSING OR PREPARING TO TRAVERSE IRAQI TERRITORIAL WATERS, THEKHAWR ABD ALLAH, SHATT AL ARAB AND IRAQ'S OFFSHORE AL BASRAH AND KHAWR AL'AMAYA OIL TERMINALS. INSPECTIONS ARE CONDUCTED TO VERIFY COMPLIANCE WITH RELEVANT UNSCRS AND TO CONTRIBUTE TO THE MAINTENANCE OF SECURITY AND STABILITY IN IRAQ. THE INTENT IS TO CONDUCT THOROUGH INSPECTIONS WITH MINIMUM DISRUPTION TO MARITIME COMMERCE. ALL CLEARED VESSELS WILL BE PERMITTED TO PROCEED TO THEIR NEXT PORT OF CALL UPON INSPECTION COMPLETION. ANY VESSEL CARRYING UNAUTHORIZED ARMS AND RELATED MATERIAL OR OTHER CARGO THAT COULD JEOPARDIZE THE MAINTENANCE OF SECURITY AND STABILITY IN IRAQ WILL BE DETAINED AND TURNED OVER TO THE IRAQI GOVERNMENT FOR APPROPRIATE ACTION IN ACCORDANCE WITH IRAQI LAW. SPECIFICALLY, VIOLATIONS MAY RESULT IN THE SEIZURE AND CONFISCATION OF CARGO BY THE IRAQI GOVERNMENT. ADDITIONALLY, THE MASTER AND CREW MEMBERS OF VESSELS CARRYING SUCH CARGO ARE SUBJECT TO ARREST, DETENTION, AND PROSECUTION UNDER IRAQI LAW. STRICT ADHERENCE TO THE PROCEDURES IN THIS NOTICE WILL MINIMIZE DELAYS ASSOCIATED WITH SUCH INSPECTIONS. IRAQI PORT STATUS, CATEGORIES OF VESSEL TRAFFIC THAT CAN BE ACCEPTED, AND OTHER RESTRICTIONS WILL BE PUBLISHED VIA SEPARATE NOTICE BY THE IRAQI GOVERNMENT. HYDROGRAPHIC CONDITIONS OF IRAQI PORTS AND CONNECTING WATERWAYS WILL ALSO BE PUBLISHED VIA SEPARATE NOTICE BY THE IRAQI GOVERNMENT. PARTIES WISHING TO DISPATCH SHIPS TO IRAQI PORTS ARE ADVISED TO REVIEW THESE NOTICES AND CONTACT THE IRAQI PORT AUTHORITY FOR CURRENT ENTRY PROTOCOL AND RESTRICTIONS.

3. CHECKPOINT: VESSELS BOUND FOR OR DEPARTING FROM IRAQI PORTS AND OFFSHORE OIL TERMINALS MUST PASS WITHIN A FIVE NAUTICAL MILE RADIUS OF LATITUDE TWENTY-NINE DEGREES THIRTY-FIVE MINUTES NORTH AND LONGITUDE FORTY-EIGHT DEGREES FIFTY-THREE MINUTES EAST (29-35N 048-53E). APPROACHING VESSELS MUST CONTACT THE MARITIME SECURITY FORCE COMMANDER ON MARINE VHF (BRIDGE-TO-BRIDGE) RADIO TELEPHONE, CHANNEL 16 WITHIN FIVE NAUTICAL MILES OF THIS POINT AND BE PREPARED

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TO RESPOND TOMSF QUERIES.

4. NOTIFICATION: ALL SHIPPING MUST BE COORDINATED WITH THE IRAQI PORT AUTHORITY OR STATE OIL MARKETING ORGANIZATION (SOMO).

5. CARGO DOCUMENTATION: DOCUMENTATION FOR IRAQ BOUND CARGO MUST INCLUDE THE ITEMS LISTED BELOW.

A. AN ORIGINAL MANIFEST DESCRIBING THE CARGO, AS WELL AS ITS LOCATION IN THE SHIP, MUST BE ONBOARD. THE ORIGINAL MANIFEST MUST INCLUDE THE PORT OF ORIGIN, PORTS OF CALL, COMPLETE BUSINESS NAMES AND ADDRESSES OF ALL SHIPPERS AND CONSIGNEES AND FINAL DESTINATION OF ALL CARGO. A COMPLETE BUSINESS ADDRESS MUST INCLUDE, THE STREET ADDRESS, A PROMINENT IDENTIFIABLE GEOGRAPHIC LOCATION, OR A POST OFFICE BOX, CONTACT PERSON, NAME OR RECIPIENT MINISTRY OR ENTITY, AN E-MAIL ADDRESS PLUS A TELEPHONE NUMBER OR FAX NUMBER.

B. CONSIGNEE NAMES AND ADDRESSES ON ALL CARGO MUST MATCH THE MANIFEST.

C. THE MANIFEST MUST BEAR AN ORIGINAL SIGNATURE OF THE VESSEL'S MASTER OR CHIEF MATE. THE MANIFEST MAY BE ON SHIPPERS LETTERHEAD, FAX, PHOTOCOPY OR COMPUTER PRINTOUT, BUT IT MUST BEAR AN ORIGINAL SIGNATURE.

D. THE ORIGINAL MANIFEST MAY CONSIST OF MORE THAN ONE DOCUMENT IF THERE ARE AMENDMENTS THAT LIST CARGO DROPPED OFF AT A GIVEN PORT OR CORRECT THE ORIGINAL MANIFEST. THESE AMENDMENTS MAY ORIGINATE FROM THE SHIPPER OR CARRIER. SINCE ADDITIONAL DOCUMENTS MAY BE TRANSMITTED TO A VESSEL BY TELEGRAM OR FAX, THEY NEED NOT BEAR AN ORIGINAL SIGNATURE. HOWEVER, THE MASTER IS REQUIRED TO CERTIFY IN WRITING THAT THE AMENDED MANIFEST ACCURATELY REFLECTS WHAT IS ON BOARD THE VESSEL.

6. INCOMPLETE DOCUMENTATION: IRAQ BOUND VESSELS WHICH ARE DETERMINED TO HAVE INCOMPLETE CARGO MANIFESTS, TO BE OTHERWISE IN VIOLATION OF REQUIREMENTS LISTED IN PARAGRAPH 5 OF THIS ADVISORY OR IRAQI LAWS, MAY BE DETAINED BY THE MSF FOR TURN OVER TO THE IRAQI GOVERNMENT OR DIVERTED TO LAST PORT OF CALL UNTIL APPROPRIATE CONDITIONS ARE MET.

7. PETROLEUM IMPORTS AND EXPORTS: TRADE IN PETROLEUM PRODUCTS IS CONTROLLED BY THE IRAQI GOVERNMENT. IRAQI LAW AUTHORIZES THE SEIZURE AND CONFISCATION OF VESSELS FOUND IN VIOLATION OF ANY PETROLEUM IMPORT OR EXPORT AUTHORIZATION. ALL PETROLEUM IMPORTS AND EXPORTS ARE HANDLED THROUGH SOMO OR ITS AGENT THE IRAQI SOUTH OIL COMPANY (SOC). ONLY THOSE OIL SHIPMENTS VERIFIED TO BE UNDER VALID SOMO CONTRACT, OR OTHERWISE SPECIFICALLY AUTHORIZED BY THE IRAQI GOVERNMENT WILL BE ALLOWED TO PASS. SOMO CAN BE CONTACTED BY FAX AT 00 8737 6370 5020.

8. VESSEL DOCUMENTATION: VESSELS MUST MAINTAIN SUFFICIENT INDICIA OF FLAG STATE REGISTRY, SUCH AS THE ORIGINAL CERTIFICATE OF REGISTRY, ON BOARD AT ALL TIMES THE VESSEL IS IN OPERATION. STATELESS VESSELS OR

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VESSELS WITHOUT VALID SAFETY AND ENVIRONMENTAL PROTECTION CERTIFICATES ARE NOT WELCOME IN IRAQ.

A. QUESTIONABLE REGISTRY: VESSELS WITH QUESTIONABLE REGISTRY MAY BE DELAYED IN OBTAINING CLEARANCE TO PROCEED OR FACE DETENTION AND OTHER PENALTIES UPON ARRIVAL IN IRAQI PORTS.

B. INVALID REGISTRY: VESSELS PRESENTING CERTIFICATES OF REGISTRY CONFIRMED TO BE INVALID WILL BE DENIED ENTRY INTO IRAQ, AND COULD BE SUBJECT TO ARREST BY THE IRAQI GOVERNMENT.

9. PERSONNEL IDENTIFICATION: ALL CREWMEMBERS ON IRAQ BOUND VESSELS MUST POSSESS VALID SEAMAN'S DOCUMENTS OR PASSPORTS. ALL PASSENGERS EN ROUTE IRAQ MUST POSSESS VALID PASSPORTS OR OTHER IDENTIFICATION DOCUMENTS ACCEPTABLE UNDER IRAQI LAW OR REGULATION.

10. FERRIES AND PASSENGER SHIPS: FERRIES OR PASSENGER SHIPS TRAVERSING THE IRAQI MARITIME SECURITY FORCE CHECKPOINT WILL BE SUBJECT TO THE FOLLOWING REQUIREMENTS.

A. VESSELS CARRYING PASSENGERS ONLY (WITH NO COMMERCIAL CARGO CAPACITY) MAY ARRANGE FOR AN EXPEDITIOUS TRANSIT THROUGH THE CHECKPOINT BY FORWARDING A CERTIFIED PASSENGER LIST AT LEAST 36 HOURS PRIOR TO TRANSIT BY FAX OR LETTER TO THE IRAQI PORT AUTHORITY. ADDITIONALLY, TEN DAYS PRIOR TO FIRST TRANSIT FORWARD A CERTIFIED ATTESTATION BY FAX OR LETTER FROM A RECOGNIZED MEMBER OF THE INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS) THAT THE SHIP IN FACT HAS NO CARGO CARRYING CAPACITY.

B. A PASSENGER VESSEL ARRIVING AT THE IRAQI MARITIME SECURITY FORCE CHECKPOINT THAT HAS NOT COMPLIED WITH THE REQUIREMENTS OF PARAGRAPH 10.A. WILL BE HELD UNTIL AUTHORIZED BY THE IRAQI PORT AUTHORITY TO ENTER PORT. THE PASSENGER VESSEL MAY BE BOARDED AND INSPECTED WHILE AWAITING AUTHORIZATION.

11. QUERY/BOARDING PROCEDURES: MSF UNITS QUERYING PASSING VESSELS WILL IDENTIFY THEMSELVES AS MARITIME SECURITY FORCE WARSHIP (OR AIRCRAFT) AND MAY GIVE AN IDENTIFYING NUMBER. MERCHANT VESSELS WILL BE EXPECTED TO PROVIDE THE FOLLOWING INFORMATION IN RESPONSE TO QUERY.

1. NAME.
2. FLAG.
3. INTERNATIONAL RADIO CALL SIGN OR DISTINCTIVE LETTERS ASSIGNED BY FLAG STATE.
4. CARGO QUANTITY AND DESCRIPTION (WITH EXCEPTION OF MILITARY CARGO).
5. AGENT.
6. LAST PORT OF CALL AND DATE DEPARTED.
7. NEXT PORT OF CALL AND ESTIMATED ARRIVAL.
8. DATE OF ARRIVAL AND DEPARTURE.

FOLLOWING QUERY, VESSELS MAY BE CLEARED TO PROCEED OR

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DIRECTED TO STANDBY FOR BOARDING. SHIPS DIRECTED TO STANDBY FOR BOARDING WILL BE BOARDED AS EXPEDITIOUSLY AS POSSIBLE, WITH DUE REGARD FOR WEATHER CONDITIONS AND VESSEL CHARACTERISTICS. COALITION VESSELS CONDUCTING BOARDING'S WILL ENDEAVOR TO PROVIDE ADVANCE NOTICE OF BOARDING TEAM ARRIVAL WHENEVER POSSIBLE.

