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Research Article

**The Legal Status Issue of Unmanned Maritime Vehicles (UMVs) Used for
Military Purposes**

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Abstract

In parallel with the advances in technology, the use of unmanned vehicles on the battlefield for military purposes is becoming increasingly widespread. Since the beginning of the new millennium, the undeniable contributions of Unmanned Aerial Vehicles (UAVs) in combat and combat support operations, especially in Afghanistan and Iraq, have made these vehicles indispensable for states, while on the other hand, it has affected the expansion and deepening of the range of missions of unmanned vehicles used in the maritime environment within a limited framework. However, the use of UMVs, which are gaining importance for states day by day and becoming a force multiplier, has also brought along some legal debates. The absence of a provision directly related to UMVs in international maritime law legislation has led to the emergence of grey areas regarding the legal status of these vehicles. Since the increasingly sophisticated UMVs in terms of size, tonnage and level of autonomy diversify in a wide spectrum, not all UMVs will be subject to the same legal status naturally. On the other hand, the problem of legal status becomes more complex as the states take steps towards establishing their national legislation. Based on the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), it is important to discuss UMVs to understand the potential legal status of these instruments, which are directly related to critical issues such as freedom of navigation, belligerent rights and judicial immunity.

Keywords: international law, the law of the sea, UMV, legal status

JEL Codes: K33, K39, K40

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Öz

Teknolojide kaydedilen gelişmelere paralel olarak insansız araçların askeri amaçlarla muharebe sahasında kullanımını giderek yaygınlaşmaktadır. Yeni milenyumun başlarından itibaren İnsansız Hava Araçlarının (İHA), başta Afganistan ve Irak olmak üzere muharebe ve muharebe destek harekâtlarında sağladığı yadsınamaz katkılar, bir taraftan bu araçları devletler için vazgeçilmez hale getirirken diğer taraftan kısıtlı çerçevede deniz ortamında kullanılagelen insansız araçların görev yelpazesinin genişlemesine ve derinleşmesine etki etmiştir. Ancak devletler açısından gün geçtikçe önem kazanarak kuvvet çarpanı olma yolunda ilerleyen İDA'ların kullanımı, bazı hukuki tartışmaları da beraberinde getirmiştir. Uluslararası deniz hukuk mevzuatında İDA'lara ilişkin doğrudan bir hüküm bulunmaması, bu araçların hukuki statülerine ilişkin gri alanlar oluşmasına sebep olmuştur. Boyut, tonaj ve otonomi seviyesi açılarından gitgide sofistike hale gelen İDA'lar geniş bir spektrumda çeşitlenmekte olduğundan, tüm İDA'lar aynı hukuki statüye tabi olmayacaktır. Diğer taraftan devletlerin kendi ulusal içtihatlarını oluşturma yolundaki adımları hukuki statü sorunsalı daha karmaşık hale gelmektedir. 1982 Birleşmiş Millet Deniz Hukuku Sözleşmesinin (BMDHS) hükümleri temelinde İDA'ların tartışılması, seyri-serbestisi, savaş hakları ve yargı bağımsızlığı gibi kritik konularla doğrudan ilişkili olan bu araçların hukuki statü potansiyelin anlaşılması noktasında önem arz etmektedir.

Anahtar Kelimeler: uluslararası hukuk, deniz hukuku, İDA, hukuki statü

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Introduction

The modern attempts to use unmanned vehicles for military purposes on the battlefield have been seen primarily in the maritime domain in the last phase of World War II (Savitz et al., 2013, p. 1). Although the United States had a predominant position in the advancement of these vehicles, which can be considered as the predecessors of today's UMVs (Unmanned Maritime Vehicles) during the Cold War, the areas in which they are used had remained limited within the framework of minesweeping operations and sample collection from contaminated environments with CBRN (Chemical Biological Radiological Nuclear) threats (Department of The Navy, 2007, pp. 1-2). On the other hand, post-Cold War advances in information technologies, remote command capability, global positioning system (GPS), material science and other fields have accelerated the development of unmanned vehicles (Savitz et al., 2013, p. 2). In this respect, UAVs (Unmanned Aerial Vehicles), which have experienced a rapid development process, have demonstrated how effective they are in this regard by performing successful operations in combat and combat support missions during military operations in Afghanistan and Iraq, and have started to encourage the Navies to use UMVs in naval operation regarding more comprehensive roles (National Research Council, 2005, pp. 2-3).

