

FOREWORD

The International Law Studies “Blue Book” series was initiated by the Naval War College in 1901 to publish essays, treatises and articles that contribute to the broader understanding of international law. This, the seventy-third volume of that series, publishes the *Annotated Supplement* to *The Commander’s Handbook on the Law of Naval Operations*. Originally prepared in soft cover in late 1997 for use by students at the Naval War College and by judge advocates and others responsible for advising operational commanders on the law, it has been so well received that we are pleased to be able to make it available to a wider audience through the “Blue Book” series.

The Commander’s Handbook on the Law of Naval Operations provides guidance to operational commanders and supporting staff elements at all levels of command of the Navy, Marine Corps, and Coast Guard. As an official publication, it expresses the views of the United States with respect to the international norms governing the conduct of military operations in both time of peace and time of war. This encyclopedic *Annotated Supplement* provides a section-by-section analysis of the *Handbook* with full discussion of the concepts involved and the sources of the rules stated. As an unofficial publication, the positions and opinions expressed in the annotations are not necessarily those of the United States Navy or the Naval War College.

The *Annotated Supplement* was prepared under the leadership of Professor Emeritus Jack Grunawalt, while he served as Director of the Naval War College’s Oceans Law and Policy Department. On behalf of the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps, I extend to Professor Grunawalt and the countless others who participated in the development of this publication my gratitude and thanks. I hope that it will prove as useful to those who study international law as it has to those who advise operational commanders on the complex and difficult issues associated with military operations.



A. K. Cebrowski
Vice Admiral, U.S. Navy
President, Naval War College

INTRODUCTION AND ACKNOWLEDGEMENTS

The *Commander's Handbook on the Law of Naval Operations* (NWP 1-14M/MCWP 5-2.1/COMDTPUB P5800.1) and the 1997 *Annotated Supplement* have been well received in the fleet, in the field, and at headquarters activities for both United States forces and those of other nations. We extend our appreciation to the Naval War College Foundation and their anonymous contributors for funding the publication of this volume of the International Law Studies ("Blue Book") series. As a result of their generous support, the *Annotated Supplement* will achieve a much wider distribution to academic institutions and military commands around the world. That distribution will facilitate research on the law of naval operations and will serve to promote the rule of law in the conduct of future operations.

Others also are deserving of special recognition:

Captain J. Ashley Roach, JAGC, USN (ret.) was the primary author of the first *Annotated Supplement*. Ash has been a tremendous asset to the JAG Corps and to the operational law community. Among his many accomplishments, he can be credited with setting the stage for the *Annotated Supplement* series.

Professor Emeritus and Captain Richard J. Grunawalt, JAGC, USN (ret.) was a primary drafter and the leader of the team that produced this iteration of the *Annotated Supplement*. Bravo Zulu to Jack for this and his many other operational law achievements.

