

ASCOMARE STATEMENT ON ONGOING MARITIME TRANSFERS OF ARMS AND DUAL-USE MATERIALS TO ISRAEL

In 2025, [Publish International](#) reported that, on the basis of documented shipments conducted between 2023 and 2024, the *Danica Violet* (IMO 8503967), sailing under the Danish flag, carried out at least twelve voyages to Israel, including the transport of more than 18,000 kg of explosives. On the basis of these reported activities, the vessel was subsequently included in the “[Blocklist](#)” maintained by *No Harbour for Genocide*, a monitoring mechanism designed to alert public authorities to vessels and operators allegedly linked to transfers presenting a heightened risk of involvement in conduct contrary to international law.

Notwithstanding the seriousness of these warnings, no publicly available information could be identified indicating that enforcement, inspection, or preventive measures were adopted by the flag State or by other States involved in authorising, facilitating, or permitting such transfers.

Earlier this month, [The Ditch](#) and the [BDS movement](#) further reported that the *Danica Violet* is presently bound for Israel, with a scheduled transit stop in Kali Limenes, Greece, allegedly transporting approximately 60 tonnes of missile components, a container of artillery gun barrels, and a further 70 tonnes of uncategorised defence-related components.¹

This case is presented as part of a broader pattern of maritime transfers of arms and dual-use goods to Israel between 2023 and the present, as documented by various organisations and media outlets, including the [Palestinian Youth Movement](#), [Greenpeace](#), [Amnesty International](#), [Al Jazeera](#) and [ASCOMARE](#).

Denmark and Greece are both parties to the [United Nations Arms Trade Treaty \(ATT\)](#), the [Genocide Convention](#), and the [Apartheid Convention](#), and are additionally bound by [Regulation \(EU\) 2021/821](#) and [Council Common Position 2008/944/CFSP](#). Collectively, these instruments impose clear obligations upon States, including when acting as flag, port, or coastal States, to prevent the transfer, including the transit and transshipment, or diversion of arms, munitions, parts and components, and dual-use items where there exists a clear risk that such materials may be used to commit or facilitate genocide, crimes against humanity, grave breaches of the Geneva Conventions, attacks against civilians or civilian objects, or other serious violations of international humanitarian law.

A risk which, with respect to Israel, has been repeatedly identified in findings, urgent appeals, and reports issued by United Nations bodies, Special Procedures mandate holders,

¹ Information made available to ASCOMARE indicates that an urgent application has been filed before the Greek courts by national lawyers, calling on the Greek authorities, among other things, to prohibit the entry of the *Danica Violet* into Greece’s territorial sea, conduct an inspection to verify the vessel’s cargo and destination, and take the necessary measures should it be confirmed that the vessel is transporting prohibited cargo.

humanitarian organisations, independent experts,² while being expressly acknowledged in the orders issued by the International Court of Justice in both *South Africa v. Israel*³ and *Nicaragua v. Germany*.⁴

Under these circumstances, continued authorisation or facilitation of such transfers despite actual knowledge, credible warning, or manifest risk may place States in breach of their direct and due diligence obligations under international law, including peremptory norms of international law (*jus cogens*).

In this regard, the Human Rights Council, in its 2026 resolution on the human rights situation in the Occupied Palestinian Territory, while deploring “the grave violations of multiple peremptory norms by Israel”, expressly called upon *all* States to:

“cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, the occupying Power, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, and to refrain, in accordance with international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons, including “dual-use” items, when they assess that there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights, and recalls the order of the International Court of Justice of 26 January 2024”.⁵

Failure to comply with these obligations may engage the responsibility of States under Articles 16 and 41 of the [International Law Commission’s Articles on State Responsibility](#), including the prohibitions on aid or assistance in the commission of internationally wrongful acts and on maintaining situations created by serious breaches of peremptory norms.

