

SECOND STATE CONSULTATION ON NAVAL WARFARE REPORT

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Background

The second consultation on naval warfare under the Global IHL initiative was convened to examine how the rules and principles for the conduct of hostilities should be applied at sea, with a specific emphasis on protecting civilian population, individual civilians and civilian objects both at sea and on land. This protection covers the consequences of naval warfare, ranging from disruptions to food security, communication chains, and essential services. A related objective was to understand how civilians on land are affected by the specific means and methods of warfare used at sea. The consultation aimed to explore ways to adequately protect at-risk merchant vessels, including humanitarian aid vessels, seafarers, and civilians from the effects of hostilities at sea, and ultimately, to develop practical recommendations on how to apply the law effectively in this context.

Summary of the consultations

1. Upholding core IHL principles and the rules governing the conduct of hostilities at sea

Many states taking the floor strongly reaffirmed the universal application of core rules and principles governing the conduct of hostilities such as distinction, proportionality and precautions. It was agreed overall that these rules apply at sea as well as on land.

There was general agreement that civilians and civilian objects, such as merchant vessels and other vessels exempt from attack such as passenger vessels, are protected and must not be targeted unless they forfeit protection by becoming military objectives. Determining a target's military status requires heightened verification and continuous, careful assessment by commanders, given the complexity of the maritime domain.

Applying the principle of proportionality today, there was some consideration that the application of the principle must account for humanitarian, environmental, and economic impacts (like disruption to global supply chains and neutral commerce). States are obligated to take all feasible precautions to

minimize civilian harm. Such precautionary measures could include advance warnings to vessels and offshore infrastructure or establishing safe maritime corridors. It was generally understood that foreseeable incidental harm should be considered.

2. Humanitarian challenges and proposed solutions

Two specific humanitarian challenges posed by modern naval warfare were highlighted:

Naval blockades and starvation: There is broad consensus on the illegality of “starvation blockades”. Blockades must be effective, notified, non-discriminatory, and must not bar access to goods essential for civilian survival (e.g. food, medical supplies). The right to unimpeded humanitarian access to civilians must be upheld. One state asserted that the rule of proportionality does not apply to blockades as a matter of law, arguing it is too complex and uncertain in practice. Many other states emphasized that proportionality does apply and that a blockade is prohibited if expected to cause excessive civilian harm relative to the military advantage anticipated.

Rescue and evacuation: A key challenge identified after an attack was the difficulty of rescuing the shipwrecked and dead. While Geneva Convention II mandates search for, collection and care of the wounded, sick, shipwrecked and dead, international law does not protect all ships going to the rescue, making such operations risky. Concerns were also raised about the difficulty of evacuating civilians by ships which may be otherwise considered enemy vessels. Some solutions were proposed, such as establishing humanitarian zones or maritime humanitarian corridors by agreement between belligerents, where only rescue or civilian evacuation is permitted for a specified period. This will be discussed further in the third consultation on 12 February 2026.

3. Environmental and modern warfare concerns

The discussions addressed the growing environmental and technological impacts of conflict at sea:

Environmental protection: Naval warfare causes direct and indirect harm to the marine environment. This includes the impact of sea mines and the destruction of land-based objects that could affect the marine ecosystem. It was suggested that states should adopt concrete measures and reinforce IHL principles to mitigate this damage.

New technologies: There was a call for control of and legal clarification regarding uncrewed maritime systems and monitoring the long-term implications of underwater offensive and defensive methods of warfare.

Non-state armed groups (NSAGs): The ability of NSAGs to target shipping routes is a rising concern, demanding clarification of their legal obligations.

4. Legal framework and implementation

Some states argued that the existing law of naval warfare remains fit for purpose and sufficient when fully adhered to, and that the priority should be effective implementation and accurate interpretation rather than inventing new rules. One position was articulated that several aspects of traditional law of naval warfare are outdated (e.g. prize law) and should be reconsidered in line with prohibitions on the use of force under the UN Charter. The UN Convention on the Law of the Sea (UNCLOS) was reaffirmed as the fundamental pillar for ocean governance, ensuring freedom of navigation and respect for coastal state sovereignty, and its provisions are binding even during armed conflict at sea. There was strong support for the ongoing process to update and revise the 1994 San Remo Manual to address contemporary challenges of armed conflict at sea.