

**Shadow Fleet Panel Discussion
Estonia Embassy, 18 September 2025**

**Environmental Risks to Coastal States
from the Shadow Fleet –
The Problem and
Possible Solutions**

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Part 1

Risk to Marine & Coastal Environment of Coastal States from Tankers in the Shadow Fleet

Shadow Fleet of Oil Tankers Threatens Existing IMO Regime

- To avoid **economic sanctions** imposed by the US, UK and EU, a “shadow fleet” of oil tankers has developed to carry oil from Iran, Venezuela and Russian Federation
- Most of these tankers are more than 15-20 years old and do not comply with safety and pollution standards set out in IMO Conventions
- **Not regulated by Flag States:** Most are either fraudulently registered or registered in States that are unable and/or unwilling to ensure they comply with IMO Conventions
- **Not subject to Port State Control:** do not enter ports where they may be inspected under “port State control” regimes – they anchor in the EEZ to receive food, water, fuel & spare parts

Lloyd's List Article – Characteristics of Tankers in the Dark Fleet

- Tankers in the shadow fleet are flagged in **high-risk open registries** that are in the Grey List and Black List compiled by the Paris MoU on Port State Control
- The flag States used by tankers in the shadow fleet include the international registries of Cameroon, Togo, Comoros, Tanzania, Belize, Sierra Leone, Cook Islands, St Kitts and Nevis, Palau, etc. – the list keeps growing
- Some of the tankers in the shadow fleet are now **fraudulently registered**

Tankers in Shadow Fleet threaten existing IMO Regime

- The shadow fleet of tankers pose a serious threat to the marine environment of coastal States in major sea lanes
- Most do not have liability insurance for an oil spill as required by the **1992 Civil Liability Convention**
- They also create a risk to navigational safety because they turn off their AIS or use “spoofing techniques” to hide their location or identity
- The conduct ship-to-ship (STS) operations outside the territorial sea limits of coastal States, which poses a serious risk of an oil spill

