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USE OF CONCEPT OF QUARANTINE AS WAR STRATEGY SPECIFICALLY IN INDIAN OCEAN REGION



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ABBREVIATIONS

EXCOMM	Executive Committee of the National Security Council
IHL	International Humanitarian Law
MRBM	Medium Range Ballistic Missile
NATO	North Atlantic Treaty Organisation
LoC	Line of Control
OAS	Organisation of American States
SLoCs	Sea Lines of Communications
UN	United Nations
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
US	United States
USSR	Union of the Soviet Republics

FOREWORD

This study on quarantine as war strategy has been attempted to analyse the notion of quarantine in the light of legal and historical background in order to determine whether it can be used as a war strategy under the current geopolitical environment in the Indian Ocean Region or not. The same is required to be done in the light of NHQ letter No. MPR/0310/MA/Vol-IV/129 dated 28 May 2020.

As we will see in the study paper that the term quarantine though akin to blockade, has a unique place in the history. It was specifically used only once during the US blockade of Cuba in 1962 during the Cuban missile crisis of 1962, which is considered as the most critical and dangerous event in the Nuclear Era, when two super powers came on brink of nuclear war.

Blockades have long history in the world and on different occasions it was used by different nations in different forms depending upon the prevailing geopolitical environment.

The study will also draw parallels of US action of enforcing quarantine to the current scenarios in general and the Indian Ocean region in particular. Finally a specific focus has been given to the Indo-Pak scenario with respect to use of Quarantine as war strategy.

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CHAPTER 1
THE INTRODUCTION AND MAIN CONCEPTS

1.1. Introduction.

The term "Quarantine" was first and last time used by the United States, for its blockade of the Cuba during the Cuban crisis involving former USSR? It was borrowed and substituted deliberately to avoid certain complexities of International law and achieving the desired results in a safer and arguably legal manner. This study will mainly focus on the needs and objectives of the substitution of the terminology for its standard form of Blockade, its consequences and place in International law. It is quite evident that any effort to study and analyse the notion of Quarantine cannot be comprehensive without looking at the historical perspectives, manifestations and legalities of the term Blockade. A Blockade which is actually an act of war as per UN Conventions of law of the sea, has been historically and traditionally used as war strategy. However the term Quarantine for the first time was adopted by the United States in October-November 1962 during its naval blockade of Cuba. There are two issues which will be addressed in this paper that is first the substitution of the term Quarantine for Blockade, its manifestation during the Cuban crisis while drawing similarities and differences with the actual blockade and finally to see its prospects to be used as war strategy in the Indian Ocean. Since its happening, this issue has been continuously deliberated and analysed in the light of historical facts and the international law. It is worth highlighting that United States with mighty naval power, despite having very low risk of full scale offensive from U.S.S.R and Cuba opted a cautious course for achieving their defensive goals against installation of lethal missiles.

In the law of naval warfare, there are few issues which are legally and morally contentious as that of the practice of blockade. Derived primarily from principles that emerged during eighteenth and nineteenth century conflicts, blockade is a method of warfare governed solely by customary international law. Considered by some to be an archaic form of warfare unsuitable for use in the post-modern conflict paradigm, it is subject to criticism both for its impact on international commerce and, more importantly, the devastating effects that it can have on the civilian population of a blockaded state. There have been various actions similar to blockade in concept used as war strategy in the history of warfare in order to succumb enemy or other

opponent to pressure and agree on the terms or demands by blockading forces or countries. Some of these, other than actual declared blockade, are quarantine, embargos, sanctions, economic restrictions, etc.

1.2. **General Definitions**.

It is important to first define the terms Quarantine and Blockade as well as their other related versions for a better understanding before carrying out any further analysis on their implications and use as was strategy.

1.2.1. **Quarantine**.

Historical use of word "Quarantine" signifies 'a period of time (to be decided by the Health Authorities) during which a vessel, coming from a place where a contagious or infectious disease is prevalent, is kept under detention by health authority in the harbour of the port where she arrives, or at a nearby station designated for the purpose. During this period, boarding on or landing from the ship of any crew or passenger is not permitted. Evidence suggests that it was first time introduced at Venice in 1484. Quarantine areas are designated and marked by buoys in a port as well as in airports.

In Western law it also refers to a period of forty days during which a widow has a right to remain in her late husband's principal mansion immediately after his death. The right of the widow is also called her "quarantine." The later having some similarity with the Arabic term "*iddah*" (waiting time) which is mandatory in Islamic Law and during such period the woman (divorced or widowed) is entitled with certain rights and duties.

The term is sometimes used politically to designate the political and economic isolation of a nation in retribution for unacceptable policies: "When Iraq invaded Kuwait, it was placed in quarantine by the US and its allied nations." (The Gulf War (article) | 1990s America | Khan Academy)

Although for all its practical manifestations and fallouts, a quarantine is fundamentally a form of blockade. However, as per US military doctrine Quarantine is not a blockade. According to a US Navy Commander's Handbook on Operational Law, "the goal of quarantine is de-escalation and

a return to the status quo ante." The goal of a blockade is "denial and degradation of an enemy's capability." However, when seen in the light of its use during Cuban Missile Crisis it is difficult to distinguish between these two objectives.

1.2.2. **Blockade**

Blockade is a very particular form of naval warfare. Throughout history, maritime nations have used naval blockades to wreck the economies of their adversaries and bend them to their will. However, the impact of blockade in history has been overstated. Throughout history, blockade has been a part of military success, but it has never been the primary key to victory. Most successful blockades enabled land campaigns to succeed but would not have won wars on their own. Blockades are a politico-economic form of warfare that can quite often have unexpected political results. The generally accepted definition in the customary international law is as under:

Blockade using sea power is termed as an act of war whereby one country or a group of countries block entry to or departure from a specifically defined part of an enemy's territory, most often its coasts. For the purpose of safety of non-belligerent neutral and impartial states it is regulated by international law, customs and procedures requiring prior warning to maritime traffic and neutral states and impartial applications. The objective of blockade operations is to halt all maritime trade from entering or leaving a state. It is a strategic operation whose goal it is to cause such extensive damage to a nation's economy that it can no longer sustain its war-fighting capability.

1.2.3. **International Law on Blockade**

A blockade is not lawful if it has the sole purpose of starving the civilian population or denying it objects essential for survival, or the damage to the civilian population outweighs the military advantage of the blockade. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for sick and wounded members of the armed forces. These requirements are designed to allow maritime states to conduct operations while minimizing the suffering of the civilian population of belligerents.

