



ICRC

Under the Global Initiative to Galvanize Political Commitment to International Humanitarian Law (global IHL initiative), the International Committee of the Red Cross, Egypt and Indonesia cordially invite your state to the:

WORKSTREAM 7

FIRST STATE CONSULTATION ON NAVAL WARFARE

For legal advisers from ministries of foreign affairs and defence based in their capital city



WEDNESDAY, 4 JUNE 2025
8:30–12:30 AND 14:00–18:00
(UTC+2)

As of January 2024, the world's merchant fleet consisted of 109,000 vessels with a gross tonnage (GT) of at least 100; of those, 58,200 ships were over 1,000 GT.¹ Modern shipping has become the cornerstone of the global economy, largely thanks to innovations in containerization, specialized vessels and digital technologies. Oil tankers, bulk carriers and container ships accounted for 85 per cent of total capacity in 2023.² Over 80 per cent of the volume of international trade in goods is carried by sea.³ Ninety-nine percent of the world's digital communications rely on subsea cables.⁴ Civilian activity at sea is diverse and includes activity related to cruises and other passenger transport; the transport of goods, fuel and raw materials; ports; fishing and aquaculture; offshore oil and gas platforms; marine renewable energies (offshore wind- and wave-power facilities, etc.); marine recreation; and shipbuilding.⁵

Any disruption to shipping and especially to strategic maritime choke points is likely to have massive impacts on civilian populations across the globe. In an increasingly interconnected and interdependent world, the use of blockades or interdiction of vessels and communication around maritime choke points during an armed conflict at sea could disrupt the flow of goods essential for the survival of the civilian population, economic activity, supply chains, the flow of critical humanitarian supplies, global food security, energy transportation and more. Under such circumstances, all states would likely be affected, particularly states heavily dependent on the continued operation of maritime transportation.

Alongside this, rapid technological advancements, new tactics and multi-domain operations have transformed how naval warfare is and will be conducted. Navies are developing autonomous ships for intelligence gathering and other

¹ United Nations Conference on Trade and Development (UNCTAD), *Handbook of Statistics 2024*, United Nations, New York, 2025: https://unctad.org/system/files/official-document/tdstat49_en.pdf, all web addresses accessed April 2025.

² UNCTAD, *Handbook of Statistics 2023*, United Nations, New York, 2024: https://unctad.org/system/files/official-document/tdstat48_FS014_en.pdf.

³ UNCTAD, *Review of Maritime Transport 2021*, United Nations, New York, 2021: <https://unctad.org/publication/review-maritime-transport-2021>.

⁴ W. Park, "The deep-sea 'emergency service' that keeps the internet running", *BBC*, 15 October 2024: <https://www.bbc.com/future/article/20241014-the-deep-sea-emergency-service-that-keeps-the-internet-running>.

⁵ V. Bernard, "War and security at sea: Warning shots", *International Review of the Red Cross*, No. 902, Aug. 2016, pp. 383–392.

purposes.⁶ Remote-controlled vessels have already been used in attacks in the naval domain.⁷ The incorporation of uncrewed and possibly autonomous systems in the targeting process is increasingly anticipated. The ability to jam, otherwise interfere with, spoof or simulate automatic identification system (AIS) or Global Positioning System (GPS) signals is increasing. The full implications of such technological advancements and the risks they pose to civilian shipping, navigation safety, and maritime search and rescue efforts are yet to be fully understood. In parallel, questions also arise as to how, in case of an armed conflict at sea, the evolving maritime landscape would affect belligerents' application of the rules on the conduct of hostilities (including the principle of distinction) and what the humanitarian consequences would be.

The evolution of the maritime domain also has implications for what armed conflict at sea would mean for civilians. For example, today, many civilians working aboard merchant vessels flagged to belligerent states would likely be nationals of states with no involvement in the armed conflict. Sea lanes often contain passenger vessels, which might find themselves caught in crossfire. There are many more fishing vessels on the high seas than in the past. It is timely to consider the impact on civilians of any targeting and in any proportionality assessment.

While the laws of naval warfare have been complemented by the Second Geneva Convention and the widely accepted *San Remo Manual on International Law Applicable to Armed Conflicts at Sea* of 1994, as well as, partly, the Protocols additional to the Geneva Conventions, the laws themselves were mostly adopted at the beginning of the 20th century. The maritime domain has changed considerably since then, and we must rethink how states approach armed conflict at sea, and how the laws of naval warfare apply today in a manner that incorporates humanity and the protection of civilians. In light of the increased presence of civilians in the maritime domain, it is vital to acknowledge that there is a lower acceptance threshold today for potential negative impacts on civilian populations compared to when the laws of naval warfare were conceived, and that the domain exceptionalism that has accompanied the development of the law of naval warfare needs to be better balanced with humanitarian considerations. In this globally interconnected maritime environment, any armed conflict can have major consequences on the civilian populations both at sea and on land.

The workstream on naval warfare is therefore aimed at recognizing the extent to which the maritime domain has evolved, and how this affects the application of the law of naval warfare. It will create a space for states to reflect upon several critical humanitarian issues emerging from contemporary armed conflict at sea, such as: the protection of critical infrastructure upon which civilians depend; the need to keep shipping lanes open for trade and humanitarian assistance; the protection of civilians across all domains; the protection of the wounded, sick, shipwrecked, detained and dead at sea; the environmental impact of hostilities at sea; the security of merchant shipping and the safety of civilian seafarers. It will seek understanding and agreement from states on good practices for applying existing rules and upholding humanity in naval warfare.