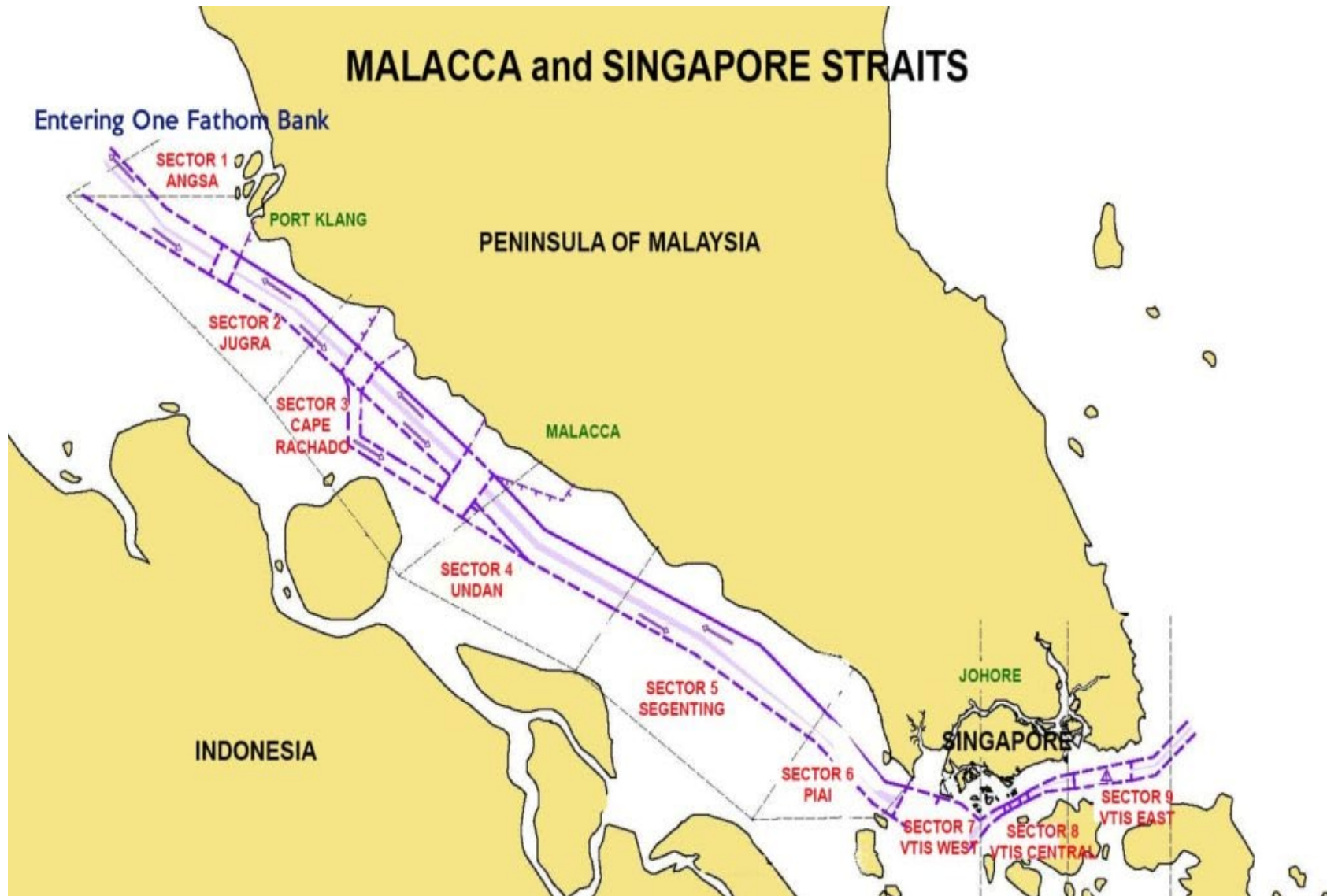
Part 2

Transit of Shadow Fleet in Southeast Asia

Sea-lanes in Southeast Asia



IMO Traffic Separation Scheme & IMO Mandatory Ship Reporting Scheme



Threat to Marine Environment of Coastal States

- Passage of shadow fleet in major sea lanes poses significant risk to marine environment of coastal States
- Owner may not have insurance for pollution as required by the 1992 Civil Liability Convention
- If coastal States are a party to the 1992 Fund Convention, they can claim compensation if damage exceeds that of 1992 CLC or if owner has no CLC insurance
- Malaysia and Singapore are parties to 1992 Fund Convention, but Indonesia is not

Identifying and Tracking Tankers in the Dark Fleet

- IMO Assembly Resolution of Dec 2023 “ENCOURAGES **coastal States to collaborate** to improve monitoring of these practices and operations”;
- Information on the websites of the IMO is useful but limited
 - IMO’s GISIS portal allows all vessels issued with an IMO number to be tracked — a useful feature as the IMO number stays with the vessel even if it is re-registered under multiple flags or names.
 - While the GISIS is not public, it is free to access for all IMO member states and their maritime administrations via an IMO web account
 - GISIS is also not completely accurate and up-to-date

Monitoring Oil Tankers that transit the Straits of Malacca and Singapore

- The IMO has adopted a Mandatory Ship Reporting System for the Straits of Malacca and Singapore
- All ships transiting the Straits of Malacca and Singapore are required to report their **name** and **IMO number** to the coastal authorities
- The coastal authorities could use commercially available software to identify the tankers in the dark fleet that pose a risk to the marine environment
- The States bordering the strait could then track and monitor those tankers.
- If the coastal State has regulations on STS operations in its EEZ it could ensure that the tankers comply with its regulations

