

Under the Global Initiative to Galvanize Political Commitment to International Humanitarian Law (global IHL initiative), **Egypt, Indonesia and the International Committee of the Red Cross (ICRC)** are pleased to present the:

#### WORKSTREAM 7

# SECOND STATE CONSULTATION ON NAVAL WARFARE

*For legal advisers from ministries of foreign affairs and defence in capitals and representatives in permanent missions in Geneva*

THURSDAY 6 NOVEMBER 2025  
9:00–18:00 (UTC+1)

FORMAT: IN PERSON (ICRC HUMANITARIUM IN GENEVA) AND ONLINE (ZOOM)

## Background

Although no large-scale naval war has occurred since World War II, naval forces have remained central to modern armed conflicts at sea. Several events around the world have starkly illustrated the vulnerability of merchant shipping to modern warfare and the impact of armed conflict on the global economy and, even more importantly, on the sustainability of essential services. Means and methods of naval warfare have included conventional sea-to-sea, land-to-sea and air-to-sea weapons, submarines and naval mines (although their use is strictly regulated), and blockade, visit and search, diversion and capture. The confluence of armed conflict, merchant vessels' reliance on maritime chokepoints for cost-efficient and timely navigation, and the sheer volume of global trade has created a heightened exposure to risk for the shipping industry and for states, including neutral states, and their civilian populations. The impact on merchant vessels is clear: increased operational costs, heightened security risks, and significant disruptions of trade. In case of armed conflict, merchant or other civilian ships run the risk of being trapped for extended periods in ports, disrupting the flow of essential commodities, or of being sunk, and seafarers killed or shipwrecked. States and civilians on land face higher prices, fewer goods and potential poverty and malnutrition. The indirect consequences of any potential naval warfare – ranging from disruptions to food security, communication systems and essential services to damage to gas and oil pipelines at sea to broader socio-economic harm, including to neutral states and their populations – highlights the urgent need to apply IHL more effectively, in order to take into consideration repercussions beyond immediate conflict zones.

A more detailed examination is needed of how international law regulating naval warfare is applied, in particular taking into consideration the contemporary prevalence of civilians and civilian objects at sea – most with no relation to the armed conflict, as well as the severe impact that armed conflict at sea can have on civilians and civilian objects on land.

The naval warfare workstream is creating a space for states to reflect upon several critical humanitarian issues arising from contemporary armed conflict at sea. It seeks understanding and agreement from states on good practices for applying the law and upholding humanity in naval warfare, including clear operational guidelines, proper training, and a strong commitment to humanitarian principles to prevent unrestrained violence and protect civilians and civilian objects. This workstream is occurring in parallel to the ongoing academic process to update the *San Remo Manual* and may influence the discussions taking place in that regard.<sup>1</sup>

The first consultation of the naval warfare workstream highlighted several key issues, including: the role of neutral states in armed conflict at sea; the protection of merchant vessels and their crews; the safeguarding of civilians – both at sea and on land – and commercial shipping from the effects of hostilities at sea; the prevention of civilian harm from maritime interdiction operations such as blockades; and the protection of critical civilian infrastructure such as submarine cables. During the expert meeting in Jakarta,<sup>2</sup> experts also stressed that the rules on the conduct of hostilities continued to apply at sea, meaning that, whether civilians are on commercial vessels or fishing boats or are displaced people in precarious conditions, they must never be the object of attack, and all feasible precautions must be taken to protect them from the effects of hostilities. Experts also highlighted the role that neutral states can play in an armed conflict at sea and how they are protected.