A. BOARDING/SECURITY SWEEP: BOARDING TEAMS WILL ADVISE VESSELS OF REQUIREMENTS TO MUSTER CREW AND ACCOUNT FOR ANY WATCHSTANDERS PRIOR TO BOARDING. ALL DIRECTIONS FROM THE COALITION VESSEL SHOULD BE FOLLOWED EXPLICITLY TO AVOID MISUNDERSTANDING. IF ANY DIRECTION IS NOT UNDERSTOOD, THE VESSEL MASTER SHOULD ASK FOR CLARIFICATION. MERCHANT CREWS SHOULD NOT TAKE OFFENSE AT SECURITY SWEEPS, AND SHOULD NOT INTERFERE WITH THEM. REMAIN IN LOCATIONS DESIGNATED UNTIL CLEARED TO MOVE ABOUT THE SHIP BY THE BOARDING TEAM.

B. SHIP INSPECTION. VESSEL MASTERS CAN FACILITATE THE INSPECTION PROCESS BY OPENING HATCH COVERS AND MAKING OTHER REASONABLE PREPARATIONS PRIOR TO THE ARRIVAL OF THE BOARDING TEAM. THE SHIP'S CERTIFICATE OF REGISTRY, CARGO DOCUMENTATION, AND CREW PASSPORTS OR SEAMAN'S BOOKS SHOULD BE AVAILABLE FOR INSPECTION BY THE BOARDING OFFICER. BOARDING TEAMS MAY REQUIRE COPIES OF SOME DOCUMENTS.

(091140Z JAN 2008)

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**SPECIAL WARNING NO. 124.
NICARAGUA.**

10 June 2008

1. Mariners operating small vessels such as yachts and fishing vessels should note that Nicaragua has boundary disputes with its neighbors in both its Caribbean and Pacific waters, and should exercise caution.
2. The Caribbean waters lying generally south of the 15th parallel and east of the 82nd up to the 79th meridians are subject to a current dispute between Nicaragua and Colombia.
3. The international court of justice has delimited a new maritime boundary line awarding maritime areas to the government of Nicaragua previously claimed by Honduras above the 15th parallel and apparently east of the 82nd meridian.
4. The Nicaraguan navy is patrolling portions of this maritime space, enforcing the requirement that fishing vessels hold a valid Nicaraguan fishing license, and has seized vessels not in compliance.
5. There have been cases where Nicaraguan authorities have seized foreign-flagged fishing and other vessels off the Nicaraguan coast. The government of Nicaragua imposes heavy fines on parties caught fishing illegally within waters of Nicaragua's jurisdiction.
6. While in all cases passengers and crew have been released within a period of several weeks, in some cases the ships have been searched, personal gear and navigational equipment has disappeared, and Nicaraguan authorities have held seized vessels for excessive periods.
7. Prompt U.S. embassy consular access to detained U.S. citizens on Nicaragua's Caribbean coast may not be possible because of delays in notification due to the relative isolation of the region.
8. There have been reported incidents of piracy in Caribbean and Pacific waters off the coast of Nicaragua, but the Nicaraguan Navy has increased its patrols and no recent incidents have been reported.
9. Cancel Special Warning number 95. (Dept. of State) (10 June 2008)

NO. 1/2009 Blockade of Gaza Strip

Tuesday, 06 January 2009 01:00

1. Subject: Blockade of Gaza Strip

2. Source : Israeli Navy

All mariners are advised that as of 03 January 2009, 1700 UTC, Gaza maritime area is closed to all maritime traffic and is under blockade imposed by Israeli Navy until further notice.

Maritime Gaza area is enclosed by the following coordinates:

31 35.71 N 34 29.46 E

31 46.80 N 34 10.01 E

31 19.39 N 34 13.11 E

31 33.73 N 33 56.68 E

**HYDROLANT 58/10(56).
12 JAN 2010**

**EASTERN MEDITERRANEAN SEA.
LEBANON.**

1. UNITED NATIONS INTERIM FORCE IN LEBANON (UNIFL) MARITIME TASK FORCE (MTF) IS MONITORING THE MERCHANT TRAFFIC SAILING TOWARDS LEBANESE PORTS OR TRANSITING INSIDE THE LEBANESE TERRITORIAL WATERS. THE UNIFL-MTF IS ACTING IN ACCORDANCE WITH THE UNITED NATIONS SECURITY COUNCIL RESOLUTION (UNSCR) 1701.

2. SHIPS APPROACHING THE LEBANESE TERRITORIAL WATERS ARE TO BE READY TO ANSWER UNITED NATION WARSHIPS HAILING AND TO BE CONTROLLED IN APPLICATION OF THE ABOVE MENTIONED UNSCR 1701. 3. SHIPS PLANNING TO ENTER LEBANESE TERRITORIAL WATERS ARE TO MAKE SURE THAT THEIR AGENTS IN LEBANON INFORM THE APPROPRIATE LEBANESE AUTHORITIES ABOUT THEIR INTENDED ARRIVAL.

4. SINCE 12 SEPTEMBER 2006 FOUR ENTRY AND TRANSITING CORRIDORS HAVE BEEN ESTABLISHED WITHIN THE LEBANESE TERRITORIAL WATERS:

A. CORRIDOR TO TRIPOLI PORT: ENTRY POINT 34-30N 035-31E, COURSE 090 TOWARDS TRIPOLI BREAKWATER.

B. CORRIDOR TO BEIRUT PORT: ENTRY POINT 33-54N 035-13E, COURSE 090 TOWARDS BEIRUT BREAKWATER.

C. CORRIDOR TO SAIDA PORT: ENTRY POINT 33-34N 035-08E, COURSE 090 TOWARDS SAIDA BREAKWATER.

D. COASTAL CORRIDOR: ALONG THE COASTLINE, THREE MILES FROM THE SHORELINE, TO BE USED BY MERCHANT TRAFFIC BETWEEN LEBANESE PORTS.

5. MERCHANT VESSELS USING THESE CORRIDORS ARE TO ADHERE TO THE FOLLOWING RULES:

A. ANY MERCHANT VESSEL DESTINED TO ONE OF THE THREE ABOVE MENTIONED PORTS SHALL SAIL TO THEIR DESTINATION USING THE INDICATED CORRIDOR UNTIL A DISTANCE OF 3 MILES FROM THE SHORE. FROM THIS POINT, THEY SHALL HEAD TO THE PORT ENTRANCE.

B. ANY MERCHANT VESSEL DEPARTING A LEBANESE PORT AND DESTINED TO ANY OTHER LEBANESE PORT SHALL SAIL ALONG THE LEBANESE COAST USING THE COASTAL CORRIDOR UNTIL THE PORT OF DESTINATION ENTRANCE.

C. WHEN DEPARTING FROM ANY LEBANESE PORT AND LEAVING THE LEBANESE TERRITORIAL WATERS, ALL SHIPS SHALL ASSUME COURSE 270, AS SAFE NAVIGATION PERMITS.

6. CANCEL HYDROLANT 1670/08.
(121240Z JAN 2010)

**SPECIAL WARNING NO. 125.
WORLDWIDE.**

16 November 2010

1. The Department of State warns U.S. citizens of the high security threat level in Yemen due to terrorist and recommends postponing non-essential to Yemen. The level of risk for foreigners in Yemen remains high. A recent body of information suggests that Yemen based extremists are planning an attack against port facilities, commercial or transiting warships. Although it is unclear exactly how the Yemen based extremists intend to conduct an attack, it may be similar in nature to the attack against the U.S.S. Cole in October 2000 or the M/V Limburg in October 2002, where a small to mid-size boat laden with explosives was detonated in the vicinity of the targeted ships. However, it cannot be ruled out that the extremists may be capable of other more sophisticated methods of targeting, such as the use of mortars or projectiles to target ships such as the missiles used to unsuccessfully strike a navy ship in Jordan in 2005. Although the time and location of such an attack is unknown, it is likely that ships in the Bab-al-Mandeb Strait, Southern Red Sea, and the Gulf of Aden along the coast of Yemen, as well as in associated ports or at offshore facilities are at the greatest risk of becoming targets of such an attack.
2. Travel by boat through the Red Sea or near the Socotra Islands in the Gulf of Aden also presents a continuing high risk of pirate attacks. In 2009, over 70 vessels were reportedly attacked. Since the beginning of 2010, four vessels reportedly have been seized in the area, one released in February. As of 15 March 2010, nine vessels and crew were being held for ransom, in addition to a British couple that was abducted from their yacht.
3. The Department of State strongly encourages U.S. citizens to register at the consular section of the U.S. Embassy in Sana'a and enroll in the Warden System (Emergency Alert Network) to obtain updated information on travel and security in Yemen prior to travel at State Department's travel registration website: <https://travelregistration.state.gov/ibrs/ui/>. American citizens should also consult the U.S. eEmbassy website: http://yemen.usembassy.gov/yemen/citizen_services.html get the most recent warden messages with up to date information on security conditions.
4. The U.S. Embassy, Sana'a is located at Dhahr Himyar Zone, Sheraton Hotel District, P.O. Box 22347. The number of the consular section is 967 1755 2000, extension 2153 or 2266. For after hours emergencies, please call 967 1755 2000 (press zero for extension) or 967 3321 3509. From time to time the embassy may temporarily close or suspend public services for security reasons. Emergency assistance to U.S. citizens during non-business hours (or when public access is restricted) is available through embassy duty personnel.
5. Additional information from the U.S. Maritime Administration may be available at: http://www.marad.dot.gov/news_room_landing_page/maritime_advisories/advisory_summary.htm.
6. Cancel Special Warning 113. (Dept. of State) (16 November 2010)

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**HYDROPAC 471/10(19)
11 DEC 2010**

**NORTH PACIFIC. HAWAII.
MISSILES.**

1. INTERMITTENT MISSILE FIRING OPERATIONS 0001Z TO 2400Z DAILY MONDAY THRU SUNDAY IN THE PACIFIC MISSILE RANGE FACILITY, HAWAIIAN AREA, BARKING SANDS, KAUAI. THE MAJORITY OF MISSILE FIRINGS TAKE PLACE 1600Z TO 0400Z DAILY MONDAY THRU FRIDAY. PACIFIC MISSILE RANGE FACILITY HAWAIIAN AREA (W188) IS BOUND BY

22-02.4N 159-47.3W, 22-00.0N 159-51.0W, 22-00.0N 160-00.0W,
22-02.7N 160-09.1W, 22-03.0N 160-21.0W, 22-05.0N 161-35.0W,
22-56.0N 161-49.0W, 22-45.0N 161-25.0W, 23-57.0N 160-41.0W,
25-41.0N 161-36.0W, 25-47.0N 158-15.0W, 23-54.0N 158-15.0W,
22-20.0N 159-09.0W, 21-58.1N 159-20.5W, 22-13.0N 159-42.0W,
22-00.0N 159-51.0W.

2. VESSELS MAY BE REQUESTED TO ALTER COURSE WITHIN THE ABOVE AREA DUE TO FIRING OPERATIONS AND ARE REQUESTED TO CONTACT "MISSILE RANGE BARKING SANDS" ON 2182 KHZ, 4491 USB OR 156.8 MHZ (CHANNEL 16) BEFORE ENTERING THE ABOVE BOUNDARIES. IF UNABLE TO CONTACT THE PACIFIC MISSILE RANGE FACILITY PRIOR TO ENTERING OR WHILE IN THE WARNING AREA, RELAY MESSAGES THROUGH U.S. COAST GUARD HONOLULU.

3. VESSELS INBOUND AND OUTBOUND FOR HAWAIIAN PORTS WILL CREATE THE LEAST INTERFERENCE TO FIRING OPERATIONS AS WELL AS ENHANCE THE VESSEL'S SAFETY BY PASSING SOUTH OF THE ISLANDS OF KAUAI AND NIIHAU DURING SPECIFIED TIMES.

4. CANCEL NAVAREA XII 445/10.
(011241Z DEC 2010)

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**United Nations Security Council Resolution 1970
February 26, 2011**

**Resolution 1970 (2011)
of 26 February 2011**

The Security Council,

Expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians,

Deploring the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government,

Welcoming the condemnation by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that are being committed in the Libyan Arab Jamahiriya,

Taking note of the letter to the President of the Security Council from the Permanent Representative of the Libyan Arab Jamahiriya dated 26 February 2011,

Welcoming the Human Rights Council resolution A/HRC/S-15/2 of 25 February 2011, including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, to establish the facts and circumstances of such violations and of the crimes perpetrated, and where possible identify those responsible,

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

Expressing concern at the plight of refugees forced to flee the violence in the Libyan Arab Jamahiriya,

Expressing concern also at the reports of shortages of medical supplies to treat the wounded,

Recalling the Libyan authorities' responsibility to protect its population,

Underlining the need to respect the freedoms of peaceful assembly and of expression, including freedom of the media,

Stressing the need to hold to account those responsible for attacks, including by forces under their control, on civilians,

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Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect,

Expressing concern for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya.