For the purposes of this workstream, the law of naval warfare is considered to encompass the international rules on armed conflict at sea, including IHL applicable at sea, prize law and the law on maritime neutrality. When it comes to IHL applicable at sea, the Second Geneva Convention, on the protection of wounded, sick and shipwrecked and dead members of armed forces at sea, remains one of the cornerstones. The Third and Fourth Geneva Conventions and Additional Protocols I and II are also applicable in part to armed conflict at sea. The *San Remo Manual*, which has been incorporated into military manuals throughout the world, complements these treaties. In this workstream, it is also acknowledged that there are several overlapping laws that interact with the law of naval warfare, including in particular the law of the sea, through the United Nations Convention on the Law of the Sea (UNCLOS) and other maritime treaties.

It should be noted that the workstream on naval warfare is being launched at the same time as discussions on revising the *San Remo Manual* are starting.⁸ When the manual was adopted in 1994, the aim was to provide a restatement of international law applicable to armed conflicts at sea while taking account of the developments that had occurred over the previous 100 years (including treaty developments, such as the Geneva Conventions and Additional Protocols, and state practice). This manual has since acquired a unique standing internationally, having been incorporated into national military manuals throughout the world.⁹ It has been generally accepted by governments, academics and international courts and tribunals as the authoritative explanation of international law applicable to armed conflict at sea. Today however, the manual must be updated to ensure it continues to reflect the current state of the law, including developments over time in state practice and *opinio juris* (an expression of

⁶ D. Molina Coello, "Is UNCLOS ready for the era of seafaring autonomous vessels?", *Journal of Territorial and Maritime Studies*, Vol. 10, No. 1, winter/spring 2023, pp. 21 and 23.

⁷ S. Lindsay, "Sufficiency of existing legal frameworks for addressing maritime security challenges surrounding autonomous vessels", *Australian Naval Review*, No. 2, Dec. 2020, pp. 104 and 109.

⁸ *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, 12 June 1994: <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994>.

⁹ International Institute of Humanitarian Law, *Statement: Launching the Draft Phase of the Project*, International Institute of Humanitarian Law, San Remo, 16 Dec. 2024: <https://iihl.org/wp-content/uploads/San-Remo-Manual-Project-Statement.pdf>.

what a state believes the law to be)¹⁰ and the evolution of naval operations in contemporary armed conflicts, as outlined above. The plan to revise the *San Remo Manual* currently includes consultations with states both during and at the conclusion of the process.¹¹ That revision process and the global IHL initiative's naval warfare workstream are therefore complementary.

OBJECTIVE

The aim of this state consultation is to build a shared understanding of how the maritime landscape has changed and what today's key issues are around injecting humanity into naval warfare. It will provide an opportunity to reflect on the humanitarian consequences, protection issues and legal implications of naval warfare.

The discussions will focus on the following objectives:

- to develop a greater understanding of the current and future challenges for humanity in naval warfare, and to identify possible solutions to them
- to gather states' views on the challenges for implementing the law of naval warfare in a way that takes into account the humanitarian consequences of armed conflict at sea, and possible ways to overcome these challenges
- to gather states' views and, where applicable, practices regarding neutral states' rights and obligations in relation to upholding principles of humanity in warfare.

NEXT STEPS

- The results of the first state consultation will be shared in the general progress report of the global IHL initiative, which is to be published in September.
- Topic-specific interactive discussions will occur later in 2025 on the basis of the themes that emerge from this consultation.

DESIRED PROFILE OF PARTICIPANTS

- All states are welcome to participate and register up to two representatives well versed in IHL and especially in naval warfare or the law of the sea. There is a strong preference for legal advisers from the ministries of foreign affairs and defence based in their capital city.
- Kindly register no later than 9 May 2025 at <https://forms.office.com/e/BriA6DvdG6>.

PROCEDURE

- The working languages will be Arabic, Chinese, English, French, Russian and Spanish, with simultaneous interpretation.
- Two repeat sessions are offered to accommodate different time zones. States are requested to register for the session most convenient for them. However, states may register for both sessions if they wish to hear all discussions, in which case we request that they kindly speak in only one of the two sessions.
- We kindly ask states to limit their initial statement to **four minutes** to ensure sufficient time for all participants to take the floor. Guiding questions are provided below.
- The substance of the consultations will be summarized in a progress report, to be published in September. The consultations will be recorded to facilitate the preparation of the report, but the recording will not be made public, and the report will not attribute remarks.
- The inclusive, constructive, non-politicized and solution-oriented nature of the discussions will be maintained throughout the consultation.

¹⁰ Customary IHL consists of rules that come from "a general practice accepted as law" and exist independent of treaty law. Customary IHL is of crucial importance in today's armed conflicts because it fills gaps left by treaty law and so strengthens the protection offered to victims: <https://www.icrc.org/en/law-and-policy/customary-ihl>.

¹¹ International Institute of Humanitarian Law, *Statement: Launching the Draft Phase of the Project*.

- While participants are encouraged to refer to their states' domestic practice during the consultations, participants are kindly asked to refrain from discussing specific circumstances or the practice of other states.
- While preparing their intervention, states may wish to consider the guiding questions below.

GUIDING QUESTIONS

What do you consider to be the main issues of concern when considering humanity in naval warfare?

In particular, what do you consider to be the main issues of concern when it comes to civilians and civilian infrastructure in naval warfare?

On the basis of the issues you identify, what areas of the law of naval warfare do you see as challenging to apply in modern naval warfare in order to preserve humanity?

What solutions do you see at this stage that might help address these challenges?

AGENDA

Following a brief introduction and discussion of the key legal and humanitarian issues by the presenters, states will be invited to take the floor for the remainder of the session. The agenda will be identical in both sessions.

- Welcome
- Presentations
- Contributions by states, with regular breaks
- Discussion
- Closing words

The names of the speakers for the welcome, presentations and closing remarks will be provided at a later date.