

Archived Content

Information identified as archived on the Web is for reference, research or record-keeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards.

As per the [Communications Policy of the Government of Canada](#), you can request alternate formats on the "[Contact Us](#)" page.

Information archivée dans le Web

Information archivée dans le Web à des fins de consultation, de recherche ou de tenue de documents. Cette dernière n'a aucunement été modifiée ni mise à jour depuis sa date de mise en archive. Les pages archivées dans le Web ne sont pas assujetties aux normes qui s'appliquent aux sites Web du gouvernement du Canada.

Conformément à la [Politique de communication du gouvernement du Canada](#), vous pouvez demander de recevoir cette information dans tout autre format de rechange à la page « [Contactez-nous](#) ».

International Maritime Law & Blockades Is The 1995 San Remo Manual: Dead in the Water?

By /par

Commander Jean Yves Bastien, MVO, CD

This paper was written by a student attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied except with the express permission of the Canadian Department of National Defence.

La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale

Abstract

Navies have throughout the ages engaged in tactics designed to prevent the transshipment of cargoes to their enemies. These operations have generally been termed as blockades. Originally, these blockades were an extension of siege-warfare on land. As the practice of blockade developed, and was misused in the eyes of some, agreements and codifications of rules were found necessary in order to regulate the practice. The last century and a half has seen considerable activity in this regard. The world is now, however, saddled with an outdated legal definition of blockade. This paper shows that the evolution of the codification of international maritime law follows a predictable cycle in which discrete elements repeat themselves. Application of the model suggests that legal codifications enshrine past State practice and that these codifications are soon rendered less relevant by technological and operational progress. Despite a codification which suggests that the operations now undertaken by various navies are not, in a strict sense, blockades the opposite is true. Despite their inoffensive names, current naval operations such as the Leadership Interdiction Operations now underway in the Middle-East are the product of a century of evolution of the practice of blockade.

Scope

This paper is, like many such endeavours, subject to restraints which permit the author little latitude in deviating from the main theme of the paper, that being the examination of the current codification of the international law of blockade through the lens of a hypothetical, cyclical model. The body of international maritime law is enormous and replete with interesting and engaging issues, most of which unfortunately cannot be explored in any detail in this paper. Tomes have been written on each of these specialized subjects. Clearly, a short paper such as this is unable to explore many of the different themes of international law it uncovers. One of the conscious decisions of this author has been to steer well clear of any detailed discussion of the complex and evolving subject of neutrality and the rights of neutral vessels. The subject of neutrality is offered for further study, perhaps it too will respond to analysis with a cyclical model.

Introduction

The subject of “blockade¹” and the various permutations and combinations of this form of warfare have elicited considerable debate over the course of the last century. To some, the notion of blockade evokes a stringent set of circumstances and conditions that are well established in the Law of Armed Conflict and are codified in the Hague Conventions of 1907 and the London Declaration Concerning the Laws of Naval Warfare of 1909. Others have taken an evolutionary view of this form of warfare and have noted and acknowledged that advances in technology, weaponry and the consequential conduct of warfare have led to the continuous development and refinement of “blockade” as a useful and effective stratagem in the prosecution of conflict. Blockades, however, came to be regarded as acts of war, and this is the great complication we face today. Blockades, as a tactic, remain an effective means of exerting national will - or even in the case of United Nations operations exerting the will of the world community - as long as

¹ “blockade” in this sense is inclusive and taken to mean both the strict definition as laid out in the London Declaration of 1909 as well as various blockade-like actions which have occurred in the latter half of the 20th century.

they are not viewed as acts of war. Today, we find states going to great lengths to coin inoffensive terms such as “naval quarantine,” “blockade-like” or “maritime interception” to characterize these naval operations.

Blockade has existed as a form of warfare for nearly five hundred years. The Dutch jurist Hugo Grotius writing in the 17th Century² refined the concepts of blockade, contraband and neutrality³. In its first three hundred years of existence, blockades were essentially economic in aim. Sporadic attempts were made to codify the “rules” of the practice, most notably in the Anglo-Dutch Treaty of Whitehall of 1689 and the European Treaties of 1800 and 1801. The central theme of much of these codifications was the protection of the property rights of neutrals. By the turn of the twentieth century, blockade had evolved as an instrument of war and formed a perfect example of the Clausewitzian notion of “War as the extension of politics.” This form of naval warfare was relatively low on the spectrum of conflict and could be easily mounted and terminated, in other words, it was a perfect form of coercion. Blockades were declared in gentlemanly fashion, grace periods were allowed after which warships appeared off the enemy coast, just out of the limited range of coastal artillery. Neutral ships and nations were theoretically unaffected. The whole endeavour was relatively antiseptic with the sea acting as the battlefield. “Collateral damage” ashore in populated areas was slight and was limited to ships being taken as prize or sunk.

The pre-World War I Hague Conventions of 1907 and the London Declaration of 1909 were attempts at codifying what were then considered to be the existing laws of armed conflict, including blockade: that is to say, existing State practice based to a large extent on the experiences of the Crimean war of 1854-1856 and the US Civil War of 1861-1865. The London Conference of 1909 was convened by the British Government who had invited the major naval powers of the day. The Foreign Office was charged with the conduct of the conference and aimed, generally, to clarify prize law. It

² Hugo Grotius, *De Juri Belli*

³ Wolff Heintschel von Heinegg, “*Naval Blockade*” In *International Law Studies Volume 75: International Law Across the Spectrum of Conflict*, ed. Michael N. Schmitt (Newport: US Naval War College, 2000), 205

was not the intention of the British Government to create new law, but rather to seek a codification of commonly existing State practice⁴. The Conference, however, was regarded mostly as a failure by the British as the Declaration “contained a virtually inextricable mixture of old and new rules.”⁵ The Declaration ultimately contained articles that “[introduced] rules and principles of naval warfare which would unduly fetter the operations of [the Royal Navy].”⁶ Ultimately, the Declaration was not ratified because of considerable resistance by the House of Lords.⁷ Notwithstanding the Lords’ defeat of the Declaration, it is the codifications of 1909 that form the “classic” model of blockade.

The operational experiences of World War I were, however, to show that in the space of less than a decade, some of the concepts previously embodied in the London Declaration were already out of date, having been obviated by technological advances such as the submarine and the aircraft. Just as land warfare was transformed by the crucible of the Great War, so were naval operations, including blockade. In effect, State practice had re-evolved following the codifications of 1907-1909, the technological advances of the early 20th Century and the experiences and lessons learned of the “Great War.” This pattern was to repeat itself throughout the next century and forms a useful model against which we can test the codifications and practices of today.

Blockades, no matter what they are termed, remain popular options for States – and indeed *supra state* bodies such as the United Nations - because, in a relative sense, they are not a particularly violent or destructive form of warfare as compared with, say, strategic “carpet” bombing. Blockades are inherently flexible; they can be declared or terminated at a moment’s notice and as such, can be promulgated world-wide virtually instantaneously. This makes blockades a very selective, almost surgical, means of applying pressure or coercion. Blockades, therefore, remain a viable and popular

⁴ F. Kalshoven, *Commentary Ch9*,. In *The Law of Naval Warfare: A Collection of Agreements and Documents with Commentaries*, ed. Natalino Ronzitti, (Dordrecht: Martinus Nijhoff, 1988), 258

⁵ *Ibid*, 259

⁶ *Ibid*.

