

# PECULIARITIES OF MARINE ENVIRONMENT PROTECTION IN ARMED CONFLICTS ACCORDING TO THE SAN REMO MANUAL ON INTERNATIONAL LAW

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**Abstract.** The article presents the principles and norms that regulate in detail the relations of protection of marine ecosystems during armed conflicts in accordance with the San Remo Manual of International Law.

Military activity at sea has reached such a scale that the area of the marine environment remains polluted, and affects climate change and the sustainability of the natural environment. Taking into account the mentioned circumstances, at the level of the international community are applied various types of Manual for compliance by states with the principles and norms of international humanitarian law, which are developed by highly qualified specialists for interpretation and practical application by the armed forces of the respective countries and are used by other countries by virtue of their authority.

According to the prescriptions of the San Remo Manual, parties participating in an armed conflict at sea are obliged to observe the principles and norms of international humanitarian law from the beginning of the use of armed forces, and in cases not provided for by this document or international agreements, civilians and combatants remain under the protection and effect of the principles of international law arising from customs, principles of humanity and requirements of public consciousness.

In particular, the legal analysis of the San-Remo Manual of International Law is defined and reflects operational needs and realities, and is therefore often a basis for national practice or an inspiration for the rules of use of force in armed conflict. These rules are often a reflection of existing practices and can be transformed into norms of international law. The Manual are advisory acts, they are related to the principles and norms of international humanitarian law.

The leadership of San Remo also introduces the principle of military operations at sea. It is about the imposition of additional obligations on belligerent states not only to observe the supremacy of the law of armed conflict at sea, but also to take into account the rights and obligations of the coastal state, in particular regarding the exploration and development of economic resources of the exclusive economic zone and the continental shelf, as well as the protection and preservation of the marine environment.

**Keywords:** marine environment protection, armed conflicts, exclusive economic zone, coastal state, high seas, sovereign rights, continental shelf, San Remo Manual of International Law, United Nations.

## INTRODUCTION

It is well recognized that the oceans play an essential role in preserving the equilibrium of the climate on Earth, which is directly related to the existence of humans as a species. A huge source of international and biological resources, without which it is impossible to imagine the proper functioning of the international economy and the well-being of many states and peoples, are also found here. It is also the most convenient location for laying transportation routes to any geographical regions.

In this regard, the protection of the marine environment from pollution, including during armed conflicts, occupies a significant position in international law, taking into account factors like the globalization of international economic relations, which is linked to the emergence of new ways and means of negatively affecting the marine environment during armed conflicts, as well as the requirement to develop new legal frameworks for ocean protection. The importance of the study is determined in this regard by the requirement to recognize and further explore these issues. All this leads to the most active activities of states in the oceans, which are often accompanied by negative consequences associated with large-scale pollution of sea waters, including during armed conflicts, posing the most serious problem for the international community, which requires constant efforts on its part to remedy this situation.

Accordingly, the state of the legal regulation of international relations in the field of combating the pollution of sea waters and the protection in this aspect of preserving living conditions for the civilian population during armed conflicts is closely related to the protection in international law and international maritime law and the ecological environment as such.

These international relations are governed by the relevant norms of international humanitarian law, both general and particular, with regard to the direct protection of the marine environment during armed conflicts, which may have a negative influence on the life and health of the civilian population.

The level of military activity at sea has gotten to the point where the marine environment remains polluted, which has an impact on climate change and the stability of the environment. Given these circumstances, different manuals are used by states at the international level to comply by the principles and standards of international humanitarian law. These manuals are created by highly trained specialists for interpretation and application in practice by the armed forces of the countries concerned and are used by other countries due to their authority.

Actual issues of the problem under study were considered in the works of Ukrainian scientists, in particular, G.O. Ancelevich (Ancelevich, Pokreshchuk, 2005), M.M. Hnatovsky (Hnatovsky, 2015), O.S. Pereverzieva (Pereverzieva, 2020), Y.S. Shemshuchenko (Shemshuchenko, 2019).

The purpose of the article is to clarify the essence of the marine environment protection during armed conflicts in accordance with the San Remo Manual of International Law (hereinafter referred to as the San Remo Manual) and to provide a legal analysis of the San Remo Manual.