In the early 2000s, minimising the risk to personnel by using unmanned vehicles only in "dull, dangerous, or dirty" missions were seen as the main objective of the UMV development process (National Research Council, 2005, p. 14), in the following years, it was aimed to control more maritime domain more effectively by increasing the durability and reliability of these vehicles. In addition to minimising the operational risk that personnel will be exposed to in some difficult and dangerous missions, cost-effectiveness, adaptability to different environmental conditions, durability, capacity to expand the operational area and being expendable, when necessary, make unmanned vehicles an important force multiplier in the future naval battlefield and the use of UMVs for military purposes is increasing day by day (Chadwick, 2020, p. 132).

Naval warfare in the new millennium is anticipated to primarily operate near the shore, aiming to project power inland and offer defensive coverage for onshore forces. For this purpose, the mines, conventional submarines, small boat swarms and surface cruise missiles are anticipated to play a role on the battlefield (National Research Council, 2005, p. 20). The envisaged UMV mission sets outlined by Pedrozo are; coastal and harbour defence, mine countermeasures, intelligence, reconnaissance and surveillance in critical maritime areas, act of mining in the vicinity of ports and/or critical narrow waterways in hostile areas, anti-submarine warfare (ASW), anti-surface warfare (AsuW), anti-air warfare (AAW), mapping, Maritime SOF (Special Operation Forces) support, payload transport, communications/navigation network nodes (CN3), electronic warfare (EW), peacetime maritime surveillance operations, and wartime not only the right of visit and search, but also use of conventional weapons against high-value targets regarding precision strikes (Pedrozo, 2023a, p. 67). In addition, UMVs are expected to play critical roles in battlefield preparedness and battlefield awareness (National Research Council, 2005, p. 116) and in gathering oceanographic data essential for supplying environmental details that aid military systems, as well as identifying the existence of chemical and biological substances (National Research Council, 2005, p. 122).

Although the UMV missions regarding military purposes mentioned so far are doctrinally recognised, it has not yet been possible, at the time of writing this article, to test all these missions on the battlefield by real-life circumstances. However, the current situation in Ukraine has unlocked diverse possibilities for utilizing UMVs in such a manner. The use of armed UMVs with explosives by Ukraine in October 2022 for attacks on Russian warships

(Galdorisi, 2023) is not among the UMV missions initially envisaged in the doctrine. Despite the limited success of these attacks in the Ukrainian maritime battlefield, they have demonstrated the capability of UMVs to carry out successful missions against high-value targets of adversaries with great naval superiority at lower cost and personnel risk (Pedrozo, 2023b, pp. 48-49). In addition, it is also stated that a critical threshold may have been exceeded in 2022, after the use of UMVs on the battlefield under real-life conditions, in making new regulations regarding their legal status and role in armed conflict (Kurtarcan & Mumcu, 2022, pp. 1235-1236).

The use of UMVs by states, which are seen to have a wide spectrum of functionality in missions in the combat zone, naturally brings with it some controversies in terms of legal status regarding how to recognise them since they are unmanned. Based on the assumption that all official vessels and expendable weapons are included within the framework of the sovereign property of the operating state, it is considered that they will generally remain outside the jurisdiction of a third state. However, it is open to debate whether UMVs also fall within this scope. There is no consensus on the legal status of UMVs, which differ from expendable weapons such as mines and torpedoes (Kraska et al., 2023, p. 41). There is a synchronisation problem (Klein, 2019, pp. 247-248) between the slow-moving international maritime law and the technology advancing at a fast pace.

The Grey Areas Regarding Legal Status

There is no agreed definition of ship or vessel in international maritime law and both terms are used interchangeably without distinction in this body of law, including the 1982 UNCLOS (Schmitt & Goddard, 2016, pp. 575-576). Nevertheless, while continuous research aims to elucidate the legal and practical ramifications of UMV use and advancement, efforts focus on assessing their legal standing within the international maritime vessel framework. International agreements and local laws governing maritime operations usually hinge on traditional ships (McCarl, 2023, p. 481).

