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### Maritime interception and the law of naval operations

*A study of legal bases and legal regimes in maritime interception operations, in particular conducted outside the sovereign waters of a State and in the context of international peace and security*

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# Maritime Interception and The Law of Naval Operations

M.D. Fink

Maritime Interception and The Law of Naval Operations

Fink

**Maritime Interception  
and  
The Law of Naval Operations**

**M.D. Fink**

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# **Maritime Interception and The Law of Naval Operations**

A study of legal bases and legal regimes in maritime interception operations, in particular conducted outside the sovereign waters of a State and in the context of international peace and security

## **ACADEMISCH PROEFSCHRIFT**

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**PART 1**  
**General Aspects of Maritime Interception Operations**

*Introduction*  
*Context*  
*A short history*  
*The right for warships to intervene*

**PART 2**  
**Legal Basis for Maritime Interception Operations**

*The UN-collective security system*  
*Self-defence*  
*Consent*  
*International agreements*

**PART 3**  
**Legal Regimes for Maritime Interception Operations**

*The right of visit*  
*The use of force*  
*Detention*

**PART 4**  
**Synthesis and Conclusions**

*Synthesis & Conclusions*

**Summary - Nederlandse samenvatting - Annexes - Literature**

# Contents

<b>CONTENTS .....</b>	<b>5</b>
<b>LIST OF ABBREVIATIONS .....</b>	<b>13</b>
<b>CHAPTER 1:</b>	
<b>INTRODUCTION: MARITIME INTERCEPTION AND THE LAW OF NAVAL OPERATIONS .....</b>	<b>21</b>
1. INTRODUCTION .....	21
1.1. AIM, CENTRAL QUESTION AND GENERAL SET-UP .....	24
1.2. DELINEATIONS .....	25
1.2.1. NAVAL OPERATIONS AND INTERNATIONAL PEACE AND SECURITY .....	25
1.2.2. OPERATIONS OUTSIDE THE TERRITORIAL SOVEREIGNTY OF A STATE .....	27
1.2.3. CONTEMPORARY NAVAL OPERATIONS .....	29
1.3. WHAT ARE MARITIME INTERCEPTION OPERATIONS? .....	30
1.4. MARITIME INTERCEPTION OPERATIONS AND THE RIGHT OF VISIT .....	34
1.5. METHODOLOGY .....	36
1.6. STRUCTURE .....	37
<b>CHAPTER 2</b>	
<b>SOME INTRODUCTORY REMARKS ON NAVAL OPERATIONS.....</b>	<b>39</b>
2. INTRODUCTION .....	39
2.1. EVOLUTION OF THE ROLE OF NAVAL FORCES IN INTERNATIONAL PEACE AND SECURITY AT SEA.....	40
2.2. MARITIME GEOGRAPHY .....	45
2.3. MARITIME COALITION OPERATIONS.....	48
2.4. BOARDING OPERATIONS .....	49
2.5. MARITIME RULES OF ENGAGEMENT.....	50
<b>CHAPTER 3</b>	
<b>A SHORT HISTORY OF MARITIME INTERCEPTION.....</b>	<b>53</b>
<b>OPERATIONS .....</b>	<b>53</b>
3. INTRODUCTION .....	53
3.1. FOUR STRANDS OF EVOLUTION.....	54
3.1.1. STRAND 1: ENFORCING UN SANCTIONS AT SEA .....	55
3.1.1.1. <i>Iraq (1990-2003)</i> .....	56
3.1.1.2. <i>The Former Yugoslavia (1992-1996)</i> .....	57
3.1.1.3. <i>Haiti (1993-1996)</i> .....	59
3.1.1.4. <i>Sierra Leone (1997-2010)</i> .....	61



3.1.1.5.	<i>Lebanon (2006-present)</i> .....	61
3.1.1.6.	<i>Libya (2011-present)</i> .....	62
3.1.2.	STRAND 2: THE 11 SEPTEMBER ATTACKS.....	64
3.1.2.1.	<i>Operation Enduring Freedom</i> .....	65
3.1.2.2.	<i>Operation Active Endeavour</i> .....	66
3.1.2.3.	<i>Operation Iraqi Freedom</i> .....	67
3.1.2.4.	<i>Multiple MIO's</i> .....	67
3.1.3.	STRAND 3: FROM AL QAIDA AND TALIBAN TO ENHANCING MARITIME SECURITY 70	
3.1.3.1.	<i>Expanded MIO and Maritime Security Operations (MSO)</i> .....	70
3.1.3.2.	<i>Proliferation Security Initiative (PSI)</i> .....	71
3.1.3.3.	<i>Updating International Agreements: The SUA-Protocol 2005</i> ..	73
3.1.4.	STRAND 4: PIRACY .....	74
3.1.4.1.	COUNTER-PIRACY OPERATIONS .....	75
3.2.	THE ISRAELI INTERCEPTION OPERATIONS .....	79
3.3.	FINAL REMARKS .....	80