In a memorandum prepared for the London Naval Conference of 1908–09, the British government defined a blockade as "an act of war carried out by the warships of a belligerent, detailed to prevent

access to or departure from a defined part of the enemy's coast." This differs from a so-called pacific blockade inasmuch as the latter is not strictly an operation of war and cannot rightly be enforced against neutrals. The former may be either military or commercial. A military blockade is undertaken to attain some specific military objective, such as the capture of a naval port. A commercial blockade has no immediate military objective but is designed to cause the enemy to surrender or come to terms by cutting off all commercial intercourse by sea. A belligerent may, if it can, blockade the whole of the enemy's seaboard, but the mere proclamation of a blockade of the whole or any part of the enemy's coast, without anything more, is of no legal effect. Such proclamations were formerly common and were known as "paper blockades." A belligerent may not blockade neutral territory unless it is in the actual control or occupation of the enemy, nor may it blockade enemy territory in such a way as to prevent access to neutral territory. In order, therefore, to render a blockade valid under the common law and to impose penalties upon neutral vessels for breach of it, the following facts must be proved:

a. A blockade must be duly established: that is, it must be instituted under the authority of the belligerent government.

b. The blockade must be effective. Paper blockades were declared illegal by the Declarations of the Armed Neutralities of 1780 and 1800. Article 4 of the Declaration of Paris (1856; a supplement to the Treaty of Paris) provided that "blockades, in order to be binding, must be effective." A blockade, therefore, must be maintained by a force sufficient to truly prevent access to the coasts of the enemy.

c. The blockade must be continuously maintained and impartially enforced against all vessels alike. If interrupted—except when temporarily interrupted by adverse weather—it must be duly re-established.

d. There must be some violation either by egress or ingress by the vessel. If the blockade is de facto, express notice must be given to the vessel by the blockading force and endorsed on the ship's papers.

e. There must be actual or constructive knowledge of the blockade by those responsible for the conduct of the vessel.

A blockade terminates (1) if it is expressly raised by the blockading government or by the officer in command of the blockading force, (2) if it ceases to be effectively maintained, or (3) if the blockaded place is actually occupied by the blockading state.

Historically blockades in different forms suiting the effectiveness with available power in hands have been exercised by various nations during war as well as warlike situations or at times of political conflicts. However, for the purpose of simplicity we may divide them into two categories. First is a blockade in consequence of war whether at sea or inland. When two or more countries are at war, International laws of the war apply on the conduct of belligerents including any blockade they may impose. Second is the blockade for specific objects without declaration of war. In this kind of blockade International law of the blockades applies. The second kind of blockades is more relevant to this study.

Although earlier there may have been two types of blockade – one of a factual kind and the other also requiring notification – current international law only acknowledges blockade where notification is included. Previously, declaration of a blockade could be made by the commander of the blockading force acting on his government's behalf, but current communication technology will presumably lead to issuance of such a declaration always being made by the relevant ministry of the said state. No reference to such a commander is made in the 1994 San Remo Manual, but it is mentioned in the 2015 US Law of War Manual. The declaration is also to be notified to neutral states, whereas the officer in charge of the blockading force will usually notify the local authorities of the blockaded territory.

1.2.4. **Pacific Blockades**

This kind of blockades is common when the rival countries are yet not at war or involved in direct skirmishes. Such blockades are referred to as Pacific Blockades (Peaceful blockades). They involve Visit and Search procedure adopted by a belligerent man of war to ascertain the commodities and purpose of a merchant vessel intending to call a port within the blockade.

Generally a ship is called on radio or light and required to provide information regarding the ship's name, call sign, UN No., her crew, cargo, last port, next port and other information if necessary. Ship may be required to slow down or stopped or to alter her course to a place for search and investigations. Based on the information warship may opt to visit the ship and carry out inspection or otherwise let the ship continue her voyage. If an inspection (including documents, the ship and cargo) reveals the ship to be an enemy vessel or carrying contraband, breaking blockade, or engaging in un-neutral service, it is immediately seized. In case of suspicion of such activities, it may require the vessel to be searched. If the search satisfies the innocence of vessel, she is allowed to continue her voyage. However, in case of doubt needing further search, she may be taken into port for further search. If it is finally declared innocent and no probable cause for capture existing, she will be released and the prize court (Admiralty Section of relevant High Court) may order damages to be paid in compensation. For taking a ship into a port for search, a probable suspicion for seizure should be evident.

1.2.5. **Economic Sanctions and Embargos**

Governments and multinational bodies impose economic sanctions to try to alter the strategic decisions of state and non-state actors that threaten their interests or violate international norms of behaviour. Critics say sanctions are often poorly conceived and rarely successful in changing a target's conduct, while supporters contend they have become more effective in recent years and remain an essential foreign policy tool. Sanctions have been the defining feature of the Western response to several geopolitical challenges, including North Korea's nuclear program and Russia's intervention in Ukraine. In recent years, the United States has expanded the use of sanctions, applying them and ramping them up against adversaries in Iran, Russia, Syria, and Venezuela.

Economic sanctions are defined as the withdrawal of customary trade and financial relations for foreign and security policies purposes. Sanctions may be comprehensive, prohibiting commercial activity with regard to an entire country, like the long-standing U.S. embargo of Cuba, or they may be targeted, blocking transactions by and with particular businesses, groups, or individuals. Since 9/11, there has been a pronounced shift toward targeted or so-called smart sanctions, which aim to minimize the suffering of innocent civilians.

An embargo is a government order that restricts commerce with a specified country or the exchange of specific goods. An embargo is usually created as a result of unfavourable political or economic circumstances between nations. It is designed to isolate a country and create difficulties for its governing body, forcing it to act on the issue that led to the embargo. The main aim of all UN sanctions and embargoes, as set out in the UN Charter, is to implement decisions by its Security Council to maintain or restore international peace and security.

The decisions on trade embargoes and other economic sanctions made by the United States are often based on mandates by the United Nations (UN). Allied countries frequently band together, making joint agreements to restrict trade with specific nations. This is often done by them under the pretext to force humanitarian changes or reduce perceived threats to international peace.

