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NAVAL WAR COLLEGE
Newport, R.I.

MARITIME EXCLUSION ZONES: A TOOL FOR THE OPERATIONAL COMMANDER?

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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18 May 1992

Paper directed by
Captain Ward Clark, USN
Chairman, Department of Operations

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92-20138

SECURITY CLASSIFICATION OF THIS PAGE

REPORT DOCUMENTATION PAGE

1a REPORT SECURITY CLASSIFICATION UNCLASSIFIED	1b RESTRICTIVE MARKINGS
2 SECURITY CLASSIFICATION AUTHORITY	3 DISTRIBUTION/AVAILABILITY OF REPORT DISTRIBUTION STATEMENT A: Approved for Public Release; distribution is unlimited.
2b DECLASSIFICATION/DOWNGRADING SCHEDULE	
4 PERFORMING ORGANIZATION REPORT NUMBER(S)	5 MONITORING ORGANIZATION REPORT NUMBER(S)
6a NAME OF PERFORMING ORGANIZATION OPERATIONS DEPARTMENT 6b OFFICE SYMBOL (If applicable) C	7a NAME OF MONITORING ORGANIZATION
6c ADDRESS (City, State, and ZIP Code) NAVAL WAR COLLEGE NEWPORT, R.I. 02841	7b ADDRESS (City, State, and ZIP Code)
8a NAME OF FUNDING/SPONSORING ORGANIZATION 8b OFFICE SYMBOL (If applicable)	9 PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER
8c ADDRESS (City, State, and ZIP Code)	10 SOURCE OF FUNDING NUMBERS PROGRAM ELEMENT NO / PROJECT NO / TASK NO / WORK UNIT ACCESSION NO

11 TITLE (Include Security Classification)

MARITIME EXCLUSION ZONES: A TOOL FOR THE OPERATIONAL COMMANDER? (U)

12 PERSONAL AUTHOR(S)
YOUNG, TIMOTHY C., CDR, JAGC, USN

13a TYPE OF REPORT	13b TIME COVERED	14 DATE OF REPORT (Year, Month, Day)	15 PAGE COUNT
FINAL	FROM _____ TO _____	92 JUNE 19	49

16 SUPPLEMENTARY NOTATION A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Operations. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

17 COSATI CODES			18 SUBJECT TERMS (Continue on reverse if necessary and identify by block number)
FIELD	GROUP	SUB-GROUP	EXCLUSION ZONES, MEZ, WAR ZONES, LAW OF NAVAL WARFARE

19 ABSTRACT (Continue on reverse if necessary and identify by block number)

This paper will examine wartime Maritime Exclusion Zones in an effort to determine their usefulness to an operational commander conducting wartime operations at sea. After a brief introductory discussion, historical uses of exclusion zones will be examined. The strategies employed by the historical examples will next be discussed in an attempt to explore the operational purposes which might be served by the use of such zones. Next, the legal ramifications of exclusion zones will be explored. Finally, conclusions and recommendations will be drawn. It is my thesis that, although Maritime Exclusion Zones may have some operational value, they are not a tool which should be routinely used by the operational commander.

20 DISTRIBUTION/AVAILABILITY OF ABSTRACT ☒ UNCLASSIFIED/UNLIMITED ☐ SAME AS RPT ☐ DTIC USERS	21 ABSTRACT SECURITY CLASSIFICATION UNCLASSIFIED
22a NAME OF RESPONSIBLE INDIVIDUAL CHAIRMAN, OPERATIONS DEPARTMENT	22b TELEPHONE (Include Area Code) 841-3414 / 22c OFFICE SYMBOL C

DD FORM 1473, 84 MAR — 83 APR edition may be used until exhausted. All other editions are obsolete

SECURITY CLASSIFICATION OF THIS PAGE

U.S. Government Printing Office 1985—635-012

0102-LF-014-6602

MARITIME EXCLUSION ZONES: A TOOL FOR THE OPERATIONAL COMMANDER?

I. THESIS

This paper will examine wartime Maritime Exclusion Zones in an effort to determine their usefulness to an operational commander conducting wartime operations at sea. After a brief introductory discussion, historical uses of exclusion zones will be examined. The strategies employed by the historical examples will next be discussed in an attempt to explore the operational purposes which might be served by the use of such zones. Next, the legal ramifications of exclusion zones will be explored. Finally, conclusions and recommendations will be drawn. It is my thesis that, although Maritime Exclusion Zones may have some operational value, they are not a tool which should be routinely used by the operational commander.

II. INTRODUCTION

A Maritime Exclusion Zone (MEZ) is a type of warning zone. Mariners routinely use warning zones in various forms. In recent practice such warnings often take the form of a Notice to Mariners (NOTMAR) or a Notice to Airmen (NOTAM). Appendix I contains several fairly recent examples of such notices. Generally speaking, a warning zone provides notice of potential danger in a specific geographic area. An MEZ is a very specific type of warning zone which, for the purposes of this paper, is used by belligerents actively engaged in hostilities. The danger which is the subject of the warning is the danger

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associated with an active, shooting war at sea. In essence the MEZ tells mariners that there is a war going on in a particular area of the ocean and entry into the area will pose certain risks inherent in war being conducted on the high seas. The establishment of an MEZ may be used for purely benign purposes by simply warning mariners not involved in the ongoing hostilities that a certain area is dangerous. On the other extreme, we will examine MEZs which essentially declare that any vessel in the zone is subject to attack without regard to nationality or purpose.

The most recent and noteworthy uses of MEZs have been by Iraq and Iran during the Persian Gulf "Tanker War", and by Great Britain and Argentina in the Falklands (or Malvinas) War.[*] The centerpiece for this discussion will be the Falklands War and the use, by both belligerents, of MEZs. The Falklands War is a useful example because of the fact that the parties to the war began hostilities with relatively benignly defined MEZs which merely warned of potential danger in the area surrounding the Falkland Islands and then escalated their warnings to the point that, by the end of the rather short war, the warnings essentially told the world, "if you enter this area you may be sunk without further ado." Accordingly, by looking at the Falkland zones in some detail, we get a good look at MEZs in all their forms and uses.

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[*] The United States and its coalition partners did not use exclusions zones in Operations Desert Shield and Desert Storm. This decision will be discussed in section IV.