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Demands* an immediate end to the violence and calls for steps to fulfil the legitimate demands of the population;

2. *Urges* the Libyan authorities to:

(a) Act with the utmost restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors;

(b) Ensure the safety of all foreign nationals and their assets and facilitate the departure of those wishing to leave the country;

(c) Ensure the safe passage of humanitarian and medical supplies, and humanitarian agencies and workers, into the country; and

(d) Immediately lift restrictions on all forms of media;

3. *Requests* all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country;

ICC referral

“4. *Decides* to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court;

5. *Decides* that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;

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6. *Decides* that nationals, current or former officials or personnel from a State outside the Libyan Arab Jamahiriya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the Libyan Arab Jamahiriya established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State;

7. *Invites* the Prosecutor to address the Security Council within two months of the adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;

8. *Recognizes* that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

Arms embargo

9. *Decides* that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:

(a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established pursuant to paragraph 24 below;

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and humanitarian and development works and associated personnel, for their personal use only; or

(c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

10. *Decides* that the Libyan Arab Jamahiriya shall cease the export of all arms and related materiel and that all Member States shall prohibit the procurement of such items from the Libyan Arab Jamahiriya by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Libyan Arab Jamahiriya;

11. *Calls upon* all States, in particular States neighbouring the Libyan Arab Jamahiriya, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Libyan Arab Jamahiriya, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to

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believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 or 10 of this resolution for the purpose of ensuring strict implementation of those provisions;

12. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraph 9 or 10 of this resolution and decides further that all Member States shall cooperate in such efforts;

13. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 11 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

14. *Encourages* Member States to take steps to strongly discourage their nationals from travelling to the Libyan Arab Jamahiriya to participate in activities on behalf of the Libyan authorities that could reasonably contribute to the violation of human rights;

Travel ban

15. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in Annex I of this resolution or designated by the Committee established pursuant to paragraph 24 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

16. *Decides* that the measures imposed by paragraph 15 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the Libyan Arab Jamahiriya and stability in the region; or

(d) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in the Libyan Arab Jamahiriya and the State subsequently notifies the Committee within forty-eight hours after making such a determination;

Asset freeze

17. *Decides* that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in Annex II of this resolution or designated by the Committee established pursuant to paragraph 24 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in Annex II of this resolution or individuals designated by the Committee;

18. *Expresses* its intention to ensure that assets frozen pursuant to paragraph 17 shall at a later stage be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

19. *Decides* that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 17 above, and has been notified by the relevant State or Member States to the Committee;

20. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

21. *Decides* that the measures in paragraph 17 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a

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person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

Designation criteria

22. *Decides* that the measures contained in paragraphs 15 and 17 shall apply to the individuals and entities designated by the Committee, pursuant to paragraph 24 (b) and (c), respectively;

(a) Involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities; or

(b) Acting for or on behalf of or at the direction of individuals or entities identified in subparagraph (a).

23. *Strongly encourages* Member States to submit to the Committee names of individuals who meet the criteria set out in paragraph 22 above;

New Sanctions Committee

24. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein “the Committee”), to undertake the following tasks:

(a) To monitor implementation of the measures imposed in paragraphs 9, 10, 15, and 17;

(b) To designate those individuals subject to the measures imposed by paragraphs 15 and to consider requests for exemptions in accordance with paragraph 16 above;

(c) To designate those individuals subject to the measures imposed by paragraph 17 above and to consider requests for exemptions in accordance with paragraphs 19 and 20 above;

(d) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(e) To report within thirty days to the Security Council on its work for the first report and thereafter to report as deemed necessary by the Committee;

(f) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

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(g) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above;

(h) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

25. *Calls upon* all Member States to report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 above;

Humanitarian assistance

26. *Calls upon* all Member States, working together and acting in cooperation with the Secretary General, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya, and requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to this paragraph, and expresses its readiness to consider taking additional appropriate measures, as necessary, to achieve this;

Commitment to review

27. *Affirms* that it shall keep the Libyan authorities' actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of the Libyan authorities' compliance with relevant provisions of this resolution;

28. *Decides* to remain actively seized of the matter.

**United Nations Security Council Resolution 1973
March 17, 2011**

**Resolution 1973 (2011)
of 17 March 2011**

The Security Council,

Recalling its resolution 1970 (2011) of 26 February 2011,

Deploring the failure of the Libyan authorities to comply with resolution 1970 (2011),

Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,

Reiterating the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions,

Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and urging these authorities to comply with their obligations under international humanitarian law as outlined in resolution 1738 (2006),

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

Recalling paragraph 26 of resolution 1970 (2011) in which the Council expressed its readiness to consider taking additional appropriate measures, as necessary, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya,

Expressing its determination to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel,

Recalling the condemnation by the League of Arab States, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that have been and are being committed in the Libyan Arab Jamahiriya,

Taking note of the final communiqué of the Organisation of the Islamic Conference of 8 March 2011, and the communiqué of the Peace and Security Council of the African Union of 10 March 2011 which established an ad hoc High Level Committee on Libya,

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Taking note also of the decision of the Council of the League of Arab States of 12 March 2011 to call for the imposition of a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in the Libyan Arab Jamahiriya,

Taking note further of the Secretary-General's call on 16 March 2011 for an immediate cease-fire,

Recalling its decision to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court, and stressing that those responsible for or complicit in attacks targeting the civilian population, including aerial and naval attacks, must be held to account,

Reiterating its concern at the plight of refugees and foreign workers forced to flee the violence in the Libyan Arab Jamahiriya, welcoming the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees and foreign workers, and calling on the international community to support those efforts,

Deploring the continuing use of mercenaries by the Libyan authorities,

Considering that the establishment of a ban on all flights in the airspace of the Libyan Arab Jamahiriya constitutes an important element for the protection of civilians as well as the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Libya,

Expressing concern also for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

Welcoming the appointment by the Secretary General of his Special Envoy to Libya, Mr Abdel-Elah Mohamed Al-Khatib and supporting his efforts to find a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,

Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,

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

1. Demands the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians;
2. Stresses the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people and notes the decisions of the Secretary-General to send his Special Envoy to Libya and of the Peace and Security Council of the African Union to

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send its ad hoc High Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution;

3. Demands that the Libyan authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance;

Protection of civilians

4. Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council;

5. Recognizes the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region, and bearing in mind Chapter VIII of the Charter of the United Nations, requests the Member States of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4;

No fly zone

6. Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;

7. Decides further that the ban imposed by paragraph 6 shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to flights authorised by paragraphs 4 or 8, nor other flights which are deemed necessary by States acting under the authorisation conferred in paragraph 8 to be for the benefit of the Libyan people, and that these flights shall be coordinated with any mechanism established under paragraph 8;

8. Authorizes Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, and requests the States concerned in cooperation with the League of Arab States to coordinate closely with the Secretary General on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above,

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9. Calls upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary over-flight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above;

10. Requests the Member States concerned to coordinate closely with each other and the Secretary-General on the measures they are taking to implement paragraphs 4, 6, 7 and 8 above, including practical measures for the monitoring and approval of authorised humanitarian or evacuation flights;

11. Decides that the Member States concerned shall inform the Secretary-General and the Secretary-General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 8 above, including to supply a concept of operations;

12. Requests the Secretary-General to inform the Council immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 8 above and to report to the Council within 7 days and every month thereafter on the implementation of this resolution, including information on any violations of the flight ban imposed by paragraph 6 above;

Enforcement of the arms embargo

13. Decides that paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph : "Calls upon all Member States, in particular States of the region, acting nationally or through regional organisations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, calls upon all flag States of such vessels and aircraft to cooperate with such inspections and authorises Member States to use all measures commensurate to the specific circumstances to carry out such inspections";

14. Requests Member States which are taking action under paragraph 13 above on the high seas to coordinate closely with each other and the Secretary-General and further requests the States concerned to inform the Secretary-General and the Committee established pursuant to paragraph 24 of resolution 1970 (2011) ("the Committee") immediately of measures taken in the exercise of the authority conferred by paragraph 13 above;

15. Requires any Member State whether acting nationally or through regional organisations or arrangements, when it undertakes an inspection pursuant to paragraph 13 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a

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description of the items, their origin and intended destination, if this information is not in the initial report;

16. Deplores the continuing flows of mercenaries into the Libyan Arab Jamahiriya and calls upon all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya;

Ban on flights

17. Decides that all States shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing;

18. Decides that all States shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 and 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing;

Asset freeze

19. Decides that the asset freeze imposed by paragraph 17, 19, 20 and 21 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution and as appropriate thereafter;

20. Affirms its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

21. Decides that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Libyan Arab Jamahiriya or subject to its jurisdiction, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, if the States have information that provides reasonable grounds to believe that such business could contribute to violence and use of force against civilians;

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Designations

22. Decides that the individuals listed in Annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and decides further that the individuals and entities listed in Annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011);

23. Decides that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011) shall apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution 1970 (2011), particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so;

Panel of experts

24. Requests the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee to carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and this resolution;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organisations and other interested parties regarding the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

(c) Make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures;

(d) Provide to the Council an interim report on its work no later than 90 days after the Panel's appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

25. Urges all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

26. Decides that the mandate of the Committee as set out in paragraph 24 of resolution 1970 (2011) shall also apply to the measures decided in this resolution;

27. Decides that all States, including the Libyan Arab Jamahiriya, shall take the necessary measures to ensure that no claim shall lie at the instance of the Libyan authorities, or of any person or body in the Libyan Arab Jamahiriya, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 1970 (2011), this resolution and related resolutions;

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28. Reaffirms its intention to keep the actions of the Libyan authorities under continuous review and underlines its readiness to review at any time the measures imposed by this resolution and resolution 1970 (2011), including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities with this resolution and resolution 1970 (2011).

29. Decides to remain actively seized of the matter.

**NATO Navigational Warning
Libya
March 25, 2011**

Info for Shipping

NAVWARN in force
NAVAREA III 147/11

Eastern Mediterranean Sea North of Libya Territorial Waters NATO arms embargo operation in the vicinity of Libya territorial Waters

1. In accordance with the United Nations Security Council Resolution 1970 (26/02/2011) and 1973 (17/03/2011), NATO maritime forces are conducting arms embargo operations in the vicinity of Libya Territorial Waters.

2. Those operations are conducted in the Mediterranean Sea and systematically enforced in the following Maritime Surveillance Area:

- Northern border: the 35N parallel
- Western border: Tunisian Territorial Waters (not included)
- Eastern border: Egyptian Territorial Waters (not included)
- Southern Border: Libyan Territorial Waters (not included)

3. All Merchant vessels transiting in this area or inbound to Libya Territorial waters may be subject to hailing, queries or boarding from NATO naval and air units.

* All Merchant vessels transiting through this Maritime Surveillance Area are requested, 24hrs prior their entering in this area, to contact the NATO SHIPPING CENTRE (United Kingdom, contact details below): either via phone or fax / email to provide a Format ALFA report. The report must include the following information:

- IMO number
- DTG - Position / Speed / Course
- Last Port Of Call
- Next Port Of Call
- Port of Registry

Alternatively, a Format ALFA form (Ref ATP 2(B) is available at:
(<http://www.shipping.nato.int>) \

* Also, all Merchant vessels inbound to Libya Territorial Waters are requested, when crossing the boundaries of the Maritime Surveillance Area, to contact the Head Quarters Maritime

Appendix C

Command, Naples, Maritime Operations Centre (Italy, contact details below): either via phone or fax/email to provide the following information:

- IMO number
- LPOC NPOC
- Port of registry

4. This request for reports fully supports the embargo operations under the United Nations Security Council Resolution and is, therefore, mandatory. This measure is complementary of the action of NATO naval forces in the vicinity of Libya Territorial Waters. NATO priority is to reduce interferences and delays caused to merchant shipping traffic to its minimum. It is therefore highly recommended for merchant vessels transiting through this area to cooperate promptly with NATO forces. Consequently, failure to comply with that guidance will result in further investigations conducted by NATO naval units. This investigation will include detailed queries, boardings or even diversion to nearby ports for inspection and will cause major transit delays to merchant shipping.