Chapter 2

HISTORICAL PERSPECTIVE

2.1. Cuban Missile Crisis

The term Quarantine finds its roots from the Cuban Missile Crisis, also known as the October Crisis of 1962, which was a 13-day (October 16–28, 1962) confrontation between the United States and the Soviet Union initiated by Soviet ballistic missile deployment in Cuba. The confrontation is often considered the closest the Cold War came to escalating into a full-scale nuclear war. In response to the failed Bay of Pigs Invasion of 1961 and the presence of American Jupiter ballistic missiles in Italy and Turkey, Soviet leader Nikita Khrushchev agreed to Cuba's request to place nuclear missiles on the island to deter a future invasion. An agreement was reached during a secret meeting between Khrushchev and Fidel Castro in July 1962, and construction of a number of missile launch facilities started later that summer.

The missile preparations were confirmed by a US Air Force U-2 spy plane with clear photographic evidence of medium-range (SS-4) and intermediate-range (R-14) ballistic missile facilities. When this was reported to President John F. Kennedy he then convened a meeting of the National Security Council and the Executive Committee of the National Security Council (EXCOMM). After consultation with them, Kennedy ordered a naval blockade on October 22 to prevent further missiles from reaching Cuba. President John F. Kennedy however used the term Quarantine for this blockade or certain political and legal reasons. The US announced it would not permit offensive weapons to be delivered to Cuba and demanded that the weapons already in Cuba be dismantled and returned to the Soviet Union.

In trade off the US agreed to avoid invading Cuba again. Secretly, the United States also agreed that it would dismantle all US-built Jupiter MRBMs, which had been deployed in Turkey against the Soviet Union; there has been debate on whether or not Italy was included in the agreement as well. When all offensive missiles and light bombers had been withdrawn from Cuba, the blockade was formally ended on November 21, 1962.

2.2. Some Historical Examples of blockades

The ultimate aim of a sea power is to protect its own sea communications while denying oversea supplies to the enemy. The right of a belligerent to stop contraband of war from going to its enemy has always been admitted, but it is not unnatural that weaker maritime powers and neutrals should prefer that goods carried in neutral ships should be secure from capture.

A further check on the use of Britain's sea power for preventing supplies from going to the enemy was the Declaration of London (1909). Of the items enumerated in this instrument, the absolute contraband list was small, being confined to articles of exclusive military value such as guns and explosives. These were liable to capture when destined for the enemy in neutral ships either directly or through neutral territory and in this case the doctrine of continuous voyage was recognized. The conditional contraband list was composed of articles necessary to the civil population as well as to the military forces, such as food, fuel, and clothing. Such articles were liable to capture only if shown to be destined for the armed forces or to a government department of the enemy state and if they went directly to an enemy port. They could not be touched if discharged in a neutral port for transmission by rail or inland waterway.

2.2.1. Blockade in the American Civil War

During the American Civil War, the Federal navy concentrated upon blockading the seven principal Southern ports. U.S. President Abraham Lincoln had proclaimed a blockade of the Southern coast on April 19, 1861, but for many months it was little more than nominal for lack of ships to enforce it.

2.2.2. Blockade in World War I

During World War I Britain sought to justify its interference with trade between neutrals, when such trade might have an enemy destination, on the ground of changed conditions of warfare. Nevertheless, the modes of application of naval blockades and the effectiveness of blockading naval operations had been greatly changed by conditions of warfare. The extended range of shore batteries, the use of torpedo boats and similar craft, the action of submarines and mines, and the employment of aircraft for bombing and machine-gunning surface craft had made any close

blockade or any blockade by stationary vessels impossible. The blockading squadron was accordingly now constrained to operate at some distance from the enemy coast. On the other hand, the efficiency of the blockading forces was increased by the ability of the modern naval vessel to be independent of the weather; to communicate by radio with other vessels of the squadron and with the command; to operate at high speed; to utilize radar, naval aircraft, and submarines for scouting purposes; and to employ radar and searchlights for night operations.

2.2.3. **Blockade through exercise of sovereign rights**

In World War I the United Kingdom found that its strategic control of shipping facilities, including bunker supplies and ships' stores, furnished a powerful means of subjecting neutral ship-owners and traders to conformance with the basic British policy that "no vessels owned, chartered or controlled by them (i.e., neutrals) should carry any cargoes proceeding from, or destined to, an enemy country." These shipping facilities could be granted or withheld in the exercise of sovereign discretion, or they could be granted subject to compliance with desired conditions.

2.2.4. **Embargoes (World War 1)**

Embargoes on the export of specified commodities were announced by Germany and France on July 31, 1914, and by Great Britain on August 3, 1914. The practice rapidly expanded both as to commodities affected and territories prohibited. The belligerents evidenced a willingness to relax the embargoes as to specific strategic commodities desired by neutrals—by Germany with respect to chemicals, dyestuffs, and medicines and by Great Britain with respect to rubber, jute, chrome, and manganese and tungsten ore— upon guarantees by such neutrals that they would not re-export such commodities to the opposing belligerent. A cooperative system of enforcement was accordingly established by agreements with the neutral importer. Private organizations such as the Netherlands Overseas Trust and the merchants' guild of Copenhagen assisted the Allied Powers in carrying out their plans.

2.2.5. **World War II**

The most important instance of a formal blockade in World War II occurred with the Soviet Union's announcement of a blockade of the Finnish coast and adjoining islands in December 1939.

Finland questioned the Soviet Union's right as a belligerent to establish the blockade since Russia had previously denied the existence of a state of war with Finland. The effectiveness of the blockade was also questioned. The issues thus raised were not, however, resolved before the war ended.

In April 1940 Germany announced its intention to destroy all neutral ships sailing to British ports and in August 1940 proclaimed a total blockade of the British Isles and the establishment of a zone of military operations off the North Atlantic coast within which every ship would be sunk. Submarine and air warfare were used to carry out these policies.

2.2.6. **Later Blockades**

The law of blockade, in common with other laws of war, has evolved historically to meet the needs of major powers. The development of submarines and aircraft, in particular, made it impossible to station blockading warships in constant positions off an enemy's coasts to maintain close blockades, and it has subsequently been accepted that long-range or distant blockades (maintained by naval forces out of sight of the enemy's coast) are legal if they effectively prevent ingress and egress.

During the Cuban missile crisis (October 1962) U.S. Pres. John F. Kennedy declared a "quarantine" of Cuba after the discovery of Soviet nuclear-armed missiles there. Kennedy's administration was careful to avoid the use of the word "blockade" throughout the standoff, although that was, for all practical purposes, exactly what the "quarantine" entailed.