III. HISTORICAL USES OF MARITIME EXCLUSION ZONES

Although some form of maritime warning has probably been in use for as long as mariners have been going to sea, the use of wartime exclusion zones appears to start in World War I, when parties on both sides of the conflict resorted to the practice.[11] The idea of maritime war zones grew out of the traditional maritime strategy of blockade. Prior to WWI, blockades were executed in the close-in manner. The blockading navy would group its ships in close proximity to the port(s) to be blockaded and prevent shipping from entering or exiting. Advances in technology led to a different blockading strategy. Improvements in artillery began to put close-in blockaders at rather serious risk of bombardment from shore. The development of air power only exacerbated the problem. Additionally, ships became faster and more maneuverable, and blockade running became easier. In response, the idea of a looser, more distant blockade began to develop. This stand-off blockade strategy was difficult to execute because, as distances from the coast increased, the ability to interdict shipping decreased. As a result, blockading countries began to use mines as a means of sealing off a port and executing a blockading strategy. Because mines are essentially blind and indiscriminate in their

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[11] The Japanese used defensive exclusion zones in the waters surrounding Japan in their war with Russia in 1904. These zones which were purely defensive in nature and which were limited to the waters surrounding the homeland are beyond the scope of this paper.

targeting, legal problems were raised. International Law, in responding to the use of mines, required warnings about mined areas. The VIII Hague Convention of 1907 first codified the notion of maritime warnings:

> "The belligerents undertake to do their utmost to render these mines harmless within a limited time, and should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to ship owners. which must also be communicated to the Governments through the diplomatic channel."[4]

These notices required by International Law are the genesis of the MEZs which are our focus.

Using these new aspects of International Law, the belligerents in WWI began to declare such danger zones. One of the early zones declared by the British included the following language:

> "... They [the British Admiralty] therefore give notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft, and all other vessels will be exposed to the gravest dangers from mines which it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft." [5]

It should be noted how, in the last clause of the above notice, the warning goes beyond dangers from mines to danger from British warships. In response to British warnings and actions, was one of the early German notifications:

> "... Neutrals are therefore warned against further entrusting crews, passengers and wares to such ships [British merchant ships]. Their attention is also called to the fact, that it

> is advisable for their ships to avoid entering this area, [the waters surrounding Great Britain and Ireland including the English channel] for even though the German naval forces have instructions to avoid violence to neutral ships insofar as they are recognizable, in view of the misuses of neutral flags ordered by the British Government and the contingencies of naval warfare their becoming victims of torpedoes directed against enemy ships cannot always be avoided; ..."[4]

Each side in WWI responded to the other's declaration of maritime war zones and the situation escalated to the point that, by 1917 Germany had declared virtually the entire North Atlantic and Arctic Oceans to be an exclusion zone subject to unrestricted submarine warfare.[5]

Similar practices occurred in the Second World War and the various belligerents declared a variety of maritime war zones [6]. By the end of the War, the United States was practicing unrestricted submarine warfare against Japanese shipping throughout the Pacific Ocean, and Germany was doing the same against Allied shipping in the Atlantic.[7]

It was not until the 1980s that we find other important uses of wartime exclusion zones.[***] The "Tanker War" between Iran and Iraq witnessed both sides declaring exclusion zones in the Persian Gulf in efforts to economically strangle the enemy's ability to wage war. Both sides attacked and sank neutral commercial shipping bound for the ports of their enemy. The

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[***] The U.S. did employ certain restrictive zones in the Korean and Vietnam Conflicts as well as during the brief Cuban Missile Crisis. These zones were very limited in scope and/or duration and are therefore beyond the scope of this paper.

zones declared by Iraq were directed at areas of the northern Gulf and important Iranian commercial facilities like Kharg Island. The Iranian zones, as declared, looked like a defensive scheme. In essence, Iran declared waters in the Eastern Gulf, adjacent to Iran, as excluded from all shipping except that with approval to enter Iranian ports or facilities. As will be discussed in Section IV below, the Iranian strategy in using the exclusion zone was, in reality, more offensive than defensive.

The most interesting use of MEZs took place in the Falkland Islands War in 1982. In the period between April 12 and July 22 of 1982 Great Britain and Argentina declared a total of 7 exclusion zones arising out of their war over the Falkland Islands. (Appendix II is a chronology of events in the Falklands War covering the various exclusion zones declared and events related thereto.) The first zone, announced by Britain on April 7 and to take effect on April 12, established a zone with a radius of 200 miles centered on the middle of the Falkland Islands. By the terms of this announcement, only Argentine warships and naval auxiliaries discovered in the prohibited area were to be attacked. On 23 April the British Government amended their announcement to include Argentine aircraft, including civil aircraft, which might pose a threat to the mission of British forces in the zone.[3] By April 30, Britain had redefined the prohibited area as a Total Exclusion Zone and stated 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...[9]

On 7 May, the British extended the zone to include all Argentine warships or military aircraft more than 12 miles from the coast of Argentina.

Argentina responded to the initial British establishment of an MEZ by announcing an identical zone applied to all British ships and aircraft. By 11 May Argentina had declared the entire South Atlantic to be a War Zone, and pursuant to this warning sunk one neutral commercial vessel "about 600 miles off the Argentine coast and nearly 500 miles from the Falkland Islands.[10]

IV. STRATEGIES SERVED BY MARITIME EXCLUSION ZONES

The exclusion zones described above have served a variety of strategic and operational purposes. The purpose of this section is to examine these uses in order to determine their future utility to campaign planners and operational commanders. As discussed above, the primary use of exclusion zones has been in conjunction with blockade operations, a strategy designed to attack an enemy's logistics and thereby deny him sustainability. This was the primary purpose of the Allied and German exclusion zones declared in both World Wars. Interrupting logistics was also the primary purpose behind the exclusion zones declared by both sides in the Iran-Iraq "Tanker War" in the Persian Gulf.

A strategy of blockade can serve two functions, both

related to a country's ability to sustain a war effort. First, it prevents essential war supplies and material from reaching the enemy. Second, it disrupts the enemy's commercial trade, thereby degrading the economic ability to pursue the war. The blockading strategies of both World Wars contained both elements, but were probably more closely associated with the former. The Persian Gulf exclusion zones and the related attacks on commercial tankers in the "Tanker War" were almost exclusively directed at the commercial, economic base of the enemy.

In a strategy of blockade the use of exclusion zones serves several strategic and operational purposes. When used in conjunction with mining, the exclusion zone addresses the legal requirement of notification.[11] The exclusion zone, if it is effective in deterring shipping from entering the prohibited area, makes the blockade more effective and easier to enforce. Similarly, the deterrent effects of an MEZ will reduce the possibility of otherwise unnecessary approaches to or accidental attacks upon innocent vessels who might otherwise have been operating in the vicinity. As was the case in several of the MEZ warnings discussed above, the creation of a zone is sometimes used by the blockading party to create a presumption that ships (or aircraft) operating inside the zone are operating in support of the enemy and his war ends.[12]

Another potentially valuable use of an MEZ is as a purely defensive measure. Such a purpose is served by warning the

enemy that he enters the prohibited area at his own peril and is subject to being attacked without further warning. If such a warning deters an enemy from acting, it serves as a valuable defensive strategy because it provides a large measure of security to one's own forces operating in the zone and the SLOCs contained therein. In the Falklands war, the Argentine Navy essentially remained in port. It is debatable whether it was the British declaration of MEZs or other, more conventional actions (for example the nuclear submarine attack on the General Belgrano) which caused the Argentine Navy to stay in port. It seems certain that the Argentine exclusion zones had virtually no effect on British naval operations in the Falklands War and therefore served no defensive purpose.

