

**STATEMENT
DELIVERED BY THE DELEGATION
OF THE REPUBLIC OF INDONESIA**

**AT THE THIRD STATE CONSULTATION
OF WORKSTREAM 7: NAVAL WARFARE**

**“THE OBLIGATION TO SEARCH FOR, COLLECT, CARE FOR, AND
EVACUATE THE WOUNDED, SICK, SHIPWRECKED, AND
TREATMENT OF THE DEAD AND DETAINED”**

**GLOBAL INITIATIVE TO GALVANIZE POLITICAL COMMITMENT
FOR INTERNATIONAL HUMANITARIAN LAW**

HUMANITARIUM, ICRC, GENEVA, 12 FEBRUARY 2026

Distinguished Co-Chairs, Excellencies, and Delegates,

1. The quest to humanize armed conflict at sea has begun since time immemorial.
 - ➔ be it during the age of sail, the age of iron, and now in ~~the an~~ even more pressing and complex environment, the age of information.
2. Indonesia reaffirms that the primary obligation to search for, collect, care for, and evacuate the wounded, sick, shipwrecked, dead and detained at sea rests with the parties to an armed conflict.
3. Article 18 of the Second Geneva Convention requires that, after each engagement and without delay, parties take all possible measures to search for and collect the wounded, sick and shipwrecked
 - ➔ to ensure their adequate care, and to search for the dead and prevent their despoilment. Article 19 further requires the recording and forwarding of information concerning them.
4. These obligations are clear. The practical dilemmas lie in how they are implemented in today’s contested and congested maritime environment,
 - ➔ particularly for archipelagic States such as Indonesia, whose waters form vital arteries of global sea-borne trade.
5. In this context, let me raise three points.
6. **First, on Feasibility, Force Protection, and National Readiness.**

7. The standard under Article 18 is “all possible measures” and it reflects feasibility in the circumstances. It does not however require the impossible—but it does require good-faith effort.
8. Modern naval operations are high-risk and multi-domain.
 - ➔ Submarines, naval mines, long-range missiles, energy weapons, unmanned systems and cyber disruption may complicate rescue operations.
 - ➔ Returning to collect survivors may expose forces to renewed attack.
9. The legal dilemma is straightforward: when does force protection justify delay, and when does delay undermine the obligation itself?
10. Preparedness in peacetime—through doctrine, training, medical capability, and inter-agency coordination, as well as clarity in the rules of engagement—is therefore essential.
 - ➔ Feasibility cannot and should not be defined by lack of readiness.
11. **Second, on Merchant Shipping and Neutral Assistance, and of their Protection thereof.**
12. Merchant vessels, fishing fleets, passenger ships and critical maritime infrastructure operate alongside naval forces.
 - ➔ Conflict at sea inevitably affects actors far beyond the parties to the conflict.
13. The Ssecond Geneva Convention recognizes that parties may call upon neutral merchant vessels and coastal populations to assist.
 - ➔ This reflects the long-standing humanitarian tradition of rescue at sea.
14. Yet the risk of misidentification of civilian vessels are-is inherent in a congested waterss.
 - ➔ On the other hand, neutral vessels rendering assistance must also avoid conduct inconsistent with neutrality.
15. **Third, on Detainees and Information Obligations**
16. The obligation to search and collect includes care without adverse distinction. Where persons are captured at sea, humane treatment from the moment of capture is mandatory.

→ Warships might not be detention facilities, yet medical care and fundamental guarantees should be observed.

17. Article 19 of the Second Geneva Convention requires the recording and forwarding of information concerning the wounded, sick and dead.

→ This obligation can be operationalized through National Information Bureaux, which serve as critical humanitarian interfaces to ensure identification, tracing and communication with families.

18. In situations where tensions persist, the role of Protecting Powers remains an essential safeguard—facilitating oversight, dialogue, and confidence in compliance with humanitarian obligations at sea.

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19. Before concluding, Indonesia reaffirms that the fundamental principles of international humanitarian law — including distinction, proportionality and precautions — apply fully in armed conflict at sea.

→ The maritime domain is not legally exceptional. The same core rules governing conduct of hostilities apply equally at sea.

20. Yet practical challenges remain. The determination of the status of auxiliary vessels or civilian vessels performing auxiliary functions is not always straightforward.

21. Under international humanitarian law, a vessel may be targetable by status or by use if it qualifies as a military objective.

→ Civilian vessels engaged exclusively in humanitarian functions or performing their charity responsibilities remain protected.

→ However, misuse or dual-use complicates the assessment and risks either unlawful attack or erosion of civilian protection.

22. As an archipelagic State under the United Nations Convention on the Law of the Sea or UNCLOS, Indonesia manages heavily transited sea lanes where navigational rights and humanitarian obligations intersect.

→ For States whose waters sustain global trade, naval warfare carries consequences far beyond the battlefield.

→ Humanitarian obligations at sea must therefore be integrated into national capability and maritime governance.

23. Threat perception shapes readiness. Resource allocation shapes capability. But neither can dilute binding humanitarian duties.
- ➔ Preparedness must keep pace with obligation, so that humanity at sea remains protected even in the most complex conflicts.

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