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EVOLVING LEGALITIES OF POST-CONFLICT MINE CLEARANCE

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Abstract

The renewed threat of naval mines in strategically significant chokepoints such as the Strait of Hormuz, and the persistence of threats from naval mines in regions such as the Black Sea have revived attention to the challenges of post-conflict mine-clearance. Traditionally, international law has treated mine clearance as a responsibility of belligerents, but contemporary maritime security environments increasingly challenge this framework. Mines can be a threat to international shipping, security of energy, and maritime commerce, and can have implications for stakeholders not involved in the actual conflict. Therefore, multinational mine-countermeasure operations have become an increasingly prominent feature of maritime security practice.

This article examines the legal framework governing post-conflict mine clearance, the respective roles of belligerents and neutral states, and the growing prevalence of multinational mine-countermeasure initiatives. It argues that although the primary legal responsibility for mine clearance remains vested in belligerents, contemporary state practice increasingly reflects a broader understanding of mine clearance as a collective undertaking aimed at restoring navigational safety and protecting the maritime commons. Consequently, post-conflict mine clearance is gradually acquiring characteristics of a wider maritime-security and governance function.

Keywords: *Naval mine; Mine Clearance; Post-Conflict Mine Clearance; Laws of Naval Warfare; Laws of Mine Warfare; International Humanitarian Law (IHL); Choke Points; Mine Countermeasures (MCM); Strait of Hormuz; Hague Convention VIII; San Remo Manual; Newport Manual; Corfu Channel Case*

As the conflict between Iran and the United States continues to roil the Strait of Hormuz, the deployment of naval mines in the Strait has generated renewed attention to one of the oldest yet most enduring methods of naval warfare.[1] Some reports suggest that Iranian forces have laid mines in the Strait, while others concerningly add that some of these mines can no longer be accurately located. Such inputs have exacerbated extant concerns regarding the safety of international shipping and the restoration of navigational security in one of the world's most critical maritime chokepoints. Unlike many other means of naval warfare, mines continue to pose a significant danger long after active hostilities have ceased. Even when deployed lawfully, they may remain a threat to commercial shipping, fishing vessels, offshore infrastructure, and naval forces tasked with restoring freedom of navigation.

[1] Peter Beaumont, "What Mines Has Iran Laid in the Strait of Hormuz and How Can the US Remove Them?", *The Guardian*, 16 April 2026. https://www.theguardian.com/world/2026/apr/16/strait-of-hormuz-mines-iran-us

The challenge herein is neither novel nor confined to the Persian Gulf. From the Russo-Japanese War[2] and the North Sea Barrage[3] of the First World War to the mining of Nicaraguan ports[4], the Tanker War[5], and more recent concerns arising from the conflict in the Black Sea[6], naval mines have repeatedly demonstrated an ability to outlast the conflicts wherein they were laid. The consequences of mine warfare are often borne not only by belligerents but also by neutral States whose economic and strategic interests depend upon secure international shipping lanes. The reopening of sea lanes following a conflict, therefore, requires more than the cessation of hostilities; it requires the identification, neutralisation, and removal of mines.

The legal architecture governing post-conflict mine clearance is principally derived from the "Hague Convention VIII Relative to the Laying of Automatic Submarine Contact Mines (1907)",[7] supplemented by customary international law, judicial decisions, and military manuals such as the San Remo Manual[8] and the Newport Manual.[9] Taken in aggregate, these instruments place the responsibility for mine clearance primarily upon the belligerents that laid those mines. However, the features of contemporary mine warfare are not restricted solely to the technological level represented by increasingly sophisticated influence mines, and autonomous mine-countermeasure systems. They also witness multinational naval operations as well as maritime zones whose legal complexity was quite unknown to the drafters of Hague VIII (the only binding legal framework in this regard).