## MATERIALS AND METHODS

The author conducted the study using the structural-systemic, formal-logical, formal-legal, historical-legal, and comparative general scientific

and special methods. The construction of a research plan and outlining of its essential provisions were done using the structural-system method. The San Remo Manual of International Law was studied using formal logic. The Guide to the Law of Non-International Armed Conflict (2006), the Guide to International Law Applicable to Aviation and Missile Warfare (2009), and the Tallinn Guide to International Law Applicable to Cyber Warfare (2012) were the three international legal documents that were analyzed using formal law. Comparative method was used to formulate the features of international legal measures for the protection of the marine environment.

## **RESULTS AND DISCUSSION**

The Conference on the Conservation of Marine Ecosystems of the 2030 Agenda was held in June 2017 within the framework of UN resolution (A/71/L.27), which reaffirmed the necessity of focusing the efforts of the international communities on such priority areas as the rational use of oceans, seas, and marine resources and the restoration of oceans for the sustainable development of all humanity and the planet. Speaking during the Conference, UN Secretary-General Antonio Guterres demanded immediate action to stop pollution of the oceans. According to his words “The ocean ... is a common asset of all mankind, but the rapid pollution of its waters, the depletion of biological resources, the consequences of global climate change and other factors have a devastating effect on its condition”.

States are required by international law to abide by the international legal order in the oceans, which includes the principle of freedom of the high seas as well as their cooperation in the combat against marine pollution, at all times (Shemshuchenko, 2019).

Different kinds of Manuals, developed by highly qualified specialists for the interpretation and application of these norms by the armed forces of the countries concerned and which can be used by other countries due to the authority that such guides acquire in practice, have a certain importance for the strict observance by States of the principles and norms of international humanitarian law. The San Remo Manual of International Law Applicable to Armed Conflicts at Sea is one such generalizing study (hereafter the San Remo Manual). A group of international law specialists and naval experts who directly took part in a number of roundtables hosted by the International Institute of Humanitarian Law created this manual between 1988 and 1994. This «manual is intended to function as a transfer of contemporary standards of international law applicable to armed conflicts at sea», according to the ICRC. While some of its provisions may be seen as advancements in the field of law, we think that the majority of them include existing legal principles. The Oxford Manual on the Rules of Naval Warfare controlling interactions between belligerents, adopted by the Institute of International Law in 1913, was maintained in many ways by the Manual, according to the ICRC, since many of its rules were developed in this one.

An important type from the point of view of international humanitarian law, the concept of “accidental expenses” or “accidental damage” extends to the natural environment, the component of which is sea water, the damage or destruction of which is put on a par with the death or injury of the civilian population and others.

Section I Basic Principles of Part III Basic Rules and Target Recognition. The structure of the San Remo Manual consists of six parts, each of which contains the corresponding sections and paragraphs with the number 182.

Part I of the “General Provisions” describes the following legal relations: the scope of the law (Section I); armed conflicts in accordance with the right to self-defense (Section II); armed conflicts in respect of which the UN Security Council takes measures (Section III); areas of hostilities at sea (Section IV); and the basic concepts of this document (Section V).

Part II, “Areas of Operations”, sets out rules to be observed by belligerents with respect to: inland waters, territorial sea and archipelagic waters (Section I); international straits and archipelagic passage through sea lanes (Section II); exclusive economic zone and continental shelf (Section III); high seas and seabed beyond national jurisdiction (Section IV).

Part III, “Basic Rules and Target Recognition”, provides the following: basic rules of warfare, which also apply to military operations at sea (Section I); precautionary measures in case of attack (Section II); categories of ships and aircraft that are not subject to them and the conditions for granting them immunity (Section III); the status of merchant ships, civil aircraft, warships and enemy aircraft (Section IV); the status of neutral merchant ships and civil aircraft (Section V); and precautionary measures for civil aircraft (Section VI).

Part IV, “Methods and means of warfare at sea”, establishes rules for the application of such concepts as: missiles and other projectiles, torpedoes and mines that are means of warfare (Section I); blockade and zones that may be established by the belligerent side of the war (Section II); and disinformation, military cunning and perfidy (Section III).

Part V “Measures other than attack: interception, care, search, change of course, seizure” describes the rules: determining the hostile nature of ships and aircraft (Section I); inspection and search of merchant ships (Section II); interception, inspection and search of civil aircraft (Section III); seizure of enemy ships and cargo (Section IV); seizure of enemy civil aircraft and cargo (Section V); seizure of neutral merchant ships and cargo (Section VI); seizure of neutral civil aircraft and cargo (Section VI) (San Remo Manual on International Law Applicable to Armed Conflicts at Sea).

