



# CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

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J5

DISTRIBUTION: A, B, C, J, S

CJCSI 2430.01A

6 June 2002

## OPERATIONAL SUPPORT OF HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT

References: See Enclosure C.

1. Purpose. This instruction establishes policy, assigns responsibilities, and provides joint planning and reporting guidance concerning DOD support in the monitoring, collection, and reporting of high seas driftnet fishing. This instruction also implements references a through c, which direct that DOD assets will be used in the identification and location of large-scale, high seas driftnet fishing vessels.
2. Cancellation. CJCSI 2430.01, 12 March 1995, is hereby canceled.
3. Applicability. This instruction applies to the US Armed Forces including military and civilian personnel assigned to the Services, Joint Staff, combatant commands, Defense agencies, or other subordinate agencies, organizations, or units thereof reporting to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff. Unless operating with an embarked law enforcement detachment, DOD units will limit their activities to unit monitoring and general reconnaissance and information support to the fisheries and general law enforcement activities of the National Marine Fisheries Service ((NMFS) - a subdivision of the Department of Commerce (DOC)) and the United States Coast Guard (USCG).
4. Policy
  - a. Enactment of reference a (hereinafter "The Act") is in direct response to domestic and international actions imposing a worldwide moratorium on large-scale, high seas driftnet fishing. Among other things, the act, in part, mandates that the Departments of Defense,

Commerce, and Transportation enter into an interagency agreement to create procedures for the identification and location of vessels violating the moratorium to enhance the effectiveness of enforcement and diplomatic measures to uphold the moratorium. Because of the worldwide decline in fish stocks due to overfishing and the potential for violent confrontation over such fishing, effective enforcement of the driftnet fishing moratorium contributes to US national security.

b. On a not-to-interfere basis while otherwise pursuing their primary mission, commanders will plan for and use all-source intelligence and maritime monitoring and collection assets, as appropriate, to detect and track prohibited driftnet fishing and driftnet fishing vessels on the high seas.

c. Commanders will report fisheries-related mission summaries and the attributable costs of fuel and other consumables in supporting references a and b and this instruction through the use of a unified contact and mission report. (See Appendix to Enclosure B.) Costs will be assessed in accordance with reference d. Since driftnet monitoring will normally be a component of another mission, a prorated portion of the costs will be reported.

d. The Office of Naval Intelligence (ONI) was designated by reference b as the DOD executive agent for the DOD Driftnet Monitoring Support Program (DDMSP). In that capacity, ONI will prepare an annual reconnaissance plan containing seasonal areas of investigation, provide direct mission support, conduct training in driftnet identification and monitoring techniques, and maintain appropriate historical records as more fully set forth in Enclosure B.

e. The use of intelligence assets or the planning of monitoring missions, in which there is the possibility of a significant military reaction by the unit being monitored, or its flag state, will be processed in accordance with reference e.

f. Commanders conducting driftnet monitoring missions do not have authority to arrest or apprehend violators of the driftnet moratorium. This limitation does not derogate from a commander's inherent authority to conduct approach and visit. Furthermore, commanders may provide security (consistent with CJCS standing rules of engagement) and other non law-enforcement related assistance to any US law enforcement personnel, vessels, or craft that are engaged in an arrest or seizure of a vessel engaged in illegal driftnet fishing activity. This instruction does not limit a commander's inherent authority and obligation to use all

necessary means available and to take all appropriate actions in self-defense of the commander's unit and other US forces in the vicinity.

5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. This revision updates CJCSI 2430.01 to reflect changed and additional references, new and changed addresses for message recipients and editorial changes to clarify responsibilities.
8. Reporting Requirements. The reports described in this instruction are exempt from licensing in accordance with the provisions of Chapter C4, paragraph C4.4, of reference f.
9. Releasability. This instruction is approved for public release; distribution is unlimited. DOD components (to include the combatant commands), other Federal agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page--<http://www.dtic.mil/doctrine>. Copies are also available through the Government Printing Office or the Joint Electronic Library CD-ROM.
10. Effective Date. This instruction is effective upon receipt.

