

NOTE

The Ghost Fleet Dilemma: When Enforcement Timescales Fail Wartime Needs

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Introduction

Oil sanctions allow countries or international bodies to apply economic pressure on a sanctioned country. For example, G7 sanctions currently are in effect for Russian oil over a \$47.60 per barrel price cap.¹ Russian oil under this cap is not under sanction, provided that the carrying tankers themselves have not been sanctioned.² The efficacy of these sanctions depends in large part on how difficult they are to circumvent. With an estimated 76% of the international oil trade being seaborne,³ sanctioned countries are left to either comply with the sanctions or attempt to continue operations while avoiding detection. The latter involves oil tankers with the strategic objective of anonymity. These are often referred to as “ghost fleets.”⁴ Leading policy estimates suggest that around one in every six active oil tankers belongs to Russian operators, employing obscure flags and shell companies.⁵ For these tankers, avoiding detection is essential. Once these ships are identified as “ghost fleets,” they can no longer appear legitimate.

Russia did not invent the ghost fleet. Western sanctions against countries like Iran and Venezuela motivated these nations to develop their own fleets of vessels operating outside normal regulatory frameworks, using them to circumvent sanctions and continue financing activities such as the Iranian nuclear program.⁶ However, the ongoing war in Ukraine is notable for the scale and prevalence of newly incorporated Russian vessels. According to a recent report from Windward Maritime AI, the Russian fleet now comprises at least 1,300 vessels, more than twice the 600 ships recorded during the initial months of the conflict.⁷

What goes into identifying a potential ghost fleet tanker, and how does a tanker avoid detection? Oil tankers have a variety of potential identifiers. First, there is the tankers’ origin. Ghost fleet tankers are primarily purchased from the secondary ship market by undisclosed companies or entities with no prior record of ship management.⁸ This is made clear through the second-hand

1. Directorate-General for Financial Stability, Financial Services and Capital Markets Union, *EU Adopts 18th Package of Sanctions Against Russia*, EUR.COMM’N (July 18, 2025), https://finance.ec.europa.eu/news/eu-adopts-18th-package-sanctions-against-russia-2025-07-18_en [<https://perma.cc/HB4L-2Z2V>].

2. *See id.*

3. U.S. Energy Info. Admin., *World Oil Transit Chokepoints* (2024), https://www.eia.gov/international/analysis/special-topics/World_Oil_Transit_Chokepoints [<https://perma.cc/4SKQ-Y2XP>].

4. *See, e.g.*, GHOST Act of 2025, S. 1490, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/1490/text>.

5. George Janjalia, *Europe Moves Toward Shadow Fleet Seizures*, CEPA (Sept. 26, 2025), <https://cepa.org/article/europe-moves-toward-shadow-fleet-seizures/> [<https://perma.cc/AZ2J-JCRM>].

6. Justine Dukmedjian, *From the Western Point of View: The Growing Issue of Russia’s Ghost Fleet*, ESCP INT’L POL. SOC’Y (Mar. 9, 2025), <https://pppescp.com/2025/03/09/from-the-western-point-of-view-the-growing-issue-of-russias-ghost-fleet/> [<https://perma.cc/MR2R-HYQL>].

7. *Updated: Illuminating Russia’s Shadow Fleet*, WINDWARD (2024), <https://windward.ai/knowledge-base/illuminating-russias-shadow-fleet/> [<https://perma.cc/6PWF-J9JZ>].

8. Elisabeth Braw, *The Threats Posed by the Global Shadow Fleet—and How to Stop It*, ATLANTIC COUNCIL (Dec. 6, 2024), <https://www.atlanticcouncil.org/in-depth-research-reports/>

ship market; ships that were previously scrapped due to their disrepair are now valuable commodities. For example, following the G7, EU, and Australia imposing a \$60 per barrel cap in December 2022, by summer 2023, fifteen-year-old Aframax tankers, often used in the ghost fleet, had more than doubled in price on the second-hand market.⁹

These older ships are likely to fail port inspection and pose increased risks to the safety of crews and oil spills.¹⁰ This creates an additional incentive for countries near the trade routes to try and curb the practice; after all, an oil spill is an expensive natural disaster. Over the past year, there have been at least five oil spills in European waters that have been linked to ghost tankers.¹¹ This documented environmental damage adds urgency to G7 and EU enforcement efforts.

A primary identifier is a ship's registered flag.¹² Operators of ghost tankers may sail without a flag registration or seek to register with a flag of an unsanctioned country. Because countries vary widely in tanker verification before issuing a flag, certain flags are disproportionately utilized by ghost fleets.¹³ Another identifier is a tanker's insurance. A tanker being without insurance, or covered by a second-rate insurance provider, may serve as an additional indicator of illegal activity.¹⁴ In a 2024 newsletter, the U.S. government noted that two-thirds of tankers carrying Russian crude oil were listed as insured by "unknown," illustrating the opacity of their insurance coverage.¹⁵ Moreover, to avoid coastal states' jurisdiction and ports' inspection, ghost fleets may engage in ship-to-ship transfers strategically outside the territorial waters of coastal states.¹⁶ Finally, while ships over a certain size are required to have Automatic Identification Systems (AIS), a ghost tanker might either fail to comply, turn it off temporarily, or "spoof" the AIS to reveal an incorrect location.¹⁷

There are existing international legal efforts to combat this practice, as well as emerging efforts in 2025. In April 2025, a United States bill with bipartisan support established a Russian Sanctions Enforcement Fund at the

report/the-threats-posed-by-the-global-shadow-fleet-and-how-to-stop-it/ [https://perma.cc/6RSG-YJQQ].