⁷ Wolff Heintschel von Heinegg, 209.

instrument of choice that are constantly adapted to the prevailing circumstances. The end of the Cold War, the emergence of the “New World Order” and the new-found prominence of the United Nations have given rise to an increasing number of “blockade-like operations.” The San Remo Manual, published in 1995, is a “contemporary restatement of law applicable to armed conflicts at sea drafted by a group of specialists in international law.”⁸ The prevailing opinion of these experts was that the maritime operations of the last decade are not blockades because strictly speaking, they do not meet some or all of the requirements, first codified in 1907-1909. Can reference to a historical model help put the codifications of the San Remo Manual in context? What conclusions can be reached about the efficacy and practical applicability of the measures contained in this document?

This paper argues that the current state-of-the-art in so-called “blockade-like” operations is the logical, evolutionary product of a century of cyclical development and refinement. Despite attempts to codify the practice of blockade and to invent new terminology to side-step inconvenient connotations with “war,” placing a nation’s warships off the coast of, or in the sea lines of communication, with the intent to restrict, inspect, or intercept shipping, under force of arms is a naval blockade.

The limited concept of, and indeed the formal rules of blockade as recently laid down in the 1995 San Remo Manual are “dead in the water.” That is to say, this codification has already been eclipsed by the realities of technological refinements in warfighting, the subsequent evolution of tactics and the emergence of new State practice. Jurists are often of the opinion that law evolves in a linear fashion⁹. This paper presents an alternate paradigm, that of a cycle. By viewing the legal, technological and warfighting developments of the past century in the context of a cycle it can be clearly seen that the codification represented in the San Remo Manual is just one in a series of

⁸ Louise Doswald-Beck, ed. Frontispiece *The San Remo Manual on International Law Applicable to Armed Conflicts at Sea* (Cambridge: Cambridge University Press, Grotius Publications, 1995), Frontispiece

⁹ Dr. C. Madsen. Interview 13 Oct 2003.

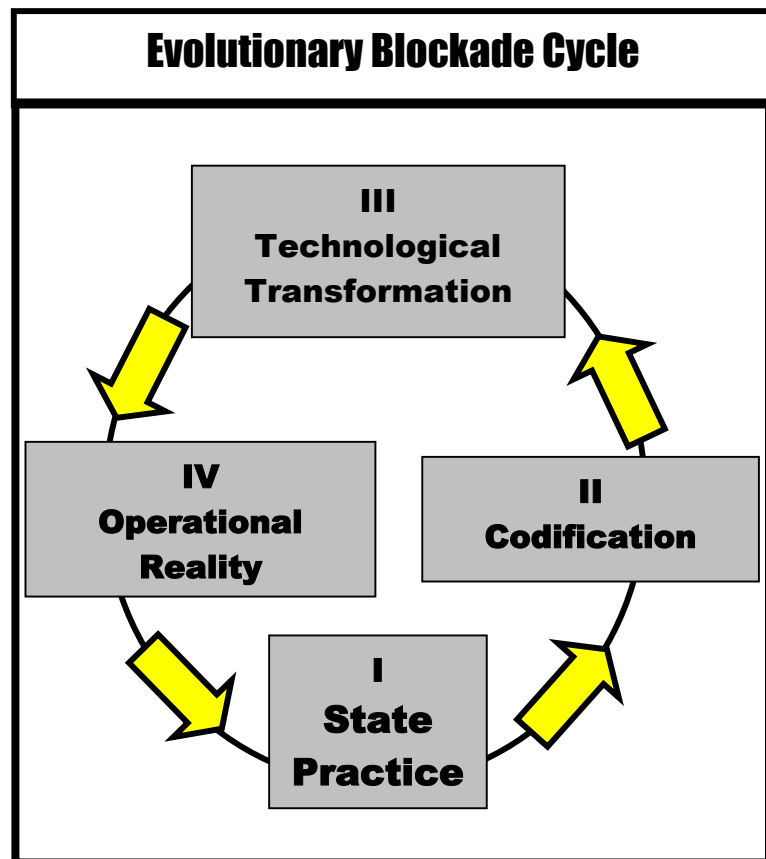
such events; codification attempts that were almost all overtaken by subsequent developments. The continuing evolution of State practice as now manifested in “Leadership Interdiction Operations” is but the latest element in a constantly perpetuating cycle.

A Cyclical Context

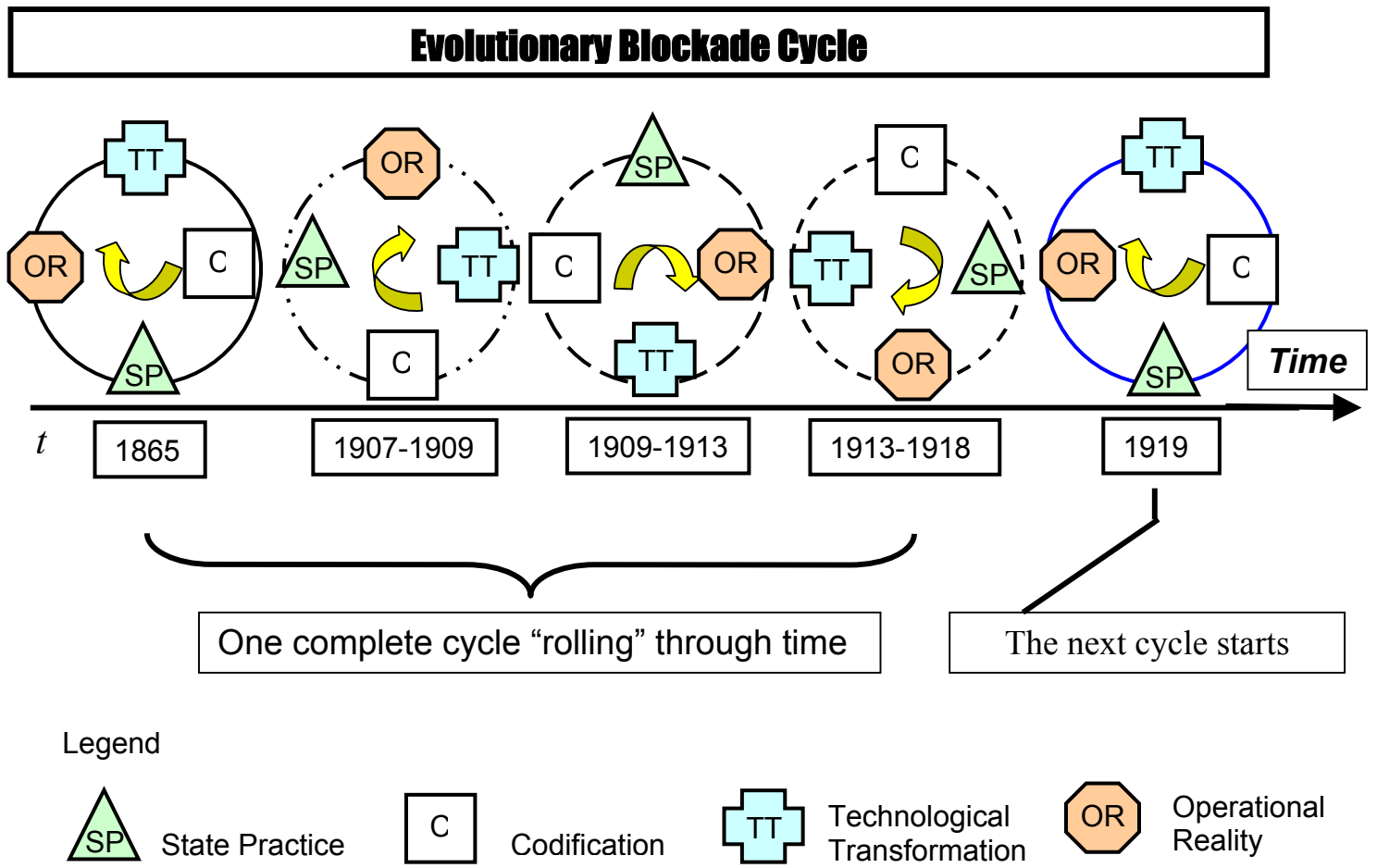
Like all forms of warfare, blockade has constantly evolved. This evolution becomes apparent when viewed in the context of the political landscape, strategic imperatives, operational requirements and technological improvement of weapons and sensors, especially over the course of the last century. It is most instructive to view this evolution through the lens of a cyclical framework, which I term “The Evolutionary Blockade Cycle.” The model operates at a glacial pace, taking something in the order of 25 years per cycle. The elements of the model are interrelated; that is the elements follow each other in sequence as the cycle perpetuates. These elements are:

