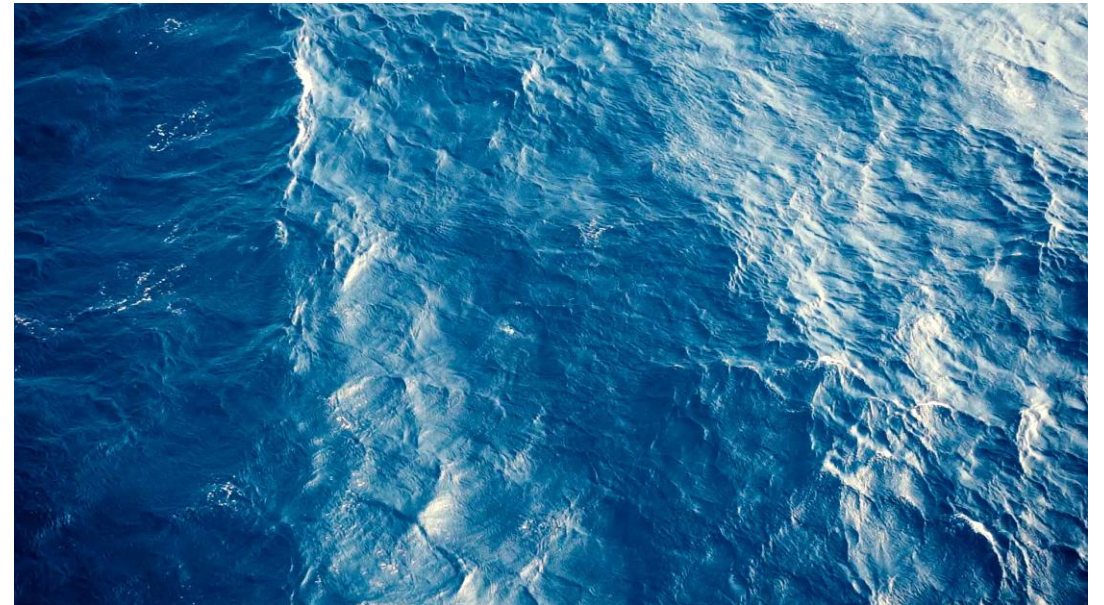

Sanctions and the “Shadow Fleet”: Does Flag State Jurisdiction and Freedom of Navigation Shield the Shadow Fleet Vessels from Liability Insurance Requirements and Enforcement by Coastal States?

Iva Parlov, Associate Professor of Law, BI
Norwegian Business School

CMI Colloquium, Rio de Janeiro, May 2026



Scope of the presentation

- **In focus**

- International law perspective
 - 1982 United Nations Convention on the Law of the Sea (UNCLOS)
 - IMO liability and compensation conventions
- Vessels in innocent passage, flying a valid flag
- Prevention stage (before a threat of pollution becomes imminent)