Against this backdrop, an important question emerges: is post-conflict mine clearance still best understood as a residual obligation of belligerents, or is it increasingly evolving into a collective function of maritime governance? This article examines the existing legal regime governing post-conflict mine clearance, the respective rights and obligations of belligerents and neutral States, and the growing role of multinational mine-countermeasure operations. It argues that while mine clearance remains primarily the legal responsibility of the belligerents, contemporary State practice increasingly reflects a broader conception of mine clearance as a collective undertaking aimed at safeguarding navigation, maritime commerce, and the wider maritime common.

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[2] Yoji Koda, "The Russo–Japanese War—Primary Causes of Japanese Success." *Naval War College,* Review 58, no. 2, 11–43, Spring 2005. https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?params=/context/nwc-review/article/2203/&path_info=The_Russo_Japanese_War__Primary_Causes_of_Japanese_Success.pdf

[3] U.S. Navy, "The North Sea Mine Barrage", *Naval History and Heritage Command.* https://www.history.navy.mil/content/history/nhhc/browse-by-topic/wars-conflicts-and-operations/world-war-i/tech/north-sea-barrage.html

[4] International Court of Justice (ICJ), *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America),* 1986. https://www.icj-cij.org/case/70

[5] Brad Lendon, "The Tanker War: How History Is Repeating Itself on the Strait of Hormuz," *CNN World*, 22 March 2026. https://edition.cnn.com/2026/03/22/middleeast/iran-war-history-tanker-wars-intl-hnk-ml

[6] Gregory P Noone, et.al "The Legality of Russia's Use of Naval Mines in the Black Sea", *Public International Law & Policy Group (PILPG)*, 04 December 2024. https://www.publicinternationallawandpolicygroup.org/lawyering-justice-blog/2024/12/4/the-legality-of-russias-use-of-naval-mines-in-the-black-sea

[7] International Committee of the Red Cross (ICRC), *Convention (VIII) Relative to the Laying of Automatic Submarine Contact Mines, 1907.* https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-viii-1907/article-5?activeTab=

[8] International Institute of Humanitarian Law (IIHL), *San Remo Manual on International Law Applicable to Armed Conflicts at Sea (SRM), 1994.* https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994/article-78-92?activeTab=

[9] James Kraska, et.al "Newport Manual on the Law of Naval Warfare", *Stockton Centre for International Law*, US Naval War College, Vol 101,118, 2019. https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=3047&context=ils

Post-Conflict Mine Clearance: The Existing Legal Architecture

The contemporary legal architecture governing post-conflict mine clearance is not to be found within a single comprehensive instrument. Rather, it must be derived from a variety of sources including treaty law, customary international law, judicial decisions, and non-binding military manuals. These sources, taken in aggregate, establish a framework governing the deployment, regulation, and removal of naval mines. However, they were developed gradually in response to evolving operational challenges, and hence, remain fragmented in both scope and application.

As has already been mentioned, the principal binding treaty governing naval mines is the "Hague Convention VIII Relative to the Laying of Automatic Submarine Contact Mines (1907)". Adopted in the aftermath of the Russo-Japanese War, this Convention sought to mitigate the dangers posed by unattended and drifting mines while preserving the military utility of mine warfare. It prohibits the use of certain categories of unanchored and uncontrolled mines, and imposes obligations concerning notification, removal, and neutralisation. Article 5 specifically requires belligerents, at the close of the war, to remove mines laid by them, notify other States of minefields that may affect navigation, and render harmless mines that cannot be removed.[10] Although the Convention was drafted with contact mines in mind, its enduring relevance lies in the principle it establishes: the responsibility for mitigating the dangers created by naval mines rests primarily with the State that employed them. Post-conflict mine clearance is therefore conceived, in the first instance, as a belligerent obligation rather than a collective international undertaking.

Subsequent developments in the law of naval warfare have supplemented, and not supplanted, the Hague framework. The San Remo Manual, for instance, restates and develops existing rules relating to mine warfare and post-conflict mine-clearance. Of particular relevance here is paragraph 91, which provides that parties to a conflict should endeavour to cooperate with one another and, where appropriate, with other States and international organisations in facilitating the provision of information, technical assistance, and joint operations necessary for mine-clearance.[11] Similarly, the Newport Manual on the Law of Naval Warfare reflects contemporary operational practice regarding mine countermeasures and the legal status of vessels engaged in such activities.[12] Together, these instruments recognise that effective mine clearance may require cooperation extending beyond the original belligerents.

