



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
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OPNAVINST 3300.52A  
N3/N5L  
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OPNAV INSTRUCTION 3300.52A

From: Chief of Naval Operations

Subj: LAW OF WAR PROGRAM

Ref: (a) SECNAVINST 3300.1C  
(b) Uniform Code of Military Justice  
(c) JAGINST 3300.1A  
(d) NWP 1-14M  
(e) NAVPERS 15560D  
(f) OPNAVINST F3100.6J (NOTAL)

Encl: (1) Level One (Accession) Training Objectives  
(2) General Rules of Humanitarian Law Applicable in Armed Conflicts  
(3) Level Two Training Objectives  
(4) Level Two Training Requirements  
(5) Level Three Training Objectives  
(6) Level Three Training Requirements

1. Purpose

a. To implement reference (a) within the United States Navy and Navy Reserve.

b. To publish regulations and guidance, to assign responsibilities, and to ensure compliance by all personnel of the United States Navy and Navy Reserve with the law of war.

c. To denote as punishable conduct failures to prevent, to report, and to investigate violations of the law of war. Violations of the prevention, reporting, and investigation requirements of paragraph 5 shall be punishable under article 92 of reference (b).

d. This instruction is being reissued with a new date, updated version and signature authority to meet Chief of Naval Operations (CNO) age requirement for the Office of Chief of Naval Operations (OPNAV) instructions.

2. Cancellation. OPNAVINST 3300.52.

3. Policy. It is the policy of the Department of Defense and the CNO to ensure that:

a. The obligations of the United States Government under the law of war are observed and enforced by the United States Navy. All United States Navy and Reserve personnel, midshipmen of the Naval Academy and Reserve Officer Training Corps, and contractor personnel shall comply with the law of war during all armed conflicts, however such conflicts are characterized, and in all other military operations.

b. Suspected violations of the law of war by or against members of, or persons accompanying or serving with, the Military Services, its enemies, or any other persons, shall be promptly reported, thoroughly investigated, and appropriate disciplinary or administrative action taken.

(1) A reportable incident includes a possible, suspected, or alleged violation of the law of war, for which there is credible information; or conduct during military operations other than war that would constitute a violation of the law of war if it occurred during an armed conflict.

(2) Commanders and commanding officers receiving reports of noncompliance with, or breaches of the law of war, shall report the facts promptly up their operational chain of command and up their service chain of command to the CNO for ultimate transmission to appropriate United States agencies, allied governments, and or other appropriate authorities. The on-scene commanders shall ensure that measures are taken to preserve evidence of reportable incidents pending transfer to United States, allied, or other appropriate authorities.

(3) Representative examples of violations are contained in enclosure (1) of reference (a).

c. To ensure full continuing compliance with the law of war, all persons in the Navy (to include active duty and Navy Reserve military personnel, civilians and contractor personnel), consistent with their duties and responsibilities, shall

receive, through appropriate publication, instructions or training programs, adequate training and education in the law of war.

4. Information. Reference (a) assigns to the judge advocate general (JAG) the responsibility for formulating broad objectives for training programs, identifying necessary resource materials for curricula development, and ensuring the training in the law of war of Navy judge advocates assigned to billets requiring detailed knowledge of the law of war. Reference (c) has been issued to meet those requirements.

5. Responsibilities

a. The Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO (N1)) shall:

(1) Have staff cognizance over all law of war training within the United States Navy and Navy Reserve.

(2) Develop training and education plans, policies and procedures to instruct, train or educate all members of the Navy and Navy Reserve commensurate with each individual's projected duties and responsibilities, in academic courses and in military training within his or her cognizance wherever relevant and appropriate.

(3) Identify billets requiring special knowledge of aspects of the law of war, and assign appropriately trained personnel to those billets.

b. The Deputy Chief of Naval Operations (Operations, Plans, and Strategy) (CNO (N3/N5)) shall:

(1) Coordinate overall law of war and related policy matters for the United States Navy and Navy Reserve.

