

Implications of Reflagging of Shadow Tankers to Russia

By Anna Vlasyuk and Benjamin Hilgenstock

- The number of Russian-flagged shadow tankers has risen considerably in recent months—and concurrently the issue of vessels without a valid flag has largely disappeared. Diplomatic outreach to flag registries and stepped-up interdictions of stateless vessels left Russia little choice but to resort to a strategy it had long sought to avoid: acting as a major flag state of the shadow fleet.
- Given the prevailing broad interpretation of passage rights under international maritime law, the increasing use of the Russian flag deprives coastal states of a justification for physical interdiction of shadow tankers. The Russian flag also functions as a deterrent as it is unlikely that these countries would consider interfering with the operations of vessels directly linked to Russia.
- Reflagging under its own registry has other implications for Russia, however, as the country assumes direct responsibility for ensuring compliance with flag-state obligations under UNCLOS and relevant UN conventions. The shift removes the ambiguity associated with permissive third-country registries and creates clearer legal grounds for holding Russia accountable.
- Reflagging also creates new opportunities for enforcement measures. Russian-flagged tankers are automatically subject to EU port restrictions, while persistent failures by Russia to exercise effective flag-state control could support legal action under UNCLOS, diplomatic pressure within the IMO, and potentially proportionate countermeasures under the law of state responsibility.

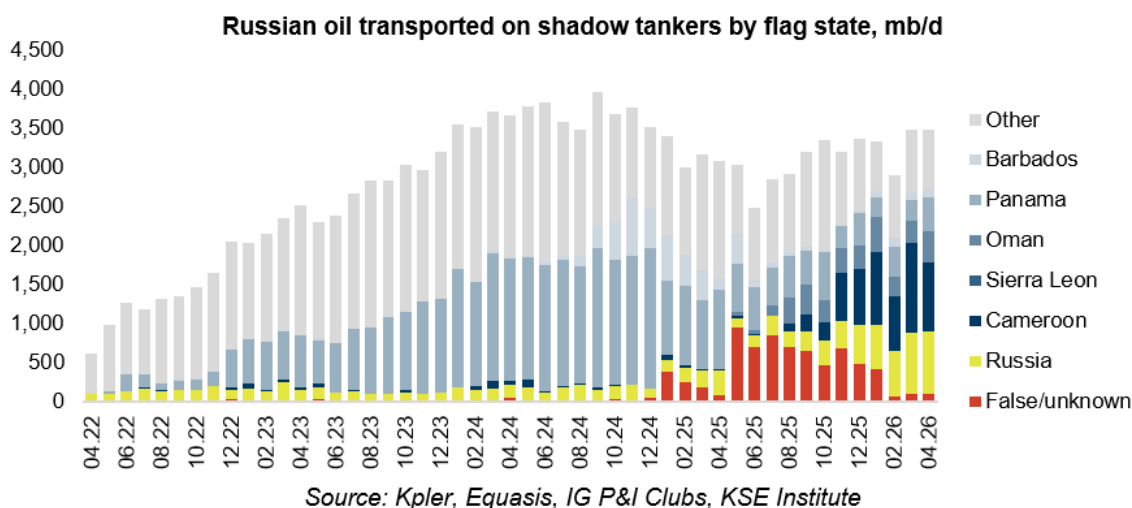
The Context: Increased Use of the Russian Flag

The role of the Russian flag registry within its shadow fleet has expanded significantly in recent months, with Russian-flagged vessels now accounting for more than 20% of total shadow fleet volumes (or around 800 kb/d).¹ This is likely the **result of two interlinked developments**: *First*, **diplomatic outreach** (or pressure) by sanctions coalition countries together with the rising number of designated shadow tankers has led to the deflagging of many vessels in reputable jurisdictions (e.g., Panama).² *Second*, coalition countries' **stepped-up physical interdictions of vessels without a valid flag** (i.e., no known flag or false flag) created significant risks for shadow fleet operations.³ Through the reflagging of shadow tankers to Russia, the issue of stateless vessels has now almost disappeared. This dynamic will likely continue once emerging shadow fleet flag registries (e.g., Cameroon, Sierra Leone) become the target of similar diplomatic efforts. As of the end of May 2026, 148 vessels of the Russian shadow fleet that were active in 2026 operate under the Russian flag.

¹ See KSE Institute *Russian Oil Tracker* [here](#).

² See, for instance, [here](#).

³ The list of vessels stopped due to concerns over the validity of their respective flag includes the *Kiwala* ([April 2025](#)), *Boracay* ([September 2025](#)), *Grinch* ([January 2026](#)), *Ethera* ([February 2026](#)), *Sea Owl I* ([March 2026](#)), *Jin Hui* ([May 2026](#)), and *Tagor* ([May 2026](#)).