In addition to defensive strategy, an MEZ can also be used for offensive purposes. The ruthless use of an exclusion zone by a nation can add greatly to the offensive ability of operational commanders at sea by facilitating target identification. The clearest example of such a use is probably the use of exclusion zones in WWII in conjunction with unrestricted submarine warfare. As noted in the historical discussion above, by the end of the War, Germany had made virtually the entire North Atlantic an exclusion zone and German submarine patrols were targeting any vessel found in the ocean. The U-boat commander's decision-making process and tactical execution were greatly simplified. In essence any contact that wasn't German was a viable target. In the current age of

supersonic aircraft and over-the-horizon weapons, timely target identification is a major problem for the operational commander. In discussing the purposes of the British MEZ in the Falklands War, a former Chief Naval Judge Advocate of the royal Navy pointed out that one such purpose was to simplify the targeting problem by keeping non combatants from the theater:

> "In a hostile environment when aircraft approach you at high speeds and when your air defenses are inadequate to dispose of the threat, or when you are likely to be hit by a missile air launched from beyond the capability of your radar to detect and where you cannot afford the risk of irreparable damage or loss to major units, you have to keep the enemy <u>and others</u> at a distance, and having warned the world, your survivability depends on your reacting immediately to destroy contacts in the area before they destroy you." [3] (Emphasis added.)

The assumption which flows from this strategy is that all innocent parties will heed the warnings and will therefore remain clear of the prohibited zone. The legal ramifications of such a strategy will be discussed below, but the relevant point to be made now is that MEZs can be used to reduce the ever-increasing targeting problems faced by the operational commander.

The British may well have used the Falkland Islands exclusion zone for a more subtle strategy of deception. As discussed above, the first MEZ announced by the British applied the exclusion only to Argentine warships and naval auxiliaries. In reality, such a zone would seem to have little utility. Britain and Argentina were belligerent nations openly engaged in

armed hostilities. It should therefore have gone without saying that British forces could and would attack Argentine forces. Accordingly, it might appear at first glance that the initial British MEZ was superfluous.[14] The timing of this first warning may reveal an underlying strategic purpose. At the time that the zone was announced (April 12) there were no British forces in the South Atlantic to enforce the zone. There were, however, persistent rumors, which Great Britain did nothing to dispel, that a British nuclear submarine, H.M.S. Superb, was operating in the area of the Falkland Islands. In reality, Superb was in port at Holy Loch, Scotland at the time. Accordingly, the British may have used the announcement of the initial zone as a part of a deception strategy designed to pose a then non-existent threat of submarine attack.[15]

A final advantage of the use of maritime exclusion zones is that it can have the effect of limiting the conflict to a single area and avoiding unwanted geographical escalation. At least one commentator has opined that the initial MEZs declared in the Falklands War, "reflected the desire of both sides to limit the conflict to the combat forces that they had committed to the struggle, to the Islands, and to the seas around them.[16] Both sides, for very different reasons had good reason to attempt to limit the hostilities. Argentina had serious concerns about overwhelming British power, particularly from nuclear submarines. Accordingly, any measure which would serve to keep British forces in a limited and defined area would have been

attractive to Argentina. Additionally, Argentina probably had domestic, political concerns which caused a desire to limit the war in terms of time and space. The British faced a logistics pipeline and LOCs that were extremely long and complex. Limiting the hostilities had the effect of allowing them simultaneously to take advantage of the principles of concentration of force and economy of force.

There are, therefore, a variety of strategic and tactical advantages which are potentially available to an operational commander who employs MEZs. There are also, however, potential disadvantages.

As we have seen, the creation of an exclusion zone can make targeting easier. The operational commander must also bear in mind that creating such a zone may also facilitate an enemy's targeting capability. The MEZ, particularly if used primarily for defensive purposes, can identify a center of gravity. For example, if the British exclusion zones in the area of the Falklands were designed primarily to protect British forces and SLOCs, the announcement of the zones tended to inform Argentina where those forces and SLOCs were. Similarly, the 100 mile zone around Ascension Island created by the British on 10 May (See page 10 of Appendix II) certainly gave notice to Argentina that Ascension Island was an important base of logistic support. It must be conceded that, absent any announced exclusion zones, it must have been intuitively obvious to Argentina that British forces would be concentrated in the area immediately surrounding

the Falklands and that they would be relying on Ascension Island as a support base. Nevertheless, an operational commander should always ask whether the announcement of an exclusion zone is telling the enemy too much about one's strategy, deployment of forces or about areas that, for one reason or another, are of particular importance and therefore potential centers of gravity.

The operational commander, before using an MEZ, should also consider what sense of security, real or implied, may be created for the enemy. Did, for example, the British creation of the 200 mile zone around the Falkland Islands indicate that Argentine warships or aircraft were safe from attack as long as they remained outside the zone? The submarine torpedo attack and sinking of the General Belgrano some 35 miles outside the zone served to clearly answer the question in the negative, but in some circles of world opinion, the issue was ambiguous, at best.[illegible] Similarly, the operational commander must ensure that his own subordinates do not develop a sense of security or tunnel vision limited to the prohibited zone. Constantly improving technology gives weapons increased range and stand-off capabilities. Accordingly, unit commanders constantly must be aware of their unending responsibility of self defense from any and all threats, and of the fact that the existence of an exclusion zone does not eliminate the threat of attack from outside the zone. Because of these concerns, U.S. and Coalition naval forces decided not to employ any type of exclusion zones

for maritime forces operating in Operations Desert Shield and Desert Storm.[18]

A final potential liability associated with the use of MEZs is the negative effect that exclusion zones can create in the realm of public and world opinion. The diplomatic and political ramifications which can arise due to the imposition of an MEZ are factors which must be considered. By its very terms, an exclusion zone is an attempt to close off, or at least limit access to, the high seas. These areas of international waters are traditionally viewed as free and open to the unrestricted use by shipping of all nations. It can therefore easily be predicted that an attempt by one nation to restrict the high seas will be viewed with skepticism by other nations. The U.S. Navy, for example, conducts an aggressive Freedom of Navigation program designed to challenge claims which attempt to restrict access to areas considered to be on the high seas or territorial waters in which warships have the right of innocent passage.