(2) Ensure that all plans, orders, rules of engagement, and other documents under his or her cognizance, including those documents subject to review under reference (a) as a result of referral by the Joint Chiefs of Staff, are reviewed by the JAG for consistency with U.S. domestic law and with international law including the law of war.

c. The Chief of Chaplains (CNO (N097)) shall supervise the individual training of chaplains to ensure they receive adequate specialized training and instruction in the content and requirements of the law of war.

d. All other deputy chiefs of naval operations and directors of major staff offices within OPNAV shall ensure that all plans, policies, directives, publications and operations within their area of responsibility are reviewed by the JAG for consistency with U.S. domestic law and with international law including the law of war.

e. Chief, Bureau of Medicine and Surgery shall supervise the individual training of medical and dental personnel to ensure adequate specialized training and instruction of such personnel in the requirements of the law of war as they relate to personnel of the Medical, Dental, Medical Service, Nurse and Hospital Corps.

f. The fleet commanders and Naval Special Warfare Command shall:

(1) As Service component commanders of combatant commands, ensure that all plans, policies, directives, orders, letters of instruction, rules of engagement, and similar documents, prepared by or subject to review by them, are reviewed by their judge advocates for consistency with U.S. domestic and international law including the law of war.

(2) Ensure that realistic problems involving the law of war are included in the conduct of tactical training evolutions, command post and fleet exercises, and other war games under their cognizance. Ensure realistic problems are also included in the activities of the training commands under their command, as appropriate, and that the responses thereto are evaluated.

(3) As Service component commanders of combatant commands and per the directives of the appropriate combatant commander, establish procedures providing for the prompt reporting and investigation of alleged violations of the law of war committed by or against members of their commands.

(4) Establish policies and procedures providing for the appropriate disposition (for example, under reference (b)) of

cases involving alleged violations of the law of war and this instruction by persons subject to the jurisdiction of courts-martial within their command.

g. The Chief of Naval Education and Training and the Chief of Navy Reserve shall ensure that education, instruction or training in the content and requirements of the law of war are included in all training programs under their cognizance as required by the anticipated duties and responsibilities of each student.

h. The President, Naval War College shall include adequate instruction in the content and requirements of the law of war in the curricula of the college and in the activities of the Center for Naval Warfare Studies as appropriate.

i. The Superintendent, U.S. Naval Academy shall provide adequate instruction to all midshipmen in the content and requirements of the law of war as part of their basic education and training.

j. Officers in command:

(1) Shall, equivalent with their level of responsibility, ensure that all members of the Naval Service under their command are aware of their obligations under the law of war.

(2) Shall ensure their judge advocates have been granted appropriate clearances and access to classified information to carry out their responsibilities per references (a), (c), and (d), and this instruction.

(3) Who are aware that the behavior of a subordinate or other person under his or her control indicates that person may constitute an appreciable risk of violating the law of war, shall take the necessary steps, under articles 1611-010 (Officer Performance) or 1616-010 (Detachment for Cause of Enlisted) of reference (e), as appropriate, to remove that person from the combat zone.

(4) Who receive information of a reportable incident, shall report the facts promptly per the procedures contained in reference (f) and the directives of the applicable combatant

commander; investigate the report; and, as appropriate, submit amplifying reports of investigation and of ultimate disposition per the directives of the applicable combatant commander.

k. Each person in the United States Navy and Navy Reserve:

(1) Who receives information that a reportable incident is occurring or is about to occur, shall take all feasible measures within his or her power to prevent such violation.

(2) Who receives information that a reportable incident has occurred, shall promptly:

(a) Report such information to his or her immediate officer in command; or

(b) If such person has an honest and reasonable belief that the immediate officer in command is or may be involved in the violation, make the incident known to an officer, normally in the chain of command, senior to the immediate officer in command, military law enforcement, an inspector general, or to any judge advocate.

## 6. Training Objectives and Methodologies

### a. General

(1) The extent of knowledge of the law of war required of individuals shall be commensurate with their projected or assigned duties and responsibilities.