Although the 1982 UNCLOS was designed to address maritime law comprehensively, fostering mutual understanding and cooperation (Pereira, 2019, p. 39), it lacks direct provisions concerning UMVs. As these vehicles were not in existence in their current form during the UNCLOS negotiations, they likely weren't considered by the drafters. Consequently, it appears that the convention's intent didn't encompass the jurisdiction of UMVs within different maritime areas such as Territorial Waters, High Seas, and Economic Exclusive Zone (Veal et al., 2019, p. 27). The convention's finalization during the Cold War might also explain the absence of specific regulations concerning UMVs. There might have been a deliberate avoidance of future UMV-related regulations due to concerns about extending power conflicts between blocs into this domain.

While it is true that technological developments trigger some debates on existing legislation, the necessity to agree on the regulation before it enters into force leads to the result that each new technological advancement lacks regulation initially (Veal et al., 2019, p. 27). For example, the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs) characterises the oil platforms it refers to as fixed. However, today, in parallel with the developments in marine exploration and research technology, oil platforms are not just static structures as before (Chadwick, 2020, p. 140).

Although no systematic effort has been made to create a new customary law rule extended by including UMVs in navigational rights, it would not be surprising to initiate the necessary treaty amendment processes on the basis that the existing international legislation,

led by the 1982 UNCLOS, is too slow or unwieldy to cope with rapidly evolving technologies (Allen, 2018, pp. 512-518). According to McCarl's point of view, the international community requires a fresh framework tailored to UUVs rather than attempting to force them into an ill-suited definition. Ceasing to categorize UUVs strictly as ships or maritime vessels is crucial, emphasizing the necessity for a comprehensive study that precisely assesses their legal and environmental effects (McCarl, 2023, pp. 485-486).

On the other hand, Kraska argues that established international law frameworks offer a foundational structure for employing UUVs in both wartime and peacetime, rendering the creation of new legal frameworks for UUVs unnecessary. This perspective prioritizes preventing legal chaos and leans towards utilizing existing international regimes for emerging UUVs. Each legal institution—the law of the sea, armed conflict, aviation, and naval warfare—provides substantial theoretical depth, operational feasibility, and widespread legitimacy that support their application. Utilizing these existing regimes bolsters the rule of law, enhances adherence to international norms, and fosters stable expectations. In this context, it has been argued that applying *mutatis mutandis* to UUVs would be the most realistic approach (Kraska, 2010, p. 64).

Moreover, the widespread acceptance by states of the view that many provisions of the 1982 UNCLOS reflect customary international law further complicates the issue. Customary law's substance and interpretation undergo changes and advancements through state practice and *opinio juris*. Consequently, despite the accurate interpretation of a specific convention, there's a persuasive argument suggesting that UUVs fall within the classification of ships under customary international law. Therefore, UUVs can both benefit from and be subject to the navigational rights and other obligations outlined in customary law, which largely align with the convention's provisions. This argument asserts that even if a state-owned UUV lacks the right of innocent passage through territorial waters as per the convention, it could claim this right under customary international law. Although the lack of state practice and legal precedents weakens such a claim, the influence of states asserting rights and obligations that previously didn't exist shouldn't be disregarded in shaping customary international law (Schmitt & Goddard, 2016, pp. 577-579).

Since the size of UUVs varies from 1 metre to over 50 metres (Small, 2019, pp. 2-3), there are also ambiguities as to which one should be treated in terms of the law. McCarl finds it challenging to fit them all under the same legal status given the diversity of UUVs and recommends a detailed case analysis for each of them (McCarl, 2023, p. 481). Accordingly, Veal et al. (Veal et al., 2019, p. 35) and Arslan (Arslan, 2018, p. 5) also draw attention to the size and tonnage criteria and put forward a parallel view to McCarl. The legal debates that have already arisen due to the unmanned nature of these vehicles become more complex with dimensional variability. In this respect, the approach in the context of the "Bowditch" incident between the US and China towards the end of 2016 is noteworthy. In the statement made by the US authorities regarding the incident, the underwater glider in issue, which is approximately 2 metres in length, was described as a UUV belonging to the US government (U.S. Department of Defense, 2016). The legal status of UUVs is not only important in terms of the exercise of certain navigation rights, immunity from jurisdiction, the fulfilment of certain important maritime functions and the possession of war rights (Norris, 2013, p. 30), but also decisive in terms of confiscation by other states (Johansson, 2018, p. 144).