5. Points of Contact: This operation is conducted by the NATO Head Quarters Maritime Command located in Naples (Italy). Its Maritime Operations Centre is the main point of contact for any issue or information regarding the arms embargo: HQ MC Naples MOC free toll phone number: 00 800 1101 2010 HQ MC Naples MOC unclassified internet address: mocn3dogcell@manp.nato.int

6. Reminder: HQ MC Naples is already conducting Operation Active Endeavour, NATO operation against terrorism in the Mediterranean Sea. The MOC can also be contacted regarding this issue: HQ MC Naples MOC Operation Active Endeavour collect line: 0039 081 1970 65337.

For other issues, the NATO SHIPPING CENTRE (Northwood, United Kingdom), remains the main POC; e-mail: info@shipping.nato.int freephone: +44 1923 956574 free fax: +44 1923 956575

**HYDROLANT 881/11(56).
25 MAY 2011**

EASTERN MEDITERRANEAN SEA. ISRAEL.

NGA CHART 56060 (9TH ED).

1. ALL U.S. VESSELS AND MARINERS ARE ADVISED THAT ISRAEL IS CURRENTLY ENFORCING A BLOCKADE IN THE GAZA MARITIME AREA. THE AREA IS CLOSED TO ALL MARITIME TRAFFIC AND THE BLOCKADE IS BEING ENFORCED BY THE ISRAELI NAVY IN AREA BOUND BY

31-46.80N 034-10.01E, 31-35.71N 034-29.46E,
31-19.39N 034-13.11E, 31-33.73N 033-56.68E.

2. U.S. VESSELS AND MARINERS INTENDING TO ENTER THE AREA ARE LIKELY TO FACE ENFORCEMENT ACTION BY THE ISRAELI NAVY. THE DEPARTMENT OF STATE HAS ALSO ADVISED AGAINST TRAVEL BY U.S. CITIZENS TO GAZA BY ANY MEANS, INCLUDING BY SEA. PREVIOUS ATTEMPTS TO ENTER GAZA BY SEA HAVE RESULTED IN VIOLENT INCIDENTS AND THE DETENTION AND DEPORTATION OF THOSE INVOLVED.

3. U.S. MARINERS ARE ALSO REMINDED THAT PROCEDURES EXIST FOR THE DELIVERY OF HUMANITARIAN CARGO TO GAZA VIA THE ISRAELI PORT OF ASHDOD OR THE EGYPTIAN PORT OF EL-ARISH, WHERE CARGO CAN BE SCREENED. (251527Z MAY 2011)

**USDOT Maritime Administration Advisory
Advisory #: 2011-03**

June 7, 2011

To: MARINERS

Subject: UPDATE TO VESSELS TRANSITING TO OR FROM JAPAN OR IN WATERS IN THE VICINITY OF HONSHU

1. THIS MARAD ADVISORY UPDATES GUIDANCE TO VESSELS TRANSITING TO OR FROM PORTS IN JAPAN OR IN WATERS IN THE VICINITY OF THE NORTHEAST COAST OF THE ISLAND OF HONSHU AND CANCELS ADVISORY 2011-02.
2. U.S.-FLAG OPERATORS WITH SHIPS IN THE AFFECTED AREAS ARE REQUESTED TO FORWARD THIS ADVISORY TO THEIR SHIPS BY THE MOST EXPEDITIOUS MEANS.
3. MARINERS ARE ADVISED TO CONTINUE TO MONITOR AND COMPLY WITH NAVTEX AND NAVAREA XI WARNINGS ISSUED FOR JAPANESE WATERS.
4. OPERATORS AND MARINERS ARE ALSO ADVISED TO REVIEW AND FOLLOW THE RADIOLOGICAL INFORMATION ON PORTS AND MARITIME TRANSPORTATION PROVIDED ON THE GOVERNMENT OF JAPAN'S (GOJ) MINISTRY OF LAND, INFRASTRUCTURE, TRANSPORT, AND TOURISM (MLIT) WEBSITE: [HTTP://WWW.MLIT.GO.JP/EN/MARITIME/MARITIME_FR1_000007.HTML](http://www.mlit.go.jp/en/maritime/maritime_fr1_000007.html). MARINERS SHOULD KEEP ABREAST OF INFORMATION BEING PROVIDED BY THE GOVERNMENT OF JAPAN RELATING TO ANY FURTHER POTENTIAL IMPACTS.
5. VESSELS THAT ENTER INTO THE JAPANESE DEFINED "RESTRICTED AREA" MAY BE SUBJECT TO ADDITIONAL SCREENING BY THE USCG IF THE U.S. IS THEIR FIRST PORT CALL AFTER DEPARTING THE RESTRICTED AREA. THE U.S. COAST GUARD REQUIRES THE VESSEL'S MASTER TO SUBMIT TRANSIT INFORMATION, INCLUDING THE DATE AND TOTAL TIME WITHIN THE PRECAUTIONARY AREA, TO THE COGNIZANT U.S. COAST GUARD CAPTAIN OF THE PORT USING THE COMMENT BLOCK ON THE 96-HOUR ADVANCED NOTICE OF ARRIVAL.
6. THIS ADVISORY WILL BE PUBLISHED ON THE MARAD WEB SITE AT [WWW.MARAD.DOT.GOV](http://www.marad.dot.gov) UNDER THE NEWSROOM TAB.
7. FOR FURTHER INFORMATION REGARDING THIS ADVISORY, CONTACT CAPTAIN ROBERT FORD, MARITIME ADMINISTRATION, OFFICE OF SECURITY, CODE: MAR-420, ROOM W25-308, 1200 NEW JERSEY AVE, S.E., WASHINGTON, DC 20590, TELEPHONE 202-366-0223, FACSIMILE 202-366-3954, TLX II 710.822.9426 (MARAD DOT WSH), OR EMAIL: MARADSECURITY@DOT.GOV.

8. CANCEL ADVISORY 2011-02.

**NAVAREA III Warning 445/2011
October 31, 2011**

MEDITERRANEAN SEA

1. Operation Unified Protector

Operation unified protector has been terminated as of 31st October at 2159 UTC.

2. Consequences

The following are cancelled:

- The maritime surveillance area (MSA) in vicinity of Libya
- All processes implemented specifically for OUP: humanitarian aid shipments deconfliction, reporting when arriving in the MSA and cargo pre clearance information.

3. Merchant navies cooperation with NATO during OUP

NATO expresses its gratitude to the international merchant community for its outstanding cooperation and understanding during this operation.

4. Operation Active Endeavour

Operation active endeavour remains NATO'S ongoing operation in the Mediterranean Sea with a mission to find, deter and, if required, protect countries from acts of terrorism.

If contacted by NATO units your cooperation and assistance in answering questions would be greatly appreciated.

You can ask questions or report any suspicious activity to NATO warships, or directly to any of the following.

NATO MARITIME COMMAND IN NAPLES:

TOLL FREE PHONE: +800 1101 2010

EMAIL: MOCN3DOGCELL@MANP.NATO.INT

NAVAL COOPERATION AND GUIDANCE FOR SHIPPING:

LIEUTENANT COMMANDER CYRIL STYLIANIDIS

C.STYLIANIDIS@MANP.NATO.INT

+39 334 609 9757

NATO SHIPPING CENTRE (UK):

+44 1923 956574

INFO@SHIPPING.NATO.INT

WWW.SHIPPING.NATO.INT

5. NAVAREA III (395/11) has been cancelled.

**USDOT Maritime Administration Advisory:
Advisory #: 2011-07**

Dec 23, 2011

To: ALL OPERATORS OF U.S. FLAG, EFFECTIVE U.S. CONTROLLED VESSELS, AND OTHER MARITIME INTERESTS

Subject: IRANIAN NAVAL EXERCISE

1. REPORTS FROM MARITIME FORCES AND COMMERCIAL MARITIME INTERESTS INDICATE CONCERN WITH THE POTENTIAL FOR LOCALIZED DISRUPTION TO SHIPPING IN CONJUNCTION WITH FUTURE IRANIAN NAVAL EXERCISES. DURING PREVIOUS EXERCISES IRANIAN MARITIME FORCES CONDUCTED BOARDINGS AND INSPECTIONS OF MERCHANT SHIPS, INCLUDING THOSE FLAGGED TO EUROPEAN NATIONS. THE POSSIBILITY EXISTS THAT IRAN WILL ATTEMPT TO CONDUCT BOARDINGS AND INSPECTIONS DURING EXERCISES BETWEEN DECEMBER 2011 AND MARCH 2012. THE MOST LIKELY LOCATION FOR THIS ACTIVITY WOULD BE IN THE VICINITY OF THE STRAIT OF HORMUZ, PARTICULARLY IN AREAS CLOSER TO IRANIAN TERRITORIAL WATERS.

2. IF A US-FLAG VESSELS IS HAILED FOR BOARDING BY THE IRANIAN NAVY IN INTERNATIONAL WATERS, THE SHIP'S MASTER SHOULD "PROTEST BUT COMPLY", IF CIRCUMSTANCES WARRANT.

3. US-FLAG VESSELS ARE ADVISED TO REPORT INCIDENTS TO THE COMUSNAVCENT BATTLEWATCH CAPTAIN (MARITIME OPERATIONS CENTER) AT 011-973-1785-3879, AND MARLO BAHRAIN AT 011-973-3940-1395.

4. FOR FURTHER INFORMATION REGARDING THIS ADVISORY, CONTACT CAPTAIN ROBERT FORD, MARITIME ADMINISTRATION, OFFICE OF SECURITY, CODE: MAR-420, ROOM W25-308, 1200 NEW JERSEY AVE, S.E., WASHINGTON, DC 20590, TELEPHONE 202-366-0223, FACSIMILE 202-366-3954, TLX II 710.822.9426 (MARAD DOT WSH), OR EMAIL: MARADSECURITY@DOT.GOV.

**USDOT Maritime Administration Advisory:
Advisory #: 2012-02**

July 12, 2012

To: MARINERS

Subj: VESSELS OPERATING IN THE GULF OF OMAN, NORTH ARABIAN SEA, GULF OF ADEN, AND BAB EL MANDEB REGIONS

1. THIS MARAD ADVISORY PROVIDES GUIDANCE TO VESSELS OPERATING IN SUBJECT WATERS.
2. ELEVATED REGIONAL TENSIONS HAVE INCREASED THE RISK OF POTENTIAL MARITIME ATTACKS CONDUCTED BY EXTREMISTS.
3. RECOMMEND VESSELS AT ANCHOR, OPERATING IN RESTRICTED MANUEVERING ENVIRONMENTS, OR AT SLOW SPEEDS BE ESPECIALLY VIGILANT, AND REPORT SUSPICIOUS ACTIVITY.
4. U.S. FLAG VESSELS THAT OBSERVE SUSPICIOUS ACTIVITY IN THE AREA ARE ADVISED TO REPORT SUCH SUSPICIOUS ACTIVITY OR ANY HOSTILE OR POTENTIALLY HOSTILE ACTION TO COMUSNAVCENT BATTLEWATCH CAPTAIN AT PHONE NUMBER 011-973-1785-3879, CUSNC.BWC@ME.NAVY.MIL. ALL SUSPICIOUS ACTIVITIES AND EVENTS ARE ALSO TO BE REPORTED TO THE U.S. COAST GUARD NATIONAL RESPONSE CENTER IN ACCORDANCE WITH 33 CFR PART 101.305. IN ADDITION, A SHIP HOSTILE ACTION REPORT (SHAR) SHOULD BE SENT TO THE NATIONAL GEOSPATIALINTELLIGENCE AGENCY (NGA) AS SOON AS POSSIBLE FOLLOWING THE INCIDENT/SUSPICIOUS ACTIVITY, INCLUDING APPARENT SURVEILLANCE BEING CONDUCTED BY SMALL VESSELS/BOATS. E-MAIL: NAVSAFETY@NGA.MIL OR REF: NGA PUB 117 FOR FURTHER GUIDANCE.
5. VESSELS TRANSITING HIGH RISK WATERS DESIGNATED BY U.S. COAST GUARD MARSEC DIRECTIVE 104-6 (CURRENT VERSION) MUST COMPLY WITH ITS SECURITY REQUIREMENTS. ACCORDINGLY, VESSELS SHOULD CONDUCT A PRE-VOYAGE RISK ASSESSMENT AND INCORPORATE APPROPRIATE PROTECTIVE MEASURES INTO THEIR VESSEL SECURITY PLANS. ADDITIONALLY, U.S.-FLAG OPERATORS SHOULD HAVE THEIR PROTECTIVE MEASURES IMPLEMENTED PRIOR TO ENTERING HIGH RISK WATERS.
6. FOR FURTHER INFORMATION, CONTACT CAPTAIN ROBERT FORD, MARITIME ADMINISTRATION, OFFICE OF SECURITY, CODE: MAR-420, ROOM W25-207, 1200 NEW JERSEY AVE, S.E., WASHINGTON, DC 20590, TELEPHONE 202-366-0223,

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FACSIMILE 202-366-3954, TLX II 710.822.9426 (MARAD DOT WSH), OR EMAIL: MARADSECURITY@DOT.GOV.