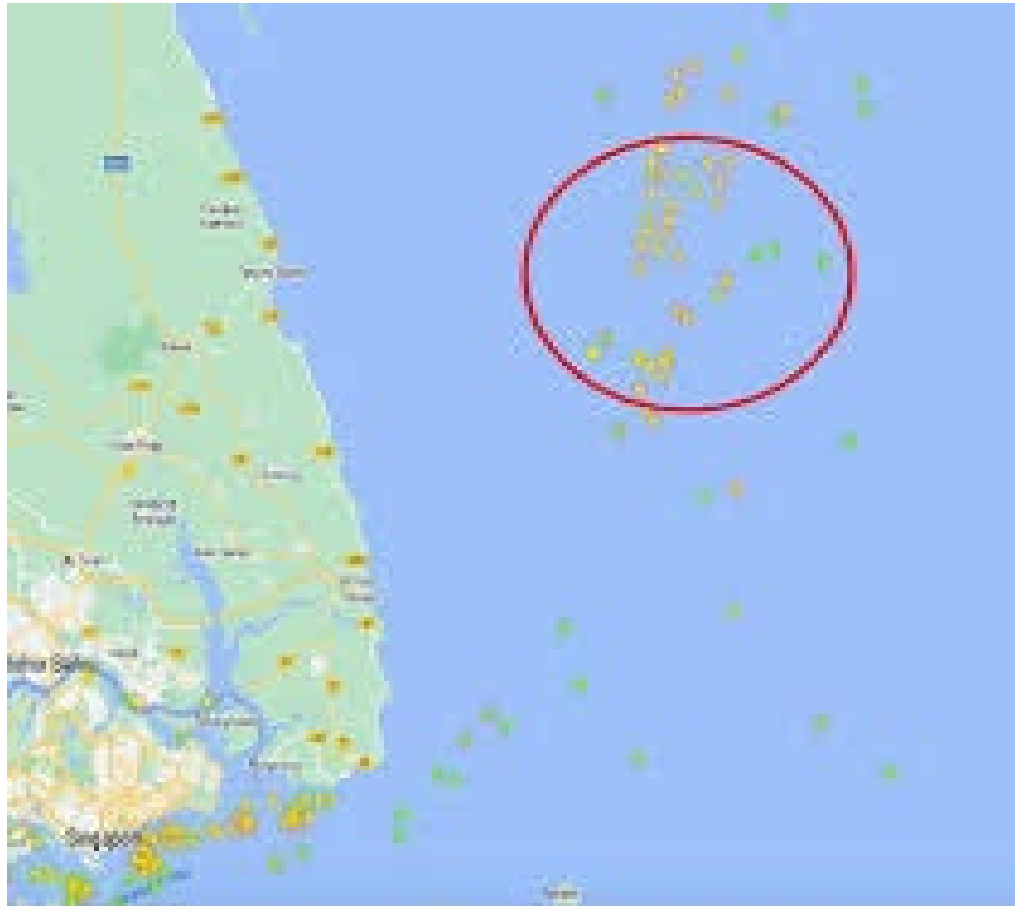
Options on “Stateless” Tankers

- If tanker is reported by State whose flag it flies to be fraudulently registered, it is a “stateless vessel”
- Stateless vessels have no passage rights through waters under the sovereignty of coastal States
- The warship of any State can exercise the right of visit in the EEZ or on the high Seas if it has reasonable grounds for suspecting that a ship is “without nationality”
- But what does the warship then do with Stateless tanker?

Part 3

STS Operations by Shadow Fleet in Southeast Asia

STS Operations in EEZ of Malaysia



Malaysia's Exclusive Economic Zone

Example: Pablo Incident - 1 May 2023

- Unladen Tanker exploded on 1 May 2023 in EEZ of Malaysia
- Three crew members died in the explosion
- The tanker was built in 1997 and its name was *Mockingbird*
- It was de-flagged by Panama in 2021 for suspected ties to Iran
- It was then reflagged with Cameroon, Cook Islands and Tanzania
- In March 2023, its name was change to *Pablo* and it was reflagged in Gabon
- Its registered owner was then changed to Marshall Islands-based Pablo Union Shipping
- Its beneficial owner is unknown
- The explosion cause no major spill because had no oil cargo
- It likely had no insurance for oil spill damage or wreck removal