Judicial decisions have further shaped the legal framework. In the Corfu Channel case, while on one hand the International Court of Justice (ICJ) recognised the obligation of States not to knowingly permit hazards to navigation within waters under their control, on the other, it affirmed the continuing relevance of sovereignty in the conduct of mine-clearing operations.[13] Likewise, even though the US refused to recognise the competence of the ICJ and walked out of the court, the Nicaragua case nevertheless reinforced the principle that unlawful mining of maritime areas may well impose international responsibility for removal of the mines.[14] Beyond the law of armed conflict, UNCLOS, too, contributes an important contextual framework

[10] ICRC, *Hague Convention VIII*, Article 5.
[11] IIHL, *San Remo Manual*, Para 91.
[12] James Kraska, et.al "Newport Manual on the Law of Naval Warfare", 188-119.
[13] International Court of Justice (ICJ), *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania),* 1949. https://www.icj-cij.org/case/1
[14] ICJ, *Nicaragua v. United States of America,* 1986.

through its provisions regarding the protection of navigational freedoms, transit passage, and maritime safety — all of which may be adversely affected by residual mine hazards.

The contemporary legal regime governing post-conflict mine clearance may, therefore, be seen to be neither absent nor wholly inadequate. Rather, it establishes a *system* in which primary responsibility remains vested in belligerents, while broader principles of navigational safety and international cooperation provide supplementary support. Whether this allocation of responsibility remains sufficient in light of contemporary mine warfare and the increasing involvement of non-belligerent actors remains an open question.

Belligerent Obligations and the Limits of Existing Law

The contemporary legal framework governing post-conflict mine clearance places primary responsibility upon belligerents. Hague Convention VIII requires States that have laid mines to remove them at the close of the war,[15] and notify affected States of minefields that may pose dangers to navigation.[16] Subsequent restatements of the law, including the San Remo Manual and the Newport Manual, preserve this basic allocation of responsibility, while adding the obligation to render harmless such mines as cannot be removed.[17] At a conceptual level, the legal position appears straightforward: the State that creates the hazard bears responsibility for mitigating its consequences.

In practice, however, the content and implementation of these obligations remain far less certain. The Convention employs several standards whose precise meaning is unclear. Article 5 requires belligerents, "*at the close of the war*," to undertake "*utmost*" efforts to remove mines and to do so with the "*least possible delay*." These formulations were, perhaps, appropriate in an era when wars generally concluded through formal peace-settlements, and minefields were comparatively limited in scale and complexity. Contemporary conflicts, however, often lack clearly identifiable endpoints. Hostilities may be suspended through ceasefires, armistices, or *de facto* arrangements without a formal termination of the state of war (assuming "war" was declared in the first instance). In such circumstances, determining when post-conflict mine clearance obligations become operative is not always straightforward.

Similarly, the obligation to undertake one's "*utmost*" efforts provides considerable flexibility but little guidance. The standard does not specify the level of resources, technological capability, or operational effort required to satisfy the obligation. Nor does international law provide a clear benchmark for determining whether a State has acted with the "*least possible delay*." As a result, the legal framework establishes responsibility in principle while leaving significant uncertainty regarding its practical discharge.

Technological developments have further complicated the effectiveness of the traditional framework. Hague Convention VIII was drafted with automatic contact mines in mind.[18] Modern mine warfare, on the other hand, increasingly relies on sophisticated influence mines capable of detecting acoustic, magnetic, pressure, or other signatures associated with particular

[15] ICRC, *Hague Convention VIII*, Article 5.
[16] ICRC, *Hague Convention VIII*, Article 5.
[17] IIHL, *San Remo Manual*, Para 90.
[18] ICRC, *Hague Convention VIII*, Article 1.

classes of vessels[19] and sometimes specific ships as well. Some systems may remain dormant for extended periods, discriminate between targets, or operate as part of wider sensor networks. Concomitantly, mine-countermeasure capabilities have undergone a transformation through the adoption of autonomous underwater vehicles, uncrewed surface vessels, advanced sonar systems, and artificial intelligence-enabled detection technologies.[20] While these developments enhance the effectiveness of mine warfare and mine clearance alike, they also raise questions as to whether or not legal rules developed for an earlier technological era adequately capture contemporary operational realities.