As observed by the Advisory Committee on Public International Law in a 2022 opinion requested by the Dutch Government: “Arms deliveries to the aggressor state are a typical example of rendering aid and assistance, either in the commission of the breach itself [...] or in maintaining the situation...”.⁶ This position is further reflected in the work of the Office of the

² E.g., Human Rights Council (HRC), *Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide* (16 September 2025), in A/HRC/60/CRP.3; HRC, Resolution adopted by the Human Rights Council on 27 March 2026 (A/HRC/RES/61/4); Reports of the UN Special Rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967, particularly A/79/384, A/HRC/59/23, A/80/492, and A/HRC/61/71; B’Tselem, *Our Genocide* (July 2025); Law for Palestine et al., *Joint Communication to the Office of the Prosecutor of the International Criminal Court Regarding the Perpetration of the Crime of Genocide by Members of the Israeli War Cabinet* (March 2024).

³ ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 26 January 2024, paras 54 and 59, and following ICJ orders.

⁴ ICJ, *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*, Order of 30 April 2024, paras 22-24.

⁵ HRC, Resolution adopted by the Human Rights Council on 27 March 2026 (A/HRC/RES/61/4), paras 17 and 18.

⁶ Advisory Committee on Public International Law, *Legal consequences of a serious breach of a peremptory norm: the international rights and duties of states in relation to a breach of the prohibition of aggression* (Advisory

High Commissioner on Human Rights, which recognises that “all States are prohibited from rendering aid or assistance to maintain an unlawful situation created by a serious breach of peremptory norms, such as acts of aggression, violations of the principle of self-determination, racial discrimination and apartheid,” and that “[t]he responsibility of States for violations of international law resulting from arms transfers entails an obligation to cease and guarantee the non-repetition of the wrongful act...”.⁷

The foregoing must also be assessed in light of the applicable obligations arising under the law of the sea.

ASCOMARE recalls that on 11 March 2025 the BDS National Committee published a [Legal Opinion](#), coordinated by ASCOMARE and prepared by eight experts in the law of the sea.

The opinion focused on two core legal issues of immediate relevance to States:

- ❖ The applicable legal regime governing passage through the territorial sea of vessels transporting arms and dual-use materials where such transfers are inconsistent with the 2014 UN Arms Trade Treaty, the 1948 Genocide Convention, the 1973 Apartheid Convention, and peremptory norms (*jus cogens*) of international law binding upon their flag States.
- ❖ The international responsibility of flag States for failure to exercise effective jurisdiction and control over such vessels, in violation of the 1982 UN Convention on the Law of the Sea (UNCLOS) and customary international law.

In a detailed 49-page opinion letter, the expert group concluded that:

- ❖ The transport of arms and dual-use materials used for the commission of serious international law violations directly affects the “innocent” character of passage through the territorial sea. Under Article 19 of UNCLOS and customary international law, coastal States not only possess the right, but also the duty, to prevent non-innocent passage in their territorial sea. This duty is reinforced where the underlying conduct contributes to violations of peremptory norms (*jus cogens*), including genocide, apartheid, and the acquisition of territory by force.⁸
- ❖ Flag States are required, under Article 94 of UNCLOS and customary international law, to “effectively exercise” jurisdiction and control over vessels flying their flag, including when operating in the waters of another State. This duty entails a due diligence obligation grounded in the “genuine link” between a flag State and its vessels, requiring the former to deploy adequate means, exercise its best efforts, and take all necessary measures to ensure that vessels under its registry do not contribute to genocide, apartheid, or other serious breaches of

Report 41, 17 November 2022) 11, and ft 53 cit. Miles Jackson, *Complicity in International Law* (OUP 2015), 146.

⁷ UN Doc A/HRC/58/41, paras 6 and 9.

⁸ ASCOMARE Legal Opinion, paras 84-89.

peremptory norms (jus cogens) of international law.⁹ As clarified by the International Tribunal for the Law of the Sea, this requires establishing and enforcing a national system, comprising legislation, administrative procedures, and enforcement mechanisms, and exercising adequate vigilance to ensure its effective operation.¹⁰

Building on these findings and upon request from the BDS National Committee, in November 2025 ASCOMARE and Law for Palestine developed a set of [Guidelines and accompanying Annexes](#), translating the opinion's conclusions into operational checklists designed to assist States (whether acting as port, coastal, or flag States) in effectively fulfilling their obligations under international law.