The second consultation will explore in greater depth the humanitarian consequences of certain means and methods of naval warfare, as well as how conduct of hostilities at sea can affect civilians on land. It is aimed at a deeper understanding of how belligerents can, in line with IHL, uphold humanity in naval warfare while balancing military necessity. It will highlight and explore the exceptional nature of attacking and destroying merchant vessels. It will also focus on ensuring protection of civilians both at sea and on land from the direct and indirect consequences of naval warfare (ranging from disruptions to food security, communication chains and essential services to broader socio-economic harm). Some specific rules will be given particular attention: for instance, states will be invited to discuss how the principles regulating the conduct of hostilities should be applied at sea with a view to protecting civilians and merchant vessels, including those of neutral states. In addition, certain means and methods will be addressed during the discussion, such as the prohibition on starvation as a method of warfare and the prohibition on blockades that leave civilians without food and other items essential to survival. Finally, the consultation will be aimed at developing recommendations as to how to apply the law in practice.

### **1. Impact of conduct of hostilities at sea**

It is often said that the law of naval warfare has traditionally been a platform-based legal system primarily relying on the status of vessels; the people on board were of secondary concern. In the maritime domain, target identification can be difficult. In areas with dense maritime traffic, merchant vessels and seafarers face increased risks from target misidentification and incidental harm during armed conflict at sea. Mistakes can happen, and, owing to encrypted communication and the possibility of spoofing and jamming communication and navigational systems, merchant vessels may be

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<sup>1</sup> *San Remo Manual on International Law Applicable to Armed Conflicts at Sea (San Remo Manual)*, 12 June 1994: <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994>. The drafting phase of the project to update the Manual was launched in December 2024: <https://iihl.org/wp-content/uploads/San-Remo-Manual-Project-Statement.pdf>.

<sup>2</sup> Report to be published on the website [Humanity in War](https://www.humanityinwar.org).

misidentified as enemy vessels. Attacks on, and the sinking of, merchant vessels, along with their seafarer crew, are a real risk if all necessary precautions are not taken beforehand.

Ensuring safe navigation: Merchant vessels and the seafarers aboard also run the risk of becoming incidental casualties. Especially near sea lanes and in maritime chokepoints, merchant vessels may find themselves near warships and other lawful targets and be affected, causing considerable damage and death. The use of naval mines, although lawful in certain limited circumstances, also can have deadly impact on merchant vessels and seafarers. Sea mines can also have significant impacts on the marine environment.<sup>3</sup> The consultation may explore, for example, the feasibility and imperatives of establishing safe navigational corridors during armed conflict at sea for any merchant vessels passing through their usual maritime trade routes, and other such recommendations.

Protection of merchant vessels: The role that merchant vessels may play in armed conflict should not be forgotten. They may be converted into warships or hospital ships or act as auxiliaries. They may (inadvertently or deliberately) carry what belligerents have declared to be contraband, lay naval mines, carry out rescues at sea or help in the evacuation of civilians and other protected individuals. Depending on the circumstances, merchant vessels may lose their protected civilian status and become military objectives and consequently be attacked if certain conditions are met. It is also worth asking, in a world where there is a range of cargo, owners, flag states, and masters associated with vessels, whether merchant vessels should be targeted even if they meet the criteria of a military objective.

The historical preference for capture over destruction of merchant vessels was a cornerstone of traditional naval warfare, rooted in a combination of legal, economic and humanitarian principles. Legally, the practice of so-called prize law governed this process: A belligerent warship could stop, board and seize an enemy merchant vessel, bringing it to a prize court for adjudication. If the court found the vessel to be enemy prize (e.g. an enemy ship or a neutral vessel carrying contraband), the capturing state would gain ownership of the ship and its cargo. Destruction was considered a last resort, after the passengers, crew and ship's papers had first been brought to safety, and was permissible only in exceptional circumstances.<sup>4</sup> These included situations where taking the vessel to port would endanger the capturing warship. While consideration was given, during the drafting of the *San Remo Manual*, to the challenges to those rules that arose during World War II from the advent of submarine warfare and practice, it may be timely to give them renewed attention.

Status and treatment of seafarers: If merchant vessels are captured or diverted, the vessels will need to be transported or escorted to a port and the crew and passengers released or detained. Consideration must be given to their status, treatment and conditions. It will also be crucial to discuss and develop a common understanding on matters pertaining to a neutral state's flag state jurisdiction, as such issues were not comprehensively discussed in the past. This will be considered in depth during the third consultation in February.