An Assessment on the Potential Status of U MVs

When a problem emerges regarding the legality of U MVs within the scope of the international maritime law, the questions of what happened and where the action took place will be raised first, but ultimately the status of the U MV will be questioned (Klein, 2019, p. 251). Of the four ship categories defined in the 1982 UNCLOS, warships and government-operated ships for non-commercial purposes enjoy legal immunities, unlike government-operated ships for commercial purposes and private vessels (Norris, 2013, p. 41). This becomes crucial when considering U MVs fulfilling public roles that might potentially fall under the purview of Articles 32, 58, 95, and 96 of the convention, thus possibly benefiting from immunity (Pereira, 2019, p. 47). This immunity, as outlined in these articles, encompasses protection from execution, arrest, or seizure within the territorial waters of any foreign state (Norris, 2013, p. 42). The discussion regarding which of the categories specified in the 1982 UNCLOS the U MVs fall under gains importance at the point of defining their legal status.

As A Ship

The determination of whether U MVs should be classified as ships hinges on the definition set forth by the flag state within its domestic laws, an interpretation that carries binding implications for other states. As the 1982 UNCLOS doesn't expressly address the definition of a ship but regulates states' ship usage, it's inferred that resolving this matter is left to regulations determined by individual national laws (Chang et al., 2020, pp. 2-3). Article 91 of the 1982 UNCLOS, forming the legal foundation of this argument, explicitly outlines specific legal attributes of a ship and emphasizes the genuine connection required between the state and the vessel (United Nations, 1982, Art. 91). This connection is notably demonstrated through the ship's nationality grant, its registration in the state's records, and its navigation rights. If the concept of the ship is defined based on these characteristics, it seems quite possible that the U MV can be characterised as a ship (Caligiuri, 2020, p. 102).

When exploring other maritime conventions released by the IMO, a comprehensive definition is presented, emphasizing a ship's use as a mode of waterborne transport. The assertion that this expansive framework allows any navigable structure to be classified as a ship (Chadwick, 2020, p. 139) aligns with the absence of a requirement for onboard crew, prioritizing functionality (Caligiuri, 2020, p. 103). However, interpreting the contexts used in the 1982 UNCLOS concerning ships requires a sincere approach, involving a careful examination of the treaty's text, intent, and objectives. Navigational rights should be re-evaluated to suit contemporary needs, acknowledging that the meanings of terms can evolve over time (McKenzie, 2020, pp. 13-14). Just as the interpretation of "commerce" evolved in a 19th-century treaty to encompass tourism, a similar evolutionary interpretation might broaden the scope of the term "ship" in the 1982 UNCLOS to encompass new ship types in the future, including U MVs (Caligiuri, 2020, p. 103).

Undoubtedly, Article 94 of the 1982 UNCLOS was crafted envisioning conventional ships managed by a master, officers, and crew. Nevertheless, that approach doesn't specifically describe what falls under the convention's scope as a "ship"; instead, it mandates States Parties to register only those vessels meeting particular safety standards (United Nations, 1982, Art. 94). The debate over whether U MVs can access the rights of ships under the Convention differs from the question of whether a specific vehicle can adhere to safety requisites outlined in provisions like Article 94. The responsibility falls on the flag state to ensure that a U MV registered as a ship complies with safety, collision avoidance, and environmental protection

obligations. Failure in this regard would constitute a breach by the flag state, yet it doesn't alter the UMV's status as a ship (McKenzie, 2020, p. 18).

Recognizing UMGs as ships within the framework of the 1982 UNCLOS appears to offer a pragmatic solution, integrating new technology into the existing maritime regulatory structure. Embracing an evolving interpretation of the ship concept in the Convention aligns with its purpose and goals. The absence of an onboard crew doesn't fundamentally alter the nature of the vessel. It seems reasonable to apply similar fundamental requirements for UMG operation as those for other sea-faring ships (McKenzie, 2020, p. 34). The critical question lies in determining whether all UMGs, given their considerable diversity in size and tonnage, should be granted ship status.