2.2.7. **Falklands War**

The Falkland Islands War between Great Britain and Argentina in 1982 highlighted the influence that submarines and military aircraft would have on future wartime blockades. The British fleet struggled to contain a single Argentine diesel submarine, and the Royal Navy lost several vessels to Argentine aircraft; Exocet antiship missiles exacted an especially heavy toll. Like Kennedy, British Prime Minister Margaret Thatcher also avoided the use of term "blockade," instead referred the military encirclement around the Falklands as an "Exclusion Zone". The government of

Iraq invoked identical language during the Iran-Iraq War (1980–88), declaring the Persian Gulf to be an "Exclusion Zone" where neutral shipping was liable to be attacked by both belligerents.

2.3. Recent Example from the Gulf Region

2.3.1. The Changing Trends: Blockade to Embargos and Sanctions

Perhaps the most noteworthy blockade of the 21st century began in June 2017 when Saudi Arabia, the United Arab Emirates, Egypt, and Bahrain cut diplomatic ties with Qatar. The four regional powers then cut air, sea, and land links to Qatar, alleging that the emirate was a state sponsor of terrorism and submitting to it a list of more than a dozen demands.

2.3.2. The Blockade of Iraq: 1990-2003

The invasion of Kuwait by Iraq in August 1990, was the catalyst for the longest blockade action in modern history. Passed unanimously by the United Nations Security Council on 6 August 1990, UNSCR 661 authorized the banning of all imports and exports of goods to and from Iraq, with the exception of "supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs.

At the completion of the Gulf War in March 1991, the Security Council, in its resolution 687 (1991) authorized the continuation of the embargo and sanctions against Iraq, with the same humanitarian caveats that were contained in resolution 661. The embargo against Iraq was strictly and effectively enforced by the US, with the navies of many of its allied nations, policing maritime traffic in the Arabian Gulf region. Under resolution 687, a Sanctions Committee was established with the authority to permit exports of petroleum originating from Iraq, in order to enable Iraq to pay for imports of foodstuffs, medicines and essential civilian supplies under what was called "Oil for Food" programme. The provisions of UNSCR remained in place until the completion of the Second Gulf War in 2003. Reporting on the UN-imposed sanctions in 1999, the United Nations Economic and Social Council stated, "The sanctions against Iraq are the most comprehensive, total sanctions that have ever been imposed on a country.

2.4. Contemporary Blockades

The argument that the customary law of blockade has been displaced by the UN Charter falters on the assumption that international armed conflict is conducted only in accordance with the authorities as set out in the UN Charter. As has been seen in the cases of the Viet Nam War, the Falklands conflict, the NATO conflict against Serbia (Kosovo War), the 2003 US-Iraq War, and the current Israeli action against Gaza, many contemporary conflicts are conducted outside of the framework of the UN Charter. In such situations the body of customary international law that applies to blockade must be operative.

2.5. Substitution of the Term "Quarantine" for "Naval Blockade"

This course for the first time was adopted by the United States in October-November 1962 during naval blockade of Cuba. The entire operation may be divided into three parts viz; decision to impose blockade; substitution of the term "Quarantine" for "Blockade"; and effecting blockade. Points under our discussion are the substitution of the term Quarantine for Blockade and dealings with the ships intending to enter the blockade. Both issues relate mainly to international law. It should be noted that United States with mighty naval power, despite having very low risk of full scale offensive from U.S.S.R and Cuba opted a cautious course for achieving their defensive goals against installation of lethal missiles.

In the first instance a naval blockade of Cuba as a strong but limited naval action was chosen against direct military strikes on the targets inside Cuba. In order to impose a safe (in legal sense) and effective blockade, a unilateral act was evaded and a regional response to the threat was opted. In doing so the United States administration, for a better legal stance decided to share the act with Organization of American States (OAS) based on the Rio Treaty for defence of the Western Hemisphere. The approval of the OAS was obtained from a resolution passed by majority of two-third vote. Such approval by a regional organization averted the act of blockade to be regarded as unilateral and an act of war. While talking of the actions relating to the blockade/quarantine, US President excessively used the term "for the defence of western hemisphere" instead of defence of the US.

In order to achieve further arguments in any legal battle or on diplomatic forums the term "Blockade" was painted to look as "Quarantine". The originator of the idea was Admiral Anderson, Chief of Naval Operations who wrote and presented a position paper to the then President of the United States. The idea helped softening the act which otherwise amounts to declaration of war with more serious legal consequences. The new terminology of "Quarantine", in place of 'Blockade', differentiated between an offensive blockade of all materials and a specific 'quarantine' (also termed as Pacific Blockade) of offensive weapons only. It also expressed the intention that a classic blockade was not desired. The OAS, a regional organization under Rio Treaty further strengthened legal position for western hemispheric defence needs. However, initially it was a naval blockade against import of specific offensive weapons as outlined in the object of Organization of American States under Rio Treaty. Being initial restrictions under the "quarantine", it was open on the basis of its effectiveness and surveillance to expanding restrictions to all types of imports into Cuba if warranted.

After many long and difficult meetings, Kennedy decided to place a naval blockade, or a ring of ships, around Cuba. The aim of this blockade or "quarantine," as he called it, was to prevent the Soviets from bringing in more military supplies.

After carefully considering the alternatives of an immediate U.S. invasion of Cuba (or air strikes of the missile sites), a blockade of the island, or further diplomatic manoeuvres, U.S. Pres. John F. Kennedy decided to place a naval "quarantine," or blockade, on Cuba to prevent further Soviet shipments of missiles. The term Quarantine was carefully employed to avoid use of blockade which is an act of war under the prevailing scenario when the two super powers were on brink of nuclear war. Kennedy announced the quarantine on October 22 and warned that U.S. forces would seize "offensive weapons and associated materiel" that Soviet vessels might attempt to deliver to Cuba. He demanded the removal of the missiles already there and the destruction of the sites. During the following days, Soviet ships bound for Cuba altered course away from the quarantined zone. As the two superpowers hovered close to the brink of nuclear war, messages were exchanged between Kennedy and Khrushchev amidst extreme tension on both sides. On October 28 Khrushchev capitulated, informing Kennedy that work on the missile sites would be halted and that the missiles already in Cuba would be returned to the Soviet Union. In return, Kennedy committed the United States to never invading Cuba. Kennedy also secretly promised to withdraw

the nuclear-armed missiles that the United States had stationed in Turkey in previous years. In the following weeks both superpowers began fulfilling their promises, and the crisis was over by late November. Cuba's communist leader, Fidel Castro, was infuriated by the Soviets' retreat in the face of the U.S. ultimatum but was powerless to act.

