Shipping, Digitalisation and Law Roundtable

Te Piringa Faculty of Law, School of Law, Politics & Philosophy,
University of Waikato
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The Ungoverned Domain and Vulnerabilities of a Flag States' Shipping Registries: the Case for an Electronic Genuine Link?

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Who Governs The Website Via Which A Ship Is Registered?

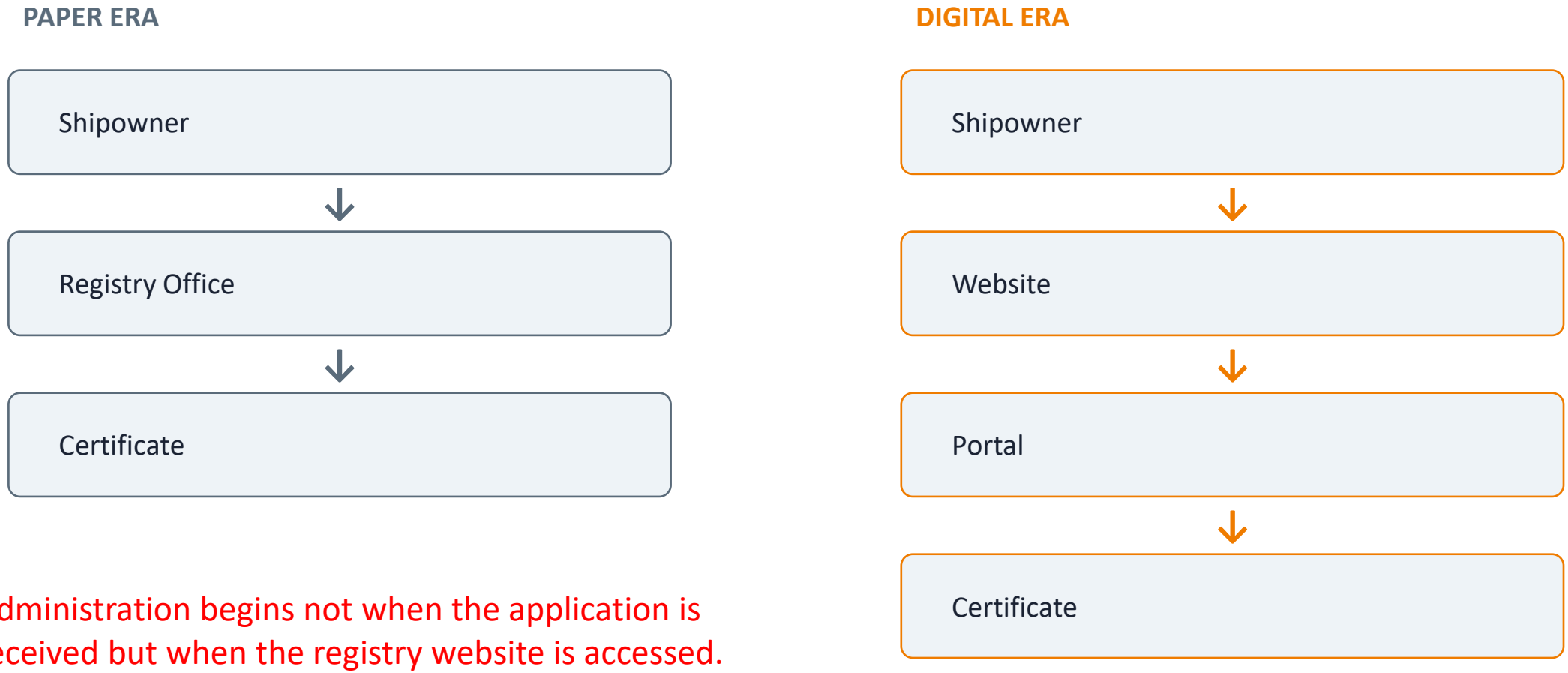
"When we think about ship registration, we imagine a government office. Today, the first interaction is not with an Administrative Officer from the State — it is with a website."

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WHY THIS MATTERS?

Digitalisation Has Moved the Point of Authority

Digitalisation hasn't simply replaced paper; it has changed where government authority is exercised.



Administration begins not when the application is received but when the registry website is accessed.

THE SUCCESS STORY

Digitalisation Has Delivered Real Gains

Before the argument turns critical — the improvements are genuine.

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✓

Faster & remote registration

Owners register and renew without a physical visit to a registry office.

✓

Lower cost, electronic certificates

Administrative overhead drops; certificates issue and update digitally.

✓

Less paper fraud, QR verification

Scannable credentials replace easily-forged paper documents.

THE HIDDEN ASSUMPTION

Every QR Code Sends You Somewhere

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What if that "somewhere" is fake, compromised, or no longer under State Control?

THE LEGAL GAP

From Genuine Link to Electronic Genuine Link

TRADITIONAL LAW ASKS

Does the ship have a genuine link with the flag State?