Finally, in Part VI of the San Remo Manual, entitled “Protected Persons, Medical Transports and Medical Aircraft”, the rules for their protection in international humanitarian law are presented in Sections I-IV.

The San Remo Manual also contains an Annex that identifies the institutions and individuals involved in its creation. It is noted that the initiator and general sponsor of this Manual is the International Institute of Humanitarian Law of San Remo, Italy. Other sponsoring organizations are: Italian Armed Forces Institute of Naval Warfare, Institute of Peace Support Law and International Humanitarian Law, University of the Ruhr, Bochum, International Committee of the Red Cross; Ministry of Defence of Canada; Norwegian Naval Tactical Training School; German Red Cross Society; Canadian Red Cross Society; French Red Cross Society; Mediterranean Institute for Strategic Studies, University of Toulon. The curator and editor-in-chief of this Guide is a renowned specialist in international humanitarian law, Louise-Dosvald Black.

Among the speakers and others who participated in the preparation of the San Remo Manual are specialists from countries such as Italy, the United States, Japan, Canada, Egypt, France, the United Kingdom, Germany, Sweden,

Chile, the Netherlands, China, Poland, Norway, Argentina, Croatia, Brazil, Russia, Austria, Iran, Nigeria, Singapore, Belgium, Switzerland, Austria.

All this gives the code of San Remo's rule concerning armed conflict at sea a high authority based on its comprehensiveness and impartiality. Moreover, as noted in the introductory remarks to this document, "the law of armed conflict has not received such development, which received the right of armed conflict on land with the signing of Additional Protocol I of 1997 to the Geneva Convention of 1949. While some of the provisions of Protocol I relate to hostilities at sea, particularly with regard to the extension of the protection of medical vessels and aircraft provided for in Part II of the Geneva Convention of 1949, Part IV of the Protocol, which provides civilians with protection against the effects of hostilities, applies only to naval operations involving civilians and civilian objects on land".

First of all, the San Remo Manual are based on the fundamental principles of international humanitarian law, namely: "the parties involved in an armed conflict at sea are obliged to comply with the principles and norms of international humanitarian law from the beginning of the use of armed forces" and "in cases not provided for by this document or international agreements, civilians and combatants remain under the protection and operation of the principles of international law derived from customs, principles of humanity and the requirements of the public consciousness" (Art. 1 and 2).

In accordance with Section IV of the San Remo Manual, "Areas of War at Sea", subject to other applicable rules of the law of armed conflict at sea contained herein or elsewhere, naval operations may be carried out: (a) in the territorial sea or internal waters, in the contiguous territories, in the exclusive economic zone and on the continental shelf, and where applicable in or over the archipelagic waters of belligerent States; (b) on or over the high seas; and (c) subject to paragraphs 34 and 35, in the exclusive economic zone and on the continental shelf of neutral States or over such zone or shelf (art.10).

Based on these areas of hostilities at sea and the parties to the conflict are encouraged to agree that hostilities will not take place in marine areas where: (a) rare or vulnerable ecosystems exist, or (b) the natural habitat of species of fish or other forms of marine organisms whose stocks are depleted, threatened or endangered (art.11) and operations in areas where neutral States enjoy sovereign rights, jurisdiction or other rights under general international law, the belligerents are under an obligation to exercise due respect for the legitimate rights and obligations of those neutral States (art. 12).

San Remo Manual includes damage to or destruction of the natural environment and in the definition of "accidental loss" or "accidental damage". The natural environment was first included in the definition of "accidental damage". This was done intentionally to ensure that "accidental damage" would also apply to the natural environment. Different standards should be used to assess whether an attack will result in excessive accidental damage; possible accidental damage to the civilian's life will be treated with greater care than damage to the natural environment.

The San Remo manual also introduces the principle of military operations at sea. It is about imposing additional obligations on belligerent states not only to respect the rule of law of armed conflict at sea, but also to take into account the rights and obligations of the coastal state, in particular with regard to the exploration and development of the economic resources of the

exclusive economic zone and the continental shelf, as well as the protection and preservation of the marine environment (Soons, Alfred Henry Adriaan, 1982; Walker, George K., 2011).