(2) All personnel of the United States Navy and Navy Reserve, civilians, and contractors, shall attain sufficient understanding of the law of war to:

(a) Prevent the commission of violations of the law or war; and ensure recognition that it is United States' policy to conduct all military operations per the law of war.

(b) Ensure recognition of their personal obligation to report promptly any violations of the law of war to appropriate authority.

(3) The law of war should be discussed in academic courses and in military training whenever it is relevant and appropriate.

(4) Under no circumstances should instruction in the law of war be merged with any block or area of instruction that will have the effect of minimizing the importance of the law of war or placing in doubt the absoluteness of its principles.

(5) Specialized training should emphasize, to the maximum extent possible, practical application through, for example, the insertion of practical questions and situations into gaming exercises or scenarios, rather than formal instruction, and should be reinforced by the evaluation of the responses to such questions and situations.

(6) The intent is to increase each individual's depth of knowledge as required by his or her expected duties or responsibilities, rather than to provide a checklist of topics to be covered in an arbitrary fashion or by a number of hours of instruction offered all personnel on a periodic basis whether needed or not.

(7) Discussion of the requirements of the law of war is contained in reference (d). All training should be based on and consistent with the terminology used in that publication.

(8) Contract work statements for contractors shall comply with the policies contained in this instruction and reference (a). Contract work statements shall require contractors to institute and implement effective programs to prevent violations of the law of war by their employees and subcontractors, including law of war training and dissemination.

b. Individual Training. Individual training is approached in a three-tiered framework. Level one training provides entry-level training for all personnel, while level two and level three training provide progressively more sophisticated training in the law of war.

(1) Level One. Minimum level of understanding for all members of the U.S. Navy and Navy Reserve.

(2) Level Two. Minimum level of understanding for members whose military specialty or assignment involves participation in combat operations or whose military specialty or level of rank requires additional training.

(a) Examples of level one personnel include naval aviators and naval flight officers assigned to fleet units, special warfare personnel, personnel connected with target selection and evaluation, personnel engaged in detainee operations, personnel engaged in interrogation operations, personnel engaged in human intelligence operations, and other combat personnel.

(b) Examples of level two personnel include chaplains and medical personnel, and officers and senior petty officers participating in formal professional military education programs.

(3) Level Three. Minimum level of understanding for naval personnel whose military job, specialty, or assignment involves participation in the direction of combat operations. Examples include commanding and executive officers of combatant ships and aircraft squadrons, groups, and wings; designated officers on fleet staffs and on the staffs of combatant commanders; and target intelligence selection officers.

(4) Details. Detailed objectives and methodologies of the three levels of training contemplated by this program are set forth per enclosures (1) through (6).

c. Training Design. Unit and combined unit training should be designed and conducted:

(1) to develop, test, evaluate and ensure the readiness of naval forces to operate in compliance with the law of war; and

(2) to be incorporated into existing courses of instruction and unit or fleet exercises using realistic problems involving law of war as appropriate.

d. Implementing Instructions. Copies of implementing instructional material shall be provided to the Office of the JAG, International and Operational Law Division (Code 10) for review and comment as appropriate.

7. Punitive Application. Violations of the prevention, reporting and investigation requirements of paragraph 5 of this instruction are punishable under reference (b).

8. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per Secretary of the Navy Manual 5210.1 of January 2012.



MICHELLE J. HOWARD

Vice Chief of Naval Operations

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LEVEL ONE (ACCESSION) TRAINING OBJECTIVES

1. Background

a. Teaching the basic principles of the law of war at the accession level is essential for the establishment in the training of good order and discipline, as it relates discipline to the use of force in combat. Individuals entering military service either possess no knowledge of or a considerable misperception regarding the limitation on the use of force in combat, and the degree to which there is adherence to or respect for those limitations. That ignorance or misperception must be corrected at the earliest practicable moment in an individual's military service.

b. During accession training, personnel are more amenable to orientation to the basic principles of the military in general than at any other time in their military service.