## **2. Impact of conduct of hostilities on land**

While the potential humanitarian impact of blockades, including on land-based populations, is explicitly recognized and addressed by, for instance, the *San Remo Manual*<sup>5</sup> and in many states' military manuals, the impact on land of other aspects of armed conflict at sea is often overlooked in discussions on naval warfare. The interconnected and interdependent nature of international trade relies primarily on maritime transportation. Open sea lines of communication are essential for ensuring

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<sup>3</sup> International Law Commission, *Draft Principles on Protection of the Environment in Relation to Armed Conflicts* 2022, A/77/10, United Nations, Geneva, 2022, Principles 26 and 27.

<sup>4</sup> *Procès-verbal relating to the Rules of Submarine Warfare set forth in Part IV of the Treaty of London of 22 April 1930*, London, 6 November 1936.

<sup>5</sup> *San Remo Manual*, Rules 102–104.

the flow of food and other goods vital to the survival of civilian populations on land. If shipping lanes are blocked and belligerents impose too great a burden on merchant vessels and their shipping companies, this can raise the price of goods and fuel essential for civilians not only in belligerent states but also in neutral states and have significant humanitarian consequences.

Impact on food security: In particular, the application of maritime exclusion zones, contraband control or potentially prize measures can impact international shipping: shipping companies may become unwilling to transport certain goods through certain locations and change route for fear of attack or capture or of breaching unclear contraband lists. This can have a negative impact on civilians in both neutral and belligerent states, as it might disturb the naval trade of goods essential to civilians' survival given the frequent reliance on imports, including of food, amid increased globalization.

Protection of infrastructure at sea: Another way in which armed conflict at sea can affect the civilian population on land is the risk of attacks on submarine cables and pipelines. Attacks on key submarine cables could disrupt communication between regions, affecting everything from business operations to hospitals to emergency services. These cables carry over 99 per cent of the world's intercontinental electronic communications, including most financial transactions. The loss of energy infrastructure through attacks on submarine pipelines could also create humanitarian and economic concerns. The destruction of a pipeline could pollute the natural marine and coastal environment and trigger economic consequences, including beyond the regions directly supplied by the pipelines.

Offshore infrastructure such as oil and gas platforms, pipelines, and wind farms are highly vulnerable to attack during armed conflicts. These installations, which are vital to global energy and communication networks, are at risk of damage from both kinetic strikes and cyber operations. While these installations are in principle civilian objects, they may lose their protection for such time as they become military objectives under IHL. Furthermore, the presence of civilian workers at these sites introduces a critical humanitarian dimension which must be fully considered.

The conduct of hostilities at sea, therefore, extends its profound and often devastating impact far beyond the immediate theatre of conflict, directly imperilling the lives and livelihoods of seafarers and the maritime environment and impacting civilian populations globally. The interconnected nature of modern maritime trade means that damage to merchant vessels, the capture of their crews, or disruptions to vital infrastructure such as submarine cables and pipelines can trigger cascading crises, from communication disruption and economic challenges to severe shortages of food and fuel. Ultimately, the failure to adequately protect civilian maritime activities during armed conflict at sea has dire consequences, underscoring the urgent need for this consultation and the dialogue it entails in order to ensure continued adherence to humanitarian principles to safeguard the well-being of civilians worldwide.

# Objectives

This consultation will pursue the following objectives:

- **provide an update on the workstream and its progress:**
  - brief participants on the findings of the first consultation reflected in the progress report and on insights gained from subsequent supporting events
  - outline the next steps towards identifying the workstream's final recommendations
- **examine how the rules and principles for the conduct of hostilities should be applied at sea**, with a specific focus on ensuring that civilians both at sea and on land are protected from the direct and indirect consequences of naval warfare (ranging from disruptions to food security, communication chains and essential services to broader socio-economic harm)
- **understand how civilians on land are affected** by the means and methods of warfare at sea
- **explore how at-risk merchant vessels** (including for international shipping and trade), **seafarers and civilians can be adequately protected** from the effects of the conduct of hostilities at sea
- **develop recommendations** as to how to apply the law in practice.