Chapter 3

Blockades – A Conceptual Analysis

3.1. One of the primary concerns of many critics of blockade is the fact that in any campaign designed to cause the collapse of an economy, the consequential effects of the operation cannot be limited, nor can they be accurately predicted. Insofar as a lengthy blockade has the potential to destroy a nation's ability to produce or import foodstuffs, it can cause an entire population to suffer from malnourishment and related diseases, and starvation.

3.2. Winning without Killing - A War Strategy

The history of warfare is replete with examples of civilian suffering caused by siege-type actions. Insofar as the primary goal of siege operations is to isolate, enclose, bombard and starve the besieged populations into submission, the potential for civilian inhabitants to suffer is significant, especially in cases in which the besieging force refuses to permit civilians to leave. One needs only to mention the names of besieged cities such as Stalingrad, Sarajevo and Leningrad to evoke scenes of misery and suffering.

Blockade is a form of quiet warfare that, over time, can have extremely deleterious effects against the civilian populations of the affected littoral states. With the goal of inflicting "the maximum degree of economic strangulation of an opposing belligerent that can be achieved," blockade operations have the potential to devastate a nation. In as much as a nation's food supplies are intrinsically tied to the economy, the collapse of that economy can result in widespread hunger and malnutrition. Additionally, in cases where the blockade is sufficiently effective to cause significant disruptions to energy supplies and internal transportation systems, the consequences for the civilian population can be catastrophic

3.3. A Role for the Security Council

Given that many contemporary armed conflicts are conducted under the authority of United Nations Security Council Resolutions, the Security Council can play a significant role in moderating the effects of blockades, at least in cases in which blockades are conducted under the

auspices of Security Council Resolutions. In response to the Iraqi invasion of Kuwait in 1990, the Security Council passed UNSCR 661, imposing a de facto naval blockade against Iraq. By allowing the provision of food to Iraq only in "humanitarian circumstances," the Security Council did not change the existing status quo respecting humanitarian protection in blockade. The coalition powers that implemented the blockade against Iraq interpreted the provisions of UNSCR 661 so as to impose a devastating blockade. Although later resolutions were intended to ease the humanitarian burden of the blockade, the ultimate effect was that malnutrition remained a severe problem until after the US invasion of Iraq in 2003. In contrast to the blockade against Iraq, the most recent Security Council initiated naval blockade against Libya prohibited the import or export only of "arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities. By restricting the scope of the blockade to only goods that have a definite military purpose, the Security Council, in its reckoning, has ensured that the nations enforcing the blockade action cannot deliberately deprive the Libyan population of those items necessary to sustain life.

3.4. Social and Humanitarian Implications

As the historical and contemporary examples of blockade that have been chosen demonstrate, the devastation that blockade can inflict on a population is significant and far reaching. The objective of a blockade is to cripple the opposing state's economy. With increasing urbanisation, many states that were once self-sufficient in food production now rely heavily on imports to meet their food supply requirements. As a result, it is virtually impossible to establish a traditional blockade without causing serious harm to the civilian population of the targeted state. The question that must therefore be posed is whether military operations, such as blockades, that affect the civilian population as much as if not more than they do the military, are lawful under the ambit of International Humanitarian Law (IHL).

Although apparently benign in comparison to other more violent forms of conflict operations, naval blockade has proven to be one of the deadliest methods of warfare in modern history. As a form of warfare whose purpose it is to strangle a belligerent's economy to the point that it can no longer sustain a war effort, its effects have often proven to be as destructive to civilian populations

as they have to the disruption of the enemy's war effort. From this perspective, unmitigated blockade can be considered to be a form of warfare that does not distinguish in its effects between the civilian population and military objectives. In this manner, it violates one of the fundamental principles of International Humanitarian Law; distinction. The fact that a well planned and executed blockade can significantly and adversely affect the military capacity of a blockaded state is undeniable. It has been, and remains a very effective manner in which to wage warfare while reducing the physical damage to a state, its infrastructure, and property. From this viewpoint, it should be considered to be a preferred method of warfare, but only if it's deadly effects against civilians can be mitigated. Existing protections provided in the customary law of blockade and in Additional Protocol One, do not provide sufficient safeguards to ensure that civilians will not be starved or succumb to illness as a direct result of the deprivation of humanitarian assistance caused by a full and complete blockade.

3.5. **Starvation is inhumane**. The fact that civilians can be permitted to die of starvation due to blockade is unacceptable. The very notion that innocent people can be allowed to starve to death incidentally to a long term operation, such as blockade, defies the purposes and principles of IHL and International Human Rights Law. Over the past two decades, several attempts have been made to mitigate the effects of blockade. While these soft law approaches have been influential, they have not changed customary international law: the opinion of jurists of many nations is that the traditional rules of blockade still apply. One of the most effective ways to change customary international law is to displace it by creating a treaty that addresses the issues that are most contentious and controversial. Recently, in the cases of anti-personnel landmines and cluster munitions, nations have convened to prohibit the use of weapons systems that had previously been completely legal to use. The driving principle behind the bans on these weapons was that they were indiscriminate weapons that regularly caused more harm to civilians than to military personnel. In this respect, those weapons systems are very similar to blockade. Blockade remains one of the most lethal forms of warfare that has not been subjected to codification. Because of its continuing use, and its deleterious effects, it is time to address this method of warfare internationally. Blockade is a very effective method of warfare that can and should continue to be used to reduce a belligerent's military capacity while minimizing physical damage to the blockaded nation. However, this method of warfare should only be utilized when the basic

requirements for the survival of the civilian population can be assured. If this can be achieved, the problem of discrimination can be nullified.

3.6. **The Quantum of Naval Force Employed**

The surface quarantine line was established at 2PM GMT on October 24, 1962, as an arc 500 miles from Cape Maysi, Cuba. That range was chosen to be out of range of the Soviet IL-28 bombers based in Cuba. The initial line was to be kept by 12 destroyers from the Second Fleet's Task Force 136, a task force established specifically to implement the quarantine. In addition, the aircraft carrier USS Essex formed the foundation of an anti-submarine warfare carrier group, supplemented by aerial anti-submarine warfare squadrons based in Bermuda and Puerto Rico. By the time the quarantine was finally lifted, the quarantine line had involved an aircraft carrier, two cruisers, 22 destroyers, and two guided missile frigates on two quarantine lines known as "Walnut" and "Chestnut." (The Department of the Navy has a list of the ships and units which received the Armed Forces Expeditionary Medal for Participating in the Cuban Missile, 1962.)