## CHAPTER 4

### THE RIGHT FOR WARSHIPS TO INTERVENE ON FOREIGN FLAGGED VESSELS ON THE HIGH SEAS .....83

4.	INTRODUCTION .....	83
4.1.	FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL LAW OF THE SEA .....	83
4.1.1.	ARTICLE 92 UNCLOS .....	86
4.2.	LIMITED EXCEPTIONS TO NON-INTERFERENCE .....	88
4.2.1.	PRINCIPLES OF THE LAW OF THE SEA VERSUS MARITIME SECURITY .....	90

### INTRODUCTION TO PART II.....97

## CHAPTER 5

### THE UN-COLLECTIVE SECURITY SYSTEM AND MARITIME INTERCEPTION OPERATIONS .....101

5.	INTRODUCTION .....	101
5.1.	THE UN-COLLECTIVE SECURITY SYSTEM.....	103
5.2.	MARITIME EMBARGO OPERATIONS .....	104
5.2.1.	TWO TYPES OF MARITIME EMBARGO OPERATIONS .....	106
5.2.1.1.	<i>Implied maritime embargo operations</i> .....	107
5.2.1.2.	<i>Legal basis for implied maritime embargo operations</i> .....	109
5.2.2.	EXPLICIT MARITIME EMBARGO OPERATIONS.....	111
5.3.	BETWEEN IMPLIED AND EXPLICIT.....	112
5.3.1.	LEBANON .....	112
5.3.2.	IRAN.....	114
5.3.3.	LIBYA.....	115
5.4.	LEGAL BASIS FOR EXPLICIT MARITIME EMBARGO OPERATIONS: ARTICLE 41 OR 42? .....	116
5.4.1.	THE EVOLVING SCOPE OF ARTICLE 42.....	117

5.4.2.	LARGE-SCALE MILITARY OPERATIONS .....	117
5.4.3.	ARTICLE 43 UN CHARTER.....	120
5.4.4.	INADEQUATE MEASURES UNDER ARTICLE 41 .....	121
5.5.	ARTICLE 41 AND THE USE OF FORCE .....	122
5.6.	SUB-CONCLUSION MARITIME EMBARGO OPERATIONS .....	125
5.7.	UN-MANDATED INTERCEPTION OPERATIONS UNDER ‘ALL NECESSARY MEANS’ .....	127
5.7.1.	‘ALL NECESSARY MEANS’ .....	127
5.8.	SPECIFIC MEASURES .....	129
5.8.1.	“ARTICLE 42”- BLOCKADE .....	130
5.8.1.	PIRACY.....	132
5.8.3.	WEAPONS OF MASS DESTRUCTION AND TERRORISM.....	133
5.8.4.	CRUDE OIL EXPORT: LIBYA 2014.....	134
5.9.	CONCLUSIONS .....	135
<b>CHAPTER 6</b>		
<b>SELF-DEFENCE AND MARITIME INTERCEPTION .....</b>		<b>137</b>
6.	INTRODUCTION .....	137
6.1.	THE RIGHT OF SELF-DEFENCE.....	138
6.2.	LARGE SCALE NAVAL OPERATIONS .....	141
6.2.1.	IRAQ (1990 -1991) .....	142
6.2.2.	ENDURING FREEDOM, CHANGE OF DIRECTION AND CAST LEAD.....	142
6.2.3.	OPERATION ACTIVE ENDEAVOUR .....	144
6.3.	SELF-DEFENCE AGAINST VESSEL-BORNE WMD AND NON-STATE ACTORS .....	145
6.3.1.	WMD AND ARMED ATTACK .....	146
6.3.2.	REACTION TO ARMED ATTACK: FLAG STATE JURISDICTION AND SELF-DEFENCE .....	148
6.3.3.	ADVANTAGES OF THE IUS AD BELLUM APPROACH TO BOARDING .....	151
6.4.	CONCLUSION.....	153
<b>CHAPTER 7</b>		
<b>(AD HOC) CONSENT .....</b>		<b>155</b>
7.	INTRODUCTION .....	155
7.1.	LEGAL FRAMEWORK CONSENT.....	158
7.1.1.	THE CONSENTING AUTHORITY .....	159
7.1.1.1.	<i>Flag state consent</i> .....	160
7.1.1.2.	<i>Master’s consent</i> .....	161
7.2.	ANALYSIS.....	163
7.2.1.	PRACTICE: THE “BROKEN TAILLIGHT-APPROACH” .....	165
7.3.	STATELESS VESSELS .....	167
7.3.1.	CONDITIONS FOR STATELESSNESS AS LEGAL BASIS.....	168
7.4.	FINAL REMARKS .....	170
<b>CHAPTER 8</b>		
<b>INTERNATIONAL AGREEMENTS .....</b>		<b>171</b>