The Manual of San Remo also obliges the belligerent to notify the coastal State if the belligerent considers it necessary to lay mines in the exclusive economic zone or on the continental shelf of a neutral State.

In addition, the San Remo Manual enshrines environmental issues in a section on basic rules and recognition of purpose. Rule 44 states: "When choosing methods and means of warfare, it is necessary to take into account the protection of the natural environment, observing the norms of international law. Damage to the environment or destruction that is not justified by military necessity and is carried out senselessly is prohibited". This is a general obligation that has not been reflected in the formulation of any of the existing treaties. A closer formulation is contained in Article 55 of the Additional Protocol. The idea that there are countless possible methods and means of warfare is highlighted in Art. 55. The San Remo Instruction advanced further after Additional Protocol I was adopted seventeen years earlier with the creation of Rule 44. The reference to the "taking into account formula" was not accepted without reservation, mainly due to the absence of mandatory rules of law to the contrary.

Finally, enemy ships and aircraft cannot be attacked if they are designed or adapted solely to deal with the effects of marine pollution incidents. Such vessels are also not subject to seizure. Both of these rules are innovative. There is also a rule according to which "methods and means of warfare shall be applied with due respect for the environment, considering the relevant rules of international law. The causing of damage to the environment or its destruction that is not justified by military necessity and is caused senselessly is prohibited as well (Paragraph 44).

A list of precautions that must be taken in order to avoid cases of loss or damage in the choice of means and methods of warfare is provided in Section II of this section of the Manual, which deals with precautions to take in case of an attack. This section covers the natural environment and the sea waters' relationship to it, among other things. Thus, in an attack, the belligerents are bound to observe in this plan the following measures; they shall take all practicable precautions in the choice of means and methods in order to avoid or minimize incidental loss or damage (Clause 46 in the San Remo Manual), as well as the fact that "an attack does not commence if it can be expected to cause incidental loss or damage which would be excessive in relation to the particular military advantage anticipated from the attack as a whole: the attack shall be discontinued or suspended as soon as it becomes apparent that the incidental loss or damage would be excessive" (Clause 46 in the San Remo Manual).

Part II of the San Remo Command Operations Area contains regulations relating to the conduct of military operations in neutral waters, namely inland waters, territorial sea and archipelagic waters (paragraph 14 of the San Remo Command). In and above neutral waters, including neutral waters forming international straits and waters in which the right of archipelagic passage through sea lanes may be exercised, hostile action by the armed forces of the belligerent actions shall be prohibited. A neutral state shall take measures consistent with the provisions of Section II of this Part (international straits and

archipelagic sea lanes passage), including surveillance, to the extent permitted by the means available to it, in order to prevent violations of its neutrality by the armed forces of the belligerent States” (paragraph 15 of the San Remo Manual).

Pursuant to this prohibition, the Manual provide a list of hostile actions “which include, inter alia the following: (a) attacking or seizing persons or objects in neutral waters, in neutral territory or over such waters or territory; (b) using as a base of operations, including attacking persons or objects outside neutral waters, or seizing such persons or objects if the attack or seizure is carried out by belligerent armed forces located in neutral waters or over them; (c) laying mines; (d) inspecting, searching, changing course or seizing” (paragraph 16 of the San Remo Manual).

A number of other prohibitions to be observed by belligerent states in neutral waters relate to the prohibition of the use of such waters as a haven (paragraph 17 of the San Remo Manual); the prohibition of the entry of military and auxiliary aircraft into neutral airspace (paragraph 17 of the San Remo Manual); the right of a neutral state to prohibit the entry into or passage through its neutral waters of warships or the imposition of conditions to be observed in such entry or passage (paragraph 18 of the San Remo Manual). At the same time, a neutral state may, under certain conditions contained in the Manual, allow warships or auxiliary vessels of a belligerent state to pass through its neutral waters through the territorial sea, replenish food, water and fuel supplies and repair them (paragraphs 19-20 of the San Remo Manual).

Undoubtedly, when belligerents comply with these rules and prohibitions regarding the presence of warships and auxiliary vessels in neutral waters, their compliance with all norms of international law on the protection of the marine environment, including the above rules of the San Remo Manual.