Chapter 4

The Legal Dimension

4.1. United Nations on Blockade

Article 42 of the UN Charter specifically provides that the Security Council may employ blockade as a coercive measure against a state in order to maintain or restore international peace and security. Acknowledging that blockade is specifically mentioned in the UN Charter, a number of leading experts in naval warfare have argued that in the era of the UN Charter there is no requirement for a separate law of blockade. Their basis for this contention is that in accordance with the provisions of the UN Charter, no such action such as blockade should occur without the consent and direction of the UN Security Council. It therefore follows that in the event of a blockade authorized by the UNSC, any rules regarding the function, as stipulated by the UNSC, would prevail over the customary law that currently informs the practice of blockade.

Of particular importance to the issue of blockade law is the fact when the Security Council passes a resolution that "Calls Upon all Member States" to take action under a Chapter VII resolution, there can be no neutral states. In essence, under a UN Security Council resolution there are only two categories of states; those that are being admonished by the Security Council, and those that form the world community upon whose behalf the Security Council is taking action. Insofar, as there are no neutrals under a Chapter VII resolution, the traditional concept of blockade becomes meaningless, since one of the principal functions of blockade is to halt all neutral shipping into and out of a targeted state.

4.2. Quarantine of Cuba – An Analysis of Legality

Quarantine was imposed on Cuba as a new device of the legal order. While making announcement in this regard, the US President Jahn F. Kennedy said, "in the defence of our own security and entire southern hemisphere and under the authority entrusted to me by the constitution I have directed that following initial steps to be undertaken immediately. First to halt this offensive built up, 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 cargos of offensive weapons, be turned back. This quarantine will extended, if needed, to other types of cargos and carriers. Our goal is not the victory of might but the vindication of right, not peace at the expense of freedom here in this hemisphere and we hope around the world.

With an already assured place in the history the President of the United States on that historic day thus revealed to the world explosive with tension and fear, a new device of the international legal order. Specifically aimed at Cuba's definite threat to the peace and with a clear realization of the dreadful risks the United States embarked upon a quarantine of Cuba. Most western historians and analysts agree that the quarantine of Cuba was the most significant event of that era. Fully cognizant of the speed and destructive force of nuclear weapons that decision was able to preserve both peace and freedom. To the lawyers the foremost question was the legal basis of the quarantine. For the international lawyer the question will be very specific and sharply defined. What are the provisions of the inter-American treaty of the reciprocal assistance – the Rio pact – that authorized the announced action? Are there provisions in the charter of the United Nations on the legality of that decision? Did there exist generally accepted principles of the international law pertaining to the Quarantine of Cuba? What are the traditions of US and countries of that region? Since the action was a quarantine and not the traditional blockade as per traditions of the naval warfare of that time, the question also arises how does the Quarantine differ from the Blockade? Some of the cursory answers on this termed it as acts short of war. The layman will now learn that the Blockade was only one of those acts and that the term itself refers to two different actions, depending on whether it is belligerent or pacific blockade. Most international lawyers found themselves explaining not only the legal aspect of blockade but also other aspects more or less related notions such as embargo, interdiction, intervention, reprisal and retorsion. These terms although were well known to the international lawyer were capable of definition, assume new meaning depending upon the time, place and surrounding circumstances. Such has been the flexibility and the adaptability of the law. Still the question persists why a Quarantine and how does it differ from these other notions, well known to international law?

It may be noted that this notion found it difficult to find legality in the international law. The difficulty goes to the very root of international law. Austinian jurists often observe that there is no such thing as international law in strict legal sense and that the concept of legality therefore is largely meaningless. On the other hand some lawyer pointed out host of principles that actually

exist. Without clear answers it was mainly seen under the perspective of overall spirit of the international law i.e. fostering of peace and advancement of human civilization, etc. The legal atmosphere however remained unsettled on the question of legality of international acts such as the Quarantine of Cuba. Other than the lawyer, international diplomats also tried to dwell on this question. They mainly tried to analyse on the lines of how it impacted on world peace and order? The most befitting answer found by some analysts was that some actions may be illegal under traditional international law of reprisals some acts admittedly illegal may, under certain circumstances, become legal or justifiable. Other acts which are normally considered illegal in peacetime may become legal at the time of war; though the legality of war also remained under question till to date.

Nevertheless the legality of the Cuban Quarantine may be examined in the light of two chief sources of international law, the first in customary international law, which may be found in the custom and usage by countries. The second is the conventional international law, which consists of treaties, pronouncements by foreign offices, statements of writers, and the decisions of certain national and international tribunals.

4.2.1. **Quarantine under Customary International Law**. The quarantine of Cuba has been referred by several titles. Although; many have described it as a limited naval blockade the US proclamation was actually entitled interdiction of the delivery of offensive weapons to Cuba. The term quarantine even apart from its common meaning in medical legal practice has a long history in maritime law. It originally meant a period of 40 days during which a ship arriving in port and suspected of being infected with a contagious disease was obliged to forebear all interactions with the shore. Apart from the obvious analogy to the spreads of disease, US choice of this term to describe the Cuban blockade may be regarded as extremely significant. Rather than utilize the warlike language of blockade the President indicted from the very beginning an intent to characterize the act as essentially peaceful.

4.2.2 **Act Short of War**. Referring solely to the limited naval blockade of Cuba, the Quarantine may be included in the series of measures in that area of international law entitled, acts short of war. These acts may range from minor international insults such as querying or inspection of shipping, etc. to substantial warlike acts, such as quarantine, short of formally declared war itself.

4.2.3. **Embargo, pacific blockade and belligerent blockade**. Traditional international law has recognised several different types of naval reprisal. Embargo is a special form in which vessel so for the delinquent state are detained in the ports of the state that imposes the embargo. A blockade in general consists in the cutting off of a foreign port or coast by means of a naval operations. Two types of blockade are recognised in international law. A pacific blockade is the prevention of maritime communication with a foreign port by the use of force without technically destroying the peaceful relations. It may be noted that the term is essentially a contradictory one since a pacific blockade may be regarded as an act of war and indeed sometimes leads to war. Although in the past pacific blockades have varied greatly in nature, they have generally been termed pacific if the blockading state does not intended the blockade as an act of war or if the blockaded state does not choose to regard it as such. It has been observed, somewhat sceptically; that pacific blockade has been utilised principally by the major powers who do not wish the inconvenience of war with smaller countries. Be that as it may the pacific blockade has a long history in international law and is generally recognised as an effective means of hastening a settlement of international disputes without recourse to war. It ought to be added that there is wide diversity of opinion as to the effect of a pacific blockade upon the vessels of third nation. Most experts generally favour the view that a pacific blockade may not be enforced against the vessels of third nations.

