



ICRC

Under the Global Initiative to Galvanize Political Commitment to International Humanitarian Law (global IHL initiative), the International Committee of the Red Cross, Egypt and Indonesia cordially invite your state to the:	在“激励对国际人道法做出政治承诺的全球倡议”（简称“国际人道法全球倡议”）下，红十字国际委员会、埃及和印度尼西亚诚挚邀请贵国参加：
WORKSTREAM 7	工作领域 7
FIRST STATE CONSULTATION ON NAVAL WARFARE	海战规则 第一轮政府间磋商
For legal advisers from ministries of foreign affairs and defence based in their capital city	邀请来自各国首都外交部和国防部的法律顾问参会
 Online	
WEDNESDAY, 4 JUNE 2025 8:30–12:30 AND 14:00–18:00 (UTC+2)	
Online	线上会议
WEDNESDAY, 4 JUNE 2025	2025 年 6 月 4 日星期三
8:30–12:30 AND 14:00–18:00	8 :30 – 12 :30 和 14 :00 – 18 :00
(UTC+2)	(UTC+2)
As of January 2024, the world's merchant fleet consisted of 109,000 vessels with a gross tonnage (GT) of at least 100; of those, 58,200 ships were over 1,000 GT. ¹ Modern shipping has become the cornerstone of the global economy, largely thanks to innovations in containerization, specialized vessels and digital technologies. Oil tankers, bulk carriers and container ships accounted for 85 per cent of total capacity in 2023. ² Over 80 per cent of the volume of international trade in goods is carried by sea. ³ Ninety-nine percent	截至 2024 年 1 月，全球共有 10.9 万艘吨位至少为 100 吨的商业船舶，其中有 5.82 万艘船只吨位在 1000 吨以上。 ⁶ 现代航运已经成为全球经济的支柱，这主要得益于集装箱运输、专业化船舶和数字技术的创新。2023 年，油轮、散货船和集装箱船占全球商船队总运力的 85%。 ⁷ 全球超过 80% 的贸易货物通

¹ United Nations Conference on Trade and Development (UNCTAD), *Handbook of Statistics 2024*, United Nations, New York, 2025: https://unctad.org/system/files/official-document/tdstat49_en.pdf, all web addresses accessed April 2025.

² UNCTAD, *Handbook of Statistics 2023*, United Nations, New York, 2024: https://unctad.org/system/files/official-document/tdstat48_FS014_en.pdf.

³ UNCTAD, *Review of Maritime Transport 2021*, United Nations, New York, 2021: <https://unctad.org/publication/review-maritime-transport-2021>.

⁶ 联合国贸易和发展会议（贸发会议），《2024 年统计手册》，联合国，纽约，2025 年：

https://unctad.org/system/files/official-document/tdstat49_en.pdf，本文件内所有网页均于 2025 年 4 月访问。

⁷ 贸发会议，《2023 年统计手册》，联合国，纽约，2024 年：https://unctad.org/system/files/official-document/tdstat48_FS014_en.pdf。