With this notion of diplomacy in mind, it is interesting to note that virtually all of the exclusion zone warnings issued by Great Britain and by Germany in WWI begin with an attempt to blame the action on the other party. A very interesting, albeit sometimes schizophrenic, diplomatic dialogue ensued in which one nation always justified its use of an MEZ as a retaliation to the enemy nation's alleged improper use of the same or very similar tactic.[19] This need to achieve the diplomatic moral high ground is still present today and events related to the

Falklands War are illustrative. The sinking by Britain of the General Belgrano while operating outside the declared MEZ caused noteworthy criticism in Parliament and in the domestic and international press.[21] Although the sinking of an Argentine cruiser was certainly permissible under the laws of naval warfare, the fact that the attack took place outside the MEZ created diplomatic and political turmoil that would probably never have arisen, except for the existence of the MEZ. In a similar vein, the Soviet Union protested the British action of extending the MEZ to include all Argentine military ships and aircraft operating more than 12 miles from the Argentine coast. The Soviet protest argued that the zone was unlawful, "because it 'arbitrarily proclaimed vast expanses of high seas closed to ships and craft of other countries.'"[22] One could argue that many similar diplomatic protests were avoided only because the Falklands MEZ was in a remote location, away from major shipping routes. It is important for decision makers to remember the teachings of Clausewitz that war is merely an instrument of policy and to ensure that means and methods of warfare do not undermine the broad policy goals of the nation. Successful war making is often dependent upon public support and the assistance, or at least acquiescence, of other nations. Accordingly, the potential for negative public reaction to the creation of MEZs is a most important factor in the decision-making process.

V. EXCLUSION ZONES AND INTERNATIONAL LAW

International Law is replete with examples of recognizable "zones" in the waters of the world. Simply as an example, the index of the U.S. Navy's Commander's Handbook on the Law of Naval Operations[22] lists four types of "zones". Accordingly, the idea that the oceans of the world can, for certain purposes, be partitioned into areas which have different characteristics under International Law is neither new nor controversial.

None of the zones or other restricted ocean areas discussed in International Law, however, provide for the legal ability of a nation to create a zone which excludes the shipping of other nations. For example, as briefly discussed in Section II, above, it is well-settled in International Law that a country may establish a temporary warning or "closure" area on the high seas as a means notifying shipping or aircraft that navigating in such areas may be hazardous. Nations frequently declare such areas when conducting weapons testing or other hazardous activities. However, despite the fact that these areas are sometimes referred to as "closure" areas, it is clear that:

> "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 therein."[23] (Emphasis added)

Accordingly, the controversial aspect of the MEZs which are the subject of this paper is the fact that nations have used these zones not just to warn, but also as an attempt to exclude. For example the Total Exclusion Zone created by Great Britain around

the Falkland Islands on April 30, 1982 stated:

> "Any ship and any aircraft, whether military or civil, which is found within this zone without due authority of the Ministry of Defence in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile."[43]

As discussed in Section III, similar warnings have been used by various nations since World War I. The important aspect of warnings of this nature is the fact that they are, in reality, threats and not warnings. Such threats, which propose to prohibit all shipping from an area of the high seas have never been sanctioned in International Law. In fact, Admiral Doenitz, the World War II Commander in Chief of the German Navy, was found guilty of war crimes for conducting unrestricted submarine warfare in the Atlantic pursuant to such a threat.[44] Similarly, the Government of Argentina has been the subject of a law suit for sinking a commercial vessel navigating in the Argentine South Atlantic exclusion zone discussed previously.[45]

The limits of International Law, then, are relatively easy to define. On the one hand, it is permissible to for a nation to warn others that navigating in certain areas could be dangerous. On the other hand, it is not permissible for a nation to attack or sink non-belligerent ships merely because they are operating inside an area of the high seas previously declared dangerous. A further "given" is the fact that warships of belligerent nations are subject to attack wherever they may be found and that wartime Rules of Engagement will generally designate all enemy warships as "hostile" and

therefore subject to attack.

Although the boundaries of law are relatively easy to determine, there remains a large grey area between these boundaries concerning the legality of MEZs. Using the British zone in the Falkland Islands as and example, what could Britain have done if it found a neutral merchant vessel operating in the MEZ? Several potential actions come to mind:

- Attack the vessel. As previously discussed, attacks upon neutrals are prohibited by International Law.

- Visit and search. Visit and search is a recognized method for a belligerent to stop a merchant ship in order to verify that it is in fact a neutral ship and that it is not transporting enemy contraband.[27] In our hypothetical scenario, a British ship would have the right to conduct a visit and search of the neutral merchant vessel. It should be noted, however, that neutral warships are not subject to visit and search. Accordingly, this would not be a lawful option if the neutral vessel discovered in the zone was a warship.

- Capture. If upon visit and search it is determined that the neutral vessel is carrying contraband to or for the enemy, the vessel is subject to capture. A captured ship would be seized and taken to a belligerent port for subsequent proceedings in a prize court.[28]

- Force the vessel out of the MEZ. This is a difficult question not specifically addressed in law. An argument can be made which would allow the ship to be escorted

out of the area. Generally accepted procedures for visit and search provide for a situation where, if visit and search is deemed hazardous or impracticable, the neutral vessel may be escorted to the nearest place where the visit and search may be conveniently and safely conducted.[11] If the MEZ has been declared because ongoing hostilities make the zone a dangerous area, it could easily be argued that conducting a visit and search would be hazardous enough to warrant escorting the neutral vessel out of the zone. (If, however the subsequent visit and search discloses no grounds for capture, there is no lawful way to prevent the neutral from reentering the MEZ.)

Although we have examined several lawful options for dealing with neutral vessels who enter an MEZ, it must be noted that each of these options fails to accomplish an important purpose of the zone. If the MEZ is, as was the Falkland Islands MEZ, designating a dangerous, wartime area; a primary purpose of the zone is to prevent shipping from getting in the way and confusing the combat picture. The lawful measures for enforcing the zone all require significant resources and can divert attention away from the overriding goal of maintaining a clear and manageable theater of operations. There is no lawful way to accomplish that goal beyond the mere hope that the declaration of the zone will serve as a sufficient deterrent to keep non-belligerents out of the way.

Before leaving the discussion of International Law, a couple of miscellaneous matters raised in this discussion should

be mentioned. First, a blockade, properly executed is a legitimate method of warfare.[30] The method of dealing with neutral ships in a blockade are those of visit and search, and if necessary, capture as discussed above. Second, International Law is unsettled about how one belligerent nation can treat the merchant vessels of an enemy. Traditionally, merchants were not subject to attack unless provisions were first made to safeguard the crew and passengers, or unless they, by their actions, assumed the character of warships. In World War II, however, enemy merchant vessels were routinely targeted by all parties to the war. Although the belligerents originally justified such actions as reprisals to the unlawful targeting of merchant vessels by the other side, by the end of the war, it was simply common practice. Because custom and practice are an important source of International Law, the practices of all sides in World War II have created a situation in which the lawfulness of targeting belligerent merchant vessels ambiguous, at best.[31]

VIII. CONCLUSION

From a purely operational point of view, the most advantageous use of MEZs is in target identification. If, in the words of the former Chief Judge Advocate of the Royal Navy an MEZ is used to, ..."keep the enemy and others at a distance, and having warned the world, ... immediately to destroy contacts in the area ...",[32] the targeting task of the operational commander is simplified tremendously. As we have seen, however,

using an MEZ in order to attack indiscriminately all contacts within the zone is a violation of the laws and principles of Naval Warfare. Accordingly, the establishment of an MEZ can not lawfully diminish the responsibility of the operational commander to ensure that all targets are legitimate targets as defined by International Law.