- State Practice - the *de facto* means and methods which nations have taken to conduct naval operations, established over the course of time. State Practice is the output of the cycle. The other three elements serve as means of achieving the end.
- Codification - the codification by treaty, declaration or some other international instrument of accepted State practice.
- Technological Transformation - the subsequent transformation of warfare and its conduct through the development of technology, usually having far-reaching implications.

- Operational Reality - New tactics and procedures necessitated by technological transformation. The paradigm shift in the conduct of warfare. Once established, the “new” operational reality becomes State practice and the cycle perpetuates.



While all of four of the elements of the cycle may, in some fashion or other, be present, usually only one element is in ascendancy at a time. For example; at the turn of the 20th Century, State practice was based on the experiences of the Crimean and US Civil Wars. The Hague Conventions of 1907 and the London Declaration of 1909 largely codified existing practices. This was followed by the technological transformations brought about by the development of weapons such as submarines, aircraft, accurate artillery and the automatic contact sea mine. The Blockade cycle depicted above does not simply spin in place. Rather, it can be imagined to operate or “roll” through, or along, the axis of time as each element reaches ascendancy in sequence:



Discussion

Inevitably, there are limitations to any model, especially an historical one which presumes to make some sense of order out of the chaotic real world. Reality is certainly not as clear-cut as the model might suggest. There are admittedly overlaps, parallel developments and varied interpretations to be encountered, but in this first conceptualization of the model, it is a sufficiently powerful tool of the intellect to allow us to frame the practice of blockade in a new way and to discover the symmetries that lay below the surface of the continuum of time. By looking at the operation of the model over the course of four cycles spanning the last century and a half we are able to draw inferences and conclusions as to the fifth cycle in which we now find ourselves; a cycle in which the codification is represented by the San Remo Manual.

This paper examines five cycles of the cyclical model which are, for ease of description, named after the conflicts occurring at the end of those cycles, conflicts that re-defined State practice. These cycles are: (1) the “Great War” or World War I; (2) The Second World War; (3) The Cuban Missile Crisis; (4) Missile Age Navies; and (5) the “New World Order.”

Cycle I - The “Great War”

Prior to the Great War, State practice was concerned with the operations of “close” blockades executed by wooden ships of the line, tacking back and forth off an enemy’s harbours; just out of cannonball range of land fortifications. These operations were seen as similar and complementary to the siege warfare occurring on land. By the 16th Century, the Dutch had come to the conclusion that it was also necessary to cut off, or interdict, the enemy’s “sea links.”¹⁰ The Dutch are thought to have declared the first blockade in 1584 when operations were mounted against Flemish ports in order to prevent the re-supply of Spanish troops.¹¹ There grew an increasing interconnection

¹⁰ Wolff Heintschel von Heinegg, 205.

¹¹ Ibid.

between trade and naval power as nations undertook the expansions of their navies in order to ward off the privations of competitors and to protect their economic interests. The Dutch and other European powers continued to develop and refine the practice of blockade as opportunities and political motives allowed. It was, however, not until over 100 years later that the law of blockade emerged¹². In addition to harming the interests of the enemy, blockades often affected neutral nations as well. Neutral nations often found themselves drawn into conflicts as a result of the adverse economic effects of blockades¹³. The “rules” which subsequently developed were a result of the clash of objectives of blockading nations with those of the neutrals. By the nineteenth century “five principles emerged that both regulated the establishment and enforcement of blockade and created reciprocal neutral and belligerent rights in blockade.”¹⁴

*It was actual State practice, however, that provided the core of the traditional law. In the late seventeenth century, neutral states began to respond.... By publicly protesting and stepping into a conflict, neutral states signaled their rejection of the practice. Over time, the practice of assertion, followed by acceptance or rejection, led to the recognition of the following general principles governing a lawful blockade: (1) proper establishment; (2) adequate notice; (3) effective enforcement; (4) impartial application; and (5) respect for neutral rights.*¹⁵

The Paris Declaration of 1856 concerning the rules of maritime warfare came immediately on the heels of the Crimean War and represented a concise two-page codification of the State practice existing in the first half of the nineteenth century¹⁶. Article 4 addresses blockade directly, stating that “in order to be binding, they must be effective,” although no definition of the term “effective” was given¹⁷. The Paris

¹² Michael G. Fraunces, “The International Law of Blockade: New Guiding Principles in Contemporary State Practice” *The Yale Law Journal*_Vol 101, Iss 4: 895.

¹³ *Ibid*, 893.

¹⁴ *Ibid*.

¹⁵ *Ibid*, 895.

¹⁶ N. Ronzitti ed. 61-75

¹⁷ *Ibid*, 65

Declaration was considered by some to have been mildly outdated by the time of its proclamation as it “fell behind rules agreed upon during the armed neutralities.”¹⁸ This is a theme that we will see cyclically repeated.

The Second Peace Conference at the Hague of 1907 touched on several matters affecting naval warfare but failed to address the issue of codifying international law governing naval blockades¹⁹. It was left to the 1909 London Naval Conference to address the issues relating to blockade. A “Declaration concerning the laws of naval war” was issued which runs to 71 articles, of which 21 deal specifically with blockade²⁰. “The fundamental concept of the close-in blockade as established by 1856 the Declaration of Paris and the 1909 Declaration of London remains the paradigm of the concept of blockade.”²¹ The 1909 Declaration of London codified five guiding principles which were generally: (1) that of establishment. The right to establish blockades was limited to states openly engaged in hostilities; (2) adequate notice. Formal declarations were required to both neutrals and the blockaded nations of the area to be blockaded and the date of commencement; (3) A short grace period was required in order to allow neutral vessels to leave blockaded ports; (4) the blockade had to be maintained by a sufficient number of warships; and, (5) the blockade had to be “effective.”²² The 1913 Oxford Manual provided a further codification of the “rules” of naval warfare and specifically, in article 32²³, the right of “visit and search.” Warships were able to stop merchant vessels outside of the established blockade and on the high seas²⁴, the new “rules” were interpreted as:

*belligerents resorted to the practice of “visit and search” to stop vessels suspected of carrying ‘contraband’ to the enemy....In cases where merchants resisted either capture or visit and search, the **blockading** force was entitled to pursue and if necessary damage or destroy the vessel to force the ship to submit.*²⁵

¹⁸ Wolff Heintschel von Heinegg, 207

¹⁹ such as Hospital ships, Status of enemy merchant ships, Conversion of merchant ships into warships, Laying of automatic contact mines, bombardment by naval forces, etc.