2. Objectives

a. Accession level training will express in simple, succinct form those principles which manifest the overall humanitarian philosophy of the law of war. That training will offer a general summary of those restrictions on conduct in combat which are absolute. It will also emphasize those prohibitions the violations of which are most detrimental to the conduct of combat operations, are most detracting to the commander in the accomplishment of his or her mission, and for which individuals may be held personally responsible.

b. Accession instruction must not be complex. Rather, it must offer in the simplest form possible the basic principles of the law of war so that they will be understood and remembered by all personnel. The basic principles in enclosure (2) have been established as those which must be understood by all members of the Navy and Navy Reserve.

3. Methodology

a. Instruction will be positive in substance and dynamic in approach.

b. The teaching of these basic principles must stress the dedication of the United States to adherence to the law of war during all armed conflicts, however such conflicts are characterized, and in all other military operations.

c. Emphasis must be on the compatibility of the law of war with the principles of war, tactical considerations, and good leadership.

d. Students will be tested on their understanding of their accession level training at some point during accession training to reinforce that instruction and to determine its effectiveness.

e. Accession level training need not be repeated for an individual trainee.

f. There need not be a formal make-up program for all individuals who have completed accession level training without basic instruction in the law of war.

GENERAL RULES OF HUMANITARIAN LAW APPLICABLE  
IN ARMED CONFLICTS

1. Fight only enemy combatants and those individuals who are directly participating in hostilities.
2. Destroy no more than your mission requires.
3. Do not attack enemy soldiers, sailors, airmen, or marines who surrender. Disarm them and turn them over to your superior.
4. Prisoners of war and other detainees shall never be tortured or killed.
5. Collect and care for the wounded, sick, and shipwrecked survivors, whether friend or enemy, on land or at sea.
6. Do not attack medical personnel and chaplains, medical and religious facilities, or their equipment.
7. Treat all civilians humanely and respect their property. Do not attack them.
8. Do your best to prevent any violation of the above rules.
9. Report promptly any violations to the appropriate authority.
10. You cannot be ordered to violate these rules.
11. Discipline in combat is essential. Disobedience of the law of war dishonors your Nation, the Navy, and you. Far from weakening the enemy's will to fight, such disobedience strengthens it. Disobedience of the law of war is also a crime punishable under the Uniform Code of Military Justice.

LEVEL TWO TRAINING OBJECTIVES

1. Those personnel whose military specialty or assignment involves direct confrontation with or exposure to the enemy, or tactical (including tactical administrative) planning, will receive the level of additional training necessary to ensure their compliance with the law of war.
2. Training of these personnel should be conducted as soon as their assignment makes them eligible. For example, prospective fleet pilots should receive their training during assignment to the fleet replacement air wing. Corpsmen should continue to receive their specialized training at the Marine Corps field medical service schools.
3. A limited number of personnel will require this training as part of their individual specialized training. For example, naval personnel attending the photograph imagery interpretation course at Lowery Air Force Base will continue to receive law of war training as it relates to those specific duties. Other individualized or specialized training can be obtained, upon request, from the JAG.
4. All officers and senior petty officers attending career, intermediate, and top-level schools will receive education of a broader nature in the law of war as part of those persons' overall professional development. This education will enable such persons, with access to relevant regulations and sources, to possess sufficient comprehension of the law of war to enable them to comply with that law in the performance of their regular duties.
5. In addition to the requirements set forth in enclosure (1), personnel meeting level two criteria should receive the degree of training set forth per enclosure (4) hereto.

LEVEL TWO TRAINING REQUIREMENTS

1. In addition to the requirements of level one, personnel meeting level two criteria should receive the following training to enable them to:

a. Understand and explain

(1) Basic rules governing naval, air, and land warfare:

(a) Nation's right to control access to its territory, territorial sea, and territorial airspace;

(b) Rights and obligations relating to neutral states;

(c) Rules relating to civil aircraft; and

(d) Protection of personnel who are hors de combat.

