

Moroccan Intervention:

Capt Yassine BOUMADEN

Royal Moroccan Navy

Good afternoon, your excellences, ladies and gentlemen am captain Yassine BOUMADEN from the Royal Moroccan Navy, first off all, i would like to thank everybody who spoke so far and i invite all the participants to share their taughts on this subject.

I would like to thankas well the ICRC for this initiative aiming to the promotion and the concrete application of IHL.

Applying International Humanitarian Law (IHL) to naval warfare is particularly challenging due to a combination of legal, practical, and technological factors. Some of the main reasons are:

Fluid and Borderless Nature of the Sea

- Unlike land warfare, the sea has no fixed borders or frontlines. Ships are constantly moving, and conflict zones are less defined.
- It is difficult to distinguish between combat zones and neutral areas, especially in international waters.

Complex Status of Ships and Crews

- Civilian vessels (e.g. merchant ships) can be used to transport military goods or personnel, blurring the line between civilian and military objects.
- The flag state of a ship (the country under whose laws the ship is registered) can differ from the nationality of the crew, cargo owners, or even the actual operator. This complicates the principle of distinction.

Neutrality and Commercial Shipping

- IHL protects neutral parties, but at sea, it is hard to verify if a neutral ship is truly neutral or secretly aiding one side.
- Stopping and searching vessels (called visit and search) can violate freedom of navigation and be perceived as aggression, especially if done in international waters.

Blockades and Starvation Risks

- Naval blockades are legal under certain IHL conditions, but they can restrict essential goods (food, medicine), potentially violating the prohibition against starvation as a method of warfare.
- Determining what constitutes “military necessity” versus excessive harm to civilians is often subjective.

Legal Ambiguity

- Much of naval IHL is based on customary law, and not all relevant treaties are universally ratified or up to date (e.g., the San Remo Manual is influential but not legally binding).
- Some older conventions have not kept pace with modern naval technology like submarines, unmanned drones, or cyber warfare affecting maritime operations.

Humanitarian Access is Harder

- At sea, it is much more difficult for humanitarian actors like the ICRC to monitor, investigate, or intervene.
- Rescuing shipwrecked or wounded persons at sea may be logistically impossible during ongoing hostilities.

Non-State Actors and Asymmetrical Warfare

- Modern naval threats often involve non-state actors (e.g. pirates, terrorist groups, or armed militias using small boats or mines), who may not be bound by or respect IHL.
- Their unconventional tactics complicate the application of traditional IHL rules designed for state-to-state conflict.

In conclusion, Naval warfare creates a unique and dynamic environment where IHL faces practical enforcement problems, legal uncertainties, and gaps in accountability—especially as modern warfare outpaces legal development.

For that, international laws should be updated to be as restrictive as possible with modern world technologies used on naval warfare specifically. After

what each state should do as possible as for its best to apply IHL during armed conflict and assume full responsibility for crimes committed during warfare in particular and armed conflict in general.