²⁰ Ronzitti, 223-256

²¹ Fielding, 1196

²² Fraunces, 897

²³ Ronzitti, 290

²⁴ which was all waters not within the 3-mile territorial sea of the time.

It is this form of operations which would come to be associated with “long-distance” blockade and which would eventually transform into the Maritime Interception Operations of today.

The close of the 19th century had been one of considerable technological transformation. The wholesale change from wooden-hulled sailing ships of the line to steam-powered Dreadnoughts is illustrative of the magnitude of the transformation. “The traditional principles [of blockade] were deeply in technology. Prior to WW I, blockade law was based upon the use of surface ships. These ships ... patrolled the enemy’s coast to intercept vessels entering or leaving its ports.”²⁶ The advent of long-range, accurate, rifled artillery, the development of the submarine, torpedoes, the moored automatic contact mine and aircraft were to have a profound influence on the notion of close-blockade as these weapons were to make the stationing of warships close in to the coast an unpleasant proposition. While the use of naval forces for quick raids on the coast was still a viable tactic, that of stationing multiple ships for long periods off the enemy coast as a means of exerting extended pressure became untenable. As First Lord of the Admiralty, Winston Churchill came to the conclusion that technologic advancements had rendered the classic “close blockade” a dangerous and unviable tactic.²⁷ He consequently forbade close blockade until at least such time as the British Grand Fleet had engaged and defeated the German High Seas Fleet in the expected decisive engagement. First Sea Lord, Admiral of the Fleet Fisher summed up the operational reality of the time:

Even three years ago the distance at which it was found to be dangerous for a vessel to stay off an enemy’s base was demonstrated as a result of trial to be no less than 300 miles... it may fairly be claimed that a blockade as loose as fifty miles is impossible without the gradual but certain loss of surface ships.”²⁸

The British and the Germans each turned to their own forms of “long-distance” blockades. These blockades departed materially from the concepts enshrined only a few

²⁵ Fraunces, 898 (emphasis mine.)

²⁶ Ibid, 894

²⁷ LtCdr Paul D. Hugil. “The Continuing First C of N on the 100th Anniversary of the 1914-1918 Blockade”

years prior in the London Declaration. Given that it was considered too dangerous to station warships close in to the coast, both nations developed new tactics in an effort to strangle all maritime trade to the enemy. For their part, the British essentially blockaded the entire North Sea with a combination of minefields and cruiser squadrons deployed at natural and “man-made” choke points. The Imperial German Navy declared a “zone of blockade” surrounding the British Isles²⁹. Submarines were used to enforce this blockade. “At first, the Germans adopted measures to avoid accidental sinkings of neutral vessels, ordering their submarines to visit and search captured merchant vessels found in the zone.”³⁰ Later, these procedures would be deemed impractical, and as matters became grave for the Germans, they would eventually resort to what is now known as unrestricted submarine warfare. There were a number of refinements to these tactics, the British Q-Ships being the most notable, but insofar as the “art” of blockade is concerned, the two strategies that were to emerge from the Great War were the British “long-distance blockade” and the German “Blockade Zone.” These are concepts that remain with us today.

In this cycle of the loop we observe that the codifications of the Paris, Hague and London treaties respecting the practice of blockade were rendered outdated or largely impractical by the changes in tactics - the operational reality - brought about by the technical transformation at the start of the 20th century. Was this to be a singular state of affairs or was this situation to be emulated in the future?

Cycle II - the Second World War

The tactics of long-distance blockade and the blockade zone, first developed and applied with considerable success during the Great War, were decried by many nations, most of them neutral. Despite objections, these newly developed tactics remained the most effective and viable modes of interdicting an enemy’s shipping and consequently, by the end of the First World War represented accepted State practice. In order to be

²⁹ Fraunces, 900.

³⁰ Ibid.

seen to be making an attempt to protect the rights of neutrals, the British had instituted and employed a system of “Naval Control of Shipping,” designed to regulate neutral shipping. Under this scheme, vessels would have their ports of origin, destination as well as their cargo certified and a “NAVICERT” attesting to their nature issued. “Neutral trade was subjected to far-reaching control measures, some even taken in their respective home ports. For instance, merchant vessels that did not possess a NAVICERT were either diverted or captured, even if they had not approached blockaded coasts or ports.”³¹ The tactics of long-distance blockade, blockade zone, naval control of shipping and unrestricted submarine warfare were to reappear virtually unchanged in design at the beginning of World War II. While neutral governments and experts in international law again condemned the practices, long-distance blockade still continued to exist as the tactic of choice - by now forming *de facto* State practice - as the most effective means of prosecuting the war.

Immediately following the First World War, steps were taken to codify existing State practice. The realities of technology had forced upon the belligerents changes in tactics, most of which came to be accepted as the “new” state practice. The 1922 Washington Treaty Relating to the use of Submarines and Noxious Gases in Warfare was a direct attempt to come to grips with some of the most controversial weapons, one of which was of course, the submarine³². Despite a suggestion by the British to abolish the submarine as a “despicable and heinous instrument of war,” the 1922 Treaty only outlawed unrestricted submarine warfare and codified a requirement for submarines to surface and to conduct visit and search prior to attacking³³. Any submarines that were not able to abide by the rules were prohibited from attacking. All vessels were prohibited from attacking until such time as the “crew and passengers were placed in safety.”³⁴ Article 22 of the 1930 London Treaty for the Limitation and Reduction of Naval Armaments further amplifies the term “placed in safety.”

³¹ Heintshel von Heinegg, 209.

³² Ronzitti, 343-348.

³³ early submarines were essentially surface ships which submerged to press home an attack. The 1922 treaty make no specific requirement for submarines to surface, this is implied.

*A surface vessel or submarine may not sink ... a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land...*³⁵

While the aims of these rules were laudable, at least with regard to naval operations they were framed with a nostalgic view of chivalry, that is, imposing restrictions on a weapon that no one really wanted and which was considered “underhanded and ungentlemanly”. The constraints and restraints which the 1930 treaty placed upon belligerents were to prove clearly not workable in practice, especially given the evolving nature of technology and tactics.

As the dawn of the Second World War, it was recognized that the tremendous developments in technology and armaments was going to have a profound effect on blockades. By then it had been deduced that:

...developments in the techniques of naval and aerial warfare have turned the establishment and maintenance of a naval blockade in the traditional sense into a virtual impossibility. It would seem, therefore, that the rules in the Declaration³⁶ on blockade in time of war are now mainly of historical interest³⁷.

By the end of this era, the development of technology had proceeded to the point where radar, HF/DF radio direction-finding, U Boat endurance, and long-range aircraft, had been perfected to the point where they were widely in use in all theatres of war. These advances made significant contributions to the war effort enabling new and more effective tactics. The provisions envisioned in the 1930 treaty were rendered impracticable at best and suicidal at the worst.

³⁴ Art 1 (2) of the 1922 Washington Treaty

³⁵ Part IV Art 22 of the 1930 London Treaty

³⁶ 1909 Declaration of the London Conference

³⁷ Heintschel von Heinegg, 210.

In WW II, the Germans were able to mount attacks on the British blockading forces with long-range aircraft. These acts forced British warships out of the close confines of the English Channel and to move much further out to sea³⁸. By the start of the Second World War, it was thought that the aircraft had gained the upper hand and that the viability of surface warships was threatened. The attacks on British ships in Narvik as well as the loss of HM Ships REPULSE and PRINCE OF WALES in the Pacific were to illustrate the great transformation in the capability and lethality of aircraft.