Direct Implications for the Shadow Fleet Campaign

From the beginning, proposals to more aggressively constrain the activities of shadow tankers passing through certain straits have run into serious legal challenges as interdiction rights under the current interpretation of international law are extremely limited.

In international straits like the Strait of Dover and the Irbe Strait, the regime of transit passage applies, granting ships the freedom of navigation for continuous and expeditious transit. Under this regime, the coastal state's right of interdiction is highly restricted; according to Article 233 of UNCLOS, enforcement measures (such as boarding and inspection) are generally only permitted if a vessel violates maritime traffic or safety regulations in a manner that causes or threatens major damage to the marine environment.

The Danish Straits (the Belts and the Øresund) are governed by a special passage regime under the 1857 Copenhagen Convention, which effectively functions as non-suspendable innocent passage. Here, the coastal state holds broader authority to interdict ships if their passage is non-innocent, meaning it is prejudicial to the "peace, good order or security" of the state.

According to UNCLOS, the following makes a passage non-innocent: (i) any threat or use of force against the sovereignty or territorial integrity of the coastal state, weapon exercises, intelligence gathering, or acts of propaganda; (ii) launching, landing, or taking on board any aircraft or military device; (iii) loading or unloading commodities, currency, or persons in violation of customs, fiscal, immigration, or sanitary laws; (iv) acts of wilful and serious pollution, fishing activities, or conducting unauthorized research and survey activities; (v) any act aimed at interfering with communication systems or other facilities and installations of the coastal state; and (vi) engaging in any activity that does not have a direct bearing on passage. **Furthermore, rights of transit or innocent passage are generally given to the flag state; thus, a stateless vessel—i.e., a vessel without a valid flag—can be interdicted without violating these rights.** Customary international law states that a vessel without a flag is subject to the jurisdiction of any state.

In other maritime zones, such as the EEZ corridors established in the Viro Strait, Kattegat, and Bornholmstrait, the freedom of navigation applies. In these areas, a primary ground for interdiction is the suspicion of statelessness under Article 110(1)(d) of UNCLOS. Coastal states may board and search a vessel in the EEZ if there are reasonable grounds to believe it is without nationality. **Additionally, within the territorial sea, where the regime of suspendable innocent passage typically prevails, the coastal state exercises wide-ranging prescriptive and enforcement jurisdiction.** Interdiction can occur if a ship violates

customs, fiscal, immigration, or sanitary laws, or if there are clear grounds to believe a vessel has committed a pollution violation resulting in a substantial discharge.

The fact that reflagging to Russia has largely eliminated the issue of flagless vessels means that the room for physical interdictions narrows once again. In addition, the Russian flag may also function as an additional deterrent against any attempts to board a ship or interfere with its operations.

Implications for Russia as a Flag State

1. Conferral of valid nationality

Under UNCLOS, each state fixes the conditions for granting nationality and registering ships, subject to a genuine link, and the flag state enjoys exclusive jurisdiction over its vessels on the high seas.⁴ As a result, Russia gains exclusive flag-state jurisdiction and sheds the stateless-vessel vulnerability, but it is subject to flag-state responsibility claims that it had previously diffused across permissive open registries. **Reflagging to Russia, therefore, confers valid nationality and forecloses the argument that the vessel is without a state, making enforcement measures based on false/absent flag no longer available.**

2. Assumption of substantive flag-state duties

By registering the vessels, Russia assumes the duties owed by a flag state: effective jurisdiction and control in administrative, technical, and social matters (art 94), enforcement against vessel-source pollution (art 217), and criminalisation of damage to submarine cables and pipelines by its ships (art 113).⁵ Cognate duties arise under IMO instruments—keeping AIS operational, approving and policing ship-to-ship (“STS”) transfer plans, and maintaining pollution-emergency arrangements.⁶ Therefore, tankers’ failures in any of the above areas mean that **concerned states reach out to Russia to take appropriate measures to rectify the situation/cure violations.** Critically, Russia is not a party to the 1992 Civil Liability Convention, so its flag confers no CLC-compliant insurance cover.⁷

The art 94 obligation is one of conduct and due diligence, not result. ITLOS held in the 2015 SRFC Advisory Opinion that a flag state is not liable for its vessels’ unlawful conduct as such, but only where it fails to deploy adequate means and best efforts to control them.⁸ However, **in the case of Russia’s shadow fleet, this distinction is not decisive. Russia’s own omissions are rather manifest:** the state knowingly operates a register for a fleet built to evade sanctions, endanger navigation, and threaten marine environment and infrastructure, while declining to take the control measures art 94 requires. **That omission is an internationally wrongful act of Russia.** Additionally, where the vessels are state-owned or operated, or act on Russia’s instructions or under its direction and control, their conduct may be attributed to Russia directly under articles 4 and 8 of the ILC Articles on State Responsibility.⁹

⁴ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397 (“UNCLOS”), arts 91–92.

