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U.S. MARINE CORPS

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U.S. COAST GUARD

COMDTPUB P5800.7

THE COMMANDER'S HANDBOOK ON THE LAW OF NAVAL OPERATIONS

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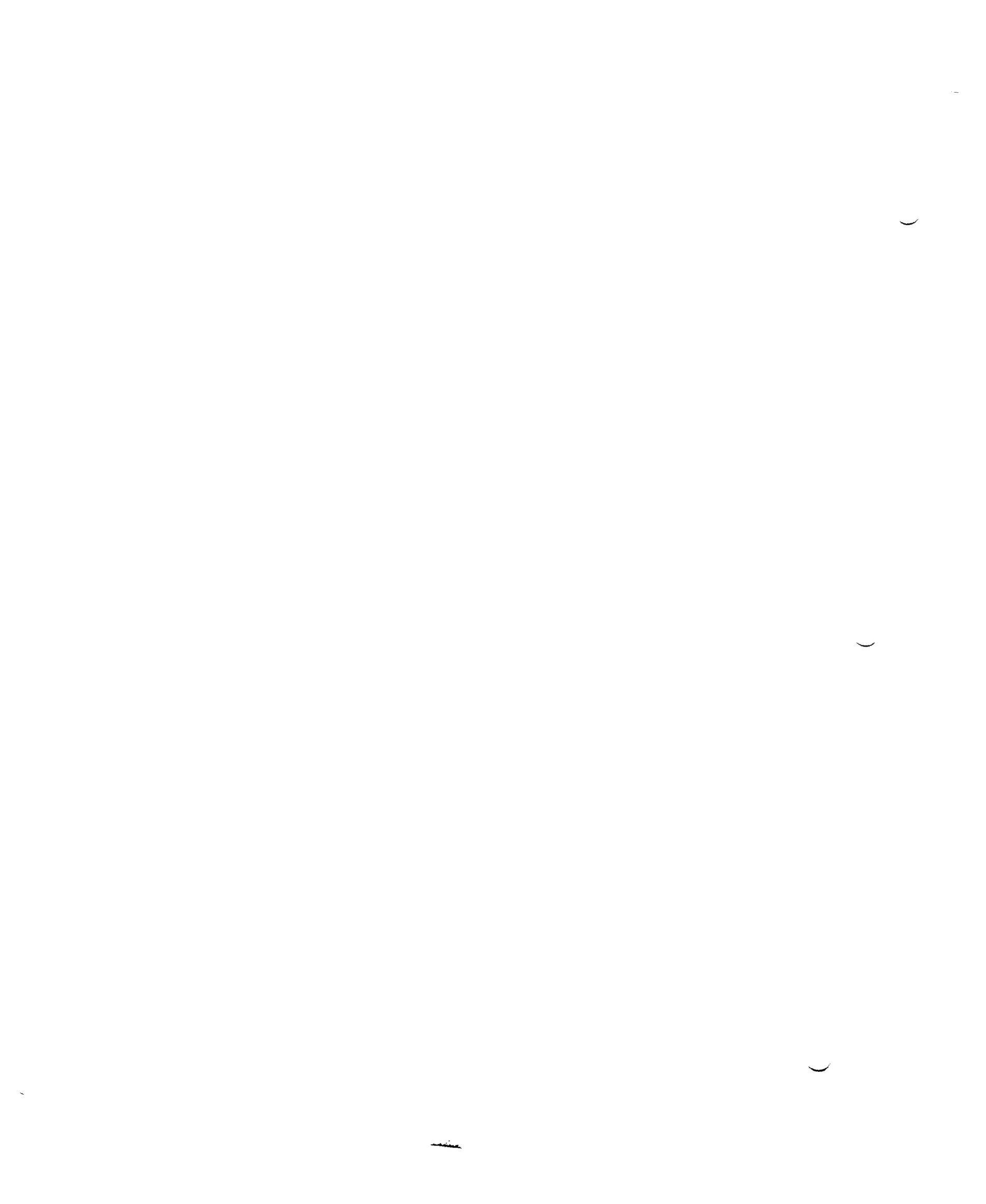
DEPARTMENT OF THE NAVY