7. U.S.-FLAG OPERATORS WITH SHIPS IN THE AFFECTED AREAS ARE REQUESTED TO FORWARD THIS ADVISORY TO THEIR SHIPS BY THE MOST EXPEDITIOUS MEANS.

8. THIS ADVISORY WILL BE PUBLISHED ON THE MARAD WEB SITE AT WWW.MARAD.DOT.GOV.

9. CANCEL ADVISORY 2010-10.

10. TO DETERMINE MARITIME ADVISORIES THAT REMAIN IN FORCE, CONSULT THE MARITIME ADMINISTRATION WEB SITE AT [HTTP://WWW.MARAD.DOT.GOV](http://www.marad.dot.gov) OR THE MOST RECENT U.S. NOTICE TO MARINERS AT [HTTP://MSI.NGA.MIL](http://msi.nga.mil).

Appendix D

Manual Excerpts

This appendix is a compilation of the provisions regarding “zones” from various military manuals and doctrine publications. Only sections that specifically refer to “zones” or to “control of the immediate area of operations” or related concepts are included. This appendix is included because many of the cited manuals are not readily available. The zones provisions, of course, must be read in conjunction with other sections of the manuals, which are not included due to length. When possible, links to on-line copies of the manuals are provided.

Excerpts	Page
Australia	
Executive Series ADDP 06.4 Law of Armed Conflict (2006)	D-3
DI (AF) AAP 1003, Operations Law for RAAF Commanders (1994)	D-6
Australian Maritime Doctrine (2010)	D-7
Australian Book of Reference, ABR 5179 Manual of International Law (1998)	D-8
Canada	
The Law of Armed Conflict at the Operational and Tactical Level— Annotated (2001)	D-10
Germany	
Humanitarian Law in Armed Conflicts (1992)	D-12
Commander’s Handbook—Legal Bases for the Operations of Naval Forces (2002)	D-14
United Kingdom	
The Fundamentals of British Maritime Doctrine (BR 1806) (1995)	D-18
The Fundamentals of British Maritime Doctrine (BR 1806) Second Edition (1999)	D-19
British Maritime Doctrine (BR 1806) Third Edition (2004)	D-20

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The Manual of the Law of Armed Conflict, UK Ministry of Defense (2004) (Note: This Manual is an Oxford University Press publication that republishes the original version of JSP 383.)	D-21
Handbook of the Law of Maritime Operations (BR 3012) Third Edition (2005)	D-23
United States	
NWIP 10-2, Law of Naval Warfare (basic through change 6 incorporated) (1955)	D-25
NWP 1-14M, The Commander's Handbook on the Law of Naval Operations (2007)	D-28
Joint Publication 1-02 DOD Dictionary of Military and Associated Terms (2010/2013)	D-36
Joint Publication 3-0, Joint Operations (2011)	D-37
Air Force Operations & the Law: A Guide for Air, Space & Cyber Forces (2009)	D-38
International	
San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)	D-40
International Law Association: Helsinki Principles on the Law of Maritime Neutrality (1998)	D-42

Australian Defence Doctrine Publication (ADDP 06.4)

Executive Series ADDP 06.4 Law of Armed Conflict (11 May 2006):

[http://lgdata.s3-website-us-east-1.amazonaws.com/docs/905/470419/Australian LOAC Manual 06.4 PART I.pdf](http://lgdata.s3-website-us-east-1.amazonaws.com/docs/905/470419/Australian_LOAC_Manual_06.4_PART_I.pdf)

Immediate area of naval operations

6.16 Within the immediate area or vicinity of naval operations, 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. Neutral vessels and aircraft which fail to comply with a belligerent's orders expose themselves to the risk of being fired upon or captured. This traditional belligerent right to control neutral vessels and aircraft in the immediate area or vicinity of naval operations should be distinguished from the concept of exclusion zones (EZ).

6.17 Within the immediate area or vicinity of naval operations, a commanding officer of a belligerent warship may exercise control over the communications of any neutral merchant vessel or aircraft whose presence might otherwise endanger the success of the belligerent operation. Legitimate distress communications by neutral vessels and aircraft should be permitted if they do not prejudice the success of operations.

Methods of armed conflict at sea

6.32 Exclusion zones. Maritime exclusion zones (MEZ), variously referred to as defensive sea areas, total EZ, maritime control areas or operational zones, are areas of ocean space from which a belligerent declares some or all types of ships or aircraft to be excluded. MEZ must be distinguished from EEZ which bear no relationship to armed conflict at sea. An MEZ may be moving or stationary and is sometimes declared to include the airspace above it. MEZ differ from the immediate area of naval operations because they normally encompass quite large water areas and are not confined to areas in the close vicinity of naval operations.

6.33 There is no specific international law treaty provision referring to MEZ, however, their use has acquired a degree of validity under customary international law. The International Military Tribunal at Nuremberg held that establishment of EZ in which neutral merchant ships were subjected to a 'sink on sight' policy was illegal. However, the Tribunal implicitly accepted the legitimacy of an EZ in which belligerent merchant ships were subjected to a sink on sight policy where such ships were incorporated into the belligerent war effort.

6.34 The establishment of an MEZ does not relieve the belligerent of its duties under IHL to avoid adversely affecting the legitimate uses of defined areas of ocean space. Where a belligerent establishes an MEZ the following conditions should apply:

Appendix D

- The extent, location and duration of the zone and the measures imposed should not exceed what is strictly required by military necessity and the principle of proportionality.
- Due regard must be given to the rights of neutral states in their exercise of the legitimate uses of the seas.
- The commencement, duration, location and extent of the zone, as well as the restrictions imposed, must be publicly declared and appropriately notified to other states.
- Necessary safe passage through the zone for neutral vessels and aircraft should be provided:
 - where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral state; or
 - in other cases where normal navigation routes are affected, except where military requirements do not permit.

Air defence identification zones

8.23 An air defence identification zone (ADIZ) is a defined area within which civil aircraft are required to identify themselves. The asserted legal basis for such zones is the right of nations, under the Chicago Convention, to establish conditions and procedures for entry into their national airspace. These zones are established above the high seas adjacent to the coast, and over the territorial sea, land and territory. Declaration of an ADIZ does not constitute a claim of any sovereign rights. Australia, from time to time, has declared an ADIZ for military exercise purposes. Nations who have standing ADIZs include Indonesia (over Java), United States, Japan, Canada and France.

8.24 Air defence identification zone procedures. An aircraft approaching an ADIZ can be required to identify itself as a condition of entry to national airspace. ADIZ regulations generally require aircraft, bound for national airspace, to file flight plans and periodic position reports. Failing voluntary identification, aircraft can expect to be identified by intercept aircraft. The declaration of an ADIZ does not confer on an intercepting pilot the right to engage an aircraft. Rules of engagement (ROE) will provide guidance on the circumstances in which an aircraft may be engaged. There is no right to require an aircraft to identify itself if it does not intend to enter national airspace. These procedures reflect the peacetime position. In the case of imminent or actual hostilities, a nation may take self-defence measures, which will affect overflight in international airspace.

8.25 Promulgation of an air defence identification zone. The activation of an ADIZ is effected by promulgation through military and civil agencies. In Australia, Air Services Australia, in concert with Headquarters Joint Operations Command, promulgates ADIZs by the issue of Notices to Airmen.

Security zones

8.27 In the interests of safety, any nation may declare a temporary closure, or warning area, on and over the high seas to advise other nations of the conduct of hazardous activities. These

warnings are cautionary, not mandatory. International law does not recognise the right of any nation to restrict the right of navigation of military aircraft in international airspace. Some nations have declared exclusion zones (EZ) in times of conflict, pursuant to the inherent right of self defence. The United Nations (UN) also sanctioned an air EZ over Bosnia following Security Council resolutions, in an effort to protect areas from attack.

8.28 Claims of security zones. Some nations have asserted claims that purport to restrict the activities of military aircraft and warships in so-called ‘security zones’ that extend beyond national airspace. These zones have no basis in international law except in times of conflict. Customary international law does not determine the extent of security zones, beyond having a requirement that they be reasonable in relation to the needs of national security.

Exclusion zones

8.29 In situations of international conflict and times of tension, a nation is entitled, under the UN Charter, to exercise measures of individual or collective self-defence against an imminent threat of armed attack or an actual armed attack. On many occasions this century, nations have declared an EZ in areas adjacent to national territory, invoking the principle of individual or collective self-defence.

8.30 An EZ is an area declared by a nation, or military force, into which entry by designated forces is prohibited. An EZ may be stationary or moving. Neutral aircraft and ships should avoid such zones; those that enter navigate at their own risk. The use of EZ is expected to increase, as not only nations but also the UN, seek ways to localise conflicts. Because acceptability of the EZ will depend on factors unique to each situation, providing clear guidance on the legal acceptability of an EZ is difficult. In times of conflict a belligerent is not barred from using force outside the zone to eliminate enemy threats. Further guidance on the use of EZ can be obtained from Australian Defence Doctrine Publication 06.1—*Rules of Engagement* and ADF legal advisers.

**OPERATIONS LAW FOR RAAF COMMANDERS
DI (AF) AAP 1003**

(1994)

**CHAPTER TWO
INTERNATIONAL STATUS OF MILITARY AIRCRAFT
AND NAVIGATION RIGHTS**

(pp. 2-6 – 2-7)

Security zones

2.21 **General** In the interests of safety, any nation may declare a temporary closure, or warning area, on and over the high seas to advise other nations of the conduct of hazardous activities. These warnings are cautionary, not mandatory. International law does not recognise the right of any nation to restrict the right of navigation of military aircraft in international airspace. Pursuant to the inherent right of national or collective self defence, some nations have legitimately declared exclusion zones in times of conflict. The United Nations (UN) has also sanctioned air exclusion zones, following security council resolutions, in an effort to protect areas from attack.

2.22 **Claims of Security Zones** Some nations have asserted claims that purport to restrict the activities of military aircraft and warships in so-called ‘security zones’ that extend beyond national airspace. These zones have no basis in international law, in times of peace. Historically, these types of security zones have been restricted to times of conflict. In these circumstances, customary international law does not determine the extent of security zones, beyond having a requirement that they be reasonable in relation to the needs of national security.

Exclusion zones

2.23 In situations of international conflict and times of tension, a nation is entitled, under the UN Charter, to exercise measures of individual or collective self defence against an imminent threat of armed attack or an actual armed attack. On many occasions this century, nations have declared an exclusion zone (EZ) in areas adjacent to national territory, invoking the principle of individual or collective self defence. An exclusion zone can be a total exclusion zone (TEZ) , maritime exclusion zone (MEZ) or air exclusion zone (AEZ).

2.24 An EZ is an area declared by a nation, or military force, into which entry by designated forces is prohibited. An EZ may be stationary or moving. Neutral aircraft and ships should avoid such zones; those that enter navigate at their own risk. The use of EZs is expected to increase, as not only nations but also the UN, seek ways to localise conflicts. Because assessment of the acceptability of EZs will depend on a number of factors, clear guidance on the legal acceptability of an EZ is difficult, as each situation is unique. In times of conflict a belligerent is not barred from using force outside the zone to eliminate enemy threats. Further guidance on the use of EZs can be obtained from *ADFP 3 – Rules of Engagement* and legal advisers.