In the Pacific, the United States declared a blockade-zone encompassing the entire Pacific Ocean immediately following the Japanese attack on Pearl Harbor. US Navy submarines were ordered on a campaign of unrestricted submarine warfare attacking all vessels, whether warship or merchant, encountered in the zone.³⁹ The US Navy submarine fleet was of critical importance in interdicting the supply lines of the Imperial Japanese Navy. This “submarine blockade” was a vital precursor to the campaigns of Admiral Nimitz in the central Pacific and General MacArthur in the South West. As the Pacific campaign was pressed closer to Japan, the US embarked on a program of aerial mining of the sea lines of communications off the islands of Japan. This refinement of the blockade zone was considered most successful.

Despite the best humanitarian motives of those attempting to frame the codifications of the 1922 Washington and the 1930 London Treaties, weapons such as the submarine and tactics such as long-distance blockade persisted throughout World War II. The chivalrous rules concerning visit and search by submarines and the placing into safety of merchant crews and manifests were clearly impracticable and in the face of operations largely ignored. Again, as in the previous iteration of the cycle, operational reality and necessity dictated a move away from strict anachronistic codifications.

³⁸ Fraunces, 902.

³⁹ Ibid, 906

Cycle III - The Cuban Missile Crisis

By the end of the Second World War, the State practice of long-distance blockade was considered the natural outcome of a half-century of development and “a contribution to the progressive development of the international law on blockades.”⁴⁰ It was generally accepted that the requirement for blockades to be considered “effective” had to be viewed in concert with the parallel development of weapons technologies “such that blockading forces [could] be deployed at some distance from the enemy ports and coasts.”⁴¹ The blockade zone used and perfected by the Americans in the Pacific was a variation of blockade, albeit one which relied heavily on submarines.

Shortly after WW II, a need was recognized to update humanitarian law. “The experience of the Second World War made a revision of the 1907 instruments imperative.”⁴² The 1949 Geneva Convention II for the Amelioration of the Condition of Wounded Sick and Shipwrecked extended the law regarding the humane treatment of wounded and sick on land, to those at sea who are broadly termed “Shipwrecked.” It is interesting to note that unlike the experience following the Great War, there were no attempts to re-codify the “rules” of naval warfare. This lack of effort is perhaps not surprising given the well intentioned, but ultimately impractical output of those inter-war efforts of 1920-1930.

The most profound codification in this period was the founding of the United Nations and the drafting of its Charter in 1945. This codification proved to be a laudable endeavour undertaken immediately following the termination of the Second World War. That is to say, the Charter was an instrument drafted in a period of revulsion for war in which the emphasis was naturally focused on the prevention of all future conflict. The UN Charter proved to be a watershed in that the previous right of nations to resort to war in the furtherance of national policy had been replaced by a general rule prohibiting the

⁴⁰ Heintschel von Heinegg, 211.

⁴¹ Ibid.

⁴² L.R. Penna, Commentary, N. Ronzitti, *The Law of Naval Warfare* p. 534

“recourse to force in international relations, qualified by a small group of exceptions.”⁴³ Those exceptions are found in Chapter VII of the Charter and are expressed as articles 39 to 51. The effect of this codification was to effectively outlaw all forms of aggression, including blockade. Was this a practical outcome? Would it stand the test of time?

The exponential technological development and transformation of this period was illustrated and dominated by the “perfection” of nuclear weapons and their delivery methods⁴⁴. This transformation was to be as significant a change to the war-fighting paradigm as the transition from the age of sail to that of steam. In the space of fifteen years nuclear weapons had developed from the relatively crude 20-kiloton uranium fission bomb to a 57-megaton fusion weapon of untold destructive power⁴⁵. The means of delivery for these weapons had developed from large piston-driven propeller aircraft to Medium Range Ballistic Missiles (MRBM) that could strike targets anywhere over a range of 1,000 miles.

Operationally speaking, the most crucial and dangerous military event of the 1960s was, by all accounts, the Cuban Missile Crisis in the fall of 1962. In October 1962, Soviet SS-4 Sandal MRBMs - capable of delivering a nuclear weapon just about anywhere in the United States - were discovered in the process of installation in Cuba. Although subsequently found to be much overblown, at the time the Americans feared that the Soviets were turning Cuba into a base from which an attack on North America could be launched. Soviet ships were found to be transporting these missiles over the high seas to ports in Cuba.

US President Kennedy came to the conclusion that these missiles presented an unacceptable threat to the United States and was resolved to remove them. The problem lay in how to accomplish this goal without triggering an all-out nuclear war. The

⁴³ Christopher Greenwood, *International Law and the Conduct of Military Operations*, In *International Law Studies Volume 75: International Law Across the Spectrum of Conflict*, ed. Michael N. Schmitt (Newport: US Naval War College, 2000), 180

⁴⁴ if one can use that term in relation to nuclear weapons.

⁴⁵ Quincy Wright, *The Cuban Quarrantine of 1962* in *Power and Order, 6 Cases in World Politics* eds John G. Stoessinger, Alan F. Westin (New York: Harcourt, Brace and World, 1964), 181.

President was provided with a range of options ranging from an invasion of the island of Cuba, to “surgical” airstrikes aimed at destroying the SS-4 missiles, to a Naval blockade which would prevent the importation of any further weapons.⁴⁶ While vigorous diplomatic efforts were underway at the United Nations and at the Organization of American States (OAS), Kennedy chose a blockade as the most flexible and least confrontational military measure. He and his administration could not, however, call the measure a “blockade” since a blockade was still considered an “act of war,” clearly not a desirable description in the existing period of nuclear tension, and besides, the UN Charter prohibited acts of aggression. In the evening of 22 October 1962, Kennedy addressed the world on television and within his speech stated:

To halt this offensive buildup, a strict quarantine on all offensive military equipment under shipment to Cuba is being initiated. All ships of any kind bound for Cuba, from whatever nation or port, will, if found to contain cargoes of offensive weapons, be turned back⁴⁷.

How did the US Administration come to choose the word “Quarantine?” Captain Alex A. Kerr, USN, who attended a high level meeting of the staffs of the Secretaries of Defense and of the Navy, recalls that:

*McNamara asked the Secretary [of the Navy] to supply people for a meeting from [sic] the JAG’s office and his office who might be able to come up with some ideas or some definitions or to add to the discussion regarding whether or not there should be a blockade. At that time some naval action was indicated. I went to the meeting and a lot was kicked around about whether a blockade was an act of war or whether a blockade was indicated at this time. Definitions of blockade were kicked around. **Somebody at the meeting came up with the idea of coining the expression “quarantine,” which later was adopted, which of course had no legal precedent, but which did the trick.**⁴⁸*

The United States subsequently declared an “area of interdiction” of a radius of five hundred miles centred on both Havana and the eastern end of the island of Cuba. US Navy ships enforced what was essentially a blockade zone. Although the vast majority of

⁴⁶ Hugill, 110.

⁴⁷ Ibid, 191.

⁴⁸ Capt Alex A. Kerr, USN, interviewed by Paul Stillwell, USNI Oral History Jan 1984. Emphasis mine.

Soviet ships stopped when they arrived at the edge of the zone, US Naval forces “intercepted” an oil tanker which was visually examined but not boarded, and then boarded a Soviet-chartered freighter which was briefly inspected and then cleared to proceed to Havana.⁴⁹ Swayed by a combination of vigorous diplomacy, perhaps secret ententes, and the US Navy’s show of force and resolve, the Soviets backed down, ordered their ships home and ultimately removed all of their missiles from Cuba⁵⁰. A new, more sophisticated type of blockade had been developed that was even more closely linked with diplomacy.

