

## ANNEX I

### Operational Template for Risk Assessment

This document draws upon the findings of the ASCOMARE Legal Opinion (11 March 2025), developed by a team of law of the sea experts coordinated by ASCOMARE. The research and documentation have been prepared at the request of the Palestinian BDS National Committee.

Note (1): for the purposes of this Annex, “high-risk countries” means countries presenting a credible risk of committing genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, attacks against civilians or civilian objects, or other war crimes.

Note (2): this document is an updated version (3.0) of the original published on 11 November 2025, available at <https://bdsmovement.net/resources/how-implement-obligations-under-law-sea-prevent-illegal-maritime-transfers-israel>.

#### Section 1 – Vessel identification and cargo

The table below provides a non-exhaustive list of indicators for classifying the risk level of vessels transporting arms, munitions, parts and components for their assembly, and other materials when calling at port, whether in transit or as a destination. This includes the import, export, transshipment, or brokering of such items. These indicators provide the competent authorities of port States with the elements necessary to determine a vessel’s risk category in accordance with Section 2 of this document.

The indicators are based on four main categories of information available to the competent authorities. First, information transmitted by vessels through prior notification (PNO) submitted before port entry; the submission of a mandatory PNO, in line with the template set out in Annex II (“Advance Request for Port Entry”), is strongly recommended. Second, information obtained through inspections and enforcement procedures, whether conducted on land or at sea; procedures carried out in accordance with Annex III (“Inspection and Enforcement Systems”) are strongly recommended. Third, information obtained through additional requests made by the competent authorities, whether before or after port entry. Fourth, publicly available information and information obtained through information-sharing mechanisms, including those listed in Annex IV (“List of Sources Relevant for Risk Assessment”).

<p>Vessel name, type, size (LOA), IMO number (or other unique identifier)</p>	<p>If vessel detained in the previous 12 months for conducting business with high risk countries: HIGH RISK</p> <p>If vessel detained for conducting business with high risk countries in the previous 12-36 months: STANDARD RISK</p> <p>If vessel denied entry in port(s) of call in the previous 12 months for related violations: HIGH RISK</p> <p>If vessel denied entry in port(s) of call in the previous 12-36 months: STANDARD RISK</p> <p>If vessel known to have been involved in trade with high risk countries in the previous 12 months: HIGH RISK</p>
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	<p>If vessel known to have been involved in trade with high risk countries in the previous 12-36 months: STANDARD RISK</p> <p>If vessel included in any relevant final 'high risk' vessels list: HIGH RISK</p> <p>If vessel included in any relevant draft/provisional 'high risk' vessels list: STANDARD RISK</p> <p>If flag hopping in the previous 12 months: HIGH RISK</p> <p>If flag hopping in the previous 12-36 months: STANDARD RISK</p>
Flag State	<p>If suspect of poor flag State's performance: STANDARD RISK</p> <p>If confirmation of poor flag State's performance: HIGH RISK</p> <p>If the flag State is a high risk country: HIGH RISK</p> <p>If vessel registered in countries suspected/confirmed of supporting high risks countries: STANDARD RISK</p> <p>If vessel without nationality or assimilated to a vessel without nationality: HIGH RISK</p>
Flag State's certification (dual-use components) <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If no flag State's certification that dual-use components will not be used for genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, attacks against civilians or civilian objects, or other war crimes: HIGH RISK</p>
AIS <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If no AIS (impossibility to track the vessel's activities): HIGH RISK</p> <p>If evidence that AIS was switched off without any valid reason: STANDARD RISK</p>
Port of departure	<p>If departing from high risk countries: HIGH RISK</p> <p>If departing from countries suspected/confirmed of supporting high risks countries: STANDARD RISK</p>
Previous ports of call (after port of departure)	<p>If docking in high risk countries: HIGH RISK</p> <p>If docking in countries suspected/confirmed of supporting high risks countries: STANDARD RISK</p>
Transshipments in previous ports of call (after port of departure) <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, transshipment authorization and details.	<p>If transshipment in high risk countries: HIGH RISK</p> <p>If transshipment in countries suspected/confirmed of supporting high risks countries: STANDARD RISK</p> <p>If transshipment at sea: HIGH RISK</p> <p>If no transshipment authorization: HIGH RISK</p>
Port of call (final destination)	<p>If intended final destination in high risk countries: HIGH RISK</p> <p>If intended final destination in countries suspected/confirmed of supporting high risks countries: STANDARD RISK</p> <p>If the final destination is a high risk country within the previous 12 months: HIGH RISK</p> <p>If the final destination is a high risk country/country supporting high risk countries within the previous 12-36 months: STANDARD RISK</p>
Owner / Operator / Charterer	<p>If there is evidence that owner (including beneficial owner), operator or charterer conduct a substantial amount of business with high risk countries: HIGH RISK</p>