IMO Assembly Resolution A.1192(33) of 11 Dec 2023

6. CALLS UPON **coastal States** to monitor STS operations in their **territorial sea and exclusive economic zone**,
 - **notified** in accordance with regulation 42 of Annex I of MARPOL, including monitoring the provision of the notifications required pursuant to regulation 42 of Annex I of MARPOL,
 - and **take appropriate actions** in cases identified as not complying with the **maritime safety and prevention of marine pollution regulations**;
7. ENCOURAGES **coastal States** to collaborate to improve monitoring of these practices and operations;

CIL Guide to Identifying and Tracking Tankers in the Dark Fleet

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IMO Resolution MEPC.186(59) adopted on 17 July 2009

- Addition of a **new chapter 8 to MARPOL Annex I** and consequential amendments to the Supplement to the IOPP Certificate Form B
- Applies to oil tankers engaged in the transfer of oil cargo between tankers at sea (STS operations) conducted after 1 April 2012
- **Regulation 41:** Tanker engaged in STS operations must carry on board an STS operations plan developed taking into account best practice guidelines and approved by administration of flag State

IMO Resolution MEPC.186(59) adopted on 17 July 2009

Regulation 42 - Notification to the coastal State

- Each tanker that plans STS operations within the territorial sea or Exclusive Economic Zone of a Party **shall notify that Party** not less than 48 hours in advance of the scheduled STS operations.
- The Notification to the coastal State must include:
 1. name, flag, call sign, IMO Number and estimated arrival time of the tankers involved in the STS operations
 2. date, time and geographic location at the commencement of the planned STS operations
 7. Confirmation that the oil tanker has on board an STS operations Plan meeting the requirement of regulation 41

Part 4

Option 1 for Concerned Coastal States – Invoke UNCLOS Dispute Settlement Procedures against Flag States

Obligation of Flag States to effectively exercise jurisdiction and control

- Flag States have an obligation under **Article 94 of 1982 UNCLOS** to **effectively exercise jurisdiction and control** over ships flying its flag
- Flag States are required to take measures on the safety of navigation and the prevention of pollution that conform to the “generally accepted international regulations, procedures and practices” on the safety of life at sea, the maintenance of radio communications, and the prevention, reduction and control of marine pollution
- A State which has clear grounds to believe that a flag State is not exercising proper jurisdiction and control ***may report the facts to the flag State, which must investigate and remedy the situation***

Coastal States could invoke the Dispute Settlement System UNCLOS

- Concerned coastal States could invoke Article 94(6) against flag States if they have clear grounds to believe that the flag States are not exercising effective jurisdiction and control over oil tankers flying their flag
- If a flag State fail to investigate and remedy the situation, complaining coastal States could invoke the dispute settlement system in UNCLOS, alleging that the Flag State has failed to exercise “effective jurisdiction and control” as required by UNCLOS
- The States registering tankers in the Shadow Fleet are not likely to engage international lawyers to try to defend their actions

LOSC Article 211. Pollution from Vessels

Article 211(5)

- **Coastal States, for the purpose of enforcement** as provided for in section 6,
- may in respect of their **exclusive economic zones** adopt laws and regulations for the prevention, reduction and control of **pollution from vessels**
- **conforming to and giving effect to** *generally accepted international rules and standards established through the competent international organization or general diplomatic conference.*
- *This provisions allows coastal States to regulate STS operations in accordance with* **MARPOL Chp 8, Regulation 42**

Part 5

**Bold Option 2 for
Concerned Coastal States –
Baltic States could Request Advisory
Opinion from ITLOS**

- The success of the Small Island State in requesting an Advisory Opinion from ITLOS has demonstrated that advisory opinions can be extremely useful in clarifying legal obligations under 1982 UNCLOS
- The threat posed by the shadow fleet is to a large extent caused by the fact the obligation of flag States to exercise effective jurisdiction and control is extremely vague and has not been clarified
- A carefully crafted request for an Advisory Opinion from the Baltic States could have significant impact on addressing the threat from the Shadow Fleet

Thanks for Your Attention !

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