(2) Basic rules of methods of warfare:

(a) Requirement to attack only lawful military objectives;

(b) Protection of civilians and civilian property;

(c) Concepts of proportionality and incidental (collateral) civilian casualties and damage;

(d) Obligations of all participants in combat to take precautions to minimize incidental civilian casualties and damage to civilian property, including specific obligations on both attacking forces (e.g., call off an attack when disproportionate, warning, methods to verify military objective) and defending forces (e.g., not to use civilian populace as shield, commingling);

(e) Persons and objects receiving special protection (e.g., hospitals, wounded, sick and shipwrecked, medics, medical means of transport, chaplains, cultural and religious buildings), including obligations on defending forces (e.g., location of hospitals, not to use cultural and religious buildings for military purposes); and

(f) Circumstances under which special and general protection are lost.

(3) Basic concept of perfidy (treachery) and ruses, including recall of specific examples of naval and air warfare of legal ruses and unlawful acts of perfidy.

(4) Nature of individual responsibility, including obligations to report violations and not to obey orders to commit crimes.

(5) Basic rules of warfare regarding weapons:

(a) Distinction between unlawful weapons and unlawful use of lawful weapons;

(b) Indiscriminate weapons and indiscriminate use of weapons;

(c) Prohibitions against unnecessary suffering; and

(d) U.S. policies regarding chemical and biological weapons, tear gas, herbicides, nuclear weapons, and various conventional weapons, including domestic U.S. legal restrictions on their use.

(6) Relationship of law of war to military effectiveness.

b. Be familiar with

(1) Sources of the law of war or factors that have influenced the law of war.

(2) When the law of war applies.

(3) Historical development of the law of war as it applies to naval and air bombardment, blockade and mine warfare.

(4) Sources of legal limitations on weapons and JAG review of weapons, plans and rules of engagement.

(5) Significant requirements of the 1949 Geneva Conventions, such as common article 3, provisions for protecting powers, repression of breaches, breaches, and dissemination.

2. These training objectives do not cover specialized training objectives for limited categories of persons because of particular job requirements (e.g., specialized training of medical personnel). Additionally, some commands may also need to emphasize particular aspects of the law due to their mission (e.g., military personnel conducting legal reviews of new or modified weapons or weapons systems under SECNAVINST 5000.2E).

LEVEL THREE TRAINING OBJECTIVES

1. Training of combat direction personnel will be conducted on a special briefing basis as soon as an officer's assignment to that duty makes him or her available. It will be conducted by a qualified judge advocate.
2. These briefings will emphasize the law of war as it relates to relevant doctrine, operations, plans, and rules of engagement for the forces of the command. All such officers shall receive training enabling them to understand their individual responsibility for adherence to the law of war in the implementation and execution of those plans and rules. It will orient them to some of the factors affecting issues with which they will be confronted and the tools available to them in their decision-making process.
3. In addition to the requirements set forth per enclosures (1) through (4), personnel meeting level three criteria should receive the degree of training set forth per enclosure (6) hereto.

LEVEL THREE TRAINING REQUIREMENTS

1. In addition to the requirements set forth per enclosures (1) and (2), personnel meeting level three criteria shall receive the following training to enable them to:

a. Understand, recall and explain the nature of individual responsibility, including obligation not to follow orders to commit and particularly to report violations including methods of reporting.

b. Understand and explain

(1) Sources of the law of war.

(2) When the law of war applies.

(3) International methods to enforce legal limitations.

(4) Nature of obligations on nations to observe legal requirements and methods of internal enforcement within the United States.

c. Be familiar with

(1) Legal regimes of ocean space, airspace, Chicago Convention, "state aircraft," neutral rights and obligations.

(2) Historical development of the law as it applies to sea and air warfare.

(3) Role of the United States in development of law of war.

(4) All of the requirements of the 1949 Geneva Conventions for the Protection of War Victims and recent efforts to supplement those conventions and develop the law.

(5) The basic history of enforcement of the law of war (e.g., criminal trials, tribunals).

(6) Rules governing warfare at sea:

(a) Protection of hospital ships, coastal vessels shipwrecked, cartel vessels, and hors de combat vessels; and

(b) Protection of merchant vessels.