⁵ UNCLOS (n 1) arts 94 (jurisdiction and control), 217 (flag-State enforcement against vessel-source pollution) and 113 (submarine cables and pipelines); see also art 235 (responsibility and liability)

⁶ SOLAS, ch V, regs 19 and 19-1 (carriage and operation of AIS); MARPOL 73/78, Annex I, reg 41 (ship-to-ship transfer operations plan); International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC), arts 3–4.

⁷ International Convention on Civil Liability for Oil Pollution Damage 1969, as amended by the 1992 Protocol (“1992 CLC”), arts VII; the Russian Federation is not a party.

⁸ SRFC Advisory Opinion (n 2): the flag State’s duty is one of due diligence — to deploy adequate means and exercise best possible efforts — and is engaged only where that standard is not met.

⁹ ILC Articles on Responsibility of States for Internationally Wrongful Acts (2001), arts 4 and 8 (attribution), art 25 (necessity) and arts 49–54 (countermeasures).

3. Stripping the buy-side of plausible deniability

The shadow fleet's commercial logic rested on concealment: a neutral flag and opaque ownership afforded refiners, banks, insurers, and traders the documentary cover to clear cargo and route payment without confronting an evidently sanctioned cargo.

4. Potential pretext for retaliation

If enforcement measures are taken against Russian-flagged vessels, Russia might use it as a pretext for retaliation. It should be noted that those opposing a stronger stance towards shadow tankers have been arguing that such measures would trigger Russian retaliation, ignoring the fact that the tankers in question had the nationality of third states. However, now, these arguments might gain more merit. Russia is known for imposing conditions on commercial ships navigating in the Northern Sea Route under the art 234 "ice-covered areas" power, as well as in some other areas (on rather dubious legal grounds). **It is possible that Russia will inflate the significance of any measures taken against its tankers and will use such cases as an excuse to expand regulatory powers in its waterways or to retaliate against individual vessels of the coalition states.** That being said, Russia did not respond to the US in any meaningful way after the US forces boarded and seized an oil tanker, *Bella 1*, in the North Atlantic in January 2026, when the Russian Transport Ministry confirmed that the vessel had received temporary permission to sail under the Russian flag.¹⁰

Enforcement Measures Available to the Coalition

1. Automatic flag-based sanctions

The reflagging to Russia is itself the trigger for the EU port ban. Reg 833/2014, art 3ea bars access to EU ports and locks for any vessel flying the Russian flag—with anti-circumvention reach to vessels that left the Russian flag after 24 February 2022 and to vessels certified by the Russian Maritime Register of Shipping—with no individual designation required; its operation has been upheld by the General Court.¹¹

2. Flag-state accountability and dispute settlement

A coastal state may formally request Russia to investigate pollution violations by its vessels and report the outcome (arts 94(6), 217). Persistent refusal opens Part XV: a claim that Russia has failed its flag-state due diligence duties is a dispute concerning the interpretation or application of UNCLOS.¹² It should be noted that Russia's Article 298 declaration excludes certain types of disputes from the jurisdiction of the tribunal (disputes over military activities and certain law-enforcement activities). We do believe that disputes regarding flag state duties still fall under the dispute-resolution mechanism. Obviously, the real challenge with bringing Russia to accountability is not legal but practical: Russia has a settled practice of non-appearance,¹³ and Russia does not voluntarily comply with the awards rendered against it; however, the valid tribunal award can at least be used as leverage to gain some form of compliance from Russia, similar to the Arctic Sunrise case.¹⁴

¹⁰ BBC: US seizes Russian-flagged tanker in Atlantic as UK confirms it gave support to operation.

¹¹ Council Regulation (EU) No 833/2014, art 3ea(1)–(2), (1a), as inserted by Reg (EU) 2022/576 (eff. 16 April 2022); operation confirmed in Order of the General Court of 22 August 2025, Case T-446/24, *EV and Others v Council*.

¹² UNCLOS (n 1) arts 286–288, in particular art 288(1) (jurisdiction over disputes concerning interpretation or application of the Convention)

¹³ Under Annex VII a respondent's absence is no bar — the tribunal proceeds and must satisfy itself of jurisdiction and merit the comply, voluntarily comply, Russia as some the; forms

¹⁴ Russia never recognized the tribunal's jurisdiction and never paid the €5.4 million award *on its terms*. But the dispute did not simply end in non-compliance. Following bilateral consultations in 2018 and 2019, the Netherlands and Russia concluded an agreement that completely settled the Arctic Sunrise dispute, with Russia agreeing to pay €2.7 million to the Netherlands—about half the amount awarded at arbitration.