of the world's digital communications rely on subsea cables. ⁴ Civilian activity at sea is diverse and includes activity related to cruises and other passenger transport; the transport of goods, fuel and raw materials; ports; fishing and aquaculture; offshore oil and gas platforms; marine renewable energies (offshore wind- and wave-power facilities, etc.); marine recreation; and shipbuilding. ⁵	过海运运输。 ⁸ 全球 99% 的数字通信依赖海底电缆进行。 ⁹ 海上民事活动种类繁多，包括：邮轮及其他客运相关活动；货物、燃料和原材料运输；港口；渔业与水产养殖；离岸油气平台；海洋可再生能源（离岸风能和波浪能设施等）；海洋休闲；以及造船业。 ¹⁰
Any disruption to shipping and especially to strategic maritime choke points is likely to have massive impacts on civilian populations across the globe. In an increasingly interconnected and interdependent world, the use of blockades or interdiction of vessels and communication around maritime choke points during an armed conflict at sea could disrupt the flow of goods essential for the survival of the civilian population, economic activity, supply chains, the flow of critical humanitarian supplies, global food security, energy transportation and more. Under such circumstances, all states would likely be affected, particularly states heavily dependent on the continued operation of maritime transportation.	任何对航运尤其是海上战略“咽喉要道”的干扰都可能会对全球平民居民造成巨大影响。在当今日益互联互通和相互依存的世界，如果海上武装冲突期间在“咽喉要道”封锁或拦截船只和通信，就可能会扰乱平民居民生存必需品的流通、经济活动、供应链、关键人道物资的流通、全球粮食安全和能源运输等。在此情况下，各国都可能受到影响，尤其是高度依赖海运持续运转的国家。
Alongside this, rapid technological advancements, new tactics and multi-domain operations have transformed how naval warfare is and will be conducted. Navies are developing autonomous ships for intelligence gathering and other purposes. ¹¹ Remote-controlled vessels have already been used in attacks in the naval domain. ¹² The incorporation of uncrewed and possibly autonomous systems in the targeting process is increasingly anticipated. The ability to jam, otherwise interfere with, spoof or simulate automatic identification system (AIS) or Global Positioning System (GPS) signals is increasing. The full implications of such technological advancements and the risks they pose to civilian shipping, navigation safety, and maritime search and rescue efforts are yet to be fully understood. In parallel, questions also arise as to how, in case of an armed conflict at sea, the evolving maritime landscape would affect belligerents' application of the rules on the conduct of hostilities (including the principle of distinction) and what the humanitarian consequences would be.	此外，技术的迅速发展、新的战术和多域行动改变了海战当前和未来的作战方式。各国海军正在研发用于情报收集和其他用途的自主船只。 ¹³ 遥控船只已被海军用于攻击行为。 ¹⁴ 在目标选定程序中引入无人及可能具备自主能力的系统，正日益成为趋势。对自动识别系统或全球定位系统进行干扰或以其他方式妨碍、欺骗或者模拟的能力也在日益增强。这些技术发展的全面影响及其对民用航运、航行安全和海上搜救工作带来的风险，尚有待充分理解。与此同时，还出现了以下问题：一旦发生海上武装冲突，海事环境的演变将如何影响交战各方适用规制敌对行动的规则（包括区分原则）？这又将带来哪些人道后果？
The evolution of the maritime domain also has implications for what armed conflict at sea would mean for civilians. For example, today, many civilians working aboard merchant vessels flagged to belligerent states would likely be nationals of states with no involvement in the armed conflict. Sea lanes often contain passenger vessels, which might find themselves caught in crossfire. There are many more fishing vessels on the high seas than in the past. It is timely to consider the impact on civilians of any targeting and in any proportionality assessment.	海事领域的演变也同样会影响海上武装冲突对平民的意义。例如，当前在悬挂交战国国旗的商船上，有许多来自与武装冲突无关国家的平民为其工作。海上航道通常有客运船只通行，这些船只可能被卷入交火之中。公海上如今的渔船数量远超以往。因此，审视任何目标选定程序对平民的影响，并在任何比例性评估中考虑平民所承受的影响，正当其时。
While the laws of naval warfare have been complemented by the Second Geneva Convention and the widely accepted <i>San Remo Manual on International Law Applicable to Armed Conflicts at Sea</i>	虽然《日内瓦第二公约》、广为接受的 1994 年《适用于海上武装冲突的圣雷莫国际法手册》以及日内瓦四公约附加议定书的部分内容

⁴ W. Park, “The deep-sea ‘emergency service’ that keeps the internet running”, *BBC*, 15 October 2024:

<https://www.bbc.com/future/article/20241014-the-deep-sea-emergency-service-that-keeps-the-internet-running>.

⁵ V. Bernard, “War and security at sea: Warning shots”, *International Review of the Red Cross*, No. 902, Aug. 2016, pp. 383–392.

⁸ 贸发会议，《2021 年海运评述》，联合国，纽约，2021 年：<https://unctad.org/publication/review-maritime-transport-2021>。

⁹⁹ W. 帕克，《维持网络通畅的深海“应急服务”》，英国广播公司，2024 年 10 月 15 日：

<https://www.bbc.com/future/article/20241014-the-deep-sea-emergency-service-that-keeps-the-internet-running>。

¹⁰ V. 伯纳德，《海上战争与安全：鸣枪示警》，《红十字国际评论》，第 902 期，2016 年 8 月，第 383~392 页。

¹¹ D. Molina Coello, “Is UNCLOS ready for the era of seafaring autonomous vessels?”, *Journal of Territorial and Maritime Studies*, Vol. 10, No. 1, winter/spring 2023, pp. 21 and 23.

¹² S. Lindsay, “Sufficiency of existing legal frameworks for addressing maritime security challenges surrounding autonomous vessels”, *Australian Naval Review*, No. 2, Dec. 2020, pp. 104 and 109.