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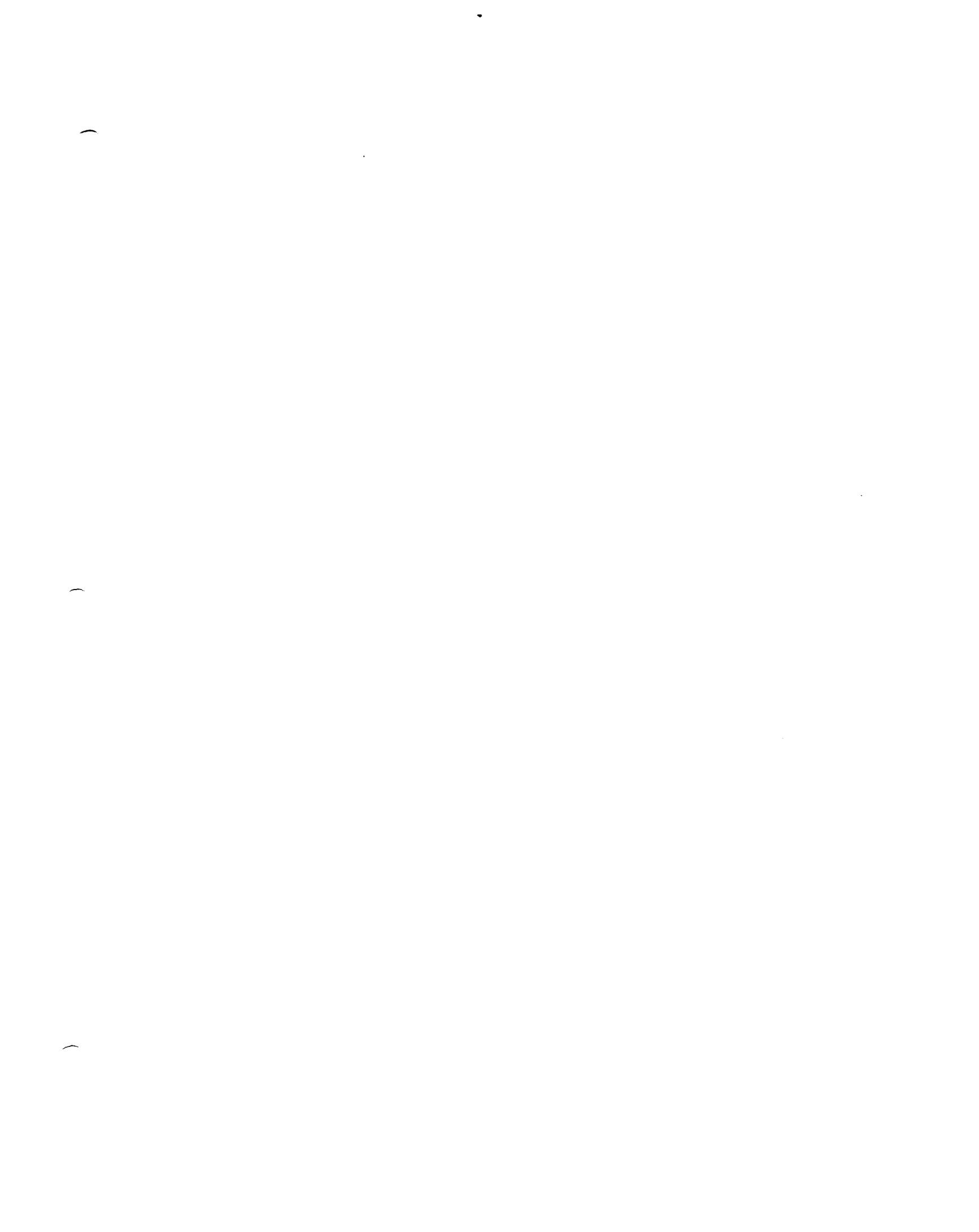
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2. NWP1-14M/MCWP 5-2.1/COMDTPUB P5800.7 is effective upon receipt and supersedes NWP 9 (Rev. A)/FMFM 1-10, THE COMMANDER'S HANDBOOK ON THE LAW OF NAVAL OPERATIONS, which shall be destroyed without report.
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October 1995