	<p>If there is the suspect that owner (including beneficial owner), operator or charterer conduct direct/indirect business with high risk countries: STANDARD RISK</p> <p>If owner (including beneficial owner), operator or charterer committed similar violations in the previous 12 months: HIGH RISK</p> <p>If owner (including beneficial owner), operator or charterer committed similar violations in the previous 12-36 months: STANDARD RISK</p>
<p>Cargo description* (type, nature)</p> <p>* This factor is always necessary, in combination with other risk factors, in the context of a pre-shipment risk assessment, that is, as part of the decision-making process associated with a request for authorisation or a licence.</p>	<p>If cargo at least include any of the following conventional arms and ammunition/munitions, including parts or components that provide the capability to assemble them, destined to high risk countries (HIGH RISK) or to countries suspected/confirmed of supporting high risks countries (STANDARD RISK)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Battle tanks</li> <li><input type="checkbox"/> Armoured combat vehicles</li> <li><input type="checkbox"/> Large-calibre artillery systems</li> <li><input type="checkbox"/> Combat aircraft</li> <li><input type="checkbox"/> Attack helicopters</li> <li><input type="checkbox"/> Warships</li> <li><input type="checkbox"/> Missiles and missile launchers</li> <li><input type="checkbox"/> Small arms and light weapons</li> </ul> <p>If cargo include other military equipment, such as explosives, incendiary or gas bombs, grenades, rockets, rocket launchers, missiles, missile systems, mines or other destructive devices: HIGH RISK</p> <p>If cargo include dual-use component without flag State's certification or other certification related to their end-use: HIGH RISK</p> <p>If wrong/false/missing information on cargo type and nature: HIGH RISK</p> <p>If incomplete information on cargo type and nature: STANDARD RISK</p>
<p>Cargo documentation provided (origin, destination / shipper, consignee): <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Missing</p>	<p>If wrong/false/missing cargo documentation: HIGH RISK</p> <p>If incomplete cargo documentation: STANDARD RISK</p>
<p>Shipper /Consignee</p>	<p>If there is evidence that the shipper in the previous 12 months has been conducting business with high risk countries: HIGH RISK</p> <p>If consignee is in a high risk country or there is evidence that, in the previous 12 months, has been conducting business with high risk: HIGH RISK</p>
<p>Intended use of the cargo*</p> <p>* This factor is always necessary, in combination with other risk factors, in the context of a pre-shipment risk assessment, that</p>	<p>If evidence cargo may be used for genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, attacks against civilians or civilian objects, or other war crimes: HIGH RISK</p> <p>If suspect cargo may be used for genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions,</p>

is, as part of the decision-making process associated with a request for authorisation or a licence.	attacks against civilians or civilian objects, or other war crimes: STANDARD RISK If intention are not stated/unclear: STANDARD RISK
PNO (24h before entry)	No prior notification 24h before port entry: HIGH RISK Incomplete information: STANDARD RISK Wrong/false/missing information reported: HIGH RISK
Additional information/clarification requested to the vessel	No reply: STANDARD RISK Incomplete information: STANDARD RISK Wrong/false/missing information reported: HIGH RISK
Additional information/clarification requested to the flag State	No reply: STANDARD RISK Incomplete information: STANDARD RISK Wrong/false/missing information reported: HIGH RISK
Other relevant information	Suspected risk of non-compliance, based on evidence provided by other States, UN bodies, civil-society organizations: STANDARD RISK Confirmed risk of non-compliance, based on evidence provided by other States, UN bodies, civil-society organizations: HIGH RISK

Note (1): under Article 6(3) of the ATT, “A State Party shall not authorize any transfer of conventional arms covered under Article 2(1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.” See [Voluntary Guide to ATT Arts 6 and 7](#).

Note (2): under Article 2 of [Council Common Position 2008/944/CFSP](#), export licenses, including transit, transshipment and brokering licenses (Article 1(2)), shall be denied if, among other things, “Having assessed the recipient country’s attitude towards relevant principles established by international human rights instruments, including the human rights situation in that country... there is a clear risk that the military technology or equipment to be exported might be used to commit or facilitate internal repression, serious acts of gender-based violence or serious acts of violence against women, children, or other serious violations of human rights... or where there is reason to believe that the technology or equipment will be diverted from its stated end use or end-user and be used for internal repression... Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions, and other serious violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. (criterion 2)”. Additionally, export should be denied if “would provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts within the country of final destination” (criterion 3) or “if there is a clear risk that the intended recipient would use the military technology or equipment to be exported aggressively against another country or to assert by force a territorial claim” (criterion 4). See also [User’s Guide to Council Common Position 2008/944/CFSP](#).

Note (3): some of the criteria for risk assessment are based on risk factors already developed and applied under regional port State control agreements to ensure compliance with maritime safety, security, and environmental standards, under the auspices of the IMO, such as those listed in Annex 7 of the [Paris Memorandum of Understanding](#) (MoU), Annex 2 of the [Tokyo MoU](#), and Annex 2 of the [Viña del Mar MoU](#).

Note (4): risk assessment should be conducted both pre-shipment (at the authorisation stage) and post-shipment to prevent illegal trafficking. Pre-shipment assessment, linked to the nature and end-use of the cargo, should apply an integrated methodology combining multiple risk factors. E.g., where the cargo is classified as STANDARD or HIGH RISK and at least one additional factor is likewise so classified, the overall risk level should be considered STANDARD or HIGH.

## Section 2 – Risk categories

The table below provides an indicative identification of risk categories based on the relevant risk indicators (High / Standard) listed in Section 1, to assist the competent authorities of port States in their risk assessment whenever one or more risk indicators are present.

RISK 1 Very high	RISK 2 High	RISK 3 Medium	RISK 4 Low
all or majority of high risk indicators	equal number of high risk and standard risk indicators, or majority of standard risk indicators	all standard risk indicators (3 or more)	all standard risk indicators (less than 3)

Note (1): ideally, risk categories should inform not only the specific action to be taken in respect of each vessel category, but also the order of priority in which such action is to be undertaken.

Note (2): it is recommended that a list of vessels, organized by risk category, be established at the national, regional, or international level and be kept up to date.