

ICRC Global Initiative to Galvanize Political Commitment to International Humanitarian Law

Workstream 7: Naval Warfare

Third State Consultations

Statement of Australia

12 February 2026

Australia would like to thank the ICRC and the co-chairs Indonesia and Egypt for facilitating today's discussion.

Australia is a maritime nation. We have the seventh-longest coastline in the world. Our search and rescue region is vast and extends to Antarctica. We derive our security and prosperity from the ocean and seas. As a result, the rules which govern the maritime domain are of fundamental importance to us. As our Foreign Minister has said,

so many of us want to protect what we have built together. And we see our interests in a world that operates by agreed rules. A world that respects sovereignty and protects civilians.

Turning to the themes set out in the guiding questions for today's consultation, the Australian Defence Force continues to consider practical challenges with taking all possible measures to search for and collect the shipwrecked, wounded and sick at sea after each engagement, in accordance with the Second Geneva Convention and Additional Protocol 1 – in particular, those which impact the 'possibility' of certain measures during an armed conflict at sea. This is to ensure that Australia is prepared to overcome any practical hurdles that might challenge its capacity to abide by its obligations under international humanitarian law in the future.

Australia also underscores the importance of obligations under the Second Geneva Convention to protect medical vessels, personnel and transports; to ensure the respectful handling and identification of the dead; and to record and transmit information on the wounded and sick.

Australia would also like to take this opportunity to set out our views on some of the issues raised in the first two rounds of State Consultations of this Workstream.

Australia's view is that **the law of naval warfare remains fit for purpose** to govern armed conflicts at sea, alongside UNCLOS, international human rights law and the Geneva Conventions and Additional Protocol I. Further discussion to build a common understanding on how to interpret and apply these existing rules to the contemporary maritime environment will ensure its resilience and adaptability in the face of new and emerging challenges.

Australia is committed to engaging in these discussions, as well as through bilateral and multilateral engagements, to develop a shared understanding of the application of existing law to emerging legal issues. For example, we continue to consider how international law, including the law of naval warfare, applies to emerging technologies and capabilities such as autonomous underwater vehicles and autonomous weapons at sea.

Finally, on **targeting**, the cardinal principle of distinction applies to attacks conducted during armed conflict at sea. We understand and respect that attacks must only be directed at military objectives. Maritime military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action; and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.

However, we are attuned to the unique challenges of distinction in the maritime domain and continue to consider legal complexities, for example in relation to identifying and classifying vessels.

Thank you