3. State responsibility and countermeasures

Given that Russia assumes flag state duties under international law, a systemic and willful breach can be characterized as an internationally wrongful act. This allows injured States to take proportionate countermeasures under the Articles on State Responsibility (ARSIWA). Since the flag state obligations exist vis-à-vis other UNCLOS state parties, any such state has standing to invoke countermeasures and to depart from their normal commitments under the treaty towards the violating state. Article 22 of ARSIWA specifically reads: “The wrongfulness of an act of a State not in conformity with an international obligation towards another State is precluded if and to the extent that the act constitutes a countermeasure taken against the latter State.”

Countermeasures are considered a form of self-help available to all states to induce the wrongdoing state to comply with its international obligations. As clarified by the International Law Commission in the commentary to ARSIWA, “[c]ountermeasures are a feature of a decentralized system by which injured States may seek to vindicate their rights and to restore the legal relationship with the responsible State which has been ruptured by the internationally wrongful act.”¹⁵ In most cases, the focus of countermeasures is to ensure cessation of an ongoing wrongful act.¹⁶ Such countermeasures would be invoked not in the context of sanctions, but to induce Russia’s compliance with its duties as a flag state under UNCLOS.

Additionally, **it should be noted that denial of maritime navigation was employed in support of international sanctions**, but it was done only in the context of the UN Security Council regime. Specifically, sanctions on Iraq and the Former Yugoslavia were accompanied by authorization to the States to “halt inward and outward shipping to inspect and verify cargoes.”¹⁷ Therefore, it is possible to argue that restrictions on maritime navigation used in support of sanctions are in line with international law; however, they are not available because of Russia’s veto powers at the UN Security Council.

4. Pressure through the International Maritime Organization

Russia, as the Flag State, assumes certain obligations under IMO Conventions, such as under Safety of Life at Sea (SOLAS). As the “Administration,” Russia is responsible for ensuring vessels maintain active Automatic Identification System (AIS) signals to prevent collisions and ensure transparency. This and other vessel safety and seaworthiness standards are elaborated in several IMO resolutions, including Resolution A.1192(33), tackling shadow fleet operations in particular.

Russia lost its seat at the IMO’s governing Council, but still has voting rights at the Assembly and is a member of the Maritime Safety Committee (MSC), the Marine Environment Protection Committee (MEPC), the Legal Committee (LEG), the Facilitation Committee (FAL), and the Technical Cooperation Committee (TCC). Therefore, there is a space to put more pressure on Russia within the IMO system.

5. Law of naval warfare (applicable to Ukraine)

In an armed conflict context, some authorities would treat a tanker exporting a belligerent’s commodities as a war-sustaining military objective, and a Russian flag would ease belligerent identification. This approach is formally and explicitly supported by only two states (the USA and India), but Ukraine’s actions indicate endorsement of this approach in practice. The US Newport Manual states that:

¹⁵ ARSIWA commentary, 128.

¹⁶ ARSIWA commentary, 131.

¹⁷ Res. 665, 1990; Res. 787, 1992.

“enemy export of certain goods, like crude oil, renders a vessel a military objective because the enemy earns revenue that contributes to its war-fighting effort.”¹⁸

Furthermore, **in accordance with the international law of armed conflict at sea, commercial vessels may become military objectives based on their participation in military action.** Rule 60 of the San Remo Manual on International Law Applicable to Armed Conflicts at Sea stipulates that: “The following activities may render enemy merchant vessels military objectives: (a) engaging in belligerent acts on behalf of the enemy, e.g., laying mines, minesweeping, **cutting undersea cables and pipelines**, engaging in visit and search of neutral merchant vessels or attacking other merchant vessels; (b) acting as an auxiliary to an enemy’s armed forces, e.g., carrying troops or replenishing warships; (c) being incorporated into or assisting the enemy’s intelligence gathering system, e.g., engaging in reconnaissance, early warning, surveillance, or command, control and communications missions; (d) **sailing under convoy of enemy warships or military aircraft**; (e) **refusing an order to stop or actively resisting visit, search or capture**; (f) being armed to an extent that they could inflict damage to a warship; this excludes light individual weapons for the defence of personnel, e.g., against pirates, and purely deflectionary systems such as chaff; or (g) otherwise making an effective contribution to military action, e.g., carrying military materials.” There is ample reporting of various shadow fleet tankers being involved in damaging submarine cables, being used to launch drones, etc. If any of this conduct is done by the Russian-flagged vessel, belligerent identification becomes straightforward.

¹⁸ Newport Manual 2025 (n 5) 150-1.