Editorial:
The Light Blue Funnel Line: The ‘Keeping the Peace’ Role of Navies

“...Preserve us from the dangers of the sea, and from the violence of the enemy, that we may be a safeguard ... and a security for such as pass on the seas upon their lawful occasions...” Anyone of a certain age from a Commonwealth navy will recognize this line from the Naval Prayer, an almost daily recitation mumbled by generations of sailors, standing bareheaded on the deck of a warship under rain, sun or snow. Few of us gave much thought to its meaning, no matter that we could, and usually did, repeat it in our sleep. Our job, as naval personnel, on board warships was to ‘keep the peace’ at sea, and it may well be the oldest job of navies, even older that war fighting.

I am very pleased to write the Editorial for CNR’s first theme issue – international humanitarian law and navies. I will argue that ‘keeping the peace’ at sea (or ‘peace-maintenance,’ if you like consistency) is different from ‘peace-making,’ ‘peace-building’ or ‘peacekeeping,’ the type of activities which our land-based army equivalents undertake under United Nations (UN) and other banners. Peace-making or peace-enforcement, as UN Chapter VII operations are often called, are military operations to separate warring factions. Peacekeeping, or UN Chapter VI operations, essentially involve the supervision of the factions, often maintaining a neutral or buffer zone between them; Gaza, Golan Heights and Cyprus readily come to mind. The important distinction is that war or hostilities are a triggering mechanism of the operation. First you have a fight, then you break it up.

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Ken Booth described the ‘triangle’ of roles of navies as military, diplomatic and constabulary. The constabulary role recognizes the fact that navies are on patrol throughout the world’s oceans. Unlike soldiers who cannot be ‘peacefully’ present in another country without a specific mandate, warships may traverse the high seas, and even the territorial seas of other states in innocent passage without permission, and they do on a daily basis. The mere public presence of warship, visible and armed, like a uniformed police officer walking a beat, is an obvious deterrent to breaches of the peace, public or private.

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The UN Convention on the Law of the Sea (UNCLOS) specifically recognizes the role of warships on the high seas in the suppression of piracy, slavery, unregistered status of ships and unauthorized radio broadcasting. There is also a right under customary international law to ascertain the identity and legitimacy of any non-warship that they encounter (droit de visite). Warships also have a general duty to render assistance to those in peril, both on the high seas and, somewhat contentiously, within the territorial seas of other states under the ‘right of assistance entry.’ Warships regularly respond to search and rescue, marine casualties and other safety of life at sea situations. To a land-based force, this would be peacekeeping or humanitarian assistance operations. To the navy, this is just business as usual. It is perhaps unexpected, but definitely not unanticipated.
This brings us to the current situation off the Horn of Africa, and the more widespread problem of failed or failing states. The lack of an effective government is a major factor in the current marine security crisis in the Gulf of Aden and Red Sea. The attacks on commercial shipping whether for terrorist or commercial reasons, and the taking of the ships and crews for ransom has led to a piracy crisis in the region.

Piracy is the only recognized situation which gives foreign navies a right to respond. Currently, individual warships as well as three multinational task forces – CTF 150, CTF 151 and EU NAVFOR Somalia – are patrolling the waters of the region and providing protection to commercial shipping, mostly in transit to the Gulf or Suez Canal. I will argue that they are there to protect their commercial shipping interests, not to provide any peace and security to the local population. Indeed, it has been argued that these forces are present, and especially EU NAVFOR, to provide protection for their own national ships, often engaged in illegal, unreported and unregulated fishing, dumping of toxic waste and other illegal activities within the Exclusive Economic Zones (EEZ) and territorial seas of the failed or failing states. True or not, this is what many believe in the region.

There are ample examples around the world where the waters around failed or failing states, or even those states with minimal maritime surveillance and enforcement capabilities, have been subject to illegal fishing, dumping of toxic waste, drug, weapons and people smuggling, attacks on shipping, and other illegal activities. The solution is better surveillance and enforcement, but how is this to be achieved?

At this point, may I make a bold suggestion? If ‘peacekeeping’ was the greatest invention of Canadian diplomacy in the 20th century, perhaps ‘keeping the peace at sea’ could be the one for the 21st century. This is where the ‘light blue funnel line’ comes in.1

While peacekeeping or peace-making operations require a major international initiative in terms of UN Security Council resolutions, and the deployment of blue-helmet soldiers, warships may be, and often are, present adjacent to or in the coastal waters of the failed or failing states. It would be quite feasible for the UN Security Council to establish a maritime zone as being a potential security threat area, and to authorize UN member naval forces in the region to hoist the blue/UN flag and to undertake a robust role in identifying potentially illegal activity, both directed at international shipping and at the national interests of the coastal state. This would be especially critical where the coastal state is not capable of doing it for itself.

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A typical blue funnel operation would involve the identification of the crisis area, and a request that any UN member warships in, or entering, the area undertake a more intensive surveillance, identify the presence of ships and activities and report these to a UN operational headquarters (UNHQ). Under the UN mandate, warships would be permitted a more intrusive right of visit than normal, including in the territorial sea. Warships might also be specifically assigned to the UNHQ for directed taskings, such as fisheries enforcement, or anti-smuggling.

As the situation warrants, forceful enforcement powers could be authorized and implemented.

Unlike peacekeeping operations which occur after a situation has degenerated into a violent confrontation, ‘keeping the peace at sea’ operations would be intended to prevent the degeneration in the first place. This is what effective policing is all about. It is the constabulary role, and it is one which navies have been doing almost continuously for millennia. Giving navies a more precise set of tools, specific UN tools, can bring “a security for such as pass on the seas upon their lawful occasion” into the 21st century..datetime

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Notes
1. If you don’t get the allusion to the light blue funnel line, speak to your nearest serving or retired naval officer for clarification.