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MARITIME NEUTRALITY IN THE CONTEMPORARY ARMED CONFLICTS AT SEA

The existing rules of international law concerning maritime neutrality rules were created in the early twentieth century (1907) and do not take into consideration such important documents as the Charter of the United Nations, the Convention on the Law of the Sea, air law or the law of the environmental protection. The attempt to adapt the provisions of the Hague Convention (XIII) to modern conditions of war at sea has been made in two documents of international range: San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1995) and Helsinki Principles on the Law of Maritime Neutrality (1998). Both documents are now regarded as norms of common law, but their regulations were included in most legal manuals for ship commanders (especially in the NATO countries). This article presents and evaluates the content of these documents in relation to the issue of neutrality in the contemporary armed conflicts at sea. It should be noted that several self-evident trends can be observed, such as: the application of the principle of non-belligerency rather than declaring neutrality; greater diversity of marine areas on which the combat is conducted; greater protection of neutral shipping; legality of designating closed zones; the use of international straits and archipelagic marine trails by belligerents and neutral countries, regardless of the entity which exercises power over them; possibility of violation of neutrality when the neutral state does not exercise proper control over their territorial sea or when it results from the right to self-defense. Many matters raised in this article are arguable, but the vast majority of regulations meet the problems arising from the application of international law in the contemporary armed conflicts at sea.