¹³ D. 莫利纳·科埃略，《〈联合国海洋法公约〉能否适应海上自主船只时代？》，《领土和海洋研究》期刊，第 10 卷，第 1 期，2023 年冬/春季，第 21 页和第 23 页。

¹⁴ S. 林赛，《当前法律框架是否足以应对与自主船只相关的海上安全挑战》，《澳大利亚海军评论》，第 2 期，2020 年 12 月，第 104 页和第 109 页。

of 1994, as well as, partly, the Protocols additional to the Geneva Conventions, the laws themselves were mostly adopted at the beginning of the 20th century. The maritime domain has changed considerably since then, and we must rethink how states approach armed conflict at sea, and how the laws of naval warfare apply today in a manner that incorporates humanity and the protection of civilians. In light of the increased presence of civilians in the maritime domain, it is vital to acknowledge that there is a lower acceptance threshold today for potential negative impacts on civilian populations compared to when the laws of naval warfare were conceived, and that the domain exceptionalism that has accompanied the development of the law of naval warfare needs to be better balanced with humanitarian considerations. In this globally interconnected maritime environment, any armed conflict can have major consequences on the civilian populations both at sea and on land.	对海战法进行了补充，但是海战法本身的主体部分是在 20 世纪初制定通过的。此后，海事领域已经历重大变化，因此我们必须重新思考国家如何看待海上武装冲突，以及今天如何在适用海战法时体现人道精神并保护平民。考虑到海事领域平民活动越发频繁，有必要认识到，相较于海战法诞生之初，今天对平民居民可能遭受潜在负面影响的容忍度已经降低，并且海战法发展过程中所体现出的领域特殊性需与人道考量达成更好的平衡。在高度互联的全球海事环境下，任何武装冲突都会对海上和陆上平民带来重大影响。
The workstream on naval warfare is therefore aimed at recognizing the extent to which the maritime domain has evolved, and how this affects the application of the law of naval warfare. It will create a space for states to reflect upon several critical humanitarian issues emerging from contemporary armed conflict at sea, such as: the protection of critical infrastructure upon which civilians depend; the need to keep shipping lanes open for trade and humanitarian assistance; the protection of civilians across all domains; the protection of the wounded, sick, shipwrecked, detained and dead at sea; the environmental impact of hostilities at sea; the security of merchant shipping and the safety of civilian seafarers. It will seek understanding and agreement from states on good practices for applying existing rules and upholding humanity in naval warfare.	因此，关于海战规则的本工作领域旨在认识到海事领域的演变程度及其对适用海战法所带来的影响。本工作领域将为各国提供空间，思考当代海上武装冲突带来的若干关键性人道问题，如：保护平民赖以生存的关键基础设施，开放航道用于贸易和人道援助的必要性，实现各领域对平民的保护，保护海上伤者病者、遇船难者、被拘留者和死者；海上敌对行动的环境影响，以及商业航运的安全和平民海员的安全。本工作领域力求在现有规则适用和在海战中维护人道这两个方面的良好实践上促使各国达成理解和共识。
For the purposes of this workstream, the law of naval warfare is considered to encompass the international rules on armed conflict at sea, including IHL applicable at sea, prize law and the law on maritime neutrality. When it comes to IHL applicable at sea, the Second Geneva Convention, on the protection of wounded, sick and shipwrecked and dead members of armed forces at sea, remains one of the cornerstones. The Third and Fourth Geneva Conventions and Additional Protocols I and II are also applicable in part to armed conflict at sea. The <i>San Remo Manual</i>, which has been incorporated into military manuals throughout the world, complements these treaties. In this workstream, it is also acknowledged that there are several overlapping laws that interact with the law of naval warfare, including in particular the law of the sea, through the United Nations Convention on the Law of the Sea (UNCLOS) and other maritime treaties.	就本工作领域而言，海战法被理解为涵盖海上武装冲突的国际规则，包括适用于海上武装冲突的国际人道法、捕获法和海上中立法。关于适用于海上武装冲突的国际人道法，保护海上武装部队伤者病者及遇船难者和死者的《日内瓦第二公约》仍是其基石之一。另外，《日内瓦第三公约》《日内瓦第四公约》《第一附加议定书》和《第二附加议定书》也部分适用于海上武装冲突。《圣雷莫手册》被世界各国纳入军事手册，对这些公约内容进行了补充。本工作领域亦承认，存在多部与海战法相互交织的法律，特别是由《联合国海洋法公约》和其他海事条约构成的海洋法体系。
It should be noted that the workstream on naval warfare is being launched at the same time as discussions on revising the <i>San Remo Manual</i> are starting.¹⁵ When the manual was adopted in 1994, the aim was to provide a restatement of international law applicable to armed conflicts at sea while taking account of the developments that had occurred over the previous 100 years (including treaty developments, such as the Geneva Conventions and Additional Protocols, and state practice). This manual has since acquired a unique standing internationally, having been incorporated into national military manuals throughout the world.¹⁶ It has been generally accepted by governments, academics and international courts and tribunals as the authoritative explanation of international law applicable to armed conflict at sea. Today however, the manual must be updated to ensure it continues to	值得注意的是，在海战规则工作领域启动之时，有关修订《圣雷莫手册》的讨论也同步展开。¹⁹该手册于 1994 年通过时，旨在重申适用于海上武装冲突的国际法，并纳入过去百年的发展成果（包括日内瓦四公约及其附加议定书等条约的发展和国家实践）。此后，该手册被纳入世界各国的军事手册，²⁰获得了独特的国际地位，并得到各国政府、学术界和国际法院及法庭的广泛接受，被视为适用于海上武装冲突的国际法规则的权威解释。然而，如今必须对该手册进行更新，以确保其继续反映法律现状，包括国家实践和法律确信（即国家认为

