



DEFENDING TERRITORIAL INTEGRITY

The Naval Dimension

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Overview:

- Preliminary remarks
- Reminder of the general framework governing the use of force
- Distinct environment
- Specific rules
- Maritime incidents in the territorial sea



PRELIMINARY REMARKS

- Caveat: Personal capacity
- Presentation focusses on unit self-defence, self-defence at State level, law enforcement at sea & the law of the sea (rather than on jus in bello or the law of neutrality)
- The threshold question
- Same general principles on the use of force <-> different environment



GENERAL FRAMEWORK GOVERNING THE USE OF FORCE

- Art. 2(4) & 51 UN Charter
- Customary international law on self-defence
- UNGA Resolution 2625 (XXV) of 1970
- UNGA Resolution 3314 (XXIX) of 1974



DISTINCT ENVIRONMENT

- UNCLOS & customary international law rules applicable at sea
- Maritime zones, including the territorial sea
- Shipping
- Status of warships



SPECIFIC RULES AT SEA

- Robust view of innocent passage accepted by the ICJ
- Right of free access enjoyed by foreign ships / freedom of maritime commerce
- Use of force to arrest ships must be avoided as far as possible and is strictly regulated
- COLREGs



MARITIME INCIDENTS IN THE TERRITORIAL SEA


- Innocent passage for warships
 - Customary international law
 - Some States require prior notification or authorisation
- What is innocent passage for warships?
 - Section 3 of UNCLOS



MARITIME INCIDENTS IN THE TERRITORIAL SEA

- Submarines and other underwater vehicles



A black and white photograph showing a close-up of a typewriter keyboard. A sheet of paper is placed over the keys, and the word "Questions?" is typed in a classic typewriter font. The paper is slightly wrinkled and has some texture visible. The keyboard keys are visible in the background, slightly out of focus.

Questions?