It appears, therefore, that the only lawful uses of an MEZ would be to warn an enemy that his warships or aircraft were subject to attack if found within the zone, or to warn (not threaten) neutrals that if they enter the zone they are going into a very dangerous place. In most cases, advising your enemy that you are going to do him harm, seems unnecessary. Advising neutrals of danger is always a nice thing to do and, to the extent that the warning is heeded and neutrals remain clear of the zone, has the operational advantage of reducing the number of contacts which must be identified. However, history seems to indicate that the use of such zones traditionally escalates to the point that the warnings become worded as threats. Such threats are unlawful if carried out against neutrals and unnecessary against belligerents.

Although the conclusions stated herein generally question the operational utility of MEZs, they are a tool which should be considered by the operational commander conducting warfare at sea. The advantages and disadvantages discussed in section IV should be carefully weighed. If a decision is made to invoke an MEZ, operational commanders must always remember that the

existence of the zone must not be allowed to generate unwarranted complacency or indiscriminate aggressiveness. Recent examples in U.S. Naval history point out the devastating effects of complacency (USS Stark) and of over-aggressiveness (USS Vincennes). Accordingly, careful drafting of appropriate rules of engagement are vital if the establishment of a Maritime Exclusion Zone is to have any chance of successfully serving an operational purpose.

NOTES

1. Appendices I and II to this paper are copied directly from, United States Naval War College, Operations Department, Warning Zones, NWC 1046 (undated).

2. VIII Hague Convention, (1907). Malloy, Treaties, Conventions II, 2310, quoted in Naval War College, International Law Documents 1943 (1945), p. 51.

3. Letter from British Foreign Office to British Ambassador in Washington, presented to the U.S. Secretary of State, 3 November 1914, quoted in Naval War College, International Law Documents 1943 (1945), p. 52.

4. German Imperial Councellor's proclamation presented by the German Ambassador to the U.S. Secretary of State, 4 February 1915, quoted in Naval War College, International Law Documents 1943 (1945) p. 53.

5. Naval War College, International Law Documents 1943 (1945) pp. 55-56.

6. Ibid., pp. 59-63.

7. L.F.E. Goldie, "Maritime War Zones & Exclusion Zones," Horace B. Robertson Jr., ed., U.S. Naval War College International Law Studies, (1991) v. 64, pp. 168-170.

8. Ibid., p. 172.

9. Ibid., p. 173, quoting letter from the Permanent Representative of the United Kingdom to the United Nations to the President of the Security Council, 1 May 1982.

10. Amerada Hess Shipping Corp v. Argentine Republic, 830 F. 2d 421, 423 (2d Cir.1987), reversed, ___ U.S. ___, 109 S. Ct. 683 (1989).

11. See, VIII Hague Convention, note 1.

12. See, e.g., the language in the British warning described in note 8.

13. Captain Louis Chelton, remarks at the Naval War College, Newport, R.I. (24 August 1983), quoted in Jane Gilliland, "Submarines and Targets: Suggestions for New Codified Rules of Submarine Warfare," The Georgetown Law Journal, v. 73, No.3, p. 995, (February 1985.)

14. Howard S. Levie, "The Falklands Crisis and the Law of War," Alberto R. Coll and Anthony C.. Arend, eds., The Falklands War: Lessons for Strategy, Diplomacy and International Law (Boston: George Allen & Unwin, 1985), p. 76.

15. Goldie, p. 172.

16. Goldie, p. 171. (The British sinking of the Belgrano outside their declared MEZ seems to indicate, however, that the British were not overly concerned with limiting hostilities to the area of the zone.)

17. Ibid.

18. Interview with Commander D. Michael Hinkley, JAGC, USN, Operations Director, Naval Justice School, Newport RI: 4 May 1991. (During Operations Desert Shield and Desert Storm, Commander Hinkley was the Staff Judge Advocate on the staff of the Commander, Joint Task Force Middle East.)

19. Naval War College, International Law Documents 1943 (1945), pp. 52-57. (Quoting various diplomatic letters and documents exchanged during WWI.)

20. Goldie, p. 172.

21. Goldie, p. 173.

22. U.S. Navy Dept., The Commander's Handbook on the Law of Naval Operations, NWP 9, (Washington, DC: 1989) p.Index 6. (Hereinafter cited as NWP 9.)

23. Ibid., section 2.4.3.1, p. 206.

24. Goldie, p. 172.

25. Jane Gilliland, "Submarines and Targets: Suggestions for New Codified Rules of Submarine Warfare," The Georgetown Law Journal, Vol. 73, No. 3, p. 988.

26. Amerada Hess Shipping Corp. v. Argentine Republic, note 10.

27. NWP 9, section 7.6, p. 7-8.

28. NWP 9, section 7.9, p. 7-11.

29. NWP 9, section 7.6.1.5, p. 7-8.

30. For a discussion of the legal requirements of a blockade, See, NWP 9, section 7.7, pp. 7-9 and 7-10.

31. For a discussion of targeting belligerent merchant vessels. See, NWP 9, sections 8.2.2 and 8.3.1, pp. 8-2 to 8-5.

32. Captain Louis Chelton. note 13.

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APPENDIX I - SAMPLE MARITIME WARNINGS

NAVAL MESSAGE
DEPT OF NAVY

PRIORITY ZFDW RUCKSGG3923 2752016
P 021331Z OCT 86
FM OMAHTC WASHINGTON DC//MCNM//
TO AIG FOUR FIVE FIVE SEVEN

UNCLAS
NAVAREA XII 834/86(18). EASTERN NORTH PACIFIC. MISSILES.
1. INTERMITTENT MISSILE FIRING OPERATIONS TAKE PLACE 0001Z TO 2359Z DAILY MONDAY THRU SUNDAY IN THE PACIFIC MISSILE TEST CENTER SEA TEST RANGE. THE MAJORITY OF MISSILE FIRINGS TAKE PLACE BETWEEN 1400Z TO 2359Z AND 0001Z TO 0200Z DAILY MONDAY THRU FRIDAY. THE SEA TEST RANGE IS BOUND AS FOLLOWS:

34-02N. 119-04W.	THENCE 3 NAUTICAL MILES FROM
33-52N. 119-06W.	AND PARALLEL TO THE SHORELINE TO:
33-29N. 119-07W.	34-24N. 120-30W.
33-29N 118-37W.	34-08N. 120-26W.
33-20N. 118-37W.	34-08N. 119-40W.
32-11N. 120-16W.	34-00N. 119-40W.
1-54N. 121-35W.	34-06N. 119-13W.
35-09N. 123-39W.	34-06N. 119-11W.
35-29N. 123-00W.	34-07N. 119-10W.
35-04N. 122-43W.	34-07N. 119-07W.
35-37N. 121-32W.	34-04N. 119-04W.
34-59N. 120-42W.	