A further challenge concerns attribution and continuing responsibility. The legal framework implicitly assumes that the State laying the mines remains capable of identifying, locating, and ultimately removing them.[21] In practice, mines are quite likely to become detached from moorings and drift from their intended locations, or remain unaccounted-for following the cessation of hostilities. The recent concerns surrounding alleged mine deployment in the Strait of Hormuz illustrate the practical consequences of this problem. If a belligerent loses effective knowledge of the location of mines it has deployed, the legal responsibility to clear them remains unchanged, but its ability to discharge that responsibility may be significantly diminished.

The cumulative effect of these uncertainties is that the restoration of navigational safety cannot always be achieved solely through the actions of belligerents. Where residual mine hazards continue to threaten international shipping, the economic and strategic interests of States that were not party to the conflict may nevertheless be affected. This raises important questions regarding the role of neutral States in post-conflict mine clearance and whether the traditional model of exclusive belligerent responsibility remains sufficient in contemporary maritime security environments.

Neutral States and the Protection of Navigation

While the legal framework governing post-conflict mine clearance places primary responsibility upon belligerents, the persistence of residual mine hazards frequently affects States that were not party to the underlying conflict. This raises important questions regarding the rights and obligations of neutral States in mine clearance operations and the extent to which they may lawfully participate in efforts to restore navigational safety.

Under the traditional law of neutrality, neutral States are expected to remain outside the conflict and refrain from actions that could compromise their impartial status. Hague Convention VIII and the San Remo Manual preserve this principle by treating mine clearance primarily as a belligerent responsibility. The role of neutral States is generally limited and does not extend to assuming obligations that properly belong to the parties that laid the mines. Nevertheless, the San Remo Manual acknowledges circumstances in which neutral States may become involved,

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[19] Government of India, Ministry of Defence, "DRDO & Indian Navy Conduct Combat Firing (with Reduced Explosive) of Indigenous Multi-Influence Ground Mine", *Press Information Bureau,* 05 May 2025. https://www.pib.gov.in/PressReleasePage.aspx?PRID=2127155&reg=3&lang=2

[20] UK Ministry of Defence, "Autonomous Mine Hunting Systems", *Defence Equipment & Support (DE&S),* https://des.mod.uk/what-we-do/navy-procurement-support/autonomous-mine-hunting-systems/

Also See: Thales Group, "Thales launches Expeditionary Pathmaster proven sea system boosted by AI", 26 March 2026. https://www.thalesgroup.com/en/news-centre/press-releases/thales-launches-expeditionary-pathmaster-proven-sea-system-boosted-ai

[21] ICRC, *Hague Convention VIII*, Article 5.

particularly where mines have been laid unlawfully or where broader cooperation is undertaken with the consent of the parties concerned.[22] While these provisions recognise a limited role for non-belligerent actors, they provide little guidance regarding the scope or legal basis of such involvement.

The limitations of the traditional framework become apparent when viewed against contemporary patterns of maritime commerce. Naval mines rarely affect only the parties to a conflict. Minefields laid in strategically significant waterways can disrupt global shipping networks, increase insurance costs, threaten the security of energy, and endanger vessels belonging to States with no connection to the underlying hostilities. The Strait of Hormuz once again illustrates this dilemma. Any disruption to navigation in the Strait would directly affect major energy-importing States such as India, Japan, and South Korea, despite their neutral status in the conflict. Similarly, concerns regarding drifting mines in the Black Sea have had implications for commercial shipping far beyond the immediate theatre of operations. In such circumstances, the distinction between belligerent and neutral interests becomes increasingly blurred.