8.	INTRODUCTION .....	171
8.1.	THE INCREASING ROLE OF INTERNATIONAL AGREEMENTS IN MIO .....	173
8.2.	INTERNATIONAL AGREEMENTS AND THE INTERNATIONAL LAW OF THE SEA .....	175
8.3.	UNCLOS .....	178
8.4.	THE SUA-CONVENTION AND PROTOCOL .....	180
8.5.	PSI BILATERAL BOARDING AGREEMENTS BETWEEN THE US AND OTHERS.....	181
8.6.	CONCLUSION.....	181
<b>INTRODUCTION TO PART III.....</b>		<b>183</b>

## CHAPTER 9

### THE RIGHT OF VISIT .....189

9.	INTRODUCTION .....	189
9.1.	THREE GENERAL REMARKS ON THE RIGHT OF VISIT DURING NAVAL OPERATIONS.....	191
9.2.	AD HOC-CONSENT BASED RIGHT OF VISIT.....	193
9.3.	INTERNATIONAL AGREEMENTS AND THE RIGHT OF VISIT .....	195
9.3.1.	THE LIMITED CHARACTER OF THE UNCLOS PEACE TIME RIGHTS OF VISIT .....	195
9.3.1.1.	<i>Statelessness</i> .....	198
9.3.2.	THE SUA-PROVISIONS .....	199
9.3.3.	BILATERAL SHIP-BOARDING AGREEMENTS BETWEEN US AND OTHER STATES.....	201
9.4.	SELF-DEFENCE AND THE RIGHT OF VISIT .....	202
9.4.1.	THE BELLIGERENT RIGHT OF VISIT AND SEARCH .....	202
9.4.2.	THE SUBREGIMES OF THE LAW OF NAVAL WARFARE.....	207
9.4.2.1.	<i>The law of contraband</i> .....	208
9.4.2.2.	<i>The law of un-neutral service</i> .....	209
9.4.2.3.	<i>The law of blockade</i> .....	209
9.4.2.4.	<i>Enemy merchant vessels</i> .....	210
9.4.3.	NON-INTERNATIONAL ARMED CONFLICTS .....	211
9.4.3.1.	<i>Operation Enduring Freedom</i> .....	213
9.4.3.2.	<i>Operation Active Endeavour</i> .....	216
9.4.5.	A NIAC-RIGHT OF VISIT?.....	218
9.5.	THE RIGHT OF VISIT CONFERRED THROUGH THE UN-COLLECTIVE SECURITY SYSTEM ...	220
9.5.1.	'ALL NECESSARY MEANS' .....	226
9.5.3.	THE LAW OF BLOCKADE AND ARTICLE 42 OF THE UN-CHARTER.....	227
9.6.	FINAL REMARKS .....	228

## CHAPTER 10

### THE USE OF FORCE IN MARITIME INTERCEPTION OPERATIONS .....231

10.	INTRODUCTION .....	231
10.1.	NAVAL FORCES AND THE USE OF FORCE .....	234
10.2.	INTERNATIONAL LAW OF THE SEA .....	235
10.2.1.	INTERNATIONAL AGREEMENTS ON THE LAW OF THE SEA .....	238
10.3.	APPLICABILITY OF HUMAN RIGHTS TO HIGH SEAS INTERCEPTIONS.....	240