2. VESSELS MAY BE REQUESTED TO ALTER COURSE WITHIN THE ABOVE AREAS DUE TO FIRING OPERATIONS AND ARE REQUESTED TO CONTACT PLEAD CONTROL ON 5081.5 KHZ (5080 KHZ) OR 3238.5 KHZ (3237 KHZ) SECONDARY OR 156.8 MHZ (CH 16) OR 127.55 MHZ BEFORE ENTERING THE ABOVE BOUNDARIES AND MAINTAIN CONTINUOUS GUARD WHILE WITHIN THE RANGE. IF UNABLE TO CONTACT PLEAD CONTROL PRIOR TO ENTERING OR WHILE IN SEA TEST RANGE RELAY MESSAGE THROUGH THE COAST GUARD SAN FRANCISCO (NMC) ON 500 KHZ CALL UP.
3. VESSELS INBOUND AND OUTBOUND FOR SOUTHERN CALIFORNIA PORTS WILL CREATE THE LEAST INTERFERENCE TO FIRING OPERATIONS DURING THE SPECIFIC PERIODS, AS WELL AS ENHANCE THE VESSELS SAFETY WHEN PASSING THROUGH THE VICINITY OF THE SEA TEST RANGE IF THEY WILL TRANSIT VIA THE SANTA BARBARA CHANNEL AND WITHIN NINE MILES OFFSHORE IN THE VICINITY OF POINT MUGU OR CROSS THE AREA TO THE SOUTHWEST OF SAN NICOLAS ISLAND BETWEEN SUNSET AND SUNRISE.
4. CANCEL NAVAREA XII 817/86 AND THIS PARA UPON RECEIPT. BT

APPENDIX I-1

S U S P E C T E D DUPLICATE MESSAGE/ZFD

CNO WASH DC ADV 7
COG 006(2) (A)
INFO 61(1) 64(1) NCC(1) 009Y1(1) SC(1)

MCN=86275/29717 TOR=86275/2018Z TAD=86275/2018Z CDSN=MAA270
PAGE 1 OF
021331Z OCT 86

NAVAL MESSAGE
DEPT OF NAVY

IMMEDIATE ZYUW RUCKSGG3189 3282102
O 231606Z NOV 84
FM DMAHTC WASHINGTON DC //NVS//
TO AIG FOUR FIVE ZERO ONE AIG FIVE SEVEN SEVEN FOUR
COMSOSEA SUBIC BAY RP
ZEN COORDINATOR NAVAREA III CADIZ SPAIN
INFO CINCUSNAVEUR LONDON UK
DEPT OF STATE WASHINGTON DC //EB//TT//MA//
DMA WASHINGTON DC
ACCT DM-WECA

UNCLAS
HYDROLANT 2466/84 (54,56) MEDITERRANEAN SEA. HAZARDOUS OPERATIONS.
1. HAZARDOUS OPERATIONS IN PROGRESS THROUGH 31 DEC BY U.S. NAVAL FORCES IN THE EASTERN MEDITERRANEAN IN AREA WITHIN 20 MILES OF 33-30N 032-30E.
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 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.
4. CANCEL HYDROLANT 2272/84 AND THIS PARA UPON RECEIPT. BT

APPENDIX I-2

CNO WASH DC ADV 9
COG 09E(2) (A)
INFO 09(1) 06(2) 64(1) NCC(1) 009Y1(1) SC(1)

MCN=84328/19561 TOR=84328/2122Z TAD=84328/2122Z CDSN=MAP873
PAGE 1 OF 1
231606Z NOV 84

AUTOMATED NOTICE TO MARINER 5 14 85
SELECTED BROADCAST WARNING

- [illegible]

1685 84 62. PERSIAN GULF, STRAIT OF HORMUZ AND
GULF OF OMAN.

1. 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, OR ON 2182 KHZ 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.
2. 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.
3. 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.
4. CANCEL HYDROPAC 79/84 AND THIS PARAGRAPH UPON RECEIPT.
(CNO OP616 MARAD ADVISORY 13/84)
(111600Z DEC 84) (14 DEC 1984)

APPENDIX I-3

COMMANDER IN CHIEF, U.S. CENTRAL COMMAND MESSAGE 231539Z JAN 84

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:

"A. US NAVAL FORCES OPERATING IN INTERNATIONAL WATERS WITHIN THE PERSIAN GULF, STRAIT OF HORMUZ AND THE 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."

2. THIS IS A JOINT USCINCPAC AND UNCINCCENT NOTAM AFFECTING OPERATIONS WITHIN THEIR RESPECTIVE AREA OF RESPONSIBILITY.

APPENDIX I-4

NAVAL MESSAGE
DEPT OF NAVY

PRIORITY ZYUW RUCKSGG7211 2651601
P 221600Z SEP 85
FM DMAHTC WASHINGTON DC /NVS//
TO AIG FOUR FIVE FIVE SEVEN AIG FOUR FIVE ZERO ONE
AIG FOUR NINE ZERO NINE

UNCLAS
SUBJECT: SPECIAL WARNING NO. 67
THIS TRANSMISSION IS A REBROADCAST OF SPECIAL WARNING NO.67 (DTG 201235Z SEP 85).
PERSIAN GULF - STRAIT OF HORMUZ - GULF OF OMAN.
1. U.S. MARINERS ARE ADVISED TO EXERCISE EXTREME CAUTION WHEN TRANSITING THE WATERS IN THE PERSIAN GULF WHICH ARE BECOMING INCREASINGLY DANGEROUS DUE TO CONTINUED ATTACKS ON VESSELS OUTSIDE THE MILITARY ZONES DECLARED BY IRAN AND IRAQ.
2. IN VIEW OF RECENT IRANIAN VISIT, SEARCH, AND IN SOME CASES SEIZURE OF VESSELS OF THIRD COUNTRIES WITHIN THE PERSIAN GULF, STRAIT OF HORMUZ, AND THE GULF OF OMAN, U.S. MARINERS ARE ADVISED TO EXERCISE EXTREME CAUTION AND TO BE ALERT TO POSSIBLE HAZARDOUS CONDITIONS, INCLUDING HOSTILE ACTIONS, WHEN TRANSITING THESE WATERS.
3. THE IRANIAN GOVERNMENT HAS ISSUED GUIDELINES FOR THE NAVIGATIONAL SAFETY OF MERCHANT SHIPPING IN THE PERSIAN GULF, THE RELEVANT PORTIONS OF WHICH 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.
---ALL IRANIAN COASTAL WATERS ARE WAR ZONES.
---ALL TRANSPORTAION OF CARGO TO IRAQI PORTS IS PROHIBITED.
---THE IRANIAN GOVERNMENT WILL BEAR NO RESPONSIBILITY FOR MERCHANT SHIPS FAILING TO COMPLY WITH THE ABOVE INSTRUCTIONS.
4. DEEP DRAFT SHIPPING SHOULD BE AWARE OF SHOAL WATERS SOUTH OF FARSI ISLAND.
5. THE IRAQI GOVERNMENT HAS STATED THAT THE AREA NORTH OF 29-30N IS A PROHIBITED WAR ZONE. IT 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:
29-30N 48-30E; 29-25N 49-09E; 28-23N 49-47E; 28-23N 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.
6. 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 AND TO REMAIN OUTSIDE THE AREAS DELIMITED IN PARAGRAPHS 3 AND 5 ABOVE.
7. 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.
8. SPECIAL WARNING NUMBERS 53, 62, 65 AND 66 ARE CANCELED. BT