Other examples of similar guides on other issues of warfare include the 2006 Manual to the Law of Non-International Armed Conflict, the 2009 Manual on International Law Applicable to Aviation and Missile Warfare, and the 2012 Tallinn Manual on International Law Applicable to Cyber Warfare.

According to the 2006 Manual to the Law of Non-International Armed Conflict, there is only one rule relating to environmental protection that provides that “damage to the natural environment during military operations should not be excessive in relation to the military advantage expected from these operations” (Michael N. Schmitt, Charles H.B. Garraway, Yoram Dinstein, 2006). The rule is contained in Art. 35, paragraphs 3 and 55 of Additional Protocol I, which considers damage to the natural environment in terms of “extensive, long-term and serious damage” in the context of an international armed conflict, has not been adopted as a rule of customary international law in the context of either an international or a non-international armed conflict.

At the same time, it is argued that “the natural environment is a civilian object” and, as a result, all environmental norms are used to protect civilian objects. Like other civilian objects, they “may become military objectives by virtue of their nature, location, purpose or use”.

According to the prescriptions of the International Law Handbook, applicable to air and missile warfare 2009 applies to aviation and missile warfare, contains the most restrictive formulations on environmental protection (Harvard School of Public Health Program on Humanitarian Policy and Conflict Research, HPCR Manual on International Law Applicable to Air

and Missile Warfare, 2011). This directly affects the environment in two rules in its “Special Environmental Protection” section. These rules should be cited in full. The first of these rules (rule 88) provides for a general rule that “the destruction of the natural environment produced by the state is not allowed”. The second rule (rule 89) refers to the specifics of air or missile operations; both of these rules had discussions among experts who developed the instruction and had a few more rules on environmental protection.

The use of armed force and national environmental policies, thereby strengthening environmental protection, states that “the planning and conduct of air or missile operations should take into account the natural environment”.

According to the prescriptions of the Tallinn Manual on International Law, applicable to cyberwarfare in 2012, it is of considerable interest to protect the natural environment during armed conflicts. According to the Tallinn Manual on the Application of International Law to Cyberwarfare, published in 2012 by a team of international law specialists commissioned by the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE): “A cyberattack is a cyber operation, offensive or defensive, that causes harm or death to persons, damage or destruction of objects”.

Cyberwarfare is subject to the same set of rules as other warfare when it comes to protecting the environment. The Tallinn Manual makes several references to environmental protection. Most importantly, it has a special section on the environment. Rule 83 makes it clear that “the natural environment is a civilian object and thus enjoys general protection against cyberattacks and their consequences”. The rule adequately reflects customary law in the context of international armed conflict, as “it is based on the principle of distinction, as well as on the prohibition of attacks on civilian objects”. A group of experts on the Tallinn Manual concluded that the general principles of international law in cyberspace apply (Schmitt, 2013).

A similar conclusion was reached by the UN Group of Governmental Experts (GGE) on the achievement in the field of information and telecommunications in the context of international security, established by the General Assembly.

The Secretary-General of the United Nations noted with satisfaction that “this report highlights the key role of the Charter of the United Nations and international law, as well as the importance of responsible behaviour by States”. Rule 83 further states that “States Parties to Additional Protocol I are prohibited from using methods and means of conducting cyberwarfare designed to cause, or to cause, extensive, long-term and serious damage to the natural environment”.

The senseless destruction of the environment or ecological destruction is forbidden and is not specifically permitted by any laws. Experts, however, predicted that this would happen. The definition of “senseless” makes it clear that “it would be illegal to use cyber means to initiate the discharge of oil into a watercourse in order to simply harm the environment” and that “destruction is the result of a deliberate act carried out maliciously, that is, this action cannot be justified by military necessity”.

As the authors of the Tallinn Manual pointed out, “although no state can exercise sovereignty over cyberspace, states have sovereignty over the cyber infrastructure located on their territories and the activities associated with such infrastructure”. Cyber infrastructure typically consists of servers,



computers, cables, and other physical components. They are not located in cyberspace, but on a certain state territory, so it is obvious that the state has jurisdiction and sovereignty over these components.

Composition of cyberattacks includes the following: 1) the attack is carried out by individuals or legal entities, their associations or states against individuals or legal entities or their associations; 2) the attack is carried out by individuals and legal entities, as well as their associations independently or with the participation (assistance, financing) of the state against states or international law and order; 3) the attack is carried out by armed forces or special units of the state against other states or international law and order.