The codifications developed in this iteration of the cycle are best represented by the Charter of the United Nations. One of the aims of the Charter was to ban all forms of aggression. While the links in this cycle between codification, technological change and operational reality are not as strong as in others, the development of nuclear weapons and the United States’ response to the Cuban Missile Crisis by adopting a blockade by another name reinforces the essential elements of the model. Again, despite codifications to the contrary, states will continue to engage in variations of blockade when it is in their own interests to do so.

Cycle IV – Missile Age Navies

This period proved to be the start of an era of the ascendancy of US Navy in its ability and willingness to enforce measures in the American national interest, that is the continued evolution of State practice. The Cuban Missile Crisis had been the first instance of a superpower invoking the UN Charter in what can be loosely termed self-defence.⁵¹ The Americans gained authority to act through the Organization of American States. Article 53 of Chapter VIII provides for the “utilization of regional agencies ... for enforcement action under its authority.... or in regional arrangements directed against

⁴⁹ Wright, 193.

⁵⁰ there is a suggestion that US diplomats secretly undertook to remove Jupiter missiles, the American MRBMs from Turkey and Italy as a *quid pro quo*.

⁵¹ Although the US first justified their “embargo” as an act of self defence under article 51 of the UN Charter, they soon changed tack and claimed that this was permitted under article 53 which relates to regional organizations such as the OAS.

renewal of aggressive policy.” Of note in this era is that the “quarantine” of the Cuban Missile Crisis introduced new variations to the theme of visit and search. A concept emerged that saw the interdiction of specific cargo - MRBMs or Oil - and not the vessels carrying such cargoes. As well, the concept of simply turning back vessels and their cargoes rather than seizing or sinking them emerged. Ships could turn back; that is, fail to deliver their cargoes to their intended destination and emerged unharmed, their cargoes intact.

The first occasion of the United Nations Security Council itself using sanctions in a bid to “preserve world security” was in the case of Rhodesia. Rhodesia had unilaterally declared itself independent. UNGA Resolution 1747 called upon the United Kingdom to interfere with the internal political and legal structures to bring about majority rule⁵². By 1965, an oil embargo was underway and warships of the Royal Navy patrolled the Mozambique Channel to prevent the shipment of oil into Mozambique, where this oil was subsequently pumped by pipeline into Rhodesia. UN Security Council Resolution 221 of April 1966 further determined that “the continued flow of oil to Rhodesia was a threat to peace and authorized the UK to use force, if necessary to stop the flow of oil.”⁵³ The Royal Navy maintained this blockade for 10 years and oil ceased to be delivered to Mozambique.

The main instrument of codification in this cycle was the 1977 Geneva Additional Protocol I - which was largely concerned with the improvement of international humanitarian law. Article 54 of this Protocol states “starvation of civilians as a method of warfare is prohibited.”⁵⁴ Although there was initially some debate as to whether or not this article applied to blockades, the prevailing opinion is that “States... may not establish and maintain blockade that serves the specific purpose of denying [the civilian population] essential foodstuffs.”⁵⁵ Therefore, it became “illegal” to interfere with the delivery of food or relief supplies.

⁵² Hugill, 95-96.

⁵³ Ibid, 100.

⁵⁴ Ronzitti, 728.

⁵⁵ M. Booth, *Commentary on the 1977 Geneva Protocol In The Law of Naval Warfare*, 764

The predominant technological transformations of this period were the development of the anti-ship cruise missile (ASCM) and the introduction of near real-time command-and-control enabled by the development of satellite communications and increasingly sophisticated data links. Missiles such as the Exocet, Harpoon and SS-N-2 Styx weapons were brought into service and sold world-wide. These were fire-and-forget weapons capable of launch from land air and sea. It only took a hit from one of these weapons to render a warship ineffective. The first warship sunk by ASCMs was the Israeli destroyer *Eilat*, which was attacked with 4 Styx missiles in 1967. This lesson was reinforced during the Falkland Islands War of 1982, when the Royal Navy lost two warships to Argentine-fired Exocet missiles. During the so-called “Tanker War” in the Gulf, the American warship USS *Stark* was engaged with two Iraqi-fired Exocet missiles and nearly lost.

The realm of command-and-control saw equally significant developments. The widespread development and deployment of constellations of military communications satellites allowed the sharing of information over vast distances in near-real-time. The development of automated data-links allowed military commanders to share the same common “picture.” When data-links were paired with satellite communications, a quantum leap was made in capability. Military commanders could now observe and influence naval operations covering broad swaths of the ocean.

The increased lethality and high hit-probability of ASCMs made them a significant concern. These stand-off weapons pushed warships further out to sea beyond missile and aircraft range. This state of affairs led to the renewed use of “distant blockade” and “visit and search” operations. Given the remarkable advances in command-and-control capabilities, military commanders were able to maintain surveillance over huge tracts of ocean. This capability rendered the distant blockades all the more effective as ships could be tracked for days and, if required, an interception was all but certain.

Inasmuch as blockade operations were concerned, this period culminated with the events of the First Gulf War 1990-1991. Following the sudden invasion of Kuwait by Iraq in 1990, the UN Security Council quickly “determined that the action was a breach of international peace and then took action under Chapter VII of [its] Charter.”⁵⁶ Since the UN had no armed forces of its own, and was therefore incapable of undertaking military action it “used its powers under Chapter VII to authorize military action by an *ad hoc* coalition of States.”⁵⁷ Long-distance blockades were utilized in the prelude to war as a means of exerting economic pressure on Iraq. The Coalition was eventually empowered, and did, enforce a total embargo with an exemption explicitly included for medical supplies, and in humanitarian circumstances, foodstuffs.⁵⁸

The prohibitions against the starvation of a population were in this instance problematic. What was starvation, exactly as opposed to deprivation? What were the second and third order effects of preventing the exportation of Iraqi oil? If the disruption in Iraqi commerce led to starvation, was this disruption then “illegal?” In the First Gulf War the world community, led by the United States, embarked on a course of economic warfare against Iraq. The exemptions for medical supplies and foodstuffs in the enabling Security Council Resolutions were mere window dressing. There was no practical means of ensuring that portions of the Iraqi population would not be adversely affected. Once again, the cyclical pattern was repeated: well-meaning humanitarian efforts were overtaken by operational reality.

⁵⁶ Greenwood, 183.

⁵⁷ Ibid.

⁵⁸ Fielding, 1214.

Cycle V - The New World Order

The Maritime Interception Operation, or blockade, of Gulf War I was the culmination of considerable diplomatic effort. The “operation was a product of compromise and coalition-building.... The result was a carefully crafted interception procedure which allowed a more flexible, precise measure of interception.”⁵⁹ Of note was the increasing emphasis on the humanitarian element

*The introduction of the concept of the “new world order” demanded that the interception procedures conform to the ideals being espoused. As a tool of law and order, the interception must observe in the strictest manner the necessity and proportionality requisites of the use of force. The increased emphasis on humanitarian concerns in values of lives and property shaped and interception process which, while effective, was designed to avoid destructive use of force.*⁶⁰

By the end of the Cold War, the “State practice” of the United Nations had evolved to the point where humanitarian issues were rising to the fore and were considered worthy of serious contemplation. Relieved of the paralysis that had existed in the Security Council caused by the veto-wielding protagonists of the Cold War, the Security Council was now able to exert its influence in domains that had previously been ones of altruistic interest. Previously, the fundamental principle of non-intervention in the internal affairs of a state had prevailed.⁶¹ Following the “fall of the Soviet Union...and the rise of public awareness, respect for human rights [was] increasingly perceived as taking precedence over the protection of domestic jurisdiction in situations of extreme crisis.”⁶² Security Council-sanctioned operations in Somalia and Rwanda were the first examples of this sort. The disintegration of Yugoslavia in the early 1990s is a further example of a naval blockade used in support of the efforts of the world community. As the magnitude of the civil war and the humanitarian dimension of the violence became apparent, the Security Council enacted a number of resolutions

⁵⁹ Fielding, 1239.