Appendix D

AUSTRALIAN MARITIME DOCTRINE

(2010)

<http://www.navy.gov.au/sites/default/files/documents/Amd2010.pdf>

GLOSSARY

(p. 193)

Exclusion Zone

A zone declared by a military force or nation, the entering of which zone by forces of a potential enemy would be regarded as hostile intent or a hostile act. The zone may be moving or stationary and may include airspace above it.

AUSTRALIAN BOOK OF REFERENCE
MANUAL OF INTERNATIONAL LAW

ABR 5179
(1998)

CHAPTER EIGHT

THE LAWS OF NAVAL WARFARE

<http://www.navy.gov.au/reserves/e-docs/DATA/NAVYPUBS/NAVYMAN/ABR5179/08.pdf>

(p. 8-4)

Exclusion Zones

8.15 In an attempt to restrict the area of a conflict, belligerent States have often declared an Exclusion Zone (EZ). Examples of this practice can be seen in the Falklands conflict where both belligerents proclaimed a variety of Exclusion Zones, and in the Iran/Iraq conflict. An EZ should not be confused with a 'security zone' and other such concepts which apply in peacetime.¹⁴ The declaration of an EZ is a belligerent right emanating from the right of national self-defence pursuant to Article 51 of the UN Charter and can only be exercised in time of armed conflict.

¹⁴

The 1982 Law of the Sea Convention, in Article 25(3), provides that a coastal State may suspend the right of innocent passage temporarily. Such a suspension should not, however, be considered as an Exclusion Zone.

8.16 ADFP 3-Rules of Engagement defines an Exclusion Zone as 'An area declared by a nation or military force into which entry by designated forces is prohibited'. States may phrase their declaration of an EZ such that they will consider any vessel present within the specified zone to be hostile and hence subject to attack.¹⁵ However, international humanitarian law continues to apply within a declared EZ and any attack on a neutral, merchant or protected vessel which has not lost its immunity under international humanitarian law within the zone will therefore be illegal.

¹⁵

For example, the British Government in declaring an Exclusion Zone around the Falkland Islands stated that 'Any ship and any aircraft, whether military or civil, which is found within the zone without authority from the Ministry of Defence in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by British forces'.

8.17 The commencement, duration, location and extent of an EZ should be publicly declared and notified. The area and duration of an EZ should not exceed what is strictly required by military necessity and the principle of proportionality.

8.18 The declaration of an EZ does not affect a belligerent's obligations under international humanitarian law. Vessels entering a declared EZ must still be clearly identified as hostile before being made the subject of attack. There are however certain operational advantages in declaring an EZ, such as:

- a. neutral vessels and merchant ships are warned to avoid the area. This may reduce the number of vessels entering the area and hence facilitate quicker identification of vessels which do enter the area;
- b. the issuing and interpretation of Rules of Engagement may be simplified;

Appendix D

- c. the geographical spread of the conflict may be limited.

**THE LAW OF ARMED CONFLICT
AT THE OPERATIONAL AND TACTICAL LEVEL**

**- ANNOTATED -
(2001)**

http://www.fichl.org/uploads/media/Canadian_LOAC_Manual_2001_English.pdf

CHAPTER 8

LAW RELATING TO THE CONDUCT OF HOSTILITIES AT SEA

(p. 8-13)

SECTION 11

ZONES

852. GENERAL

1. Parties to naval conflicts have on a number of occasions established different kinds of zones in and over water areas that deny or restrict access to vessels and aircraft of states that are not parties to the conflict. Vessels or aircraft entering such zones risk being attacked. These zones have been given a variety of names including exclusion zones, military areas, barred areas, war zones and operational zones.

2. A belligerent is not absolved of its duties under International Law by establishing zones that might adversely affect the legitimate uses of defined areas of the sea. In particular, such zones are not "free fire zones".

SRM para 105

853. OBLIGATIONS OF A BELLIGERENT ESTABLISHING A ZONE

1. If a belligerent establishes a zone:

1. The law continues to apply in the same manner both inside and outside the zone. The practical effect of a zone is to warn shipping that hostilities are taking place and that there is a greater risk if entry into the zone occurs.
2. The extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principle of proportionality.
3. Due regard shall be given to the rights of neutral states to legitimate uses of the seas.
4. Necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 1. where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral state;
 2. in other cases where normal navigation routes are affected, except where military requirements do not permit.

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5. The commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

SRM para 106

854. NEUTRALS

2. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent. Therefore, if a neutral vessel does not enter or leaves the zone then the neutral has not done anything inappropriate in respect of another belligerent to the conflict.

SRM para 107

855. OPERATIONS OUTSIDE OF THE ZONE

1. The existence of a zone does not preclude operations being carried on outside of the zone.

CHAPTER 7

LAW RELATING TO THE CONDUCT OF HOSTILITIES IN THE AIR

(p. 7-1)

703. AREAS OF OPERATION IN AN ARMED CONFLICT

2. Operational Zones: Parties to a conflict may, by appropriate notice, establish areas of immediate air operations where they pursue combat activities. Such zones may exist over the territories and territorial waters of all states involved in the hostilities. All aircraft entering such zones, including the aircraft of neutral states, risk damage from the hostilities.

GLOSSARY

(p. GL-19)

Zone

A zone is an area on and over water established by a party to a naval conflict that denies or restricts access to vessels and aircraft of states that are not parties to the conflict.

**HUMANITARIAN LAW IN ARMED CONFLICTS
- MANUAL -**

**THE FEDERAL MINISTRY OF DEFENCE
OF THE FEDERAL REPUBLIC OF GERMANY**

(August 1992)

<http://lgdata.s3-website-us-east-1.amazonaws.com/docs/905/454609/GermanManualZDv15.2.pdf>

10. THE LAW OF ARMED CONFLICTS AT SEA

III. Special Provisions Concerning Methods of Naval Warfare

(pp. 108 - 109)

5. Maritime Exclusion Zones

1048. A maritime exclusion zone is a distinct area of the sea and the air space above that area in which a party to the conflict exercises extensive rights of control and prohibits access to ships and aircraft. Its **purpose** is to facilitate identification of military objectives and defence against hostile acts, but not to attack the war economy of the adversary. A difference is made between static and movable exclusion zones. A **static exclusion zone** comprises a space in three dimensions designed by coordinates, i.e. a distinct area of the sea and the air space above that area. A **movable exclusion zone** comprises the space in three dimensions around units of the naval forces, thus it changes its position when the unit moves.

Example: During World War II both England – in the Skagerrak – and Germany – around the British Isles – established maritime exclusion zones.

1049. The establishment of **static maritime exclusion zones** being an exception under international law is permissible only under the following preconditions:

- The establishment of the maritime exclusion zone must be effective. Hence so many units of the air forces and naval forces must be charged with the insurance of the exclusion zone that there is sufficient chance to meet all vessels entering that zone.
- The size and duration of as well as the rights claimed in .exclusion zones shall, by no means, exceed legitimate national security and defence requirements. Vessels in the exclusion zone must be allowed an appropriate time to leave it.
- The boundaries of exclusion zones, the restrictions to be placed on sea and air traffic within and above these areas and the control measures to be taken shall be determined according to the principles of military necessity and proportionality as far as military considerations permit, particular passages in which only the right to stop and search is exercised shall be held free for neutral vessels.
- The size, the exact boundary lines and the duration of the existence of an exclusion zone shall be announced in public. If an exclusion zone is divided into subzones, it is necessary to define the extent of restrictions and the boundaries of each individual subzone.

1050. The establishment of **movable maritime exclusion zones** is permissible only if they are announced in public in general form. In the announcement the requested rights shall be determined. The size of movable maritime exclusion zones, the limitations of sea and air traffic

Appendix D

in and above them, and the control measures to be enforced are to be determined according to the principles of military necessity and proportionality. The use of weapons in such zones shall be limited to military objectives.

COMMANDER'S HANDBOOK
LEGAL BASES FOR THE OPERATIONS OF NAVAL FORCES
(2002)

http://lgdata.s3-website-us-east-1.amazonaws.com/docs/905/454602/German_Naval_Handbook.pdf

PART I: PEACETIME MISSIONS AND TASKS

Section 1 Operating Area
VI. High Seas and the "Area"
2. Freedom of the high seas

(pp. 37 – 39, paragraphs 70 - 72)

b) Military use

It is under dispute, which activities shall rank among the “**other ones permissible under international law**”. Some states refer to the provisions of the Convention on the Law of the Sea (articles 88 and 301) according to which the use of the high seas is confined to peaceful purposes and any threat or use of force directed against a state’s territorial integrity or political sovereignty or otherwise incompatible with the principles of international law set down in the Charter of the United Nations is prohibited. They hold the opinion that any military use of the oceans is by definition unpeaceful and therefore prohibited. In particular, it would thus not be permissible to conduct any **military exercises** or **other military activities** (e.g. minelaying) in a coastal state’s exclusive economic zone or on its continental shelf without its consent. In this context, it must be noted, however, that not all military activities will violate the prohibition of the threat or use of force. In addition, states have always used not only the high seas but also the exclusive economic zones and continental shelves of foreign states for military exercises. The recognition of these sea areas which as a matter of fact are not covered by the coastal state’s sovereignty only involves the obligation to pay due regard to economic or resource-related rights but does not result in a prohibition of the military use of the high seas or the exclusive economic zones or continental shelves of other states. If the rights of the coastal state are considered in a manner appropriate under the circumstances, even acts of naval warfare (in the context of an international armed conflict) will be permitted.

c) Warning areas, security and defence zones

If, for example, weapons exercises (including missiles) in waters subject to the freedom of the high seas are not prohibited, the state conducting these or comparable activities (e.g., recovery of aircraft or spacecraft) must be permitted to inform other states that aviation and navigation in the sea area concerned are exposed to certain dangers. This is equalled by the practice of declaring **warning areas** which is employed in such cases by the states concerned. (Even though in everyday usage these areas will frequently be referred to as “prohibited or no-fly areas”, in order to avoid any possibility of confusion with measures contrary to international law taken during the two world wars, this term should not be used.) The establishment of such warning areas must be announced beforehand. Normally, this is done through a Notice to Mariners (NOTMAR) and/or a Notice to Airmen (NOTAM). The vessels and aircraft of other states are under no obligation to steer clear of the warning area. In particular, they are not forbidden to monitor activities and

Appendix D

gather information. However, they must refrain from any action which would adversely affect the respective activity in the warning area. Besides, they will enter the warning area at their own risk, so that possible damage arising from the activity in question cannot be attributed to the state declaring the warning area.

There is no standard of international law which would permit a state to restrict or even prevent navigation and aviation of other states outside its territorial sea. Accordingly, the establishment of so-called **security zones or prohibited/no-fly-areas** beyond the 12-nautical mile limit (as to the respective international practice see the survey in paragraph V. 1 above) is contrary to international law.

Things are different only with regard to **artificial islands, installations and structures** established or erected by the coastal state in its territorial sea, on its continental shelf or in its exclusive economic zone. Where this is necessary, the coastal state may surround these facilities by security zones which will provide the possibility of taking appropriate measures for ensuring the safety of navigation and the facilities. These zones must not extend beyond a distance of 500 metres, measured from any point on the outer edge of the respective facility. If this has been explicitly permitted in internationally binding form such zones may, in exceptional cases, be larger.

Not contrary to international law, on the other hand, are **defence zones or maritime surveillance areas** if they have been established in the exercise of the right of individual or collective self-defence and consequently in response to or anticipation of an (imminent) armed attack. Defence zones are intended, above all, to provide for a more intensive surveillance of maritime and air traffic in a specific sea area. Insofar as they have been established during an international armed conflict, they are also referred to as **exclusion or maritime operation zones**. Their geographic dimensions and the scope of control rights are determined by the requirements of the individual case and always presuppose an appropriate political decision.