As A Warship

If it is assumed that some UMGs may be ships, taking into account size and tonnage considerations, the next question is whether they may have the status of warships. In the law of maritime warfare, the status of warships has major importance since only they are fully entitled to the rights of belligerents at sea (Klein et al., 2020, p. 723); other categories of ships have no or limited rights in this regard. On the other hand, although the general international understanding is that only warships can exercise their rights of war, this principle is not universally accepted. Indeed, it is unclear whether the practice of states not exercising combat rights about other categories of ships is a reflection of the acceptance of this principle or merely a practical consequence of the nature of the platform, the civilian crew and the lack of offensive weapons (Norris, 2013, p. 57). Meanwhile, the importance of warship status is not limited to the rights of belligerents but is also related to immunity from jurisdiction (Chadwick, 2020, p. 143).

The requisites for warship status encompass specific criteria such as being under the command of an officer and managing a military disciplined crew (United Nations, 1982, Art. 29). Initially delineated in the 1907 Hague Convention VII, these principles were echoed in Article 29 of the 1982 UNCLOS (Schmitt & Goddard, 2016, p. 579). However, while the 1907 Hague Convention VII restricted warship status to naval forces, excluding ships from the broader armed forces of a state, the 1982 UNCLOS amendment broadened this definition. It acknowledged that military vessels aren't exclusively operated by navies, encompassing services like coast guards and border police (McKenzie, 2020, p. 30).

It is understood that the process behind the definition of warship dates back to the Treaty of Paris signed in 1856 culminating in the practice of privatisation of warfare with the prohibition of privateering. The stress on warship command by officially registered military personnel and crew disciplined under military guidance aims to prevent merchant ships, along with their authorized crews, from assuming the status of vessels and personnel endowed with complete belligerent rights (Klein et al., 2020, pp. 723-724). The historical evolution of the warship definition underscores the provision's intent to resolve regulatory challenges, signalling the necessity for a more adaptable interpretation. These challenges exemplify a scenario favouring an evolving interpretation of international treaty law. While encompassing UMGs within the ship concept in the 1982 UNCLOS aligns with treaty interpretation principles and maritime law principles, there remains no consensus regarding their classification as warships (McKenzie, 2020, p. 4).

The pivotal distinction between UMGs employed for military ends and warships lies in their inability to fulfil the criteria outlined in Article 29 of the 1982 UNCLOS, particularly regarding command by a duly appointed officer of the State. Expanding the notion of officer

command to encompass remote control of UMV activities becomes imperative. Furthermore, given UUVs' unmanned nature, they fail to align with the explicit requirement for crew command under military discipline within the same article (United Nations, 1982, Art. 29). However, these criteria might evolve or become more flexible with time. Presently, as per this article's current form, even if UUVs meet tonnage and size prerequisites as ships, they cannot attain the status of warships (Schmitt & Goddard, 2016, p. 579).

Conversely, if UUVs aren't classified as warships, the contrasting legal status between a manned and an unmanned vessel performing identical tasks will lead to inconsistency and ambiguity. In such a scenario, a rigidly descriptive interpretation of the term "warship," disregarding functionality, would indeed appear futile (Chadwick, 2020, pp. 143-144). Considering modern technologies, it wouldn't be surprising to witness an evolution of this definition to encompass UUVs in the foreseeable future. Similar to traditional warships, UUVs could also operate under officer command, and military personnel control, and display nationality indications (Klein et al., 2020, p. 44).

Considering the constraints outlined by the 1982 UNCLOS in defining a warship, there's an argument to explore the interpretation of warship within customary international law. Specifically, examining a broad concept of warship akin to the treatment of military aircraft is proposed (Caligiuri, 2020, p. 107). The case of granting UAVs the status of military aircraft due to their considerable advantages and the subsequent conferral of belligerent rights serves as an illustration (McKenzie, 2020, p. 34). In instances where UUVs aren't entirely autonomous and are remotely controlled, re-evaluating the concept of a warship within the referenced article becomes pertinent. Disregarding physical presence, a UUV could be under officer command and managed by crews observing military discipline. Moreover, a UUV launched from a warship might be perceived as an extension of that ship's system rather than possessing independent status. Even amid disagreements on these aspects, state-owned UUVs used for non-commercial purposes might enjoy analogous rights to manned warships concerning sovereign immunity (Klein, 2019, p. 252).