In contrast to the pacific blockade a belligerent blockade is one carried out during a state of war. Although it is an unequivocally hostile measure of war against the enemy its principal object is to cut off trade and communications rather than to destroy the port or induce a surrender by force. It is essentially a strategic pressure move having military and economic significance.

4.3. **Quarantine under Conventional International Law**. The framework of the conventional international law, in which the legality of Quarantine is required to be investigated, consists of the treaties and other international agreements to which the US was a party including the charter of the UN and various regional organisations. It also includes other treaties to which US and Cuba are party together and the various declarations of the individual and collective national intent.

4.3.1. **The UN Charter**. Article 1(1) of the Charter provides the purpose of the UN as follows: "to maintain international peace and security and to that end to take effective and collective measures for the prevention and removal of threats to the peace and for the suppression

of the acts of aggression or other breaches of peace and to bring about by peaceful means and in the conformity with the principles of justice and international law, adjustment and settlement of international disputes which might lead to the breech of the peace. Articles 2(3) provides that all members shall settle their international disputes with peaceful means in such a manner that international peace and security, and justice are not endangered. This provision is not an absolute restriction against use of force. Although article 2(4) provides that all members shall refrain from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of United Nations. The preamble of the charter expressively provides the use of armed force in the common interest. In the course of events leading up to the Cuban quarantine, the US in its own understanding did attempt to follow the procedures for pacific settlement outlined in article 33 of the UN Charter Vol. VII (that is part of the pacific settlement of disputes). These efforts culminated in the request by the US for an emergence session of the UNSC on October 23, 1962. However the quarantine was finally established by the Presidential proclamation that came before calling of the UNSC meeting. In addition, the subsequent proclamation was made by the United Nations and not by the UN Security Council. (Article 33 is transcribed at the end of Chapter 5)

4.3.2. **National Self Defence**. The answer to the question whether this action was in violation of the UN Charter comes from article 51 of the UN Charter, which says "nothing in the present charter shall impair the inherent right of individual or collective self-defence if any armed attack occurs against a member of the united nations until the security council has taken the measures necessary to maintain international peace and security. It should be noted that right of self-defence is the integral part of international law and is simply reflected and codified in article 51 of the UN Charter. (Article 51 is transcribed at the end of Chapter 5)

4.3.3. **Support of Regional Treaty**. It was in pursuant of the Rio treaty (Art 6 of OAS Charter) that the council of 20 American Republics unanimously recommended to take all measures, including the use of armed force to dispel the threat to their mutual security and called for immediate withdrawal from Cuba of all missiles and other weapons with any offensive capability.

CHAPTER 5

Quarantine as War Strategy; An analysis for the Indian Ocean Region

5.1. What is a War Strategy?

A war strategy is a set of ideas implemented by nations to achieve desired strategic goals. War strategies are essentially offensive or defensive in nature. Attrition warfare, battle of annihilation, blockade/siege, coercion, counter offensive, shock and awe, win without fighting, etc. are some of the offensive war strategies. On the other hand defence in depth, choke points, fortification, boxing manoeuvre, withdrawal or retreat are some of the defensive strategic concepts. Given the purpose of any war strategy is achieve the strategic objective, then Quarantine can be an effective war strategy in the context that it can achieve desired objectives short of waging all out or total war. The concept however has to be seen in the overall perspective of all related terms such as blockade, embargo, sanctions, restrictions, etc. using or interplaying the provisions of international law and or using UNSC Resolutions in ones favour to forge such an action.

5.2. **Sun Tzu's Concept of War Strategy**. Attack him where he is unprepared, appear where you are not expected. The supreme art of war is to subdue the enemy without fighting. Supreme excellence consists of breaking the enemy's resistance without fighting. The term quarantine may fit into the master Sun Tzu's this classic concept if the state using this strategy has the political will, diplomatic support and naval wherewithal to enforce it.

5.3. **Was Quarantine of Cuba a War Strategy?** Customary international law on the subject of blockade and allied concepts is rather complex. Nevertheless, it may be seen that the Cuban quarantine consists of the elements of both pacific and belligerent blockade. Although the language proclaiming the quarantine and in particular the language that prescribed the methods for its enforcement is imbedded in terms of the belligerent blockade, the quarantine was not a belligerent blockade. It was neither intended as an act of war nor did it occur in wartime. Regardless of one's view of the cold war and its severity, it is impossible to agree with those who find the cold war the necessary prerequisite element of war. In any event, it may be pointed out that the blockaded country was not prepared to regard the quarantine as an act of war. While perhaps couched in the

terms of a belligerent blockade, and while possessing some of its elements, particularly in relation to vessels of third nations, quarantine was motivated throughout by a pacific intent and fulfilled more closely the conditions of pacific blockade.

Looked upon at whole the quarantine was indeed a new form of reprisal. Upon closer scrutiny, however reveals that there were no new elements as such in the quarantine rather it involved a novel combination of traditional elements. A study of its proclamation, the implanting orders of execution, its actual operation, motives and all the surrounding circumstances cannot but impress the student with the fact that the quarantine was actually carefully modelled to fit into the existing international legal pattern to extend and adapt it a new situation without impairing its fundamental precepts.

5.4. **Indian Ocean Scenario: Similarities and Contradictions.** When comparing the Indian Ocean region with the Caribbean region where the Cuban Quarantine took place, it is quite evident that geostrategic environment are entirely different. Although there would be hardly any difference vis-à-vis the legal framework of quarantine is concerned however the manifestation has its own implications. The region is highly rich in energy resources and therefore all the nations of the world, regional as well as extra regional have their stakes in the region. Extra regional forces are present in significant numbers for the safety of international shipping and freedom of navigation in general and to safeguard their own interests in particular. Hence any unilateral action such as quarantine or blockade by any regional state though not forbidden when it comes to self-defence, it would be challenging on the face of international interests and presence of multinational naval forces. The primary conditions would remain as will and capacity to do it while getting the UN and important countries of the world in the diplomatic support of such an action. US has been using such actions in the Indian Ocean Region with the backing of UN and Allied nations. In the IOR, though the term Quarantine has never been used as such, however similar actions have been randomly used in recent times. Some of the examples are Saudi blockade of Yemen, Israeli siege of Gaza, US sanctions on Iraq and Iran during different times.