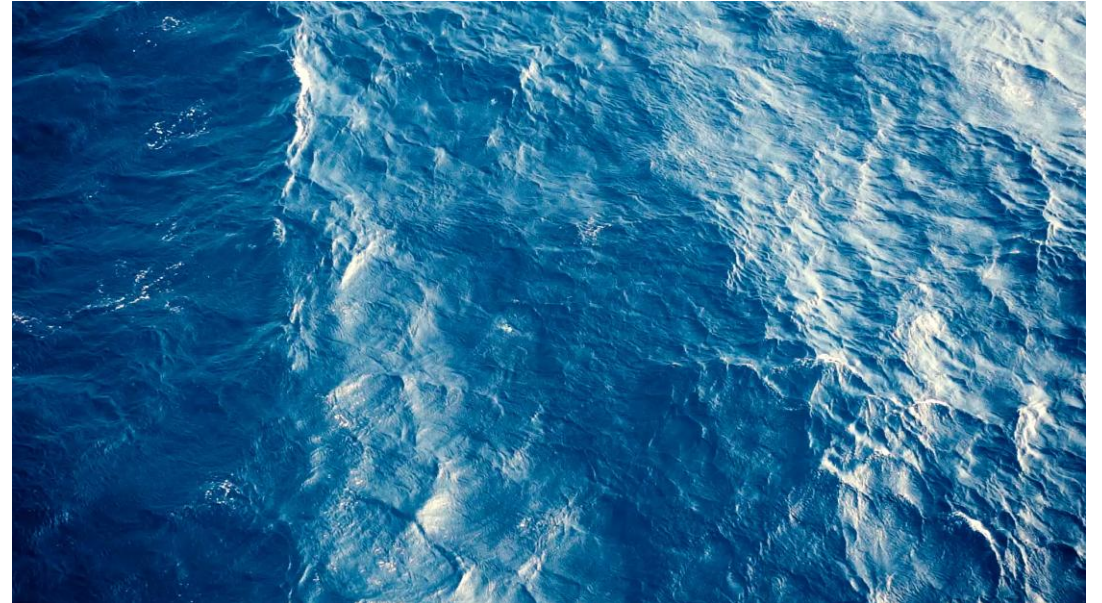
- **Not included**

- Maritime casualty stage
- Stateless vessels
- Port State jurisdiction

Framing the “legal” problem

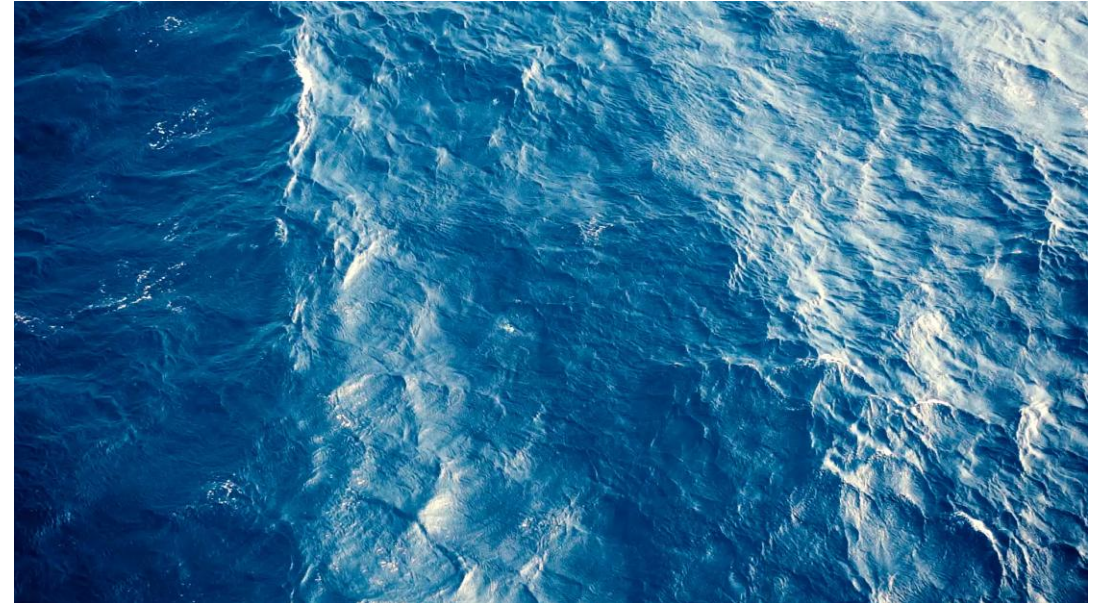
• Sanctions

- Uninsured or inadequately insured and substandard ships (safety, environment)
- Compliance
- Enforcement
 - Flag State
 - Port State
 - (Banks etc.)
- IMO
- Coastal States
- EU



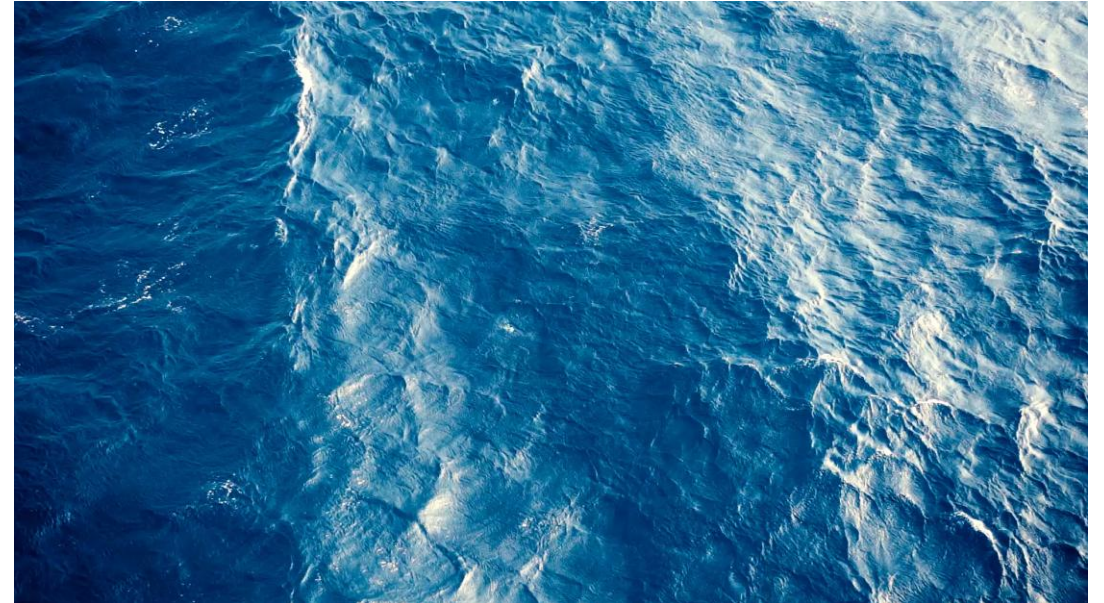
The IMO liability and compensation regime: Key elements

- Object and purpose
- The primary responsibility of the flag State
- Coastal State (?)
 - Prescriptive and adjudicative jurisdiction
 - The right to demand consultations



The law of the sea regime

- Coastal State Jurisdiction: Opportunities and Restrictions
 - Innocent passage not to be hampered
 - Prescriptive jurisdiction less controversial than enforcement jurisdiction



Zooming-in

Art. 220(2) of UNCLOS

Where there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage therein, violated laws and regulations of that State adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels, that State, without prejudice to the application of the relevant provisions of Part II, section 3, may undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws, subject to the provisions of section 7.

Discussion and conclusions

