

# **The Netherlands**

Statement 4<sup>th</sup> State Consultations

## **WS7 Law of Naval Warfare**

**The Netherlands would like to express its gratitude and appreciation of, and its full support for, the Global IHL Initiative. We would like to thank the ICRC and the co-chairs, and also the States supporting and contributing to the initiative. We recognize the difficulties and effort in putting together the draft document.**

The Netherlands recognizes the importance and validity of the Law of Naval Warfare, in armed conflicts that are (also) fought at sea. This includes the Law of Blockade and Contraband Law. In particular the latter is important for the difference between ships that are liable to capture and ships that are liable to attack. We agree and would like to emphasize that humanitarian considerations also apply at sea.

Regarding the draft outcome document, we would like to provide some general feedback.

First of all, we would like to see that the document will be shortened, for readability and clarity purposes. Second, we recommend that the document should stick to the treaty language and San Remo Manual, when mentioning obligations of States. For example, this includes the use of terms like 'reasonable precautions' instead of 'all feasible precautions'. Third, the Netherlands recognizes that the Law of Naval Warfare has a platform-based approach. The emphasis in the documents on civilians is therefore sometimes misplaced. And fourth, it is in particular important that the document makes a clear distinction between the different belligerent rights and different situations, when mentioning or referring to the obligations or best practices of States. After all, different situations require different considerations under the Law of Naval Warfare, such as the obligation regarding ships with special protected status. Finally, the practical measures as provided in the draft document are now generally about establishing and refining procedures, military doctrines and training. Although the Netherlands subscribes to the importance thereof, it is the view of the Netherlands that the practical application of belligerent rights, such as targeting or the use of unmanned systems from non-warship platforms, require further thought and debate. This, in order to establish actual practical guidance for States on the application the Law of Naval Warfare.