¹⁵ *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, 12 June 1994: <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994>.

¹⁶ International Institute of Humanitarian Law, *Statement: Launching the Draft Phase of the Project*, International Institute of Humanitarian Law, San Remo, 16 Dec. 2024: <https://iihl.org/wp-content/uploads/San-Remo-Manual-Project-Statement.pdf>.

¹⁹ 《适用于海上武装冲突的圣雷莫国际法手册》，1994 年 6 月 12 日: <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994>。

²⁰ 国际人道法学院，《声明：项目起草阶段工作启动》，国际人道法学院，圣雷莫，2024 年 12 月 16 日: <https://iihl.org/wp-content/uploads/San-Remo-Manual-Project-Statement.pdf>。

reflect the current state of the law, including developments over time in state practice and <i>opinio juris</i> (an expression of what a state believes the law to be) ¹⁷ and the evolution of naval operations in contemporary armed conflicts, as outlined above. The plan to revise the <i>San Remo Manual</i> currently includes consultations with states both during and at the conclusion of the process. ¹⁸ That revision process and the global IHL initiative's naval warfare workstream are therefore complementary.	法律应如何) ²¹ 随时间的发展,以及上文所述的当代武装冲突中海军行动的演变。当前,修订《圣雷莫手册》的计划包括在修订过程中及完成后与各国进行磋商。 ²² 因此,这一修订进程与国际人道法全球倡议的海战规则工作领域互为补充。
OBJECTIVE	目标
The aim of this state consultation is to build a shared understanding of how the maritime landscape has changed and what today's key issues are around injecting humanity into naval warfare. It will provide an opportunity to reflect on the humanitarian consequences, protection issues and legal implications of naval warfare.	本次政府间磋商会议围绕为海战注入人道精神这一主题,旨在就海事环境的变化以及当今面临的关键问题达成共识。会议将提供一个契机,供各国思考海战带来的人道后果、保护问题和法律影响。
The discussions will focus on the following objectives:	会议讨论将聚焦以下目标:
to develop a greater understanding of the current and future challenges for humanity in naval warfare, and to identify possible solutions to them	就当前和未来海战中的人道挑战达成更广泛的共识,并提出可能的解决方案
to gather states' views on the challenges for implementing the law of naval warfare in a way that takes into account the humanitarian consequences of armed conflict at sea, and possible ways to overcome these challenges	针对各国在考虑海上武装冲突人道后果的情况下实施海战法所面临的挑战,以及可能的应对之道,汇集各国意见
to gather states' views and, where applicable, practices regarding neutral states' rights and obligations in relation to upholding principles of humanity in warfare.	就战争中维护人道原则相关的中立国的权利和义务,汇集各国意见,并在适用时收集各国实践。
NEXT STEPS	后续工作步骤
The results of the first state consultation will be shared in the general progress report of the global IHL initiative, which is to be published in September.	第一轮政府间磋商成果将在9月发布的国际人道法全球倡议整体进展报告中分享。
Topic-specific interactive discussions will occur later in 2025 on the basis of the themes that emerge from this consultation.	根据本次磋商会议所形成的议题,2025年下半年将举行相关的专题互动讨论
DESIRED PROFILE OF PARTICIPANTS	参会者的理想资质
All states are welcome to participate and register up to two representatives well versed in IHL and especially in naval warfare or the law of the sea. There is a strong preference for legal advisers from the ministries of foreign affairs and defence based in their capital city.	欢迎各国参加并为最多两名熟悉国际人道法、特别是海战或海洋法的代表注册参会。尤其欢迎来自首都外交部和国防部的法律顾问参会。
Kindly register no later than 9 May 2025 at https://forms.office.com/e/BriA6DvdG6.	请迟于2025年5月9日完成注册,注册链接: https://forms.office.com/e/BriA6DvdG6。
PROCEDURE	程序事项
The working languages will be Arabic, Chinese, English, French, Russian and Spanish, with simultaneous interpretation.	会议工作语言为阿拉伯文、中文、英文、法文、俄文和西班牙文,会议提供同声传译。
Two repeat sessions are offered to accommodate different time zones. States are requested to register for the session most convenient for them. However, states may register	会议将分两场重复进行,以满足不同时区的需要。请各国选择最为方便的场次注册参会。然而,如果各

