

Preface

The issue of the law of naval warfare has been neglected for too long. Recent events prove that this neglect is far from being justified. On the one hand, naval conflicts have occurred more than once since the end of World War II. On the other, these conflicts have clearly demonstrated that the law of naval warfare, as codified in existing international instruments, is unsatisfactory due to technological developments and fundamental changes undergone by the law of the international community.

The task of updating the laws of naval warfare and adapting them to new realities is a very difficult one. As a first step, it seems necessary to ascertain what the existing law is, and to point out those fields of the law which are most in need of revision. This volume sets out to be a contribution in this direction: it consists of a collection of materials relating to the law of naval warfare. In selecting these materials, I have thought fit to include not only international conventions now in force, but also agreements which never entered into force, other relevant documents, such as the 1913 Oxford Manual of Naval War, and two regional instruments. Each of these materials is accompanied by a commentary aiming at assessing its contribution to the development of customary international law in the field and pointing to those rules which are most in need of revision. The authors of the commentaries have been so chosen that different experiences and various doctrinal approaches, some extremely controversial, are represented. The collection is preceded by an introductory essay aiming at giving a general view of the problems facing those who intend to undertake the task of modernizing the laws of naval warfare.

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Members of the Pisa research group were: Giovanni Clara, Admiral (ret.), Italian Navy; Dr. Andrea Gioia, Researcher in International Law, University of Trent; Andrea de Guttry, Associate Professor of Law of International Institutions, University of Pisa; Luigi Migliorino, Researcher in International Law, University of Trieste; Gabriella Venturini, Associate Professor of International Trade Law, University of Milan; Pietro Verri, Lieutenant General (ret.), Italian Army. To all of them I express my sincere thanks. I am particularly indebted to Prof. Andrea de Guttry, who assisted me throughout the preparation of this book, and to Dr. Andrea Gioia, who did much editorial work and prepared the analytical index and the tables on the status of the conventions published in the collection, with the assistance of Marco Gestri, doctoral candidate in International Law. Last, but not least, I would like to warmly thank Professor H.S. Levie for having read and commented upon the manuscript.

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