# Next steps

The results of this consultation will inform the broader work in the workstream on naval warfare and will lead to the formulation of concrete recommendations. One additional thematic consultation will be held in 2026 as part of this workstream and will address how seafarers are collected and cared for when wounded, sick, shipwrecked, detained or dead. This additional thematic consultation will also lead to the formulation of concrete recommendations. All recommendations will be presented in the second quarter of 2026 and will be the object of further discussions among all states.

Consultations will be complemented with topic-specific interactive expert workshops. All upcoming supporting events are announced on the [Humanity in War](#) website.

# Participants

- The consultation will be held primarily in person in Geneva. Online participation is also possible.
- The consultation is **open to all interested states**. There is a strong preference for military experts and representatives from relevant ministries in capitals who are well versed in the international law applicable to armed conflict at sea, and for representatives from permanent missions in Geneva.
- Other representatives with specific expertise in the subject matter (e.g. members of international organizations, civil society and academia) will also participate upon invitation.
- Kindly register no later than 2 November 2025, using this link: <https://forms.office.com/e/bG5CgdbTFB>.

# Procedure

- The working languages will be **Arabic, Chinese, English, French, Russian and Spanish**, with simultaneous interpretation.
- We ask states to kindly limit their statements to **four minutes** to ensure sufficient time for all participants to take the floor. At the end of each session, and after all participating entities that wish to contribute have done so, states and other participants will be given an opportunity to discuss ideas proposed by others.
- When preparing their statements, participants are kindly requested to consider the **guiding questions** provided in the agenda below.
- Given the technical challenges of hybrid meetings, we encourage delegations who are in the room to make their statements in person and in all cases to give their full attention to delegations speaking online.
- The **inclusive, constructive, non-politicized and solution-oriented** nature of the discussions will be maintained throughout the consultation. While participants are encouraged to refer to their state's domestic practice during the consultations, they are asked to kindly refrain from discussing specific contexts or the practice of other states.
- To facilitate interpretation, we invite participants to share a copy of their statements by 3 November 2025, via email to [ihlinitiative@icrc.org](mailto:ihlinitiative@icrc.org), with "Naval warfare second consultation" in the subject line. We also encourage participants to send their full written statements by email after the meeting. **Unless confidentiality is explicitly requested, these statements will be published on the [Humanity in War website](#).**
- The consultation will be recorded, but the recording will not be made public.

# Agenda

## Naval warfare Second round of consultations

9:00–18:00, 6 November 2025  
ICRC Humanitarium, 17 avenue de la Paix, 1202 Geneva

*\* Depending on the number of statements given, all times set out below are subject to change.*

Registration and coffee / Log-in and connection	8:30–9:00
Opening of the meeting and introduction	9:00–9:30
Session 1: Impact at sea of the conduct of hostilities	9:30–11:00
<b>Expert presentations</b> <b>Guiding questions</b> <ol style="list-style-type: none"><li><b>1.</b> How can the conduct of hostilities principles of distinction, proportionality and precautions be applied more effectively in the maritime domain?<ol style="list-style-type: none"><li><b>1.1.</b> With respect to rules governing the conduct of hostilities during an international and non-international conflicts at sea, how do states interpret and apply the principle of distinction (with regard to civilians and civilian objects) particularly as it relates to merchant vessels and offshore infrastructure but also to the presence of civilians on vessels and offshore infrastructure?</li><li><b>1.2.</b> What are relevant factors for assessing proportionality at sea and in what ways is it similar or distinct from proportionality in other domains?</li><li><b>1.3.</b> What practical measures need to be taken when applying precautions at sea, including measures to mitigate pollution of, and other damage to, the natural environment?</li></ol></li><li><b>2.</b> How can international law be implemented in the current age to address the vulnerability of merchant shipping and seafarers?<ol style="list-style-type: none"><li><b>2.1.</b> How would belligerents determine that vessels have become military objectives in contemporary armed conflict at sea? Is a vessel-based construct appropriate? What challenges arise from the varied cargo (contraband and otherwise) that may be aboard the same ship and from the potential divergence between the nationalities of the ship's crew, its flag state and the location of its ownership?</li><li><b>2.2.</b> To what extent are neutral states obliged to ensure that their merchant vessels are not carrying any contraband or other goods that could offer a military advantage to belligerents?</li><li><b>2.3.</b> Traditionally, the primary mode of action by a belligerent against a merchant vessel was capture, and only in exceptional circumstances</li></ol></li></ol>	