5.5. Impact on Pakistan on Various US Sanctions

Since the main purpose of pacific blockades, quarantine and economic sanctions is to subdue the targeted nation to agree on the desired terms, it would be interesting to see what impact the US sanctions on Pakistan created in the past. Although financial aid cut-offs by the US on various occasions in the past have been damaging to Pakistan's economic calculations to an extent, they have failed to deter the Pakistani government from its fundamental strategies and commitment to key issues like nuclearisation.

Pakistan has significantly reduced its dependence on the US for economic and military aid, by forging strategic partnerships with other power players in the world, such as China. Moreover, the US no longer commands authority the way it did during the Cold War, and the strategic influence it once enjoyed globally has waned over the years.

5.6. Indo Pak Context

India has been trying to follow US strategies to further its political gains in the region and particularly for targeting Pakistan. It's so called alleged or proclaimed actions of pre-emptive and surgical strikes are a case in point. Taking a lead from this India may in future undertake a similar adventure at sea in the form of Quarantine, blockade or any similar act. However such an act is likely to be severely responded or reciprocated by Pakistan owing the nuclear parity between two countries. It was recently amply demonstrated by Pakistan when Indian air force violated Pakistani air space across the LoC.

On the other hand Pakistan is better placed to enforce quarantine like action because of geographical advantage and the superior strategic orientation on India Gulf SloCs, albeit with certain prerequisites and considerations on legal, political and military aspects. The quarantine concept which carries many complexities in itself, will remain a complex strategy to be adopted in the context of Indo-Pak conflicts. Following factors are considered relevant for Quarantine to be employed in the Indo Pakistan conflict situations:

a. **The Legal Aspect**. In the legal context, the Quarantine is a tool to be employed during crisis situations short of war and not during the war. If employed during the war, it

would be termed as a belligerent blockade. If employed in the context of Cuban Crisis, it is used presumably for averting the war and bringing the peace. During Cuban crisis, US and USSR were on the brink of war and Quarantine despite its legality and enforcement issues paved the way for political settlement of the issue.

b. **Aim and Purpose**. In the Indo Pak context although it is difficult for any one nation to enforce blockade on each other however the notions like Quarantine and enforcement of exclusion zones or Hazardous Material Control Regime, etc. have the potential to be used to harass each other's merchant shipping putting political and economic pressure on the adversary.

d. **The Nuclear Dimension**. Quarantine in particular, if seen in the context of Cuban Crisis is not applicable in Indo Pak scenario as both countries have indigenous nuclear capability as against Cuba which was being used as a base for placing nuclear tipped missiles by the USSR against US. In case of India or Pakistan they have nothing to get from outside when it comes to use of nuclear weapons. Hence any act of using Quarantine in Indo-Pak scenario is likely to be taken as a direct act of war in all its similarity to the actual blockade as it will have direct impact on trade and economy.

e. **The Geography**. The geography of India and Pakistan is fundamentally different to that of US, Cuba and USSR. There the targeted nation i.e. USSR had no conventional response available to the quarantine operations. The only option was to initiate a missile warfare leading to nuclear war which was not an easy decision. Nonetheless Pakistan enjoys superior strategic orientation from Gwadar to impinge upon Indian Gulf SLOCs, which can be exploited to enforce operations like quarantine during standby or precautionary stages of war while remaining cognizant to the other conditions or implications of the concept.

d. **Political Aspect**. Apart from being the super power, the US, while enforcing quarantine of Cuba, had political backing of all the countries of western hemisphere or Americas as well as the western block of the cold war era. In the context of Indian Ocean

such a support is difficult to muster, however, at best the other states can remain neutral if their interest or shipping is not hampered.

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Miscellaneous Notes:

Article 33 of the UN Charter states that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiations, mediation or other peaceful means.

Article 51 of the UN Charter states that nothing in the present charter will impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations until the Security Council has taken measures necessary to maintenance of international peace and security.

Chapter 6

Conclusions

6.1. Quarantine was exercised by the US during Cuban missile crises in 1962 as a form of pacific blockade on the pretext of collective self-defence and maintenance of peace and security. The legality of US Quarantine of Cuba was based firstly on the inherent right of self-defence, a right recognised by the article 51 of the UN Charter (see page 29). Secondly through the Organisation of American States and pursuant to the provisions of the Rio Treaty of 1947. It was an exercise of an equally inherent right of collective self-defence as recognised by article 51. Finally it was justifiable on broader grounds both legal and moral: that the preservation and maintenance of international peace and security in accordance with basic goals of international law and the ideals expressed in the UN Charter.

6.2. Under the aforementioned or similar provisions a nation of the Indian Ocean Region can undertake this adventure provided it can get political and diplomatic support and has the wherewithal to effectively implement the naval operations required for its effective enforcement. Any such action should ensure that third party or neutral nations are not disturbed or hampered.

6.3. The term quarantine was only once used in the history and that was during Cuban crisis of 1962. It however does have potential to be exercised again under certain political and legal caveats discussed in paper are adhered to. It is worth mentioning that most such actions pertaining to blockades, embargos and sanctions in support of international peace and security are being carried out after obtaining UNSC resolutions. The question of Cuban Quarantine has been deliberated by the international legal, political and military experts for the last over 50 years, however it remained a classic example of legal complexity used judiciously by the then President of the United States. The notion of quarantine instead of blockade was actually used to not as war strategy but to avert and pre-empt the Russian nuclear threat from its missile installations in Cuba. Hence classically this is a strategy to be used short of war to achieve one's immediate strategic objective.

6.4. In India Pakistan Scenario this can be a very effective strategy (not as war strategy but strategy to avert war) on the face of any Indian adventurism on the pretext of a false flag terrorist

drama to launch brinkmanship and war mongering through military build-up. However while doing so the contingency of ending up in war may always be kept in mind. This is so because of the geographic colocation of the two countries whereby the response options may not be limited as was the case between US, USSR during Quarantine of Cuba.

6.5. Another significant lesson drawn from this event is the importance of regional alliances and treaties which come handy for defence of any actions which have legal implications.

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