A further difficulty concerns the legal basis for neutral involvement in mine-clearance. The San Remo Manual suggests that neutral States may participate where mines have been laid unlawfully.[23] However, the determination of unlawfulness is not always straightforward. International law provides no clear mechanism for determining when a neutral State may independently conclude that mining operations were unlawful and undertake mine clearance activities on that basis. Questions therefore arise regarding who is entitled to make such determinations and whether unilateral action by a neutral State risk being perceived as intervention in the conflict. The absence of clear guidance creates legal uncertainty precisely where navigational safety may demand timely action.

The issue is further complicated by the later developments in the law of the sea. Hague VIII was drafted before the emergence of contemporary maritime zones and the codification of navigational rights reflected in UNCLOS.[24] Today, naval mines may affect not only territorial seas but also exclusive economic zones, international straits, and archipelagic sea lanes through which global commerce routinely passes. The interests protected by modern maritime law—including freedom of navigation, transit passage, and the security of maritime trade—extend beyond the immediate interests of belligerents. Consequently, States that remain neutral in a conflict may nevertheless retain substantial economic and strategic interests in the rapid removal of naval mines.

The growing divergence between formal neutrality and practical dependence on secure international shipping lanes raises important questions regarding the adequacy of the traditional legal framework. While the law on neutrality continues to allocate primary responsibility to belligerents, contemporary maritime realities increasingly create incentives for non-belligerent States to participate in restoring navigational safety. This trend is reflected in the growing prevalence of multinational mine-countermeasure initiatives and cooperative clearance operations, suggesting that post-conflict mine clearance may be evolving beyond a purely

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[22] IIHL, *San Remo Manual*, Para 91.
[23] IIHL, *San Remo Manual*, Para 91.
[24] United Nations, *United Nations Convention on the Law of the Sea (UNCLOS), 1982*. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

belligerent obligation toward a broader collective function aimed at safeguarding the maritime commons.

Multinational Mine Clearance and the Emergence of a Collective Function

Although, as has been repeatedly pointed out in this article, international law continues to place primary responsibility for post-conflict mine clearance upon belligerents, contemporary State practice increasingly reflects a broader pattern of multinational cooperation in restoring navigational safety. This trend does not supplant the traditional legal framework established by Hague Convention VIII. Rather, it suggests that mine clearance is progressively being undertaken as a collective maritime-security function whose objectives extend beyond the immediate interests of the parties to a conflict.

The roots of cooperative mine clearance are not entirely new. Following both World Wars, large-scale multinational efforts were required to remove extensive minefields and reopen critical sea lanes. One such example was the German Minesweeping Administration (GMSA) formulated in the aftermath of World War II.[25] These precedents demonstrate that the practical challenges of mine clearance have long exceeded the capabilities or interests of individual belligerents acting alone.

Contemporary practice, however, reflects a more institutionalised form of cooperation. NATO's Standing Mine Countermeasures Groups (SNMCMG1 and SNMCMG2) maintain permanent multinational capabilities dedicated to mine warfare and maritime security.[26] Large-scale exercises such as the International Mine Countermeasures Exercise (IMCMEX) bring together naval forces from numerous states to develop interoperability, shared operational procedures, and collective responses to mine threats in strategically important waterways.[27] Similar patterns can be observed in bilateral and regional initiatives across the Indo-Pacific, where mine-countermeasure cooperation increasingly forms part of broader maritime-security partnerships.[28] Notably, many of these activities occur independent of any specific conflict and often involve States that would not necessarily be parties to future hostilities.