<p>could a merchant vessel be destroyed. In contemporary conflicts at sea, where does this remain the relevant and appropriate standard, and does its application need to be re-emphasized? What challenges are raised by the use of uncrewed maritime systems in the exercise of what are often referred to as “belligerent rights” against merchant vessels?</p> <p><b>2.4.</b> How would you apply the law in a non-international armed conflict?</p> <p><b>2.5.</b> Are there any practical measures (such as unanimously endorsed notification systems or transit protocols) that should be developed by both belligerent and neutral states to protect merchant vessels? What are the measures you can put in place to ensure seafarers are protected from the effects of an attack?</p>	
Coffee break	11:00–11:20
<b>Session 2: Impact at sea of the conduct of hostilities (continued)</b>	11:20–12:30
<p><b>Guiding questions</b></p> <p>Continuation of discussions from Session 1 as needed.</p>	
Lunch (not provided)	12:30–13:30
<b>Session 3: Impact on land of the conduct of hostilities</b>	13:30–15:00
<p><b>Expert presentations</b></p> <p><b>Guiding questions</b></p> <p><b>1.</b> How can states carrying out military operations account for and effectively mitigate broader, indirect repercussions on civilians on land, including in neutral states? (Such repercussions may include disruptions to food security and essential services, wider socio-economic harm and adverse impacts on maritime trade and civilians, as outlined above.)</p> <p><b>1.1.</b> How would you interpret existing law to ensure the protection of civilians and civilian objects on land? Do certain laws and practices of traditional naval warfare need to be retained and re-examined, or should some be considered obsolete?</p> <p><b>1.2.</b> In what ways does the implementation of prize measures, contraband control and other maritime interdiction operations need to be re-evaluated if it impacts global maritime trade and causes significant humanitarian consequences for civilian populations on land?</p> <p><b>1.3.</b> What are the legal limits on the use of naval blockades, when should their application be considered a violation of international law applicable to armed conflict at sea, and what obligations do occupying powers have to ensure access to food, medical supplies, and essential services for the civilian population?</p>	



<p><b>2.</b> What measures can be implemented to ensure the protection of critical civilian infrastructure – such as submarine communication, gas and oil cables and pipelines, and other offshore infrastructure – from attacks, destruction or damage during armed conflict at sea in law and practice?</p> <p><b>2.1.</b> In a targeting decision, how would you consider the impact on civilians of damage to submarine cables, pipelines and other offshore infrastructure?</p> <p><b>2.2.</b> What measures can states put in place to protect civilians from the effects of attack on or damage to submarine cables, pipelines and other offshore infrastructure?</p> <p><b>2.3.</b> Do you have examples from your own practices, training or military manuals regarding how such activities can be undertaken?</p>	
Coffee break	15:00–15:30
<b>Session 4: Impact on land of the conduct of hostilities (continued)</b>	15:30–17:30
<p><b>Guiding questions</b></p> <p>Continuation of discussions from Session 3 as needed.</p>	
<b>Concluding remarks and next steps</b>	17:30–18:00