

The Sumud Flotilla - Will Israel Engage Against NATO?

The Global Sumud Flotilla - an unprecedented international convoy aimed at breaking Israel's 17-year blockade of Gaza - is now less than 400 nautical miles from its destination. Sailing under multiple national flags, it carries passengers from over forty countries: Palestinians such as MEP Rima Hassan, Members of the European Parliament including Annalisa Corrado, Benedetta Scuderi, Emma Fourreau, and Lynn Boylan, former Barcelona mayor Ada Colau, climate activist Greta Thunberg, several sitting and former politicians, and even U.S. veterans. Among them is **former Libyan Prime Minister Omar al-Hassi**, aboard the Libyan vessel *Omar al-Mukhtar*. His participation makes him the highest-ranking official physically present, signaling that this mission is not a fringe gesture but a serious political act.

The flotilla is escorted by NATO naval vessels from Greece, Spain, Italy, and Turkey. Italy and Spain have committed ships to protective rescue positions, while Greece has guaranteed safe passage within its waters and notified Israel of Greek nationals on board. The convoy has already faced drone harassment near Crete, with stun and irritant devices deployed against unarmed boats. Despite these risks, it continues forward - testing not only Israel's blockade but the credibility of international law.

From Humanitarian Convoy to Political Test

For Palestinians, the flotilla is a lifeline. With over 64,000 killed since October 2023 and Gaza subjected to deliberate famine conditions, its food, medicine, and supplies are desperately needed. But it is also a political challenge. By assembling legislators, mayors, a former prime minister, and globally recognized activists, the flotilla insists that Gaza's blockade is not simply a humanitarian crisis but a test of law itself.

Earlier voyages - the *Mavi Marmara*, *Madleen*, and *Handala* - demonstrated both the brutality of Israel's enforcement and the legal frameworks it violates. Their lessons now shape how the world must view Sumud's voyage.

The Mavi Marmara: Unpunished Killings at Sea

On 31 May 2010, Israeli commandos stormed the *Mavi Marmara*, a Turkish ship leading the first Gaza Freedom Flotilla. The boarding took place in international waters and resulted in the killing of 10 civilians and the wounding of dozens more.

Legal Analysis

- **Use of force in international waters:** Under UNCLOS, the high seas are not subject to any single state's enforcement jurisdiction except in narrowly defined circumstances (e.g., piracy, slave trade). Boarding and killing civilians on a humanitarian vessel did not fall under any lawful exception.
- **Proportionality and necessity:** The raid was condemned by the UN Human Rights Council as unlawful and disproportionate. Civilians armed with sticks and kitchen tools did not justify lethal commando raids.
- **Lack of accountability:** Despite international condemnation, no Israeli official was prosecuted. This entrenched impunity, teaching that violence at sea would be tolerated.

The *Mavi Marmara* set the precedent that Israel could attack civilian vessels with lethal force in international waters and avoid consequences.

The Madleen: Piracy, Terrorism, and Hostage-Taking

On 9 June 2025, the *Madleen*, a UK-flagged humanitarian vessel, sailed 160 nautical miles off Gaza when it was intercepted by Israeli forces. Passengers included Greta Thunberg and MEP Rima Hassan. The crew reported electronic jamming, irritant spray, forced boarding, and detention.

Legal Analysis

- **Piracy (UNCLOS Article 101):** An attack by state vessels on an unarmed civilian ship in international waters constitutes piracy when carried out for political ends, as the *Madleen* was not engaged in hostilities.
- **State terrorism:** The violent seizure and hostage-taking of international activists was aimed at intimidating future humanitarian convoys - a classic hallmark of terrorism.
- **Hostage-taking (1979 Hostages Convention):** Detaining passengers, including an elected parliamentarian, fits the definition of hostage-taking: seizing persons to compel political action or abstention by states or organizations.
- **Flag state responsibility:** As a UK-flagged vessel, the UK bore direct responsibility to protect its ship and seek redress - yet it failed to act.

The *Madleen* demonstrated Israel's willingness to commit piracy and hostage-taking against high-profile civilians in broad daylight.

The Handala: Hijacking Humanitarian Relief

On 26 July 2025, the *Handala*, carrying activists and aid from more than a dozen countries, was intercepted 40 nautical miles from Gaza. Israel boarded, seized the vessel, detained the crew, and confiscated aid.

Legal Analysis

- **Piracy:** As with the *Madleen*, the *Handala* was a civilian ship in international waters. Forcible seizure by a state warship, absent lawful grounds, meets the definition of

piracy.

- **Violation of ICJ provisional measures:** The International Court of Justice had ordered Israel to allow humanitarian aid into Gaza. Seizing the *Handala* was a direct violation of this binding order.
- **Weaponization of famine:** By preventing humanitarian supplies, Israel's actions reinforced the blockade as a means of starving civilians - a war crime under the Rome Statute of the ICC.

The *Handala* showed the blockade's enforcement not as a defensive measure but as an offensive act of terror against humanitarian efforts.

Escalation and Defensive Postures at Sea

These precedents - *Mavi Marmara*, *Madleen*, *Handala* - reveal a pattern of unlawful force. The *Sumud Flotilla*, however, is accompanied by NATO escorts.

Standing orders reportedly prohibit escorts from initiating fire or retaliation. Yet they are also instructed to protect the flotilla. In practice, this means moving into **protective posture** - interposing warships between Israeli attackers and civilian boats.

If Israel opens fire, standing orders of restraint are automatically voided. A naval commander has both the **right and the duty** to defend vessel and crew. This duty rests on:

- **Article 51 of the UN Charter** (inherent right of self-defense),
- **UNCLOS** (lawful defense against unlawful use of force at sea),
- **Customary maritime law** (long-recognized proportional defense at sea),
- **Naval rules of engagement** (military codes requiring commanders to safeguard crew and vessel).