Section 2 Legal status of warships and military aircraft including their crews, vessels and aircraft operating in and/or over foreign sea areas

IV. Navigation in foreign special sea areas

3. Warning areas, defence and security zones

(pp. 79 – 80, paragraphs 155 - 156)

As already mentioned, any state may establish **temporary warning areas**, in the maritime areas seaward of the foreign territorial sea and the airspace over these areas thus also including the exclusive economic zone or the continental shelf of another state, to advise other states of the conduct of activities that are hazardous to navigation and/or overflight. Such areas may be used for missile testing, weapons exercises or ship and aircraft recovery operations. Notice of the establishment of such areas must be promulgated in advance, preferably in the form of a Notice to Mariners (NOTMAR). Ships and aircraft of other states 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 another state may, for example, operate in a warning area, collect intelligence and observe the activities involved.

The international law of peace does not recognize the right of any state to obstruct or impede navigation and overflight outside the territorial sea. For this reason, the establishment of security and defense zones extending beyond the territorial sea is contrary to international law and thus has no basis in time of peace.

The establishment of a **defensive zone** or **maritime control area** is **permissible, by way of exception**, if it is required for individual and collective self-defense against a current armed attack or imminent threat of armed attack. In this case, the threatened state is entitled to enforce some degree of control over navigation and overflight in those maritime areas. The establishment of such areas is difficult to abstractly restrict to periods and geographical limits; it thus depends upon the circumstances of the specific case, especially the current threat. Therefore, a maritime operational zone is principally considered to be permissible, especially during an international armed conflict (see marginal 302 ff.) **The decision about the establishment of such areas is subject to a resolution of the German Bundestag.**

PART II: OPERATIONS IN ARMED CONFLICT (LAW OF NAVAL WARFARE AND MARITIME NEUTRALITY)

Section 3 Maritime neutrality

IX. Special zones

(pp. 157 - 159, paragraphs 302 - 305)

Under the conditions of modern naval warfare it is indispensable to monitor the objects located in the area of operations and to identify them as reliable as possible. The international law applicable in international armed conflict recognizes this need of naval forces, i.e. it accepts an interference with neutral maritime and air transport. As long as the principle of proportionality is observed, this control may even be extended beyond the actual area of operations.

1. Control of the area of operations

In the **area of operations** or in its adjoining environment the parties to the conflict are permitted to establish special restrictions for neutral maritime and air transport. They may, for instance, require vessels and aircraft to clearly identify themselves or refrain from certain procedures when approaching a force (so-called defence bubbles which are also admissible in peacetime). If

this is absolutely necessary for the safety of the units or the success of the respective mission, the access of neutral vehicles to the area of operations may be barred completely. Such measures, however, are only admissible in the area within which combat activities are taking place or units of the naval or air forces are actually operating, or in the adjoining environment. Access to neutral ports or coasts or passage through international straits in which the right of transit passage applies must not be impeded under any circumstances, unless another route of similar convenience with respect to navigational and hydrographical characteristics is available.

2. Exclusion zone

An **exclusion zone** may neither be confused with the area of operations nor with the exclusion areas of the world wars. The term denotes the three-dimensional space in which a party to the conflict claims comprehensive control rights or denies access to vessels and aircraft in order to protect them from the effects of armed conflicts. Due to their extensive effects on neutral maritime and air transport, such exclusion zones are admissible **only in exceptional cases** and are subject to stringent requirements. They must not be devoted to the purpose of evading the requirements of the law of blockade or releasing the armed forces from the obligation to positively identify admissible military targets. A vehicle that must not be attacked, i.e. especially neutral merchant vessels and civil aircraft, will **never** lose this protection for the sole reason that they have entered an exclusion zone without authorization.

If a party to the conflict thus feels compelled in specific exceptional cases to establish an exclusion zone, the following restrictions will apply:

- Inside the exclusion zone the same rules and principles of international law applicable in international armed conflict will apply as outside.
- Location and size of the zone and the duration of its existence as well as the measures to be taken in it must not be disproportionate to the absolutely necessary and legitimate needs of security and defence.
- Due regard must be paid to the rights of the neutral states regarding the use of the seas.
- The required safe passages for sea and air traffic must be kept open if
 - due to its spatial dimensions, the zone considerably restricts free and safe access to neutral ports and coasts;
 - routes normally used by international sea and air traffic are affected, unless this conflicts with military considerations.
- Beginning and duration of the zone's existence and its location and size as well as the restrictions imposed on neutral vehicles in this area must be publicized, including the notification of all other states.

If a neutral vessel or aircraft observes the restrictions imposed on it in an exclusion zone by one of the parties to the conflict, the opposing party to the conflict must not exploit this situation to the detriment of the vehicle.

THE FUNDAMENTALS OF BRITISH MARITIME DOCTRINE

(BR 1806)

(1995)

CHAPTER 5

THE APPLICATION OF MARITIME POWER

(pp. 96 - 97)

Establishment and Maintenance of Exclusion Zones. Although exclusion zones have no accepted status under international law, *Military* and *Total Exclusion Zones* serve both a military and diplomatic function. In conflict they offer a means of simplifying a sea control problem through the promulgation of an intention to maintain sea denial over a specific area. Their enforcement requires rules of engagement that allow selective use of combat. Diplomatically they are a way of enhancing coercive action by declaring resolve to use combat if necessary.

**BRITISH MARITIME DOCTRINE
(Second Edition)**

(BR 1806)
(1999)

CHAPTER 4

THE APPLICATION OF MARITIME POWER

(p. 54)

The establishment of **Exclusion Zones**, the legitimacy of which is only guaranteed and unambiguous under international law when authorised by the United Nations through a Security Council Resolution, have served both military and diplomatic functions. In conflict, they offer a means of simplifying *sea control* through the promulgation of an intention to maintain *sea denial* over a specific area. In diplomatic terms they are a way of enhancing coercive action by declaring resolve to use combat if necessary. Clearly, to be credible, they must be enforceable and the rights and security of third parties need to be safe-guarded.

GLOSSARY

(p. 218)

Maritime Exclusion Zone

Declaration by a state of sea areas, including parts of the high seas in which conditions are imposed on the passage of ship and aircraft. **(BR3012)**

BRITISH MARITIME DOCTRINE (Third Edition)

(BR 1806)

(2004)

GLOSSARY

Maritime Exclusion Zone (p. 270)

Declaration by a state of sea areas, including parts of the *high seas* in which conditions are imposed on the passage of ship and aircraft. **(BR3012)**

Military Exclusion Zone (MEZ) (p. 275)

Geographical (usually maritime) area including parts of the *high seas* within which a government states its intention to enforce the exclusion of all military units of a designated nation or nations or other grouping, using force if necessary. See *maritime exclusion zone* and *total exclusion zone (TEZ)*

Total Exclusion Zone (TEZ) (p. 295)

Maritime geographical area including parts of the high seas within which a government states its intention to enforce the exclusion of all ships and aircraft, both military and civilian, of a designated nation or nations or other grouping, using force if necessary. See *maritime exclusion zone* and *military exclusion zone (MEZ)*

**THE MANUAL OF THE
LAW OF ARMED CONFLICT
UK MINISTRY OF DEFENCE
(2004)**

http://lgdata.s3-website-us-east-1.amazonaws.com/docs/905/470409/UK_Joint_Service_LOAC_Manual_JSP_383_2004_edition.pdf

**CHAPTER 12
AIR OPERATIONS**
(pp. 323 - 324)

MARITIME ZONES

12.57 For maritime zones, see paragraph 13.77 onwards. **WAR ZONES RESTRICTIONS**⁷⁵

⁷⁵

See JM Spaight, *Air Power and War Rights* (3rd edn 1947) (Spaight, *Air Power*) 400 onwards.

12.58 Parties to a conflict may establish zones of immediate operations or exclusion zones⁷⁶ within which they intend to pursue or are actively pursuing hostilities. Notice of the existence of these war zones must give the extent, location, duration, and associated risks, see paragraph 13.78. The right to fire upon any aircraft disregarding a general prohibition of entry into such a zone must be based on military necessity. That requires an assessment as to whether in all the circumstances the aircraft is a military objective and whether an attack upon it can be carried out without disproportionate loss of civilian life or civilian property.

⁷⁶

During the Falklands conflict 1982, a total exclusion zone of 200 nautical miles radius was established around the Islands. It applied, inter alia, to any aircraft, military or civil, operating in support of the illegal occupation by the Argentine forces, and any aircraft (military or civil) found within the zone without authority from the Ministry of Defence would be regarded as operating in support of the illegal occupation and thus hostile and liable to be attacked by the British forces. The zone was imposed in exercise of the right to self-defence as recognized by Art 51 of the UN Charter.

12.58.1 These zones may exist over the territories and territorial waters of any state involved in the armed conflict and, where military necessity justifies it, may include airspace over the high seas. Both civil and military aircraft, including those of neutral states, which operate in support of the enemy are liable to attack in a war zone. But due allowance should be made for the continuance of neutral traffic by allowing freedom of transit, at least between neutral countries, along alternative routes where the normal route lies through a zone which is temporarily closed.

12.58.2 The presumption, in Additional Protocol 1,⁷⁷ of civilian status in cases of doubt does not, strictly speaking, apply in air-to-air combat.⁷⁸ Nevertheless, attacks on ostensibly civil aircraft should only be carried out as a last resort when there is reason to believe that it is itself deployed on an attack. An example might be when, during an armed conflict, an exclusion zone has been established around the United Kingdom and an apparently civilian airliner enters the zone on a course set for a major city, all required notification and other procedures to establish the zone have been meticulously completed, and all attempts to communicate with the aircraft, including buzzing, have failed or been ignored.

⁷⁷

Arts 50(1) and 52(3). ⁷⁸ AP I, Art 49(4).

CHAPTER 13
MARITIME WARFARE

(p. 364)

SECURITY ZONES

13.77 Security zones may be established by belligerents as a defensive measure or to impose some limitation on the geographical extent of the area of conflict. However, a belligerent cannot be absolved of its duties under the law of armed conflict by establishing zones in such a manner that they adversely affect the legitimate uses of defined areas of the sea.⁹¹

⁹¹ Adapted from SRM 105.

13.77.1 Maritime exclusion zones and total exclusion zones are legitimate means of exercising the right of self-defence and other rights enjoyed under international law. However, in declaring the zones, the exact extent, location, duration, and risks associated should be made clear in accordance with paragraph 13.78.

13.78 Should a belligerent, as an exceptional measure, establish such a zone:

- a. the same body of law applies both inside and outside the zone;
- b. the extent, location, and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principle of proportionality;
- c. due regard shall be given to the rights of neutral states to legitimate uses of the seas; necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (1) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral state;
 - (2) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- d. the commencement, duration, location, and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.⁹²

⁹² SRM 106

13.79 Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.⁹³

⁹³ SRM 107.

13.80 Nothing in paragraphs 13.65 to 13.79 should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.⁹⁴

⁹⁴ SRM 108.

**HANDBOOK OF THE LAW
OF MARITIME OPERATIONS
(BR 3012) THIRD EDITION
(2005)**

CHAPTER 8

THE LAW OF NEUTRALITY

(paragraphs 0811 – 0812)

0811. SECURITY ZONES AND EXCLUSION ZONES DURING CONFLICT

a. **Security Zones.** Security zones may be established by belligerents as a defensive measure or to impose some limitation on the geographical extent of the area of conflict. However, a belligerent cannot be absolved of its duties under the law of armed conflict by establishing zones in such a manner that they adversely affect the legitimate uses of defined areas of the sea.

b. **Exclusion Zones.** Maritime Exclusion Zones (MEZ) and Total Exclusion Zones (TEZ) are legitimate means of exercising the right of self-defence and other rights enjoyed under international law. However, in declaring the zones, the exact extent, location, duration and risks associated should be made clear in accordance with Para 0811 Sub Para c.

c. Should a belligerent, as an exceptional measure, establish such a zone:

(1) The same body of law applies both inside and outside the zone.

(2) The extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principle of proportionality.

(3) Due regard shall be given to the rights of neutral states to legitimate uses of the seas; necessary safe passage through the zone for neutral vessels and aircraft shall be provided:

(a) Where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral state.

(b) In other cases where normal navigation routes are affected, except where military requirements do not permit.