These obligations give effect to the requirement that States exercise due diligence under international law, including by:

- ❖ Assessing the risk of non-compliance by vessels flying their flag, operating in their waters, or docking in their ports with international law binding upon them;
- ❖ Establishing, implementing, and enforcing an adequate legal and administrative framework to monitor and ensure compliance;
- ❖ Taking appropriate action where there are reasonable grounds to believe that a risk of non-compliance exists; and
- ❖ Adopting a precautionary approach where the potential consequences of non-compliance could result in irreparable harm or disproportionate damage to the protected legal interest.

Where a State is, or should be, aware that maritime activities under its jurisdiction or control present a clear or high risk of contributing to violations of international law, that State is under an obligation to take all measures reasonably available to it to prevent such contribution. In circumstances where a high risk of contribution to serious breaches of international law is identified, the obligations of prevention and precaution entail, as appropriate, the denial of port entry and access to port services to the vessels concerned, as well as the adoption of other measures necessary to ensure that such activities do not facilitate the commission or continuation of those breaches.¹¹

In that respect, a central component of the supporting documents developed by ASCOMARE and Law for Palestine is the establishment of a structured due diligence framework for port State control, in line with recommendations from the Stockholm International Peace Research

⁹ Ibid., paras 110-115 and 149-151.

¹⁰ *Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law*, ITLOS report 2024, para 235.

¹¹ In a *Statement* issued on 22 December 2025, ASCOMARE further recalled that activities such as bunkering, transshipment, and other forms of logistical support carried out in anchorage areas may constitute a form of material assistance. Where such activities are undertaken to support vessels involved in the facilitation of genocide, apartheid, or other serious breaches of peremptory norms of jus cogens, both the vessels providing such support and the vessels benefiting therefrom must be regarded as presenting a clear risk of contributing to internationally wrongful acts. The Statement is available at the following link: https://ascomare.com/wp-content/uploads/2025/12/22122025_ascomare-statement-on-anchorage-areas.pdf.

Institute.¹² Such a framework enables authorities to pre-identify vessels [according to risk categories \(low, standard, high\)](#) prior to port entry and to adopt appropriate measures to ensure compliance with international law, including denial of entry, inspection, or seizure of cargo where warranted. Comparable risk-based systems are already widely and effectively used by States in other domains, including fisheries control, environmental protection, and maritime safety, in a manner consistent with international trade law and with the full territorial sovereignty of States within their ports.

Under such systems, where a vessel is reasonably suspected of transporting unlawful cargo, facilitating prohibited transfers, or has been identified through credible reporting mechanisms, investigative findings, or monitoring lists as having previously engaged in conduct contrary to international law, port States are under an obligation to exercise heightened vigilance and to take all appropriate measures reasonably available to them to prevent further non-compliance. Depending on the degree of risk involved, such measures may include denial of port entry, refusal of access to port services, enhanced inspection procedures, detention of the vessel, seizure of cargo, or the initiation of administrative or judicial proceedings, as described in [Annex III to the ASCOMARE and Law for Palestine Guidelines](#), particularly where failure to act could contribute to the commission or continuation of serious internationally wrongful acts.

In this respect, ASCOMARE further recalls that information provided by civil society organisations, investigative journalism platforms, and private monitoring initiatives, including the “Blocklist” and similar mechanisms, should form part of States’ risk assessment and decision-making processes. This approach is consistent, among other things, with Annexes A and B of the [2019 ATT Working Group on Effective Treaty Implementation Chair’s Draft Report](#), as well as Sections 2, 3, and 4 of the [User’s Guide to Council Common Position 2008/944/CFSP](#), all of which expressly recognise information provided by civil society actors as relevant sources for assessing compliance with transfer prohibitions and restrictions.

In light of the foregoing, ASCOMARE submits the following recommendations:

Recommendation 1

Institutionalise mandatory risk-based due diligence

It is recommended to endorse, establish and operationalise structured, mandatory risk-assessment procedures within national legal and administrative systems to ensure the timely identification, prevention, and mitigation of risks of non-compliance with international law.

