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DEPARTMENT OF STATE

Washington, D.C. 20520

Memorandum of Understanding Between the Departments of State, Defense, Commerce and the Central Intelligence Agency with Respect to Special Warnings to Mariners

ARTICLE I

History of Special Warnings

With the onset of World War II (1939), the U.S. Government found it necessary to institute a procedure to disseminate quickly to all ships at sea certain political information relevant to ship operations. Officials from the Departments of State, Navy, and the Maritime Administration decided the best way to do this was to establish a type of Notice to Mariners called a Special Warning. The State Department would draft the Special Warning message. The Navy would then approve the message and have its Hydrographic Office broadcast it to all ships at sea. No interagency agreement was signed confirming these procedures. The use of the special warning system was discontinued at the end of Warld War II. However, in May, 1948, special warning procedures were reinstated under the same basic guidelines established in 1939. Since 1948, 45 Special Warnings have been issued.

ARTICLE II

Statement of the Problem

Events surrounding the capture of the SS MAYAGUEZ in May, 1975, revealed that not every government agency having an interest in this incident knew either about maritime warning procedures or about agency responsibilities for the issuance of Special Warnings to Mariners. In addition, the Comptroller General of the United States investigated the mariners warning aspect of the MAYAGUEZ capture and submitted a report, "System to Warn U.S. Mariners of Potential Political/Military Hazards: S.S. MAYAGUEZ, A Case Study", dated February 11, 1976, to the Subcommittee on International Relations, U.S. House of Representatives. In the report, the

Comptroller General noted, inter alia, that the State Department has the primary responsibility for issuing Special Warnings. Furthermore, the Comptroller General recommended that the Department of State "enter into formal interagency agreements which set forth responsibilities together with the criteria and guidelines." The Department, in its response to the report, supported the recommendation and indicated its willingness to formalize an interagency agreement.

ARTICLE III

Guidelines/Criteria

The Office of Maritime Affairs within the Department of State is the governmental office which acts upon information received from a variety of sources to determine whether or not a Special Warning message should be issued. In acting upon this information, the Office has the option of drafting a Special Warning message, approving the text of a Special Warning message drafted by another agency, or determining that the circumstances do not justify the issuance of a Special Warning message. If the latter determination is made, the Office will so inform interested parties. In such instances, the Office of Maritime Affairs, or any other government agency, may recommend to the Defense Mapping Agency Hydrographic Center (DMAHC) that the information be disseminated in a HYDROLANT/HYDROPAC or the Notice of Mariners as appropriate.

The Department of State considers that a Special Warning message is warranted when incidents are reported which could develop into a direct threat to the safety of U.S. mariners. Such incidents could include, but not be limited to, political developments in a country whose forces could pose such a threat, actual declaration of hostilities, orders by one or more countries to seize contraband, certain new or expansive territorial sea claims or temporary closure of sea areas, seizure or harrassment of certain vessels, or other incidents at sea. In evaluating the situation, the Office takes into consideration such factors as the diplomatic relations of the concerned nation and patterns of hostile acts. Throughout this decision process, the paramount criterion is whether a threat exists to the safety of U.S. mariners.

ARTICLE IV

Responsibilities

General

All Agencies --

(1) will make available to the Department of State by the most expeditious means information received which is germane to the safety of U.S. mariners. In the case of intelligence source material, the information should be communicated to the Department of State, Bureau of Intelligence and Research. In all other cases (non-intelligence source material), the Department of State Operations Center should be contacted. The National Operations Intelligence Watch Officers Net (NOIWON) should be utilized whenever circumstances permit;

(2) will preface records communications transmitting information within the context of (1) with the caption: "Mariner Warning Information" in order to aid in the alerting of interested parties; and

(3) will ensure that the Department of State, Office of Maritime Affairs is notified on a continuing basis of those individuals designated in the respective agency as the point of contact on Special Warning matters. The Office of Maritime Affairs will, in turn, coordinate the interagency flow of information on this matter.

Specific

Department of State --

(1) through its Office of Maritime Affairs, has the primary responsibility for ensuring the issuance of a Special Warning to mariners;

(2) will promulgate internal procedures which:

(a) clarify and support the responsibility of the Office of Maritime Affairs; and

(b) ensure that the Bureau of Intelligence and Research (State) is the recipient of information which is considered germane to special warning matters and which is generated within the intelligence community, especially CIA, DIA, NSA, and NOSIC;

(3) will inform the relevant diplomatic post(s) when a Special Warning is issued;

(4) will inform the Department of Commerce (Maritime Administration) early in the decision process of any situation that may warrant the issuance of a Special Warning and which could involve U.S. flag merchant shipping; and

(5) will, prior to approving the issuance of a Special Warning, secure the release of or "sanitize" whatever classified information is in the warning.

Department of Defense --

(1) will promulgate procedures which:

(a) ensure that the National Military Command Center, DIA, NSA, and NOSIC will notify the Bureau of Intelligence and Research (State) and/or State Operations Center, as appropriate, of any information that may warrant the issuance of a Special Warning;

(b) ensure that the Defense Mapping Agency Hydrographic Center (DMAHC) expeditiously broadcasts the Special Warning as prepared or approved by the Department of State;

(c) ensure that the DMAHC distributes copies of Special Warnings to interested agencies and passes on a continuing basis to the Maritime Administration receipt of acknowledgment messages generated by the Special Warning; and

(d) ensure that the Joint Chiefs of Staff advise overseas military commands of relevant Special Warnings.

C.I.A. --

(1) will establish procedures for informing the Bureau of Intelligence and Research (State) of any information considered relevant to the safety of U.S. mariners.

Department of Commerce --

(1) will promulgate procedures which:

(a) provide for the filing of U.S. flag merchant vessel location information, with NOSIC, by all such vessels engaged in foreign commerce;

(b) provide the DMAHC current telegraphic and mailing addresses of owners/operators of U.S. flag merchant vessels engaged in foreign commerce;

(c) in coordination with NOSIC and DMAHC, follow up Special Warnings and verify receipt by and acknowledgment of the message by U.S. flag merchant vessels in the affected area;

(d) inform the Office of Maritime Affairs (State) on a continuing basis of the progress of the follow-up; and

(e) provide specific U. S. flag merchant shipowners with information concerning Special Warnings when issued in order to achieve the fastest communications with U.S. flag shipping in the affected area.

ARTICLE V

This Agreement will be subject to review or revision at such time as any party so desires.

Joel W. Biller
Deputy Assistant Secretary for
Transportation, Telecommunications
and Commercial Affairs
Department of State

June 1, 1976
(date)

Eugene V. McAuliffe
Assistant Secretary for International Security Affairs
Department of Defense

July 20, 1976
(date)

Robert J. Blackwell
Assistant Secretary for
Maritime Affairs
Department of Commerce

June 18, 1976
(date)

Sayre Stevens
Deputy Director for Intelligence
Central Intelligence Agency

2 June 1976
(date)