10.3.1. <i>Human rights and the use of force whilst approaching target vessel</i>	243
10.3.2. <i>Human rights and the use of force on board foreign flagged target vessel</i>	245
10.3.3. <i>Human rights law application on board warships</i>	246
10.4. NORMATIVE REQUIREMENTS OF APPLYING FORCE UNDER HUMAN RIGHTS LAW	247
10.4.1. THE RIGHT TO LIFE IN A NAVAL OPERATIONS DIMENSION	248
10.4.2. COUNTER-PIRACY OPERATIONS OFF THE COAST OF SOMALIA	249
10.5. THE LAW OF ARMED CONFLICT	252
10.5.1. USE OF FORCE AGAINST NEUTRAL AND ENEMY MERCHANT VESSELS	255
10.5.1.1. <i>The merchant vessel as a legitimate military target</i>	256
10.5.1.2. <i>Use of force under the prize law rules</i>	260
10.6. RELATIONSHIP HUMAN RIGHTS LAW AND THE LAW OF NAVAL WARFARE	262
10.7. USE OF FORCE IN UN-MANDATED INTERCEPTION OPERATIONS	265
10.7.1. UN-MANDATED MIO AND LOAC	265
10.7.2. UN-MANDATED MIO AND HUMAN RIGHTS	267
10.8. USE OF FORCE IN SELF-DEFENCE INTERCEPTION OPERATIONS	269
10.9. CONCLUDING REMARKS	270

## CHAPTER 11

<b>DETENTION AT SEA</b>	<b>273</b>
11. INTRODUCTION	273
11.1. OPERATIONAL DETENTION	274
11.2. WHAT CONSTITUTES DETENTION DURING MARITIME INTERCEPTION OPERATIONS	276
11.3. PRISONERS OF WAR AT SEA AND CREWS OF ENEMY AND NEUTRAL MERCHANT VESSELS	279
11.3.1. PASSENGERS	280
11.4. SECURITY DETAINEES AT SEA	281
11.4.1. SECURITY DETENTION UNDER LOAC	281
11.4.2. SECURITY DETENTION UNDER HUMAN RIGHTS LAW	283
11.5. CRIMINAL DETENTION	285
11.6. SAFEGUARDS AND TREATMENT AT SEA	287
11.7. DETENTION IN UN-MANDATED MARITIME INTERCEPTION OPERATIONS	291
11.8. THE <i>FREEDOM FLOTILLA</i> INCIDENT	295
11.9. FINAL REMARKS	299

## CHAPTER 12

<b>SYNTHESIS AND CONCLUSIONS:</b>	<b>303</b>
<b>LEGAL CHALLENGES TO MIO IN MODERN CONFLICT</b>	<b>303</b>
12. INTRODUCTION	303
12.1. OVERALL REFLECTIONS: GAINS AND CHALLENGES	304
12.1.1. <i>The evolution of MIO</i>	304
12.1.2. <i>Non-international armed conflict at sea</i>	305

1.2.1.3. <i>Human beings</i> .....	305
12.2. LEGAL BASES FOR MIO.....	306
12.3. LEGAL REGIMES IN MIO .....	309
12.4. FINAL REMARKS .....	312
<b>SUMMARY</b> .....	<b>315</b>
<b>NEDERLANDSE SAMENVATTING</b> .....	<b>319</b>
<b>ANNEX A: LIST OF VESSELS</b> .....	<b>323</b>
<b>ANNEX B: LIST OF INCIDENTS</b> .....	<b>325</b>
<b>ANNEX C: LIST OF NAVAL OPERATIONS</b> .....	<b>331</b>
<b>ANNEX D: TABLE OF UN-MANDATED MARITIME EMBARGO OPERATIONS</b>	<b>333</b>
<b>TABLE OF CASES</b> .....	<b>335</b>
<b>LITERATURE</b> .....	<b>337</b>



# List of Abbreviations

AAV	Approach and assist visits
AFOR	Allied Force
AJIL	American Journal of International law
AMISOM	African Union Mission in Somalia
AMO	Area of maritime operations
AMS	Allied maritime strategy
API	First Additional Protocol to the Geneva Convention (1977)
APII	Second Additional Protocol to the Geneva Convention (1977)
ASEAN	Association of Southeast Asian Nations
BSA	Bilateral ship-boarding agreement
BWC	Biological Weapons Convention
BYBIL	British Yearbook of International Law
ATP	Allied tactical publication
CA 3	Common Article 3 of the Geneva Conventions
CENTCOM	Central command
CHS	Convention on the High Seas
CJA	Council joint action
CMF	Combined maritime forces
CPA	Coalition provisional authority
CTF	Combined taskforce
CPERS	Captured persons
CWC	Chemical Weapons Convention
CYIL	Canadian Yearbook of International Law
DILS	Defence Institute of Legal Studies
DPH	Direct participation in hostilities
ECA	Effective control over an area
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECOMOG	ECOWAS monitoring group
ECOWAS	Economic Community of West African States
ECtHR	European Court for Human Rights
EEZ	Exclusive economic zone
EJIL	European Journal of International Law
E-MIO	Expanded maritime interception operations
EU	European Union