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2. Summary: This revision expands the treatment of neutrality, targeting, and weapons, addresses land mines for the first time, and provides a new section on maritime law enforcement and land warfare. This revision also responds to the Navy strategy set forth in "... From the Sea" and its focus on littoral warfare.

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The Commander's Handbook on the Law of Naval Operations

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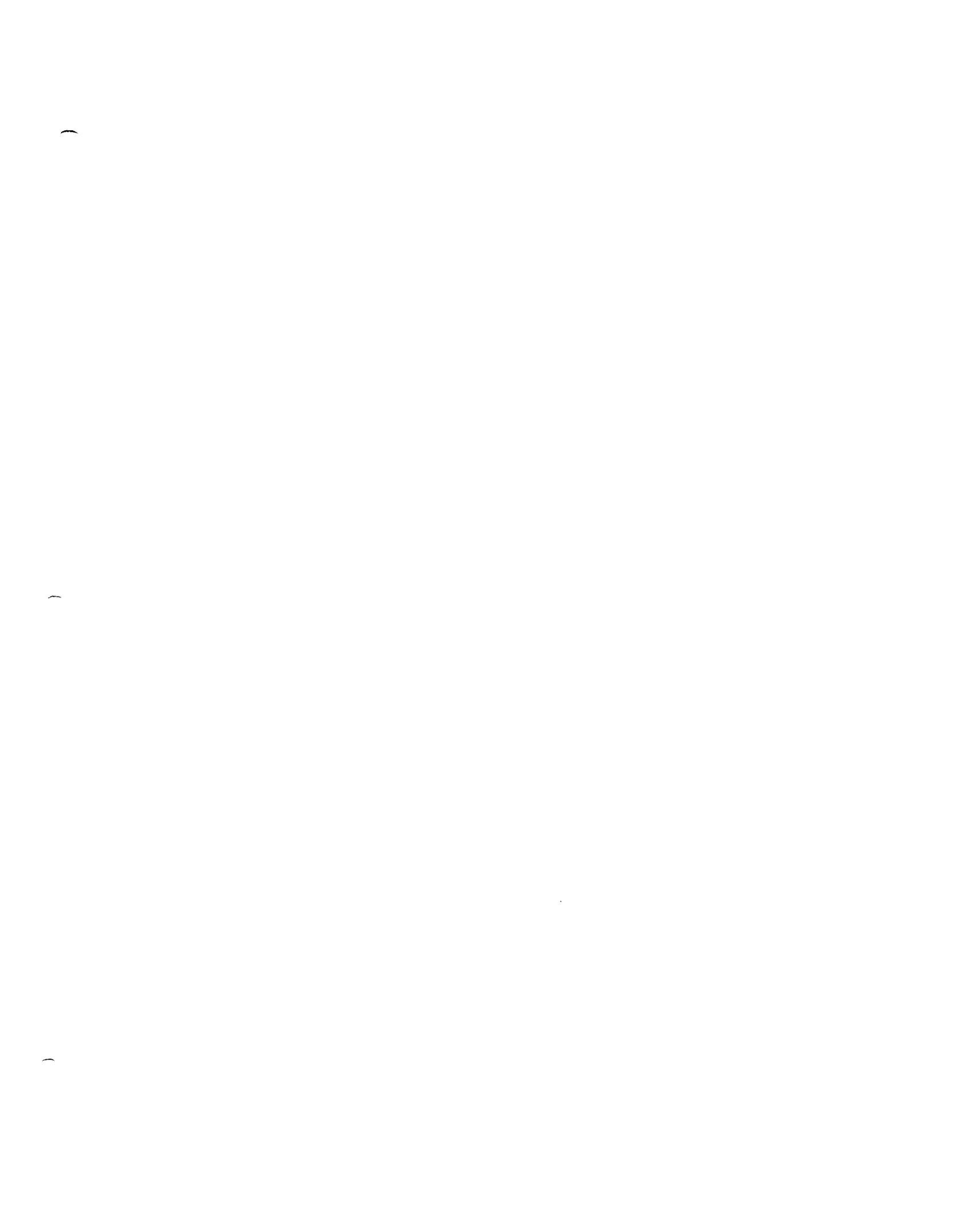
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LIST OF ABBREVIATIONS/ACRONYMS

A

ABM. Antibalistic missile.

ADIZ. Air defense identification zone.

AMC. Air Mobility Command.

APF. Afloat Pre-positioned Force.

D

DOD. Department of Defense.

E

EEZ. Exclusive economic zone.

F

FIR. Flight information region.

I

ICAO. International Civil Aviation Organization.

ICRC. International Committee of the Red Cross.

J

JCS. Joint Chiefs of Staff.

L

LEDET. Law enforcement detachment.

LOS. Law of the sea.

M

MSC. Military Sealift Command.

N

NATO. North Atlantic Treaty Organization.

NCA. National Command Authorities.

NDRF. National Defense Reserve Fleet.

NEO. Noncombatant evacuation operation.

nm. Nautical mile(s).

NOTAM. Notice to airmen.

NOTMAR. Notice to mariners.

R

RRF. Ready Reserve Force.

S

SALT. Strategic arms limitation talks.

SROE. Standing rules of engagement.

SSR. Secondary surveillance radar.

U

USNS. United States Naval Ships.

PREFACE

SCOPE

This publication sets out those fundamental principles of international and domestic law that govern U.S. naval operations at sea. Part I, Law of Peacetime Naval Operations, provides an overview and general discussion of the law of the sea, including definitions and descriptions of the jurisdiction and sovereignty exercised by nations over various parts of the world's oceans; the international legal status and navigational rights of warships and military aircraft; protection of persons and property at sea; and the safeguarding of national interests in the maritime environment. Part II, Law of Naval Warfare, sets out those principles of law of special concern to the naval commander during any period in which U.S. naval forces are engaged in armed conflict. Although the primary emphasis of Part II is upon the rules of international law concerned with the conduct of naval warfare, attention is also directed to relevant principles and concepts common to the whole of the law of armed conflict.