APPENDIX I-5

CNO WASH DC ADV 10
COG 006(2) (A)
INFO OON(1) 06(2) 61(1) 64(1) NCC(1) 009Y1(1) SC(1)

Enclosure (8)

MON=85265 06757 TOR=85265 1612Z TAD=85265 1613Z CDSN=MAA536

APPENDIX II - FALKLANDS CHRONOLOGY

7 April 1982: UK 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, col. 8; UN Docs. S/14961, S/14963. Passed by Embassy of Switzerland in Buenos Aires to the Argentine Government.

APPENDIX II-1

9 April 1982 U.S. Defense Mapping Agency Hydrographic/ Topographic Center (DMAHTC) issued Special Warning No. 58:

1. South Atlantic. Mariners are advised not to sail within 200 nautical miles of the Falkland Islands (Islas Malvinas) until further notice.

2. This notice is solely for the purpose of advising U.S. mariners of information relevant to navigational safety and in no way constitutes a U.S. government position regarding foreign claims or proclamations. Acknowledgement trailer: All U.S. flag merchant vessels within 200 nautical miles of the Falkland Islands (Islas Malvinas) acknowledge receipt of this message through a special USMER report.

20 April 1982: UK letter to UN stating, among other things, that it would continue to take "whatever measures may be needed" in exercise of its "inherent right of self-defense" in the face of Argentina's "unlawful invasion" of British territory and "serious violation" of the rights of the peoples of the Falkland Islands, who were practically all of British nationality.

UN Doc. S/14988.

21 April 1982: Argentine military Boeing 707 surveillance aircraft intercepted over UK fleet in South Atlantic.

The Times (London), 22 April 1982, at 28, col. 6.

23 April 1982: UK 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, col. 3; UN Docs. S/14997, S/14998, S/15018.

APPENDIX II-3

26 April 1982: DMAHTC issued Special Warning No. 59:

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 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).

2. This notice is solely for the purpose of advising U.S. mariners of information relevant to navigational safety and in no way consitutes a U.S. Government position regarding foreign claims or proclamations.

3. Special Warning No. 58 is hereby cancelled.

28 April 1982: UK established TEZ as of 1100Z 30 April 1982:

From 1100 GMT on April 30, 1982, a Total Exclusion Zone (TEZ) will be established around the Falkland Islands. The outer limit of the zone is the same as for the MEZ established on Monday, April 12, 1982; namely a circle of 200 nautical miles radius from Latitude 51 degrees, 40 minutes South, 59 degrees, 30 minutes West.

From the time indicated the Exlusion 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 Exclusion 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.

APPENDIX II-5

These acts of armed force on the part of the United Kingdom contitute purely and simply unjustified and illicit acts of reprisal, the aim being to restore a colonial occupation of a territory which legally and historically belongs to the Argentine Republic. . . .

UN Doc. S/15009.

29 April 1982: UK emphasized the scope of the TEZ in a note to the Argentine government passed by the Swiss Embassy in Buenos Aires, characterized by the Argentine government as extending "the zone of unrestricted aggression to the entire South Atlantic and includes all Argentine vessels, even merchant and fishing vessels":

In announcing the establishment of a total exclusion zone around the Falklands HMG made it clear that this measure was without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its rights to self-defence under Article 51 of the United Nations Charter.

In this connection HMG now wishes to make clear that all Argentine vessels, including merchant vessels or fishing vessels, apparently engaging in surveillance of or intelligence gathering activities against British forces in the South Atlantic will be regarded as hostile and are liable to be dealt with accordingly.

UN Docs. S/15014*, S/15016.

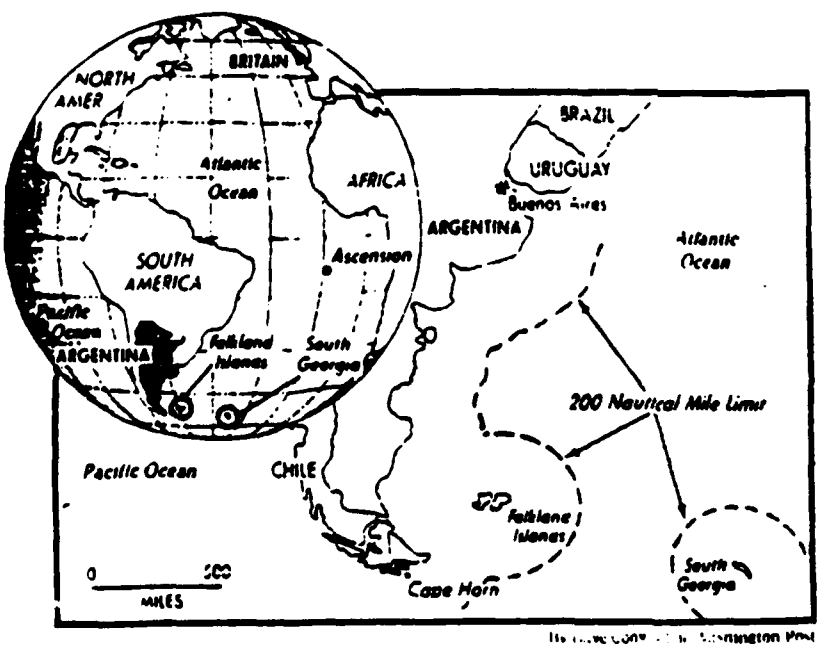
30 April 1982: Argentina warned:

1. That, from today's date, all British ships, including merchant and fishing vessels, operating within the 200-mile zone of the Argentine sea, of the Malvinas Islands, the South Georgias and the South Sandwich Islands, are considered hostile;

2. That, from today's date, any British aircraft, whether military or civil, which flies through Argentine airspace will be considered hostile and treated accordingly;