The Commander's Manual on the Law of Maritime Operations, published in 2017 by the United States, which is the main actor in the UUV issue, emphasises that manned and unmanned ships and aircraft in the service of the state are entitled to sovereign immunity (Department Of The Navy & Department Of Homeland Security, 2017, pp. 2-1), and even though it does not directly state that UUVs are considered as warships, it puts them in the same status as UAVs. The updated version of this document, which was updated in 2022, maintains the aforementioned approach but considers UUVs as unmanned warships and includes details on their use within the scope of maritime belligerent rights (Department of The Navy & Department of Homeland Security, 2022, pp. 2-2). It is clearly stated that UUVs can be defined as USSs if they are under the command of an officer and managed remotely or by other means by a crew under the discipline of regular armed forces (Department of The Navy & Department of Homeland Security, 2022, pp. 2-5).

As An Auxiliary Ship

Considering that the UUV is assumed to be a ship, it is also possible that it is an auxiliary vessel. The San Remo Manual delineates an auxiliary ship as a vessel, distinct from a warship, exclusively controlled by a state's armed forces for non-commercial operations (International Institute of Humanitarian Law, 1995, p. 9). Unlike warships, auxiliary ships don't face the command or crew challenges. The primary criterion is the vessel's exclusive control by the navy for non-commercial usage. Consequently, UUVs encounter fewer hurdles in meeting these

requirements compared to warships. However, the complication with auxiliary ships lies in their inherently military purpose, which renders them susceptible to attack akin to warships but without the belligerent rights enjoyed by warships (Klein et al., 2020, pp. 724-725).

While the 1982 UNCLOS acknowledges the warships' sovereign immunity, it extends similar privileges to other non-commercial state vessels. Both categories enjoy protection from the jurisdiction of foreign states and are immune from actions such as boarding, seizure, or external interference (Schmitt & Goddard, 2016, pp. 579-580). Although auxiliary ships lack a specific definition within the UNCLOS, they fall under the umbrella of state vessels operated for non-commercial purposes. These state-operated non-commercial vessels are entitled to the same immunity as warships, including rights like hot pursuit and visitation granted to warships under Article 110 of the Convention (United Nations, 1982, Art. 110).

While this classification might suffice for certain UUVs, it might prove insufficient for others. The constraint that state-operated non-commercial vessels typically employ force solely in self-defence would notably restrict their effectiveness in naval warfare (Chadwick, 2020, p. 145). UUVs designed for offensive capabilities should be categorized as warships. Otherwise, the distinction between auxiliary ships and warships becomes inconsequential. Treating UUVs as auxiliary ships rather than warships would significantly curtail their strategic and tactical potential (McKenzie, 2020, p. 29).

Other Conditions

If UUVs don't fit within the classification of vessels, the query emerges regarding their suitable categorization. Chadwick presents two distinct approaches: either placing UUVs within existing groups specified in the COLREGs or establishing a new category for them. Another proposal entails defining them as military devices, thereby exempting them from adhering to the COLREGs (Chadwick, 2020, p. 141).

Caligiuri, in contrast, argues that if the UUV does not have the status of a ship, it can be considered as something else such as a device or equipment. This is because 1982 UNCLOS section 12 defines device and section 13 defines equipment. However, their utilization faces specific limitations, including the obligation, as outlined in Article 248, to furnish information to the coastal State when operating within the EEZ or on the continental shelf. Certain treaty provisions distinctly outline the legal framework governing devices and equipment concerning navigation rights, leaving little room for ambiguity. Consequently, these rights are circumscribed by significant constraints (Caligiuri, 2020, pp. 105-106). The navigation rights detailed in Article 90 of the 1982 UNCLOS (United Nations, 1982, Art. 90) and the general principle of innocent passage outlined in Article 17 (United Nations, 1982, Art. 17) specifically pertaining to ships. While it can't be asserted that these articles automatically encompass devices and equipment, it doesn't preclude the authorization of UUVs holding such status. The recognition of exclusive rights granted to the flag State over ships remains unclear concerning UUVs with this classification. Without acknowledgement of this exclusive jurisdiction, it's inferred that warships from all states might intervene with these UUVs (Veal et al., 2019, pp. 31-32).