For the Chairman of the Joint Chiefs of Staff:



JOHN P. ABIZAID  
Lieutenant General, USA  
Director, Joint Staff

Enclosures:  
A--Responsibilities  
B--General Instructions  
    Appendix--Baseline Reporting Procedures  
C--References  
GL--Glossary

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## ENCLOSURE A

## RESPONSIBILITIES

## 1. The Director of the Joint Staff will:

a. Provide a primary point of contact, normally J-5, to act on policy and interagency matters involved in the execution of this instruction. This includes the ongoing formulation of policy and procedural guidance to implement references a through c and related matters. Additionally, the J-5 will provide necessary liaison with OSD; the National Security Council; Departments of State, Commerce (NMFS), and Transportation; combatant commands; and Joint Staff directorates for coordinating additional policies and procedures for implementing references a and b. Finally, the J-5 will be responsible for monitoring and recommending changes to this instruction if the program costs outweigh the effectiveness of enforcement efforts.

b. Provide a point of contact, normally J-3, for coordination of the review of plans, policies, and programs of the combatant commands in collaboration with J-3, J-5, and ONI to ensure that all unit reports are consistent with joint doctrine and operational procedures.

c. Provide a point of contact, normally J-2, for the coordination of requests by other agencies for use of national intelligence assets or surveillance support.

2. Pursuant to reference b, ONI is the DOD executive agent for the administration of the DDMSP. In addition to the specific responsibilities set forth in this instruction, ONI should perform the following tasks on behalf of the Joint Staff and combatant commanders in connection with the DDMSP:

a. Act as the DOD clearinghouse for international reporting and distribution of information relating to DDMSP.

b. Provide reports on request to OSD, Joint Staff, combatant commanders, and, in coordination with OSD and the Joint Staff, other agencies or international organizations that are responsible for enforcing the international driftnet fishing moratorium.

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c. Provide necessary advice, training, and technical assistance to OSD, Services, Joint Staff, and combatant commands, as required, to implement the DDMSPP. USCG and DOC should be consulted and assist in providing necessary training.

d. Conduct necessary liaison with DOD and non-DOD intelligence agencies, the joint intelligence centers of the respective combatant commanders, and program offices within the DOS, USCG, and NMFS and DOC to devise, as appropriate, common reporting, analytic, and surveillance procedures.

3. The Services and Defense agencies will:

a. Develop and execute Service and agency unique guidance and procedures consistent with this instruction and in support of the DDMSPP.

b. Provide publications, instructions, and training so that the members of their respective departments will be able to detect and accurately report potential violations of the driftnet fishing moratorium.

4. Commanders of combatant commands are responsible for the execution of the DDMSPP within their respective commands. Specific responsibilities include necessary steps to:

a. Issue and review appropriate plans, policies, and directives to ensure conformity with this instruction, including its reporting requirements.

b. Provide policy guidance and assign responsibilities to ensure internal directives and procedures established for all phases of execution of the DDMSPP program are adequate to protect US interests in detecting and documenting violations and facilitating the apprehension of violators (by USCG and NMFS) on a not-to-interfere basis while otherwise pursuing their primary mission.

c. Provide broad policy guidance to Service component commands concerning the implementation of uniform procedures for conducting DDMSPP missions and reporting the results and costs of such missions.