This evolution suggests a gradual shift from what might be described as a model of "belligerent responsibility" toward one of "functional responsibility". Under the traditional framework, the obligation to clear mines derived principally from the responsibility of the belligerent that created

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[25] U.S. Navy, "Victory in Europe: Germany's Surrender and Aftermath (April-July 1945)", *Naval History and Heritage Command*. https://www.history.navy.mil/browse-by-topic/wars-conflicts-and-operations/world-war-ii/1945/ve-day/ve-day-aftermath.html

[26] NATO Allied Maritime Command (MARCOM), "SNMG2 Begins New Chapter as Italy Concludes Six-Month Command of Mediterranean Maritime Operations", *Public Affairs Office*, 19 December 2025. https://mc.nato.int/media-centre/news/2025/snmg2-begins-new-chapter-as-italy-concludes-sixmonth-command-of-mediterranean-maritime-operations

[27] U.S. Naval Forces Central Command (NAVCENT), "International Mine Countermeasures Exercise (IMCMEX) 2016 Informational Poster," *U.S. Navy Illustration*, 04 April 2016. https://www.cusnc.navy.mil/IMX/igphoto/2001510128/

[28] Andrew Salerno-Garthwaite, "Mine Countermeasure Exercise Completed by US, UK and France," *Naval Technology*, 14 April 2023. https://www.naval-technology.com/features/mine-countermeasure-exercise-completed-by-us-uk-and-france/?cf-view

Also See: Abhishek Bhalla, "Indian Navy trains with Japan, US navies in mine warfare exercises," *India Today*, 23 July 2019. https://www.indiatoday.in/india/story/indian-navy-trains-japan-us-mine-warfare-exercises-1572764-2019-07-23

[28] United Nations, *United Nations Convention on the Law of the Sea (UNCLOS), 1982.*

the hazard. Contemporary practice, by contrast, increasingly emphasises the restoration of navigational safety regardless of which State originally deployed the mines. The central concern becomes the continued functionality of the maritime domain rather than the allocation of fault for the hazard itself.

Such developments are intricately linked to broader changes in maritime governance. Modern mine-countermeasure operations protect interests that extend well beyond military necessity. The clearance of naval mines contributes to the protection of freedom of navigation, the security of maritime trade, the uninterrupted flow of energy supplies, and the safeguarding of critical maritime infrastructure. In this sense, mine clearance increasingly serves the collective interests associated with the maintenance of the maritime commons.

Despite the growing reliance on multinational mine countermeasure (MCM) operations in order to restore freedom of navigation and maritime security after an armed conflict, the legal framework governing such activities remains unsettled. Some of the unresolved questions include the authority of "third States" to conduct clearance operations, the applicability of neutrality law, the allocation of responsibility within multinational command arrangements, and the legal status of naval mines under existing law. These uncertainties are further exacerbated by the absence of a universally accepted legal definition of naval mines, creating difficulties in determining the applicability of regimes such as Hague Convention VIII (1907), and in the potential classification of naval mines as "Explosive Remnants of War" under the "Convention on Certain Conventional Weapons".[29] Contemporary practice and challenges are increasingly outpacing the existing legal framework, thereby exposing a regulatory gap between traditional belligerent-centred obligations and the growing strategic imperative for collective action to restore navigational safety in contested maritime spaces.

Implications for India

India is located at the heart of the Indian Ocean. This ocean has at least eight significant "maritime chokepoints". The security of these maritime choke points is of critical interest to India. The Strait of Hormuz is one such chokepoint through which India's energy supplies pass. In the ongoing conflict in the Strait of Hormuz about 25 per cent of India's natural gas supply has been affected due to "*force majeure conditions*."[30] Furthermore, India imports about 60 per cent of its LPG consumption, and of these imports, about 90 per cent come through the Strait of Hormuz, which has been severely impacted due to the ongoing conflict in the Persian Gulf.[31] Therefore, as a major trading nation dependent on secure international shipping lanes passing through the Strait of Hormuz, Bab-el-Mandeb, and the Strait of Malacca, India has a direct interest in the rapid restoration of navigational safety in the wake of a maritime conflict. As a consequence, for India, therefore, the evolution of post-conflict mine clearance from a purely

[29] United Nations Office for Disarmament Affairs (UNODA), *Convention on Certain Conventional Weapons (CCW), 2001*. https://disarmament.unoda.org/index.php/en/our-work/conventional-arms/convention-certain-conventional-weapons

[30] Government of India, Ministry of Petroleum and Natural Gas, "Inter-Ministerial Briefing Held on Recent Developments in West Asia", *Press Information Bureau,* 11 March 2026. https://www.pib.gov.in/PressReleasePage.aspx?PRID=2238525&reg=3&lang=1

[31] Government of India, Ministry of Petroleum and Natural Gas, "Inter-Ministerial Briefing Held on Recent Developments in West Asia."

belligerent obligation towards a more collective maritime-security function has important strategic implications.