Labelling UUVs as "craft" seems intentional, aiming to evade a more definitive status assignment for these vehicles. Yet, this effort to sidestep legal clarity leaves numerous critical questions unanswered. Issues like the right of navigation, legal immunity, and the exercise of belligerent rights hinge upon resolving the fundamental question of their status (Norris, 2013, pp. 22-26).

It is foreseen that this category, which has a very disadvantageous position in terms of both immunity and belligerent rights compared to other categories, will not be preferred by states. This is because it would not be a realistic approach to categorise increasingly sophisticated UUVs, which have grown in size and tonnage, under those statuses.

Comparison of UAV and UUV in Terms of Legal Status

One side of the discussions on the recognition of the warship status of UUVs also leads to UAVs. Although the dynamics of air and maritime domains are different from each other, it will be important to analyse the activities of unmanned vehicles in these domains. UAVs, which have proven themselves in conflict zones, are among the indispensable instruments for states as of the point they have reached after the advantages they provide. In addition to the critical roles played by UAVs in military operations in Afghanistan and Iraq, their legal status has also been debated. However, as Norris points out, as of 2007, the US Department of Defence's acceptance of all aircraft used for military purposes as military aircraft, without making any distinction between manned and unmanned, was a significant landmark in the doctrine, and subsequently the United Kingdom followed the same path (Norris, 2013, p. 21).

These evaluations stem from their operation by the state for non-commercial objectives, the presence of military insignia, and their command and control by military personnel (Norris, 2013, p. 28). When the components of the definition of a military aircraft are analysed, a contemporary example of how the term warship can be interpreted for UUVs emerges. The Commander's Manual on the Law of Naval Operations, one of the most important documents of the US doctrine, states that UAVs are military aircraft and underlines that they share the same status and rights as manned aircraft (Department Of The Navy & Department Of Homeland Security, 2022, pp. 2-6).

Chadwick emphasises the difference between UAVs and UUVs in terms of the missions carried out, noting that UUVs lag behind UAVs in terms of their development, deployment and use, and claims that the legal challenges that arise also differ. Certainly, there exists typically less interaction and a greater physical distance between aircraft compared to ships. UAVs are designed to perform a specific mission before returning to base, yet this operational pattern won't mirror that of UUVs. These vessels are anticipated to deploy, engage with various stakeholders in the maritime domain, execute assigned tasks, including operational activities, and possibly operate without returning to their initial base (Chadwick, 2020, pp. 154-155).

However, since UAVs with military markings operate under the command and control of military personnel, the similarity here would be that UUVs under the same conditions would also be accepted as warships. Just as there is an almost universal consensus on the acceptance of UAVs as military aircraft after the advantages they provide, which have become indispensable, it seems realistic and consistent that some, although not all, UUVs may have the status of warships after the critical roles they will play successfully in the future.

Conclusion

The most controversial issue in the doctrine is the question of the legal status shaped by the exercise of navigation rights, immunity from jurisdiction and belligerent rights. Firstly, the lack of a crew makes the status of UUVs ambiguous under the law of the sea. There's a lack of consensus regarding the proper legal classification for these unmanned vehicles. Therefore, one of the most critical issues remains unanswered: whether the rights and immunities granted to warships will also be used by UUVs. The different ideas on how to fill the gap in this context make it impossible to achieve doctrinal unity on the legal status of the UUV. It is considered

that the precedents that will be formed over the years through current publicly available state practices will find a place for themselves with the amendments and updates to be made in the relevant international legislation.

On the other hand, although the UUVs ranging from 1-2 metres to over 50 metres offer a wide range of options in terms of size, it is unclear which of them will be granted legal status and how. It is assessed that the most reasonable option would be to subject the UUVs, which are/can be the equivalents of manned platforms in terms of size, tonnage and functionality, to a legal status assessment, and to hoist the flag of the state to which they belong and to carry appropriate visible markings, as in the case of manned platforms. In this context, it is important that the human factor remains in the constant cycle of remote command and that UUVs do not have full autonomy. Drawing inferences from the processes that UAVs have undergone, it is expected that in the foreseeable future, UUVs that meet the qualifications in terms of size, tonnage, remote command and functionality will be considered as warships, while those that are not included in this scope will be considered as an organic extension of the manned warship.

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