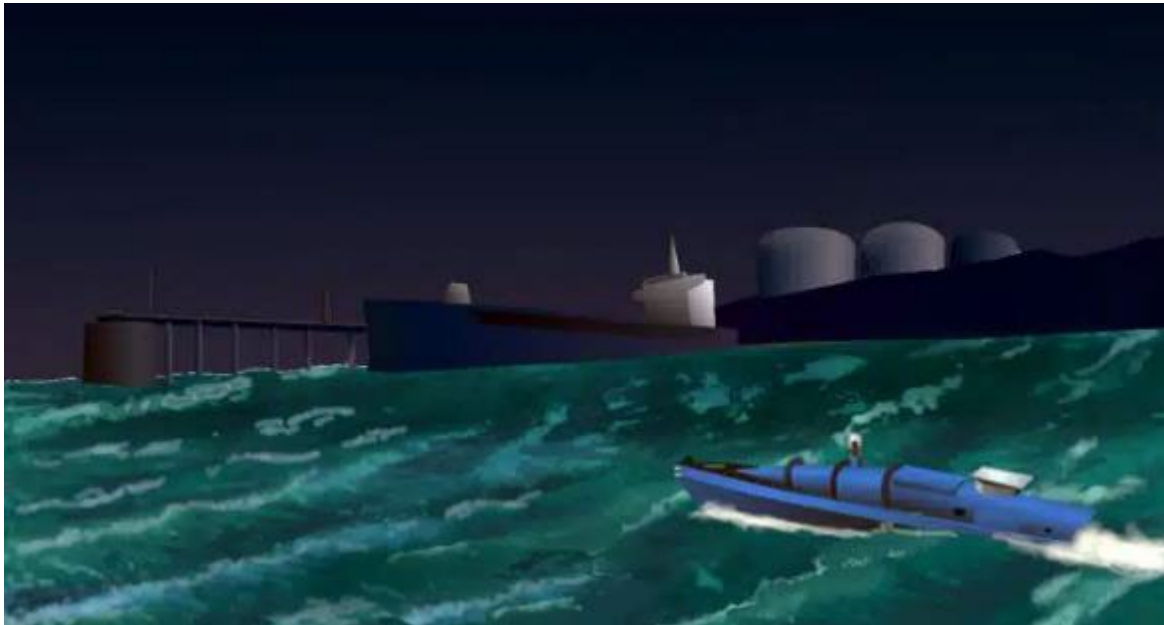


What's in a name?

The “drone” attacks in the Black Sea – and why the label matters



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'Massive' drone attack on Black Sea Fleet - Russia

7 days ago
 Russia-Ukraine war



“unmanned vehicles”

“drones”

“uncrewed surface vessels”

“...a cross between a canoe and a jetski...”



Minutes before the USV attacks to Admiral Grigorovich-class frigate (Screenshot from the footage circulating on social media)

Analysis: Ukraine Strikes With Kamikaze USVs – Russian Bases Are Not Safe Anymore

Ukraine conducted a new surprise attack on the Russian Black Sea Fleet on October 29, 2022. This time, it targeted naval combatants at the Russian naval base of Sevastopol, opening a new era of naval warfare by using unmanned surface vessels (USV) as suicide drones.



Option #1: Equipment/Drones/Vehicles/Weapons?



Autonomous equipment as weapons



Before use...

Article 36 of Additional Protocol I to the Geneva Conventions

*'[i]n the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is **under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.***

= **“Article 36 Weapons Review”**

During use...

- Law of Naval Warfare
- Law of Armed Conflict
- “context appropriate human involvement”



Option #2: Vessels?



Freedom of Navigation (as per UNCLOS)
Innocent passage, transit passage etc



Belligerent Rights



Sovereign immunity (as per UNCLOS)

Article 32:nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes

Article 95: Warships on the high seas have complete immunity from the jurisdiction of any State other than the Flag State

Article 96: Ships owned or operated by the State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the Flag State

Is it a boat, is it a robot? Wait, no, it's...



Government ships on non-commercial service/Auxiliaries



“....a vessel, other than a warship, that is owned by or under the exclusive control of the armed forces of a State and used for the time being on government non-commercial service”. San Remo Manual



Autonomous Warships



“...a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, **under the command of an officer** duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and **manned by a crew** which is under regular armed forces discipline”. UNCLOS Art 29



- Distinction
- State Responsibility

A possible way to approach it...



Will the system be operating independently of a warship or auxiliary?

Yes

No

Boat/
equipment/vehicle

Does the system need to exercise full navigational rights?

Yes

Does the system need to exercise belligerent rights?

Yes – warship

No - auxiliary