(4) the commencement, duration, location and the extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

d. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

0812. BELLIGERENT CONTROL OF THE IMMEDIATE AREA OF NAVAL OPERATIONS

Within the immediate area of naval operations, 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 of naval operations is that area within which hostilities are taking place or belligerent forces are actually operating. This belligerent right is limited and transient, based on the need to defend itself without suffering neutral interference and its right to ensure the security of its forces. A belligerent may not, however, purport to deny

Appendix D

access to neutral nations, or to close an international strait to neutral shipping, unless another route of similar convenience remains open to neutral traffic.

LAW OF NAVAL WARFARE

**NWIP 10-2
(basic through change 6 incorporated)
(1955)**

http://www.history.navy.mil/library/online/law_naval_warfare.htm

CHAPTER 4

**AREAS OF OPERATIONS
430 THE AREAS OF NAVAL WARFARE**

(p. 4-6)

- a. THE GENERAL AREA OF NAVAL WARFARE. The general area within which the naval forces of belligerents are permitted to conduct operations includes: the high seas, the territorial sea and internal waters of belligerents, the territory of belligerents accessible to naval forces, and the air space over such waters and territory.
- b. THE IMMEDIATE AREA OF NAVAL OPERATIONS²³

Within the immediate area or vicinity of naval operations, a belligerent may establish special restrictions (see, for example, paragraph 520a) upon the activities of neutral vessels and aircraft and may prohibit altogether such vessels and aircraft from entering the area. Neutral vessels and aircraft which fail to comply with a belligerent's orders expose themselves to the risk of being fired upon. Such vessels and aircraft are also liable to capture (see subparagraph 503d7).

²³ *The belligerent establishment of an "immediate area of naval operations" should be clearly distinguished from the belligerent practice during World Wars I and II of establishing "operational (or war) zones." The immediate area of naval operations refers to an area within which naval hostilities are taking place or within which belligerent naval forces are operating at the time. Belligerent control over neutral vessels and aircraft within an immediate area of naval operations is based on a belligerent's right to attack, his right to defend himself without suffering from neutral interference, and his right to ensure the security of his forces. Operational (or war) zones refer to areas of the high seas, of widely varying extent which, for substantial periods of time, are barred altogether to neutral shipping or within which belligerents claim the right to exercise a degree of control over neutral vessels not otherwise permitted by the rules of naval warfare. In practice, belligerents have based the establishment of operational zones on the right of reprisal against alleged illegal behavior of an enemy.*

CHAPTER 5

**VESSELS, AIRCRAFT, AND PERSONNEL AT SEA
520 COMMUNICATIONS**

(p. 5-8)

- a. COMMUNICATIONS BY NEUTRAL MERCHANT VESSELS AND AIRCRAFT. A neutral merchant vessel or aircraft which, when on or over the high seas, transmits information destined for a belligerent concerning military operations or military forces is liable to capture.

Within the immediate vicinity of his forces, a belligerent commanding officer may exercise control over the communications of any neutral merchant vessel or aircraft whose presence might otherwise endanger the success of his operations. (See Appendix H, Form No. 4.) Legitimate distress communications by: neutral vessels and aircraft should be permitted if they do not prejudice the success of such operations. A neutral vessel or aircraft which does not

Appendix D

conform to a belligerent's control exposes itself to the risk of being fired upon and renders itself liable to capture.

b. SUBMARINE TELEGRAPH CABLES. Submarine telegraph cables between points in an enemy's territory, between points in the territories of enemies, between points in the territory of an enemy and neutral territory, or between points in occupied territory and neutral territory are subject to such treatment as the necessities of war may require. Submarine telegraph cables between two neutral territories should be held inviolable and free from interference.

APPENDIX H TO NWIP 10-2

Form No. 4

DECLARATION OF PROHIBITION (RESTRICTION) OF RADIO SERVICE

I, the undersigned, do hereby declare that from _____ o'clock ____ m. on the _____ day of _____, 19__, all vessels of whatever nationality provided with radio apparatus are prohibited from using the same apparatus within the immediate area of naval operations from _____ to _____ (or within the area of the sea inside the circle drawn with _____ radius _____ as its center) for the following purposes:

(1) _____

(Mention what is to be prohibited or restricted,
according to the provisions of the article.)

(2) _____

I do further declare that the vessels which knowingly violate this prohibition (restriction) shall be liable to capture.

Given on board U.S.S. _____ this _____ day of _____, 19__.

*Commander in Chief of _____ Squadron,
(Commanding U.S.S. _____.)*

**THE COMMANDER'S HANDBOOK
ON THE LAW OF NAVAL OPERATIONS**

**U.S. NAVY NWP 1-14M
U.S. MARINE CORPS MCWP 5-2.1
U.S. COAST GUARD COMDTPUB P5800.7**

(July 2007 edition)

http://lgdata.s3-website-us-east-1.amazonaws.com/docs/905/454610/NWP_1-14M-1.pdf

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.)

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

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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.

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

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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.

Joint Publication 1-02, DOD Dictionary of Military and Associated Terms

08 November 2010

(as amended through 15 November 2013)

http://www.dtic.mil/doctrine/new_pubs/jp1_02.pdf

defensive sea area

(DOD) A sea area, usually including the approaches to and the waters of important ports, harbors, bays, or sounds, for the control and protection of shipping; for the safeguarding of defense installations bordering on waters of the areas; and for provision of other security measures required within the specified areas. It does not extend seaward beyond the territorial waters. See also maritime control area.

exclusion zone

(DOD) A zone established by a sanctioning body to prohibit specific activities in a specific geographic area in order to persuade nations or groups to modify their behavior to meet the desires of the sanctioning body or face continued imposition of sanctions, or the use or threat of force. Source: JP 3-0

maritime control area

(DOD) An area generally similar to a defensive sea area in purpose except that it may be established any place on the high seas. Maritime control areas are normally established only in time of war. See also defensive sea area.

**Joint Publication 3-0 JOINT OPERATIONS
(11 August 2011)**

http://www.dtic.mil/doctrine/new_pubs/jp3_0.pdf

**CHAPTER V: JOINT OPERATIONS ACROSS THE RANGE OF MILITARY
OPERATIONS**

**SECTION C. MILITARY ENGAGEMENT, SECURITY COOPERATION, AND
DETERRENCE**

5. Typical Operations

g. **Enforcing Exclusion Zones.** A sanctioning body establishes an exclusion zone to **prohibit specified activities in a specific geographic area**. Exclusion zones usually are imposed due to **breaches of** international standards of human rights or flagrant violations of international law regarding the conduct of states. Situations that may warrant such action include the persecution of the civil population by a government and efforts to deter an attempt by a hostile nation to acquire territory by force. Exclusion zones can be established in the air (no-fly zones), sea (maritime), or on land (no-drive zones). An exclusion zone's purpose may be to persuade nations or groups to modify their behavior to meet the desires of the sanctioning body or face continued imposition of sanctions or threat or use of force. **Such measures usually are imposed by the UN or another international body** of which the United States is a member, although they may be imposed unilaterally by the United States (e.g., Operation SOUTHERN WATCH in Iraq, initiated in August 1992, and Operation DENY FLIGHT in Bosnia, from March 1993 to December 1995).

AIR FORCE OPERATIONS & THE LAW
A GUIDE FOR AIR, SPACE, AND CYBER FORCES
(2009)

<http://www.afjag.af.mil/shared/media/document/AFD-100510-059.pdf>

(pp 77-79)

Security Zones

Some coastal nations, including North Korea and Vietnam, have claimed the right to establish military security zones, beyond the territorial sea, of varying breadth, in which they purport to regulate or prohibit the activities of warships and military aircraft of other nations. This includes 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 in peacetime that would restrict the exercise of non-resource-related high seas freedoms beyond the territorial sea. Accordingly, the U.S. does not recognize the peacetime validity of any claimed security or military zone seaward of the territorial sea which purports to restrict or regulate the high seas freedoms of navigation and overflight. P.77

Air Defense Identification Zones

International law does not prohibit nations from establishing air defense identification zones (ADIZ) in the international airspace adjacent to their territorial airspace. Security zones are distinguishable from ADIZs, as the latter are merely a reporting and identification regime for civil aircraft used by coastal and island states. ADIZs are legally justified on the basis that a nation has the right to establish reasonable conditions of entry into its national airspace. Accordingly, an aircraft approaching national airspace may be required to identify itself while in international airspace as a condition of entry approval. ADIZ regulations published by the United States apply to aircraft bound for U.S. territorial airspace and require the filing of flight plans and periodic position reports. Some nations, however, purport to require all aircraft penetrating an ADIZ to comply with ADIZ procedures, whether or not they intend to enter national airspace. The United States does not recognize the right of a coastal or island nation to apply its ADIZ procedures to foreign aircraft in such circumstances. Accordingly, U.S. military aircraft not intending to enter national airspace need not identify themselves or otherwise comply with ADIZ procedures established by other nations, unless the United States has specifically agreed to do so.

Warning Areas

Any nation may declare a temporary closure or warning area on the high seas 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

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entailing some danger to other lawful uses of the high seas by others. Notice of the establishment of such areas must be promulgated in advance, usually in the form of a “notice to mariners” (NOTMAR) and/or a “notice to airmen” (NOTAM). Ships and aircraft of other nations are not required to remain outside a declared closure or warning area, but are obliged to refrain from interfering with activities in it. Consequently, U.S. ships and aircraft may operate in a closure area declared by a foreign nation, collect intelligence and observe the activities involved, subject to the requirement of due regard for the rights of the declaring nation to use the high seas for such lawful purposes. The ships and aircraft of other nations in a U.S. declared closure area may do the same.

United Nations and Other Collective Action

Freedom of navigation in international airspace and the sovereignty of states with respect to their own national airspace may be impacted by action taken by the United Nations (UN) through the UN Security Council. For instance, UN Security Council Resolution 816 tasked member states to enforce a “no-fly” zone in the airspace of the Republic of Bosnia-Herzegovina, clearly interfering with sovereign rights to national airspace. Furthermore, the use of the words “all necessary means” in UN Security Council Resolution 678 of 29 November 1990, dealing with the UN Security Council’s previous demand that Iraq withdraw from Kuwait (under UN Security Council Resolution 660 of 2 August 1990), gave the coalition forces the right to interfere with the use of international and national airspace insofar as it related to forcing the Iraqi forces to leave Kuwait. Regional security organizations may also, in certain circumstances, have the right to affect the use of international or national airspace.

**SAN REMO MANUAL ON INTERNATIONAL LAW APPLICABLE
TO ARMED CONFLICTS AT SEA
12 June 1994**

http://lgdata.s3-website-us-east-1.amazonaws.com/docs/905/461505/San_Remo_Manual.pdf

PART IV: METHODS AND MEANS OF WARFARE AT SEA

SECTION II: METHODS OF WARFARE

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
- (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

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103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

- (a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
- (b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

- (a) the same body of law applies both inside and outside the zone;
- (b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
- (c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
- (d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
 - (ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- (e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

**International Law Association:
Helsinki Principles on the Law of Maritime Neutrality
(1998)**

3.3 *Special Zones*

Subject to Principle 5.2.9 and without prejudice to the rights of commanders in the zone of immediate naval operations, the establishment by a belligerent of special zones does not confer upon that belligerent rights in relation to neutral shipping which it would not otherwise possess. In particular, the establishment of a special zone cannot confer upon a belligerent the right to attack neutral shipping merely on account of its presence in the zone.

5.2.9 *Transit*

Neutral ships, whether commercial or warships, enjoy the right of transit passage through international straits, the right of archipelagic sea lanes passage through archipelagic waters and the right of innocent passage through the territorial sea or archipelagic waters of belligerents, regardless of the existence of an armed conflict. A coastal State may, however, subject such rights to reasonable defence requirements. The belligerent may not close international straits and archipelagic sea lanes.

5.2.10 *Blockade*

Blockade, i.e. the interdiction of all or certain maritime traffic coming from or going to a port or coast of a belligerent, is a legitimate method of naval warfare. In order to be valid, the blockade must be declared, notified to belligerent and neutral States, effective and applied impartially to ships of all States. A blockade may not bar access to neutral ports or coasts. Neutral vessels believed on reasonable and probable grounds to be breaching a blockade may be stopped and captured. If they, after prior warning, clearly resist capture, they may be attacked.