

Statement of Canada
Workstream 7: Naval Warfare
4th Round of Consultations

Canada extends its thanks to the ICRC and the co-chairs for the extensive work undertaken thus far.

As noted in our interventions in other workstreams, Canada recommends avoiding the use of the chapeau phrase “it is essential”. An alternative could be “it is recommended that”, “it is vital that”, or similar. Additionally, we would welcome language that more clearly delineates legal obligations from policy considerations.

Canada welcomes the practical points under point 2 regarding the protection of civilians from hunger, food insecurity and starvation caused by the effects of naval warfare, including blockade - Ensuring that conducting war can be done within the bounds of humanity.

Canada also wishes to provide concrete suggestions to further refine the text:

- We echo the importance that the outcome document places on the law keeping pace with a changing world. At the same time, the integrity of IHL and its responsible stewardship requires that proposals for progressive development be clearly identified and recognized as such. Appearing to present proposals as crystallized customary international law, would, in our view, not be in keeping with the purpose or value of the initiative.
- Under point 9 a: We note the proposal to expansively interpret the bodies of law that are applicable to armed conflict at sea to include international environmental law and other bodies of law that have not traditionally been regarded as forming part of the law of naval warfare. The enduring success of the law of naval warfare lies in its pragmatism. In our view, this point risks introducing imbalance into the law of naval warfare’s relationship between military necessity and humanity. It risks depriving the law of naval warfare of the practicality that has sustained it over decades and that has delivered tangible protection to victims through countless crises. Accordingly, we recommend that point 9 (a) be revised to acknowledge that this remains an unsettled area of the law that would benefit from further examination as part of the San Remo manual update process.

Canada looks forward to engaging constructively with the second draft of recommendations. Thank you.