¹⁷ Customary IHL consists of rules that come from "a general practice accepted as law" and exist independent of treaty law. Customary IHL is of crucial importance in today's armed conflicts because it fills gaps left by treaty law and so strengthens the protection offered to victims: <https://www.icrc.org/en/law-and-policy/customary-ihl>.

¹⁸ International Institute of Humanitarian Law, *Statement: Launching the Draft Phase of the Project*.

²¹ 习惯国际人道法由“经接受为法律的一般实践”所形成的规则构成,并独立于条约法而存在。在当今武装冲突中,习惯国际人道法至关重要,因其填补了条约法留下的空白,从而加强了对受害者的保护: <https://www.icrc.org/zh/law-and-policy/customary-ihl>。

²² 国际人道法学院,《声明:项目起草阶段工作启动》。

for both sessions if they wish to hear all discussions, in which case we request that they kindly speak in only one of the two sessions.	国希望听取全部讨论内容，亦可注册参加两场会议，但在此情况下请仅在一场会议作发言。
We kindly ask states to limit their initial statement to four minutes to ensure sufficient time for all participants to take the floor. Guiding questions are provided below.	请各国将初始发言时间限制在四分钟内，确保所有参会者都有足够时间发言。指导问题见后文。
The substance of the consultations will be summarized in a progress report, to be published in September. The consultations will be recorded to facilitate the preparation of the report, but the recording will not be made public, and the report will not attribute remarks.	咨商会议的内容要旨将在 9 月发布的进展报告中予以总结。会议将进行录像，以便编写进展报告，但录像不会公开，报告也不会提及具体参会者。
The inclusive, constructive, non-politicized and solution-oriented nature of the discussions will be maintained throughout the consultation.	咨商全程的讨论将始终保持包容性、建设性、非政治化，并以解决方案为导向。
While participants are encouraged to refer to their states' domestic practice during the consultations, participants are kindly asked to refrain from discussing specific circumstances or the practice of other states.	鼓励参会者在咨商会议中提及本国国内的实践，但请避免讨论具体国家和地区或其他国家的实践。
While preparing their intervention, states may wish to consider the guiding questions below.	在准备发言内容时，各国可考虑下述指导问题。
GUIDING QUESTIONS	指导问题
What do you consider to be the main issues of concern when considering humanity in naval warfare?	关于海战中的人道问题，贵国认为应关注哪些主要问题？
In particular, what do you consider to be the main issues of concern when it comes to civilians and civilian infrastructure in naval warfare?	具体而言，关于海战中的平民和民用基础设施，贵国认为应关注哪些主要问题？
On the basis of the issues you identify, what areas of the law of naval warfare do you see as challenging to apply in modern naval warfare in order to preserve humanity?	根据贵国所提出的主要问题，贵国认为海战法的哪些方面在适用于现代海战以维护人道的过程中存在挑战？
What solutions do you see at this stage that might help address these challenges?	贵国认为现阶段有哪些解决方案或可帮助应对这些挑战？
AGENDA	会议议程
Following a brief introduction and discussion of the key legal and humanitarian issues by the presenters, states will be invited to take the floor for the remainder of the session. The agenda will be identical in both sessions.	首先由发言嘉宾简要介绍并讨论关键性法律和 人道问题，会议余下时间将请各国发言。两场会议的议程将完全相同。
Welcome	欢迎致辞
Presentations	介绍发言
Contributions by states, with regular breaks	各国发言（定期会间休息）
Discussion	会议讨论
Closing words	闭会发言
The names of the speakers for the welcome, presentations and closing remarks will be provided at a later date.	欢迎致辞、介绍发言和闭会发言的发言人名单将后续发送。