⁶⁰ Ibid.

⁶¹ Ronald St. J. Macdonald, The Charter of the United Nations as a World Constitution In *International Law Studies Volume 75: International Law Across the Spectrum of Conflict*. ed. Michael N. Schmitt (Newport: US Naval War College, 2000), 256

⁶² Ibid.

establishing an economic embargo. UNSCR 787 authorized the halting of all maritime shipping in order to “inspect and verify their cargoes,” which is tantamount to “visit and search,” while UNSCR 820 strengthened the maritime enforcement regime by prohibiting all maritime traffic from entering the territorial waters of the Former Republic of Yugoslavia without prior approval - tantamount to blockade.

The latest codification of the laws of armed conflict at sea was prepared in the period spanning 1988 - 1994, precisely at the intersection of the last and present “cycles.” This codification is contained in a document entitled the “San Remo Manual” and is self-described as “a contemporary restatement of the law, together with some progressive development, which takes into account recent State practice, technological developments and the effect of related areas of the law, in particular, the United Nations Charter.”⁶³ It is interesting to note that the Manual is published by the International Institute of Humanitarian Law, but yet that the authors make a concerted effort to be operationally relevant. The document is presented in the form of a manual intended for ready reference by “operators.” Insofar as blockade operations are concerned, the San Remo manual proves to be retrospective in outlook. The preliminary remarks to the section on blockade admit to a deep divide amongst the contributors as to whether or not the practice of blockade even still exists. “The Round Table engaged in an extensive discussion of whether the practice of blockade was, on the one hand, entirely archaic, or on the other hand remained a viable method of naval warfare.”⁶⁴ Professor Leslie Green recounts that the predominant faction remained fixated on the “rules” established by the London Conference of 1909.⁶⁵ Despite opportunities to create a relevant codification of the practice of blockade, the San Remo Manual failed to align itself with emerging State Practice and operational realities.

The seminal event of this era was the terrorist attack on the United States of 11 September 2001. What this event heralded was the emergence of transnational

⁶³ Louise Doswald-Beck ed. *The San Remo Manual on International Law Applicable to Armed Conflicts at Sea* (Cambridge: Cambridge University Press, Grotius Publications, 1995)

⁶⁴ *Ibid*, p.176

⁶⁵ Interview with Prof Leslie Green Oct 2003

organizations that could organize and mount significant campaigns. The technology of the internet and world-wide electronic systems of finance enabled groups to research, organize, and finance their operation with relative ease. Military technology had continued to develop from Gulf War I. This technological transformation was nowhere more significant than in the realm, again, of command-and-control. The US Navy melded both the concept of the data-link and the Internet-based notion of “net-centric-warfare” and a powerful, dominating capability emerged. While the “picture” was still only as good as the original inputs, many more sensors could be integrated to increase the overall fidelity of the product and to provide a real-time “recognized maritime picture.”

The immediate aftermath of the 11 September 2001 attacks on the World Trade Center and the Pentagon was that the United States went on the offensive in its “war against terror,” subsequently launching an invasion of Afghanistan. At sea, coalition maritime forces were employed in a new variation on the theme of blockade. Because the border between Afghanistan and Pakistan was considered very porous, it was feared that the terrorist leadership would make an attempt to escape Afghanistan, where they were bottled up, and flee to Saudi Arabia by sea. Consequently, the concept of “Leadership Interdiction Operations” was developed. These operations were a variation of long-distance blockade and involved the visit and search of vessels in search, not of contraband cargo, but rather of “contraband persons.” The search for specific persons was enabled by the technological advances of net-centric warfare. The name, identity and photographs of an individual identified as being a likely terrorist by intelligence work in Afghanistan was instantly available to maritime forces conducting LIO.

In this fifth and final cycle, once again, a common theme repeats itself. Despite best intentions, and an opportunity to depart from a century of past practice, the drafters of the San Remo Manual managed to codify outdated practices that were not reflective of the current operational reality; thereby largely dooming the effort to irrelevance.

Synthesis

This paper has used cyclical model as a structure to give form to the evolutionary development of those maritime operations known as “blockade.” The table below illustrates, in a tabular format, the cycles of the theorem as repeatedly applied over the course of the last two centuries. By pulling back to this historical perspective, a clear pattern emerges in which the development of the practice of blockage advances in orderly “cycles.”

Evolutionary Blockade Cycle Tabular View				
	State Practice	Codification	Technological Transformation	Operational Reality
Cycle I The Great War	Close blockade By ships of the line just out of cannon ball range	Paris Dec. 1856 Hague 1907 London 1909 Oxford 1913	Sail to Steam Submarines Long range Arty Moored mines Aircraft	Long distance blockade Blockade Zones Unrestricted sub warfare
Cycle II The Second World War	Long range blockade, Control of Shipping Blockade Zone Unrestricted sub warfare	Washington 1922 London 1930	Radar Long-distance aircraft Lethality of aircraft Submarine endurance	Min. of Economic Warfare. Strategic view of blockade pillar of economic warfare Japan – blockade zone refined
Cycle III The Cuban Missile Crisis	Refined long-distance blockade and strat. Blockade zones. Use of submarines	UN Charter 1945	Nuclear Weapons MRBMs	Cuban Missile Crisis “Quarantine” Ops under UN aegis
Cycle IV Missile Age Navies	UN Charter loosely invoked. Nations operate on behalf of UN	Geneva 1977 Additional Prot. I	Anti-Ship missiles C ² advances Link - SATCOM	More distant blockades. Visit and Search Multi-national coalition ops Specific cargoes
Cycle V The New World Order	MIO ops supporting UNSCR well established	San Remo Manual 1995	Non-state actors Internet Net-centric warfare C ² ISR	Leadership Interdiction “Persons” vice cargo.

When considering the development of the practice of blockade, and in particular the codification of such practices, a pattern develops in which these circumstances are overtaken by events of an operational nature stemming from both the technological transformation as well as the unique circumstances and demands of each conflict. Lois Fielding states this interdependence in the following fashion:

There does exist a classic model of blockade against which the lawfulness of a particular blockade may be measured; however, this model has been largely disregarded in practice because of innovations largely tied to the modifications in naval warfare. The key to understanding the changes in the form of blockade and the variety of techniques in evidence over the history of naval operations is to realize that the form of each maritime zone and its method of enforcement is dictated by the specific features of the particular conflict at hand as well as the military objectives to be obtained in the conflict.⁶⁶

In his book *The Contemporary Law of Armed Conflict*, Professor Leslie Green provides the following succinct definition of the current state of the art in blockade:

International Law allows a belligerent to take measures to cut the adverse party off from intercourse with the rest of the world. If the adverse party is a coastal state access to and from its ports may be enforced by mining those ports or interdicting access to them, this interdiction being enforced by warships or with the assistance of aircraft. The blockade may be maintained from a distance so long as it is effective and on a basis of complete equality.... Since blockade is a belligerent operation it is only legal during armed conflict.... Occasionally, as during the Cuban missile crisis, 1962, a state not officially at war with another may seek to interdict the shipping of third states from entering the ports and harbours of its opponents.... However, if such action is authorized by the Security Council of the United Nations as was done after Iraq's invasion of Kuwait, 1990-91, the interdiction would be legal.⁶⁷

The current state-of-the-art in “Maritime Interception Operations” is none other than a snapshot of a time-honoured, flexible, and continuously evolving practice of blockade. It is the very adaptability of blockade that has ensured its continued viability in

⁶⁶ Fielding, 1194-1195.

