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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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#### Publication date

2016

#### Document Version

Final published version

[Link to publication](#)

#### Citation for published version (APA):

Fink, M. D. (2016). *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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Omslag en Layout : M.D. Fink

Drukker: Amsterdam University Press (AUP)

Deze publicatie is financieel mogelijk gemaakt door de Nederlandse  
Defensie Academie (NLDA).

# **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**

ter verkrijging van de graad van doctor  
aan de Universiteit van Amsterdam op  
gezag van de Rector Magnificus prof. dr.  
Ir. K.I.J. Maex ten overstaan van een  
door het College voor Promoties inge-  
stelde commissie, in het openbaar te  
verdedigen in de Agnietenkapel op  
dinsdag 6 september 2016, te 16.00 uur.

door

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Geboren te Amsterdam

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**General Aspects of Maritime Interception Operations**

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

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# 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)