DIGITALISATION CREATES ANOTHER QUESTION

Does the State have effective control over the digital infrastructure through which it exercises that authority?

It is a new form of governance question: an Electronic Genuine Link?

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THE REGULATORY BLIND SPOT

Two Regimes Govern the Pieces — Neither Governs the Whole

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MARITIME LAW COVERS

✓ Nationality

✓ Flag-State responsibility

✓ Certificates & ROs

INTERNET GOVERNANCE COVERS

- Domain allocation (ICANN)
- ccTLD delegation
- Hosting & ISP jurisdiction

NEITHER REACHES

✗ Registry authentication authority

✗ The State's digital identity

✗ Continuity if outsourcing ends

Existing regimes regulate different components, but no single framework clearly addresses the legal status and State responsibility of the digital interface through which ship nationality is administered.

THE INTERFACE HAS CHANGED

When the Registry Website Fails, the Ship List Fails With It

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TAGS: Sanctions | Tankers and Gas | Regulation

EMAIL

Flag states rush to flush out fake registries in buildup to IMO meeting

- *At least seven nations have notified the IMO of fraudulent registries issuing flag certificates on their behalf since January*
- *Shadow fleet tankers falsely flying the flags of the Netherlands' Aruba, Sint Maarten and Curaçao; Madagascar; Zimbabwe; Botswana; Guinea; Tonga; and Mali accounted for over 14.5m dwt*
- *Among shadow fleet vessels that broadcast AIS this year, false flags accounted for at least 20% by dwt*
- *According to the IMO GISIS platform, there are over 520 falsely flagged ships*

19 Feb 2026 | ANALYSIS

TAGS: Sanctions | Risk and Compliance | Tankers and Gas

EMAIL PRINT

Massive fraudulent flag operation linking over 20 separate fake sites uncovered

- *Lloyd's List has uncovered 21 linked fraudulent flag and crewing operations not yet identified by the IMO and all linked back to the same scam operation*
- *At least 50 fraudulent sites have been created to produce ship registration and seafarer certification, but new sites are under construction*
- *IMO figures show 306 fraudulently flagged ships in operation, registered to 29 separate fraudulent flags, but those figures are vastly underestimating the problem*

25 Jul 2025 | NEWS

A digitally administered ship registry is only as verifiable as the digital infrastructure through which its records are authenticated and accessed.

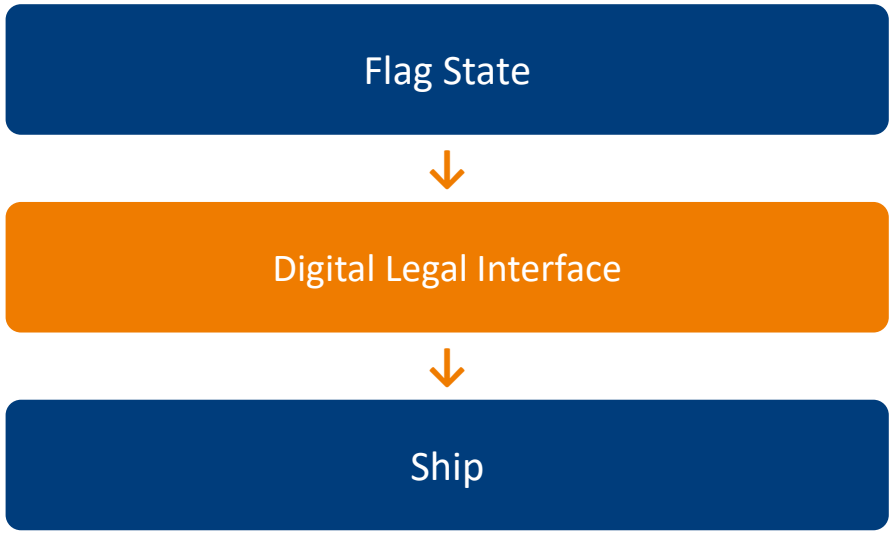
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Rethinking Flag State Administration in the Era of Digitalisation

TRADITIONAL GENUINE LINK



ELECTRONIC GENUINE LINK



Requires separation from a cybersecurity claim: a hacked hospital site is a data breach; a compromised registry site means a port State officer cannot verify whether nationality under Article 91 was ever validly conferred. That is a genuine-link-family harm under Article 91.

WHAT IT SHOULD REQUIRE

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Four Governance Questions

Proposed as a compliance floor, not a fault-based standard — The State must retain effective control and continuity over the digital infrastructure through which its registry authority is exercised, whether directly or through accountable delegation.

1. Does the State control its digital identity?
2. Does the State control its verification systems?
3. Does the State control its registry data?
4. Is there continuity if outsourcing ends?

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International law has spent decades asking whether there is a genuine link between a ship and its flag State.

As registration becomes digital, perhaps we should also ask whether there is a genuine electronic link between the flag State and the digital interface through which it exercises that authority.

Thank You!

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