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Protection of Civilians in the Maritime Domain

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Hypothetical Context

- International armed conflict within the first island chain
- Military operations involving multiple domains (air, land, sea, cyber)
- Significant naval presence and operations by multiple conflict parties
- Potential maritime blockade disrupting maritime traffic and depriving small island states of essential supplies
- Potential disruption to communications / cyber networks





Civilians in the Maritime Domain

- What civilian presence and activity should be anticipated?
 - Fishing vessels – large, medium, small -- and their crews
 - Commercial shipping and seafarers manning these vessels
 - Migrants and asylum seekers
 - Traffickers and trafficked individuals
- As/if conflict escalates and continues:
 - Humanitarian supplies, personnel, vessels
 - People fleeing areas of active hostilities by boat

Key Considerations

- How will civilians and civilian vessels safely navigate the maritime battlespace? What information will they have access to and how?
- How will naval forces identify civilian vessels? How will civilian vessels identify themselves?
- How will civilian vessels be directed away from areas where they would be risk?
- How to ensure that essential goods – commercial and humanitarian – can reach the islands where they are needed? Will blockades involve specific arrangements for essential supplies?
- What happens if a civilian vessel is in distress? What are the obligations of naval forces to rescue at sea during hostilities?
- What SAR responsibilities exist? Who is best able to undertake rescue at sea?
- How should SAR actors be equipped and are additional capabilities needed? How will vessels undertaking rescue identify themselves?
- Where is safe harbour for evacuees?



Evacuation, Search & Rescue

- **Duty to rescue**
 - SOLAS/SAR Convention
 - 2nd Geneva Convention
- **Strategic implications of exercising maritime SAR**



Western Pacific lacks clear Search and Rescue Regions (SRRs)

Northwest Pacific SRR

- Includes Taiwan
- Shared by Russia, Japan, China, Philippines
- Borders not clarified

South China Sea SRR

- Overlapping China, Singapore, Malaysia, Philippines, and Indonesia regions

USS Meredith Victory, Korea, 1950



Past Practice: A Tale of Two *One* Rescues

Thousands of Koreans wait in line to board the USS Meredith Victory, 1950. Credit: U.S. Marine Corps Archives, [bbc.com](https://www.bbc.com)



Former President of South Korea
Moon Jae-In (2017-2022)

USS Dubuque, South China Sea, 1988



USS Dubuque in the Pacific,
2010. Credit: [Seaforces.org](https://www.seaforces.org)

Civil Society Capacity



Screenshot from MSF website on 15 May 24



"These survivors need urgent care and that means getting them a port of safety as soon as possible" said Jennifer Vibert, IFRC Operations Manager. "Half of the survivors are very young - children or teenagers - many were found in an extremely fragile physical and mental state. The majority suffered severe dehydration and some had resorted to drinking seawater. Others sustained burns from the fuel and seawater mixed in the raft. Medical teams on board the Ocean Viking provided urgent medical care and provided critical hygiene items, food and water. But the survivors urgently need land-based care."

<https://www.ifrc.org/press-release/ifrc-and-sos-mediterranee-urgently-call-closer-port-safety-survivors-mediterranean>

NGO SOS Méditerranée performs a rescue.
Credit: Maud Veith, SOS Méditerranée

Evacuation, Search & Rescue: Disembarkation & Transit

Western Pacific has weak regional refugee/asylum regime, few signatories to 1951 Refugee Convention

Lessons from 1975:
Philippines refuses
Vietnamese
refugees, forces
relocation to Guam



Modern challenge:

- Risk of attacks on U.S. Pacific bases
- Need to ensure distinction between transiting refugees / evacuees and military objects



Blockade and Shipping Disruptions



Shipping disruptions

- Average Pacific Islands receives half of daily calories from imports
- China & Australia major suppliers



Blockade of Taiwan

- Taiwan imports: 97% energy, 70% calories



Humanitarian corridors / safe passage at sea

- Precedents from Ukraine, Yemen, Falklands, Red Sea, Sri Lanka

Humanitarian Corridor and Safe Passage Precedents



Examples of safe passage entailing:

- Naval patrols
- Dedicated mechanisms mediated by third parties
- Safe passage for commercial shipping
- Maritime protected zones



Identification of Hospital Ships and Other Humanitarian Vessels

1949 Geneva Conventions use antiquated methods for identification:

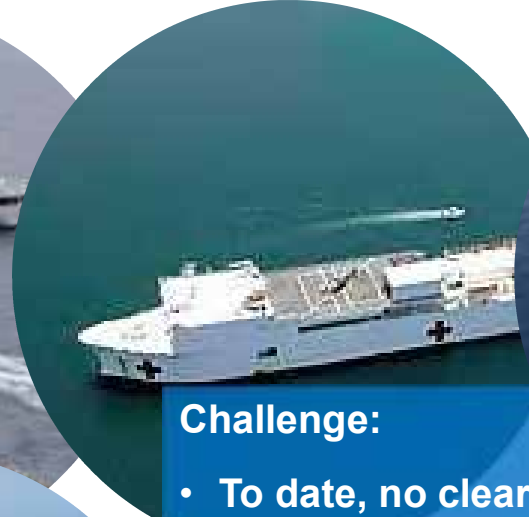
- Visual emblems (Red Cross / Red Crescent)
- Not adequate in modern warfare

1977 Additional Protocol I outlines optional measures:

- Secondary surveillance radar
- Underwater acoustic signature

Standards for humanitarian conduct:

- Communication between small, fast rescue craft and authorities / warships



Challenge:

- To date, no clear agreement on identification of hospital ships or standards of conduct to preserve humanitarian status
- Affects both rescue at sea and safe passage / humanitarian corridors

Opportunity:

- Open dialogue on modern standards
- Can begin with allies and partners



Recommendations

Law & Policy

- Establish explicit SAR responsibilities in the Western Pacific
- Foster agreement on identification of hospital ships, rescue craft, and humanitarian vessels
- Establish agreement on communication actions by civilian vessels, including those that will be interpreted as indicators of military activity
- Start a multilateral dialogue on the importance of safe passage arrangements for commercial and humanitarian vessels delivering essential supplies during armed conflict

Civil-Military Coordination

- Establish a platform to foster civil-military coordination and mitigate risks to civilians in the maritime domain, including non-government actors such as shipping industry representatives, seafarer associations, international humanitarian organizations, and civil society organizations
- Establish means of civil-military communication to coordinate on maritime risks in a degraded communications environment
- Include maritime civil-military coordination elements in relevant exercises

Operational Planning

- Incorporate maritime rescue, regional transit, and reception of evacuees into operational plans
- Plan for regional transit and reception of evacuees and rescued civilians, avoiding locations in proximity to likely military targets
- Ensure that TTPs prepare maritime assets to support evacuation and SAR, including working with allies and partners. Test assumptions and rehearse TTPs through exercises.
- Incorporate safe passage mechanisms and/or maritime corridors into operational planning. Test and rehearse communication protocols with civilian vessels.
- Involve key civilian actors in exercises, including shipping industry representatives, seafarer associations, international organizations, and civil society organizations



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CFE-DM ISSUE BRIEF

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Protection of Civilians in the Maritime Domain Research Series



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Additional Insights? Brilliant Ideas?

Thank You!



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