⁶⁷ Prof Leslie Green, *The Contemporary Law of Armed Conflict* (Manchester: Manchester University Press, 1993), 170-171.

an environment of continuous change. The “transformation” that we have observed since Gulf War I - that is to say in the “New World Order - has been the start of another evolutionary cycle of development.

Conclusion

The practice and the codification of blockade have, over the course of the last century and a half, evolved in five complete cycles. By viewing this evolution through the lens of a cyclical model, a pattern emerges. State practice, the codification of this state practice as “rules” regulating blockade, technological transformation and the changes in capabilities and tactics which technology enables on the “modern” battlefield, flow through time, each element rising to ascendancy in a sequential order. The thesis of this paper is that the most recent codification of the international law of blockade, represented by the 1995 San Remo Manual, has been eclipsed by operational realities. Is this an aberration? By examining the relative success of other attempts at codification – all occurring in the same portion of the cycle - the thesis can be tested historically.

The Hague Conference of 1907 and the London Declaration of 1909 were the expression of turn-of-the-century codification. Despite the emergence of a set of “rules” respecting blockade, the London Declaration was immediately viewed as imposing unacceptable conditions on the Royal Navy. The invention of submarines, aircraft and the improvement of artillery would affect the conduct of the Great War. Belligerents would soon develop effective tactics such as the long-distance blockade in response to operational imperatives. Even had the House of Lords acquiesced to its coming into force, the London Declaration was overtaken by the events of the Great War.

The Washington Treaty of 1922 and the 1930 London Treaty were responses to the ravages caused largely by the submarine in the previous war. These processes and treaties represented an attempt to outlaw a particular mode of war, or at least to hamper it procedurally so as to make it “humane.” The proposed restrictions on submarine warfare

were impractical and again, these codifications did not stand up to the life-or-death operational pressures of the Second World War. The United States in particular engaged in a vigorous campaign of submarine warfare in the Pacific Theatre.

The United Nations Charter was drafted 7 626.42002 Tw 12 0 0 14.0002 Tw 12 0 0 12 16Tj12 0 0 12 2

continued technological refinements of warfighting, the subsequent evolution of tactics and the natural emergence of new State practice. Such has repeatedly been the case with similar codifications. Despite their inoffensive names, current naval operations such as the Leadership Interdiction Operations now underway in the Middle East are the product of a century of evolution of the practice of blockade.

Bibliography

- Abo, Capt (N) Kimito JMSDF “IHL and Naval Warfare” in *International Rules of Warfare and Command Responsibility: ICRC East Asia Regional Seminar on the Instruction of the Law of War* ed. Alcardo Ferretti Bangkok: ICRC, 1998
- Berdal, Mats R. “The Security Council, Peacekeeping and Internal Conflict after the Cold War.” *Duke Journal of Comparative and International Law* Vol 7 (1996-1997)
- Canada, Department of National Defence. “The Law of Armed Conflict at the Operational and Tactical Level B-GG-005-027/AF-021” Ottawa: Department of National Defence, 2001
- Canada, Department of National Defence. “*Use of Force in CF Operations B-GG-005-00*” Ottawa: Department of National Defence, 2001
- Detter, Ingrid. *The Law of War (2nd Ed.)* (Cambridge: Cambridge University Press, 2000)
- Doswald-Beck, Louise, ed. *The San Remo Manual on International Law Applicable to Armed Conflicts at Sea* Cambridge: Cambridge University Press, Grotius Publications, 1995
- Fielding, Lois E. “Maritime Interception: Centrepiece of Economic Sanctions in the New World Order.” *Louisiana Law Review* Vol 53. 1992-1993
- Fleck, Dieter. “Legal Issues of Multinational Military Units: Tasks and Missions, Stationing Law, Command and Control” In *International Law Studies Volume 75: International Law Across the Spectrum of Conflict*, ed.. Michael N. Schmitt, Newport: US Naval War College, 2000
- Fraunces, Micahel G. “The international law of blockade: New guiding principles in contemporary state practice” *The Yale Law Journal*. Vol 101 Iss 4, Jan 1992
- German, Tony. *The Sea is at Our Gates: the History of the Canadian Navy*. Toronto: McClelland & Stewart, 1990
- Green, L.C. *The Contemporary Law of Armed Conflict*, Manchester: Manchester University Press, 1993
- Greenwood, Christopher. “International Law and the Conduct of Military Operations: Stocktaking at the Start of a New Millennium” In *International Law Studies Volume 75: International Law Across the Spectrum of Conflict*, ed.. Michael N. Schmitt, Newport: US Naval War College, 2000

Heintschel von Heinegg, Wolff . “Naval Blockade” In *International Law Studies Volume 75: International Law Across the Spectrum of Conflict*, ed.. Michael N. Schmitt, Newport: US Naval War College, 2000

Hugill, LtCdr Paul D. “*The Continuing Utility of Naval Blockades in the Twenty-First Century*” Master’s Thesis, US Army Command and General Staff College, Leavenworth, 1998.

Kerr, Captain Alex A. USN. Oral History, Interviewed by Paul Stillwell January 24th 1984. Cuban Missile Crisis. Annapolis, United States Naval Institute

Legro, Jeffrey, *Cooperation Under Fire: Anglo – German restraint during World War II*. Ithaca: Cornell University Press, 1995

Macdonald, Ronald St. J. “*The Charter of the United Nations as a World Constitution.*” In *International Law Studies Volume 75: International Law Across the Spectrum of Conflict*, ed.. Michael N. Schmitt, Newport: US Naval War College, 2000

Milner, Marc. *Canada’s Navy: The First Century*. Toronto: University of Toronto Press, 1999

Morin, Maj Jean H. and Gimblett, Lieutenant-Commander Howard. *The Canadian Forces in the Persian Gulf: Operation Friction 1990-1991*. Toronto: Dundurn Press, 1997

Murphy, Sean D. “Interdiction of Russian Oil Tankers for Violating UN Sanctions” *The American Journal of International Law*, Vol 94, Iss 3, Jul 2000

Peace, Cdr David L. “Major Maritime Events in the Persian Gulf Between 1984 and 1991: A Juridical Analysis” *Virginia Journal of International Law*, Vol 31, 1991.

Roach, Ashley J. “The Law of Naval Warfare at the Turn of Two Centuries.” *The American Journal of International Law* Vol 94, No. 1

Ronzitti, Natalino. ed. *The Law of Naval Warfare: A Collection of Agreements and Documents with Commentaries*. Dordrecht: Martinus Nijhoff, 1988

United States, Department of Defense. *Conduct of the Persian Gulf War: Final Report to Congress*. 1992

Wright, Quincy. *The Cuban Quarrantine of 1962* in *Power and Order, 6 Cases in World Politics* eds John G. Stoessinger, Alan F. Westin, New York: Harcourt, Brace and World, 1964