Such procedures should, at a minimum:

- ❖ Require prior notification of relevant information from vessels seeking port entry;

¹² See Hugh Griffiths and Michael Jenks, SIPRI Policy Paper 32 (January 2012), *Maritime Transport and Destabilising Commodity Flows*, p. 48.

- ❖ Enable competent authorities to classify vessels according to risk levels (low, standard, high) prior to arrival;
- ❖ Provide for predefined enforcement responses corresponding to each risk category.

In designing and implementing these systems, States are encouraged to draw upon the operational indicators and risk-assessment methodologies set out in the supporting documents, particularly the *Templates*, developed by ASCOMARE and Law for Palestine. Embedding these mechanisms within the domestic framework, such as marine notices, port regulations, administrative measures, or legislative acts, is essential to ensure predictability, effectiveness, and transparency.

Recommendation 2

Ensure immediate notification, precaution, and enforcement action

Where a risk of non-compliance with international law is identified, it is recommended to:

- ❖ Inform the relevant flag State without delay;
- ❖ Formally request prompt and effective corrective action, consistent with Article 94 of UNCLOS and customary international law concerning the duty to effectively exercise jurisdiction and control over vessels flying its flag.

Where reasonable grounds exist to suspect non-compliance, it is recommended to take appropriate, proportionate, and lawful measures, including:

- ❖ Inspection of vessels and cargo;
- ❖ Denial of port entry;
- ❖ Seizure or restriction of cargo, where legally justified;
- ❖ Other enforcement measures consistent with international law.

A precautionary approach should guide decision-making where credible risks exist that vessel activities may contribute to genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, attacks against civilians or civilian objects, or other serious violations of international law, particularly where irreparable harm or disproportionate damage to protected legal interests may result.

Recommendation 3

Establish coordinated regional or international frameworks

It is recommended that concrete steps be taken toward establishing a regional or international framework to enhance port State control and structured information-sharing. Such a framework should aim to:

- ❖ Harmonise inspection and risk-assessment procedures;
- ❖ Facilitate real-time exchange of information;
- ❖ Coordinate enforcement responses;
- ❖ Prevent forum-shopping (port State of convenience) by high-risk vessels.

This framework may build upon existing models developed under the auspices of the International Maritime Organization, including the mechanisms established through the Paris, Viña del Mar, Riyadh, and Tokyo Memoranda of Understanding on Port State Control.

Recommendation 4

Develop a shared vessel monitoring mechanism

It is recommended to cooperate in establishing a shared vessel monitoring list, categorising:

- ❖ Confirmed high-risk vessels;
- ❖ Suspected standard-risk vessels.

The list should include vessels reasonably believed, on the basis of sufficient and credible evidence, to be transporting arms or dual-use items destined to facilitate genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, attacks against civilians or civilian objects, or other war crimes. This mechanism may draw upon reliable sources, including documentation produced by UN bodies and civil society institutions, subject to clear evidentiary standards and procedural safeguards. Comparable listing systems already operate effectively in other domains, including the fight against illegal, unreported and unregulated (IUU) fishing.

Recommendation 5

Diplomatic communication clarifying legal duties and consequences

It is recommended that a (joint) Note Verbale be transmitted to the UN Secretary-General, requesting its publication in the *Law of the Sea Bulletin* and its circulation to all UN Member States at the next session of the UN General Assembly, in accordance with established practice. The Note Verbale should recall and reaffirm the obligation of flag States to effectively exercise jurisdiction and control over vessels flying their flag, particularly where such vessels transport arms or dual-use items that may contribute to serious breaches of peremptory norms of international law. It should further clarify that persistent State inaction in the face of clear and serious risks may engage international responsibility and expose the State concerned to proceedings before competent international courts and tribunals, including the International Tribunal for the Law of the Sea. Proactive diplomatic engagement and structured exchanges with States that permit, or do not take adequate measures to prevent, vessels flying their flag from transporting such arms and dual-use items are also recommended.

Lecce, 28 May 2026