The ***USS Vincennes*** precedent underscores the strength of this doctrine. In July 1988, the ship mistakenly shot down Iran Air Flight 655, killing 290 civilians, after misidentifying it as a hostile aircraft. The commander was not punished. The rationale was simple: a captain's inherent duty to defend his ship and crew is paramount, even if tragically mistaken.

Applied here, if Israeli fire hits a NATO escort, commanders will be legally compelled to respond in self-defense.

After fending off an initial attack, captains must notify their headquarters, which will report to the **UN Security Council under Article 51**. States may then invoke **NATO Article 5**, triggering alliance-wide consultation on collective defense.

Gaza's Waters and the Illegality of the Blockade

At the core of the dispute lies the status of Gaza's maritime space. Israel itself does not claim Gaza as sovereign territory. In 2005 it withdrew its settlers and permanent ground forces, and it does not administer Gaza as it does Israeli coastal areas. By the logic of international law, that absence of claim makes the adjacent sea **Palestinian waters**.

Under the **United Nations Convention on the Law of the Sea (UNCLOS)**, a coastal entity is entitled to a **12-nautical-mile territorial sea** and a **200-nautical-mile Exclusive Economic Zone (EEZ)**, subject to geography. Gaza, as part of the occupied Palestinian territory recognized by over 140 UN member states, thus has lawful entitlement to maritime zones. Within the territorial sea, Palestinian sovereignty should apply; beyond that, the EEZ grants exclusive rights to resources, while the high seas beyond are governed by freedom of navigation.

Israel's enforcement actions therefore occur in waters that are either:

- **Palestinian territorial waters**, where only Palestine has the right of enforcement; or
- **the high seas**, where no state may interfere with navigation except under narrowly defined exceptions such as piracy or slave trading.

By seizing vessels in those zones, Israel violates the foundational principle of **freedom of the seas**.

Blockade Under San Remo and the Problem of Justification

Israel justifies its actions by invoking blockade law under the **San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994)**. But the San Remo rules cut against Israel's position in several ways:

- A blockade must be based on a **verifiable military necessity** and may not be imposed for the purpose of starving civilians or depriving them of essentials.
- A blockade may not bar the passage of **humanitarian aid**, especially when civilians are suffering deprivation.
- Any interdiction must be supported by **evidence that the target vessel poses a threat**.

Israel has not met these standards. The *Madleen* carried activists and humanitarian supplies, including **baby formula** and medical aid. The *Handala* carried food and medicine for a population already in famine conditions. At no point did Israel present verifiable evidence that either posed a security threat. Unless one absurdly considers infant formula a weapon, Israel's enforcement actions were plainly unlawful.

Legal Implications

By failing to establish a valid military necessity, Israel's blockade cannot be considered lawful under San Remo. And because the blockade in practice produces famine, deprivation, and indiscriminate suffering, it amounts to **collective punishment**, prohibited under the Fourth Geneva Convention and condemned in multiple UN reports.

Thus, from the perspective of international maritime law:

- Gaza's territorial waters and EEZ are **Palestinian waters** under UNCLOS.
- Beyond them lies the **high seas**, where freedom of navigation applies.

- Israel's seizure of humanitarian vessels like the *Madleen* and *Handala* cannot be legally justified under San Remo, UNCLOS, or humanitarian law.

NATO's Collective Defense Dilemma

An Israeli strike on NATO warships would create the gravest test in the alliance's history. Article 5 declares an attack on one member an attack on all.

- **Southern European allies** (Italy, Spain, Greece, Turkey) would likely press for a strong response, given their ships' proximity and their domestic political landscapes.
- **The U.S., UK, and Germany**, however, may resist direct confrontation with Israel, given their deep military and political ties. They might refrain from participation while permitting others to act.

But abstention is not the same as siding with Israel. NATO allows differentiated contributions: members may choose the form of their response, but they cannot deny that an armed attack has occurred. Refusing to act altogether - or worse, openly siding with Israel against alliance partners - would devastate NATO's credibility.

Such disunity would embolden adversaries. Russia would seize on the precedent, using it to test NATO resolve in Eastern Europe. China would note the fracture as evidence that Western alliances cannot enforce collective defense against politically sensitive aggressors. The very cohesion that deters war in Europe and Asia would be weakened.

In short: if NATO fails to defend its members against Israeli aggression, it undermines its own deterrence against Moscow and Beijing.

Strategic and Political Fallout

For Israel, escalation risks catastrophic isolation. Attacking ships carrying a former prime minister, current legislators, and world-famous activists would shred claims of self-defense. It would expose the blockade as collective punishment.

For the flotilla, interception itself is success: it documents Israel's illegality, mobilizes global outrage, and reinforces Palestinian *sumud* - steadfastness. With senior politicians and high-profile figures on board, aggression resonates worldwide.

Conclusion

The Global Sumud Flotilla is more than aid delivery. It is a test of whether international law is enforced when Palestinians are the victims.

- The *Mavi Marmara* showed civilians could be killed in international waters without accountability.
- The *Madleen* and *Handala* showed Israel committing piracy, hostage-taking, and defying the ICJ to enforce famine.

- The USS *Vincennes* showed that naval commanders are legally bound to defend their ship and crew, even at tragic cost.

The chain of escalation is predictable: protective posture, attack, immediate self-defense under UNCLOS, customary law, and Article 51, reporting to the UNSC, possible NATO Article 5.

What is not predictable is whether NATO and the international community will uphold their laws, or whether yet again impunity will sail free. For Palestinians aboard and in Gaza, this is not theory - it is life or death.