EUNAVFOR	European Union naval force
EUMSS	European Union maritime security strategy
GC (I-IV)	Geneva Convention (1949) (I-IV)
GIA	Governor's Island Agreement
GMO	Grondslagen van het maritiem optreden (fundaments of naval operations)
GWOT	Global war on terror
HC	Hague Convention
HRC	Human Rights Commission
Hr. Ms.	Hare Majesteits (Her Majesty)
HSC	High Seas Convention (1958)
ICC	International Criminal Court
ICCPR	International Convention on Civil and Political Rights
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the former Yugoslavia
IDF	Israel Defense Forces
IHL	International humanitarian law
IHRL	international human rights law
IHT	international Herald Tribune
ILC	International Law Commission
ILMO	International law of military operations
ILS	International law studies
IRRC	International Review of the Red Cross
IRTC	Internationally recognized transit corridor
ISAF	International Security and Assistance Force
ITLOS	International Tribunal for the Law of the Sea
IUU	Illegal, unreported, unregulated
IYIL	Israel Yearbook of International Law
LAF	Lebanese Armed Forces
LD	London Declaration
LEDET	Law enforcement detachments
LIO	Leadership interdiction operation
LJIL	Leiden Journal of International Law
LOAC	Law of armed conflict
MDA	Maritime domain awareness
MEO	Maritime embargo operation
MEZ	Maritime exclusion zone
MIF	Maritime interception force
MIO	Maritime interception operation
MNF-I	Multinational Force Iraq
MTF-UNIFIL	Maritime Task Force United Nations Interim Force in Lebanon



MRT	Militair Rechtelijk Tijdschrift (Netherlands Military Law Journal)
MSA	Maritime security awareness
MSO	Maritime security operations
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
NGS	Naval gunfire support
NFZ	No fly zone
NILR	Netherlands International Law Review
NJB	Nederlands Juristenblad
NLR	Naval Law Review
NLMARFOR	Netherlands maritime force
NMIOTC	NATO maritime interdiction operations training center
NNN	Non NATO nations
NPT	Non-proliferation treaty
NYIL	Netherlands Yearbook of International Law
NWCR	Naval War College Review
OAE	Operation Active Endeavour
OAP	Operation Allied Protector (I) / Provider (II)
OCD	Operation Change Direction
OCL	Operation Cast Lead
ODIL	Ocean Development and International Law
OEF	Operation Enduring Freedom
OIF	Operation Iraqi Freedom
OOD	Operation Odyssey Dawn
OOS	Operation Ocean Shield
OUP	Operation Unified Protector
PCA	Permanent Court of Arbitration
PICJ	Permanent Court of International Justice
PSI	Proliferation Security Initiative
PSO	Peace support operations
PW	Prisoners of war
Rhib	Rigid hull inflatable boats
RNLN	Royal Netherlands Navy
ROE	Rules of engagement
SAA	State agent authority
SACEUR	Supreme Allied Commander Europe
SC-Res.	Security Council Resolution
SFIR	Stabilization Force Irak
SHADE	Shared awareness and deconfliction (-meeting)
SNMG	Standing NATO maritime group

SRM	San Remo Manual
SUA	Convention on the suppression of unlawful acts at sea
STANAVFORMED	Standing naval forces Mediterranean
STROGOPS	Strait of Gibraltar operations
TFG	Transitional federal government
UK	United Kingdom
UN	United Nations
UNBEF	United Nations blockading and escorting force
UNCLOS	United Nations Convention on the Law of the Sea
UNFICYP	United Nations Force in Cyprus
UNGA	United Nations General Assembly
UNIFIL	United Nations Interim Force in Lebanon
UNMIH	United Nations Mission in Haiti
UNSC	United Nations Security Council
UNSG	United Nations secretary-general
US	United States of America
USS	United States Ship
VJIL	Virginia Journal of International Law
VPD	Vessel protection detachment
WEU	West European Union
WFP	World Food Program
WMD	Weapons of mass destruction
YIHL	Yearbook of International Humanitarian Law
YILC	Yearbook of the International Law Commission
Zr. Ms.	Zijne Majesteits (His Majesty)