PURPOSE

This publication is intended for the use of operational commanders and supporting staff elements at all levels of command. It is designed to provide officers in command and their staffs with an overview of the rules of law governing naval operations in peacetime and during armed conflict. The explanations and descriptions in this publication are intended to enable the naval commander and his staff to comprehend more fully the legal foundations upon which the orders issued to them by higher authority are premised and to understand better the commander's responsibilities under international and domestic law to execute his mission within that law. This publication sets forth general guidance. It is not a comprehensive treatment of the law nor is it a substitute for the definitive legal guidance provided by judge advocates and others responsible for advising commanders on the law.

Officers in command of operational units are encouraged to utilize this publication as a training aid for assigned personnel.

APPLICABILITY

Part I of this publication is applicable to U.S. naval operations during time of peace. Part I also comple-

ments the more definitive guidance on maritime law enforcement promulgated by the U.S. Coast Guard.

Part II applies to the conduct of U.S. naval forces during armed conflict. It is the policy of the United States to apply the law of armed conflict to all circumstances in which the armed forces of the United States are engaged in combat operations, regardless of whether such hostilities are declared or otherwise designated as "war." Relevant portions of Part II are, therefore, applicable to all hostilities involving U.S. naval forces irrespective of the character, intensity, or duration of the conflict. Part II may also be used for information and guidance in situations in which the United States is a nonparticipant in hostilities involving other nations. Part II complements the more definitive guidance on land and air warfare promulgated, respectively, by the U.S. Army and U.S. Air Force.

STANDING RULES OF ENGAGEMENT (SROE)

The National Command Authorities (i.e., the President and the Secretary of Defense or their duly deputized alternates or successors — commonly referred to as the NCA) approve and the Chairman of the Joint Chiefs of Staff promulgates SROE for U.S. forces (Chairman of the Joint Chiefs of Staff Instruction 3121.01 1 October 1994). These rules delineate the circumstances under which U.S. forces will initiate and/or continue engagement with other forces encountered. Combatant commanders may augment the standing rules as necessary to reflect changing political and military policies, threats, and missions specific to their area of responsibility (AOR). Such augmentations to the standing rules are approved by the NCA and promulgated by the Joint Staff, J-3, as annexes to the standing rules.

This publication provides general information, is not directive, and does not supersede guidance issued by such commanders or higher authority.

INTERNATIONAL LAW

For purposes of this publication, international law is defined as that body of rules that nations consider binding in their relations with one another. International law derives from the practice of nations in the international arena and from international agreements. International law provides stability in international relations and an expectation that certain acts or omissions

will effect predictable consequences. If one nation violates the law, it may expect that others will reciprocate. Consequently, failure to comply with international law ordinarily involves greater political and economic costs than does observance. In short, nations comply with international law because it is in their interest to do so. Like most rules of conduct, international law is in a continual state of development and change.

Practice of Nations. The general and consistent practice among nations with respect to a particular subject, which over time is accepted by them generally as a legal obligation, is known as customary international law. Customary international law is the principal source of international law and is binding upon all nations.

International Agreements. An international agreement is a commitment entered into by two or more nations that reflects their intention to be bound by its terms in their relations with one another. International agreements, whether bilateral treaties, executive agreements, or multilateral conventions, are the second principal source of international law. However, they bind only those nations that are party to them or that may otherwise consent to be bound by them. To the extent that multilateral conventions of broad application codify existing rules of customary law, they may be regarded as evidence of international law binding upon parties and nonparties alike.

U.S. Navy Regulations. U.S. Navy Regulations, 1990, require U.S. naval commanders to observe international law. Article 0705, Observance of International Law, states:

At all times, a commander shall observe, and require their commands to observe, the principles of international law. Where necessary to fulfill this responsibility, a departure from other provisions of Navy Regulations is authorized.

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SUBJ/URGENT CHANGE RECOMMENDATION FOR NWP 1-14M/MCWP 5-2.1/COMDTPUB
P5800.7//

REF/A/DOC/NWP 1-01//

POC/(*Command Representative*)//

RMKS/

1. IAW REF A URGENTCHANGE IS RECOMMENDED FOR NWP 1-14M/MCWP 5-2.1/
COMDTPUB P5800.7
2. PAGE _____ PARA NO _____ LINE NO _____ FIG NO _____
3. PROPOSED NEW TEXT (*Include Classification*)

4. JUSTIFICATION

Message provided for subject matter; ensure that actual message conforms to MTF requirements.

PART I

Law of Peacetime Naval Operations

Chapter 1 — Legal Divisions of the Oceans and Airspace

Chapter 2 — International Status and Navigation of
Warships and Military Aircraft

Chapter 3 — Protection of Persons and Property at Sea
and Maritime Law Enforcement

Chapter 4 — Safeguarding of U.S. National Interests in
the Maritime Environment