Of course, this very issue raises the question of whether India is prepared to assume a greater role as a provider of mine-countermeasure (MCM) security in the Indian Ocean Region and whether it has the capacity and capability to do so, despite the fact such a role would align well with India's maritime policy of MAHASAGAR and India's naval aspiration to act as a "Preferred Security Partner."[32]

Legally, participation in multinational mine countermeasure (MCM) operations would require India to ensure that such activities are conducted in accordance with the applicable law of the sea and the law of armed conflict, including obtaining the "*consent*" of the relevant coastal State where required, respecting the jurisdictional rights of coastal States, complying with "*due regard*" obligations, and ensuring that clearance activities do not prejudice the rights of neutral states or undermine ongoing military operations. Additional legal considerations may arise in relation to command-and-control arrangements, attribution of responsibility, environmental protection, and the safeguarding of critical undersea infrastructure.

Operationally, future contingencies may require expeditionary MCM capabilities and greater interoperability with partner navies.

Diplomatically, international cooperation in MCM is gaining momentum and the last mechanism created in this regard was the "Task Group to Counter Sea Mines in the Black Sea".[33] This is now being viewed as a model for future post-conflict mine-clearance, as Canada and other NATO members have joined it. India should be open to joining any international Task Force for MCM, should one be constituted in the case of post-conflict mine-clearance in the Strait of Hormuz.

Additionally, the ongoing revision of the San Remo Manual provides a unique opportunity for India to revisit the provisions of post-conflict mine-clearance, and to weigh-in on the obligations and rights of States, especially neutral States. Critically, post-conflict mine-clearance needs to be reframed as a gradually emerging functional element of maritime commons governance rather than a purely wartime obligation, and India should seek a greater role in pursuing this.

Conclusion

Post-conflict mine clearance occupies a unique position at the intersection of the law of naval warfare, law of the sea, and contemporary maritime security. The existing legal framework, centred upon Hague Convention VIII (1907) and supplemented by customary international law and naval warfare manuals, continues to place primary responsibility for mine clearance upon the belligerents that created the hazard. This allocation of responsibility remains both legally coherent and normatively justified. However, contemporary maritime realities increasingly challenge the assumption that belligerents alone can restore navigational safety. Residual mine

[32] Government of India, Ministry of Defence, Integrated Headquarters, "Indian Maritime Doctrine 2025", *Indian Navy*. https://indiannavy.gov.in/sites/default/files/Indian-Maritime-Doctrine.pdf

[33] Government of Romania, Ministry of National Defence, "The Signing of the Memorandum of Understanding on the Establishment of a Task Force to Counter the Sea Mines in the Black Sea", *Information and Public Relations Directorate*, Press Release No. 6, 11 January 2024. https://english.mapn.ro/cpresa/6146_the-signing-of-the-memorandum-of-understanding-on-the-establishment-of-a-task-force-to-counter-the-sea-mines-in-the-black-sea

hazards in strategically significant waterways can disrupt international commerce, threaten energy security, and endanger the broader maritime commons long after hostilities have ceased.

State practice increasingly reflects a growing role for multinational mine-countermeasure operations undertaken by States that may not have participated in the underlying conflict but nevertheless possess significant interests in the rapid restoration of maritime security. While these developments do not amount to a new legal obligation by way of collective mine clearance, they do suggest an emerging shift from a purely belligerent-centred model towards a broader functional approach focused on safeguarding navigation and maintaining the integrity of the maritime domain. The challenge for international law is to reconcile this evolving practice with a legal framework largely designed for an earlier era of naval warfare. Whether future developments will produce clearer legal foundations for multinational mine clearance remains an open question, but one that is likely to assume increasing significance as maritime competition and mine warfare re-emerge in contested waters across the globe.

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