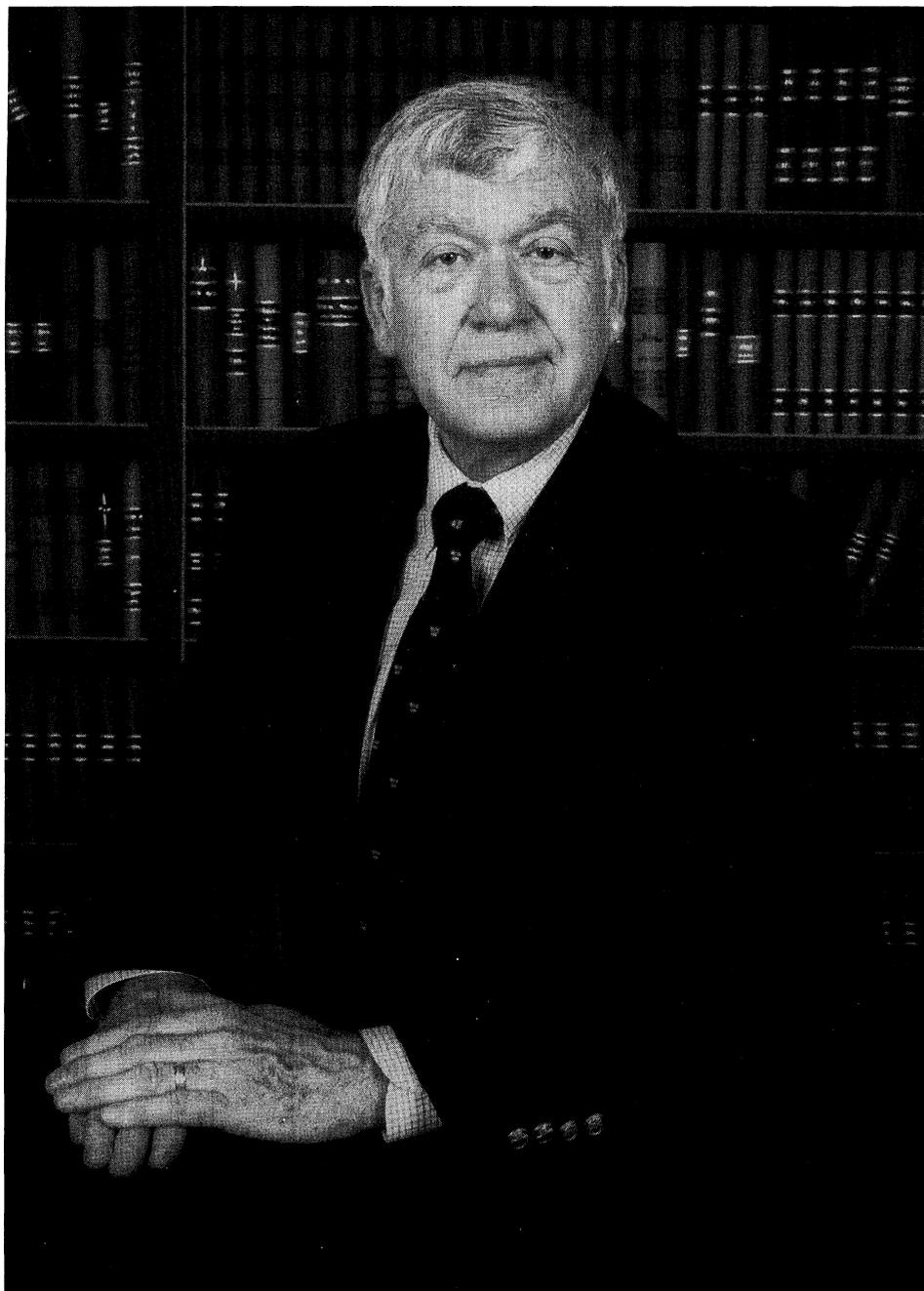
Lieutenant Colonel James Duncan, USMC of the Oceans Law and Policy Department has served as the editor for this Blue Book. Without his energy and enthusiasm, this Blue Book would not have been published.

Dr. Robert S. Wood, the Dean of the Center for Naval Warfare Studies, has provided leadership and constant support to the Oceans Law and Policy Department throughout its existence.

All those who have served in the Oceans Law and Policy Department and many other members of the operational law community have contributed to the *Commander's Handbook* and the *Annotated Supplement* over the years. Thank you all for your continuing support in updating and improving these manuals.

Both the *Commander's Handbook* and the *Annotated Supplement* are "works in progress." The Oceans Law and Policy Department has started the draft of the next iteration. We welcome inputs from all readers.

Dennis Mandsager
Professor of Law
Director, Oceans Law
and Policy Department



Dr. Robert S. Wood

This book, the seventy-third volume of the International Law Studies series, is dedicated to Dr. Wood in recognition of his devoted service to the Naval War College, his visionary leadership of the Center for Naval Warfare Studies, and his support for the rule of law.

**ANNOTATED SUPPLEMENT TO
THE COMMANDER'S HANDBOOK
ON THE LAW OF NAVAL
OPERATIONS**

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INTRODUCTORY NOTE

The Commander's Handbook on the Law of Naval Operations (NWP 1-14M/MCWP 5-2.1/ COMDTPUB P5800.1), formerly NWP 9 (Rev. A)/FMFM 1-10, was promulgated to U.S. Navy, U.S. Marine Corps, and U.S. Coast Guard activities in October 1995. The Commander's Handbook contains no reference to sources of authority for statements of relevant law. This approach was deliberately taken for ease of reading by its intended audience—the operational commander and his staff. This Annotated Supplement to the Handbook has been prepared by the Oceans Law and Policy Department, Center for Naval Warfare Studies, Naval War College to support the academic and research programs within the College.

Although prepared with the assistance of cognizant offices of the General Counsel of the Department of Defense, the Judge Advocate General of the Navy, The Judge Advocate General of the Army, The Judge Advocate General of the Air Force, the Staff Judge Advocate to the Commandant of the Marine Corps, the Chief Counsel of the Coast Guard, the Chairman, Joint Chiefs of Staff and the Unified Combatant Commands, the annotations in this Annotated Supplement are not to be construed as representing official policy or positions of the Department of the Navy or the U.S. Government.

The text of the Commander's Handbook is set forth verbatim. Annotations appear as footnotes numbered consecutively within each Chapter. Supplementary Annexes, Figures and Tables are prefixed by the letter "A" and incorporated into each Chapter.

Comments, suggestions and recommendations for changes to this volume may be submitted to the undersigned.

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Policy Department