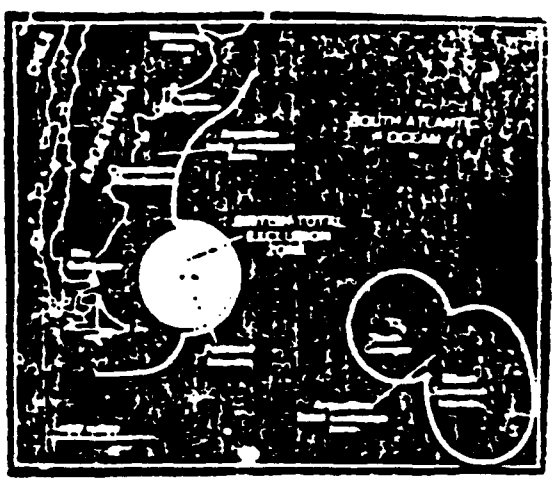
3. That all measures imposed are without prejudice to any additional measure that may be applied in exercise of the right of self-defence under Article 51 of the United Nations Charter.

UN Doc. S/15018; Washington Post, 30 April 1982, at A1, col. 6; N.Y. Times, 30 April 1982, at A1; The Times (London), 30 April 1982, at 1, col. 2.



Argentina declared that it will treat as "hostile" British forces within marked zones.

Washington Post 30 April 1982



London Times 1 May 1982

APPENDIX II-7

1 May 1982: First UK aerial bombing of Stanley and Goose Green airfields to enforce the TEZ. UK naval gunfire support begins. UN Docs. S/15022, S/15025, S/15027.

2 May 1982: Belgrano sunk outside the TEZ but within a Defensive Area. UN Docs. S/15031, 15032.

7 May 1982: UK extended TEZ to within 12 nautical miles of Argentine coast:

> . . . . Her Majesty's Government has consistently made clear that the United Kingdom has the right to take whatever additional measures may be needed in exercise of its inherent right of self-defence under Article 51 of the United Nations Charter.
>
> Her Majesty's Government will take all necessary measures in the South Atlantic in the self-defence of British ships and aircraft engaged in operations and in resupplying and reinforcing British forces in the South Atlantic.
>
> Because of the proximity of Argentine bases and the distances that hostile forces can cover undetected, particularly at night and in bad weather, Her Majesty's Government warns that any Argentine warship or military aircraft which is found more than 12 nautical miles from the Argentine coast will be regarded as hostile and are liable to be dealt with accordingly.

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 and 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.

10 May 1982: UK establishes 100 mile controlled air zone around Ascension Island and bars unauthorized flights within the zone:

> As there has been a large increase in the number of air traffic movements at Ascension Island in the last few weeks, it has been decided to introduce an area of controlled airspace, extending from sea level to an unlimited height, within 100 nautical miles radius of Wideawake airfield on Ascension Island. This will have immediate effect and will remain until further notice. The normal rules of the International Civil Aviation Organisation, as applied by the United Kingdom, governing the operation and control of flights from a busy airfield will be in force. Control of this area of airspace will be exercised by the senior RAF officer on Ascension Island.

UK MOD Press Statement, 1.30 pm Monday 10 May 1982; CBS Evening News, 10 May 1982.

23 June 1982: Hydrolant 1023/82(23) issued regarding East Falkland Mines.

1. A. 51-35.7S. 57-34-4W.

   B. 51-39.8S. 57-33-0W.

   C. 51-40.2S. 57-35.9W.

   D. 51-36.1S. 57-37-3W.

2. A. 51-41.3S. 57-36.3W.

   B. 51-42.7S. 57-34.6W.

   C. 51-45.7S. 57-41.8W.

   D. 51-44.3S. 57-43.4W.

DMAHTC 231455Z Jun 82; Notice to Mariners (NTM) 28/82, at III-1.20.

22 July 1982: UK ended TEZ around Falklands and substituted a protective zone:

> We have decided to lift the total exclusion zone of 200 nautical miles around the Falkland Islands, which was established on 30 April. Port Stanley Harbour and Port Stanley Airfield, together with the three-mile territorial sea around the Falklands, nevertheless, remain closed to commercial shipping and aircraft until further notice for reasons of safety.
>
> Our warning of 7 May that any Argentine warship or military aircraft found more than 12 miles from the Argentine coast would be regarded as hostile similarly no longer applies.

But British forces continue to have authority to take all necessary measures to protect themselves against attack anywhere in the South Atlantic and to defend the Falkland Islands and the dependencies, in accordance with the inherent right of self-defence recognized in Article 51 of the Charter of the United Nations. In particular, and to minimize the risk of misunderstandings or inadvertant clashes, we have asked the Argentine Government, via the Swiss Government, to ensure that their warships and military aircraft do not enter a zone of 150 miles around the Islands where they would pose a potential threat to our forces. Argentine civil aircraft and shipping have also been requested not to enter this zone, unless by prior agreement with the British Government, and also to stay clear of other British dependencies in the South Atlantic.

UN Doc. S/15307; Washington Post, 23 July 1982, at A24, col. 1; NY Times, 23 July 1982, at A3, col. 1; The Times (London), 23 July 1982.

<u>23 July 1982</u>: Hydrolant 1217/82(83) issued:

1. Special Warning No. 60 is hereby cancelled.

2. Port Stanley Harbor and the three mile territorial sea around the Falkland Island (Islas Malvinas) remain closed to commercial shipping until further notice for reasons of safety.

DMAHTC 231829Z July 1982; NTM 32/82, at III-1.20.

12 August 1982: UK issued following warning:

Falkland Islands - Hazards to shipping.

Mariners are strongly advised for their own safety to avoid the territorial seas and the internal waters around the Falkland Islands until they have been cleared of mines and unexploded ordnance, or until the location of these devices has been clearly marked. The Ministry of Defence will issue a further notice when this work has been completed. The territorial waters around the Falkland Islands extend to a breadth of three nautical miles. Attention is drawn to Hydrolant 1023/82.

Hydrolant 1350/82; DMAHTC message DTG 121615Z AUG 82; NTM 35/82, at III-1.22.

10 September 1982: Hydrolant 1535/82(83) issued:

Falkland Islands.

1. Mine clearance work in the area of the Falkland Islands has now been completed and other hazards to shipping marked. However, the possibility remains of discovering future hazards to safe navigation.

2. Mariners wishing to transit coastal waters or enter Falkland Islands Harbors are advised to contact either the Queens Harbor Master, Port Stanley or any HM ship in the area via IMM VHF Channel 16 at the earliest opportunity.

3. Special arrangements still apply to Argentine registered merchant vessels wishing to enter a zone 150 nautical miles around the islands.

4. Cancel Hydrolants 1023/82, 1217/82, 1350/82 and this paragraph upon receipt.

DMAHTC 101425Z Sep 82; NTM 40/82, at III-I.14.