In the first and second cases, there will be a case of cybercrime. Moreover, the consequence of such an attack can be serious harm or even injury, death, damage or destruction of individual objects. At the same time, illegal actions of persons supported or financed by states acquire a special status.

It is also important to remember that in Ukraine, there are laws that enshrine the principles of international maritime law as well as norms for the protection of water during hostilities.

The Law of Ukraine "On Environmental Protection" dated 10.07.2022 (Art. 39) natural resources of national importance include, but are not limited to, internal sea waters, territorial sea, natural resources of the exclusive (marine) economic zone and natural resources of the continental shelf, atmospheric air, groundwater, surface waters located or used on the territory of more than one region, forest resources of state importance, natural resources within the territories and objects of the natural reserve fund of national importance, wild animals that are in a state of natural will within the territory of Ukraine, its continental shelf and exclusive (marine) economic zone, other objects of the animal world that are subject to the Law of Ukraine "On Fauna" and are in state ownership, as well as objects of the animal world, which, in accordance with the procedure established by law, are acquired in communal or private property and are recognized as objects of general state importance, minerals, except for those that are generally distributed.

In the Resolution of the Cabinet of Ministers of Ukraine of October 7, 2009 No. 1307 "On approval of the Marine Doctrine of Ukraine for the period up to 2035" and recognition as invalid, paragraph 2 of the Resolution of the Cabinet of Ministers of Ukraine of December 18, 2018 No. 1108 proclaims the main directions of development in this area. Thus, in Ukraine, Order No. 164 "On Approval of the Instruction on the Procedure for the Implementation of International Humanitarian Law in the Armed Forces of Ukraine" dated 23.03.2017 is in force. In accordance with Section 1 of the General Provisions of clause 41 objects are protected by international humanitarian law (Order No. 164 "On Approval of the Instruction on the Procedure for the Implementation of International Humanitarian Law in the Armed Forces of Ukraine", 2017).

Russia's military operations in Ukraine at sea have led to a violation of international humanitarian law. The bulk carrier that was heading from Ukraine to Romania "Yasa Jupiter" under the flag of the Marshall Islands near the port of Odesa on February 24, 2022 was fired by Russian missiles (due to shelling off the coast of Odesa. <https://hromadske.ua>).

On February 25, 2022, the tanker-chemical carrier Millennium Spirit, under the flag of Moldova, 12 miles from the port of "Pivdennyi", came under fire. The shooting took place twice. Two crew members were injured and the ship was

in distress. Currently, the ship is drifting without a crew, and this can cause an environmental disaster at sea in accordance with paragraph 44 of the San Remo Manual (The vessel under the flag of Moldova was shelled by Russian missiles for the second time. <https://nticoruptie.md>).

The vessels attacked were merchant vessels flying the flags of neutral countries not involved in the military conflict. Attacks on neutral merchant ships are prohibited, except as expressly provided in paragraph 67 of the San Remo Manual for the effective contribution of merchant ships to hostilities.

## CONCLUSIONS

Increasing the effectiveness of protection of marine ecosystems from pollution requires the use of a full range of international legal means aimed at achieving this goal in all areas of state activity, including international shipping, military (navigation) sailing, etc.

The international community uses various legal means to protect the ecological balance of the oceans in any state activity during the armed conflicts. However, these problems can be effectively solved only in the conditions of de-escalation of international tension, general and complete disarmament, as well as constant observance of the fundamental principles and norms of international law. In practice, it is highly challenging for a state affected by marine pollution in an armed conflict to hold a violating state accountable for damage caused to the environment especially to the marine environment, when applying the rules of international law.

Responsibility for harm to civilians and civilian property, as well as responsibility for crimes against humanity and war crimes, are options for environmental liability. International court rulings on environmental harm show that every activity, including the military, takes environmental protection issues into account. In any state activity during a war, the international community employs a variety of legal safeguards to preserve the biological balance of the waters. As we can see, the global community constantly pays attention to and is concerned about protecting the natural environment, particularly the sea environment.

These Manuals reflect operational needs and realities, and are therefore often the basis for national practice or an inspiration for rules of engagement in armed conflicts. Their rules are often a reflection of existing practices and can be transformed into norms of international law.

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