## ENCLOSURE B

## GENERAL INSTRUCTIONS

1. Commanders may initiate and conduct monitoring of driftnet fishing vessels using assigned forces on a not-to-interfere basis while otherwise pursuing their primary mission if in possession of information that there are vessels in the region that are engaging in large scale, high-seas driftnet fishing. Missions will be reported after the fact using the unitary message report set forth in Appendix A to this Enclosure.
2. Driftnet monitoring missions may be conducted or intelligence assets may be used in conjunction with the monitoring plan for the upcoming fiscal year. That plan will be developed by ONI in consultation with the Joint Staff (J2, J3, and J5), who will coordinate the plan with the cognizant combatant commanders. The reconnaissance plan will identify preplanned monitoring missions, or use of intelligence assets, which will take place without a specific request by the USCG or NMFS and are based on historical patterns of prohibited large-scale, high-seas driftnet activity in particular areas and the projected availability of maritime or air forces. ONI will also develop monitoring mission estimates for the upcoming fiscal year based on historical patterns of prohibited driftnet fishing activity. All such planning will consider that any actual monitoring will be conducted by units on a not-to-interfere basis while otherwise conducting their primary mission.
3. Driftnet monitoring missions may also be conducted pursuant to a request by another government agency--usually the USCG or NMFS, on a not-to-interfere basis, while otherwise pursuing their primary mission. All such interagency requests will be submitted by ONI to the cognizant combatant commander, keeping the Joint Staff (J-2, J-3 (JOD), and J-5 (CAC and region) informed. If the use of a national intelligence asset or surveillance platform is contemplated, ONI will make its request to the Joint Staff, J-2, for appropriate action.
4. ONI is authorized direct liaison with the combatant commanders (keeping the Joint Staff informed) to determine availability of combatant monitoring surveillance assets. ONI is similarly authorized direct liaison with the combatant commander to provide mission specific cueing and related intelligence support data.
5. As executive agent, ONI, in coordination with the combatant commanders, the Joint Staff (J-2, J-3, and J-5), and other US

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Government agencies, will be responsible for ongoing development of standardized-interoperable contact and mission reporting procedures. ONI will also maintain a record of all reported instances of DOD support of reference a including, but not limited to, records of: (a) reported incidents in which DOD support resulted in a detection of prohibited activity; (b) incident specific follow-up enforcement activities by the NMFS or USCG or diplomatic protests by the Department of State; and (c) such other data as will enable DOD to measure the effectiveness of the DDMSP. ONI will actively monitor general trends in illicit fishing, as reported by NMFS and other US and international agencies charged with responsibility for fisheries' management affairs, to determine the effectiveness of this program to satisfy the purposes of reference a. Finally, ONI should monitor interagency developments and trends of improper conservation and management of living marine resources or patterns of violations of international fisheries' agreements that could be appropriately addressed with DOD assets and recommend changes to the focus or scope of this program.

APPENDIX TO ENCLOSURE B  
BASELINE REPORTING PROCEDURES

1. All contact, mission wrap-up, and costs should be reported using the Locator (Ex-MAREP) reporting system found in reference g or its successor joint publication. Unless making a time sensitive contact report, single mission reports are encouraged. Reports should be made in Joint Interoperability Tactical Command and Control Systems (JINTACCS) format.
2. The subject line of all messages will begin "OCEAN WEB" followed by appropriate references to the geographic areas that were monitored.
3. All reports will contain the following DOD and non-DOD action addressees:

COGARD INTELCOORDCEN WASHINGTON DC  
COMDT COGARD WASHINGTON DC//G-OPL//  
RUCXONI/ONI WASHINGTON DC//211//OCEAN WEB//  
RUCXONI/ONI IFE WASHINGTON DC  
DIA WASHINGTON DC//PGT//  
DEPT OF COMMERCE WASHINGTON DC//NMFS/F/IA-2/EN//\*

4. Depending on the position of the driftnet vessels, local and regional Coast Guard commanders will also be action addressees of reports as follows:

- a. In the Pacific Ocean above 40 degrees North latitude:

COMPACAREA COGARD ALAMEDA CA//PI//  
CCGDTHIRTEEN SEATTLE WA//OLE//  
CCGDSEVENTEEN JUNEAU AK//OLE//

- b. In the Pacific Ocean below 40 degrees North latitude:

COMPACAREA COGARD ALAMEDA CA//PI//  
CCGDFOURTEEN HONOLULU HI//OLE//

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Passing Instruction  
\*FOR SECSTATE PASS TO OES/OMC

c. In the Indian Ocean:

COMPACAREA COGARD ALAMEDA CA//PI//

d. In the Atlantic Ocean below 10 degrees North latitude or  
Mediterranean:

COMLANTAREA COGARD PORTSMOUTH VA//AI//

e. In the Atlantic above 10 degrees North latitude but south of 32  
North Latitude outside of the Gulf of Mexico:

COMLANTAREA COGARD PORTSMOUTH VA//AI//  
CCGDSEVEN MIAMI FL//OLE//  
COMCOGARD GANTSEC SAN JUAN PR

f. In the Atlantic north of 32 North Latitude

COMLANTAREA COGARD PORTSMOUTH VA//AI//  
CCGDONE BOSTON MA//OLE//  
CCGDFIVE PORTSMOUTH VA//OLE//

g. In the Gulf of Mexico:

COMLANTAREA COGARD PORTSMOUTH VA//AI//  
CCGDSEVEN MIAMI FL//OLE//  
CCGDEIGHT NEW ORLEANS LA//OLE//

5. All messages will include the following DOD and non-DOD  
information addressees:

JOINT STAFF//J2/J3-JOD/J5-CAC/J4-SMED//  
SECSTATE WASHINGTON DC//1166/OMC/OES\*\*//  
UNIFIED AND SUBUNIFIED COMMANDERS AS DIRECTED

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Passing Instruction

\*\*FOR USDOC WASHINGTON DC PASS TO NMFS//F/IA-2/EN//

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COMPONENT COMMANDERS AS DIRECTED  
AMEMBASSY [FLAG STATE OF VESSEL BEING MONITORED]  
DIRNSA FT GEORGE G MEADE MD  
MD//B3/B561/B73/W412/DCD/W421/W233//  
CIA WASHINGTON DC//OPS/ASG/CCG//  
CNO WASHINGTON DC//N2/N3/N5/N00J/N09J//

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ENCLOSURE C

REFERENCES

- a. High Seas Driftnet Fisheries Enforcement Act, Pub. L. No. 102-582, 106 Stat. 4900, 4905, 16 U.S.C. § 1861 note (1992). See also 16 U.S.C. 1861, Historical and Statutory Notes, 1992.
- b. Memorandum of Understanding Between the Secretary of Transportation, Secretary of Commerce and Secretary of Defense, Relating to Enforcement of Domestic Laws and International Agreements that Conserve and Manage the Living Marine Resources of the United States dated 11 October 1993.
- c. Under Secretary of Defense for Policy memorandum, 21 November 1994, "High Seas Driftnet Fisheries Enforcement Act, Public Law 102-582."
- d. DOD 7000.14-R, "Department of Defense Financial Management Regulations", Volume 1-15 (date dependent on volume).
- e. Presidential Decision Document 33, 23 January 1995.
- f. NWP 1-03.41, October 1989, "Maritime Reporting System."

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## GLOSSARY

## DEFINITIONS

Approach and Visit - The right of a warship under international law to approach any vessel in international waters to verify its nationality. Unless the vessel encountered is itself a warship or government vessel of another nation, the ship may be stopped, boarded, and the ship's documents may be examined if there is reasonable cause to believe that the vessel is without nationality; is flying a false flag; or is engaged in piracy, the slave trade, or unauthorized broadcasting.

Driftnet Fishing/Illegal Driftnet Fishing - Driftnet fishing is a method of fishing in which a gillnet or series of gillnets, is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing of the gillnets. Illegal driftnet fishing is any gillnet in excess of 2.5 km set on the high seas.

Driftnet Fishing Vessel - Any vessel that is used in the performance of driftnet fishing including, but not limited to, the operations of entanglement, gathering, harvesting, preparation, supply, storage, refrigeration, transportation, and processing of fish.

Gillnet - A net composed of a panel (tan) or several such panels of webbing in which fish are caught by entanglement. Net length and mesh size is fixed by international agreement and implemented by domestic law.

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