9. John Frittelli, *The Global Oil Tanker Market: An Overview as It Relates to Sanctions*, CONG. RSCH. SERV. R47962 (Mar. 18, 2024), <https://www.congress.gov/crs-product/R47962>.

10. Braw, *supra* note 8.

11. *Russia's Blacklisted Tankers Keep Dumping Oil in Europe's Seas*, POLITICO EUR. (Oct. 7, 2025), <https://www.politico.eu/article/russia-blacklisted-tankers-vessels-keep-dumping-oil-europe-sea-despite-sanction/> [https://perma.cc/GM9C-K8WW].

12. These flags also function beyond identification. The registered flag also determines the governing laws under which a vessel must operate and comply.

13. Benjamin Jensen, *How to Exorcise Russia's Ghost Fleet*. CSIS (Jan. 7, 2025), <https://www.csis.org/analysis/how-exorcise-russias-ghost-fleet> [https://perma.cc/JVT7-82EN].

14. Braw, *supra* note 8.

15. Export Enforcement Coordination Ctr., *ECHO Quarterly Newsletter: Ghost Ships Avoid U.S. Oil Sanctions*, U.S. IMMIGR. & CUSTOMS ENFT (June 2024), https://www.ice.gov/doclib/e2c2/echoNewsletter_2024_q3.pdf [https://perma.cc/LP4Z-FU77].

16. *Id.*

17. See Jessie Caldwell, *Security or Safety: What Is AIS Really For?*, CTR. FOR INT'L MAR. SEC. (CIMSEC) (May 19, 2025), <https://cimsec.org/security-or-safety-what-is-ais-really-for/> [https://perma.cc/K22U-L4HW].

U.S. Treasury.¹⁸ The stated purpose of this \$150 million fund was “to enforce United States sanctions with respect to the Russian Federation and its illegal ghost ship fleet.”¹⁹ In focusing these efforts, those seeking to combat ghost fleets may attempt to discourage customers from buying sanctioned oil. For example, in August 2025, the U.S. announced tariffs on India including a 25% base tariff and an additional 25% as a penalty for its ongoing practice of purchasing sanctioned Russian oil.²⁰ Another approach is disincentivizing flag registrants or insurance providers from aiding the ghost fleets in their attempts to appear legitimate, which may similarly be accomplished by tariff and individual sanctions respectively.

Finally, another solution includes monitoring the waters more intently for signs of ghost fleets. In April 2025, the EU granted its member countries the authority to inspect passing vessels and demand proof of insurance.²¹ This represents an amendment to the prior procedural norm of asking for proof of insurance with reports suggesting that around one in five ships refused to comply.²²

While facially promising, whether there are, or will be, accompanying enforcement mechanisms is unclear. The UN Convention of the Law of the Sea (UNCLOS) does not give direct guidance on what may be considered acceptable insurance and what actions a state may take should a ship refuse to provide it.²³ In late 2025 and early 2026, Ukraine shifted its enforcement efforts, carrying out multiple drone strikes against Russian tankers in the Black Sea. Ukrainian officials justified these strikes, claiming that the tankers are legitimate military targets. The ghost fleet problem extends past the conflict between Russia and Ukraine, revealing larger limitations in maritime law enforcement, a blurred civilian and military distinction in naval warfare, and challenges in creating an impactful international sanctions regime.

This note argues that current enforcement mechanisms cannot counter Russian ghost tankers quickly enough to satisfy Ukraine’s wartime needs. This failure drives Ukraine to strike sanctions-evading tankers while asserting legal justification under a minority interpretation of the law of armed conflict. The international response reflects tension between sympathizing with Ukraine’s security imperatives and supporting efforts to combat ghost tankers, while fearing erosion of maritime law protections for commercial vessels. To develop this argument, the note evaluates Ukraine’s legal justification by examining

18. GHOST Act of 2025, S. 1490, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/1490/text>.

19. *Id.*

20. Daniel N. Anziska, Ryan Last & Charlene C. Goldfield, *Doubling Down – US Slaps 25% Additional Tariff on Indian Imports for India’s Oil Trade with Russia*, TROUTMAN PEPPER LOCKE (Aug. 7, 2025), <https://www.troutman.com/insights/doubling-down-us-slaps-25-additional-tariff-on-indian-imports-for-indias-oil-trade-with-russia/> [https://perma.cc/87VU-3XQJ].

21. John Basquill, *EU Unveils Insurance Reforms to Target Sanctions-Busting ‘Shadow Fleet’*, GLOBAL TRADE REV. (Apr. 30, 2025), <https://www.gtreview.com/news/europe/eu-unveils-insurance-reforms-to-target-sanctions-busting-shadow-fleet/> [https://perma.cc/549Z-CHSZ].

22. *EU Requests for Insurance Proof Ignored by Over a Fifth of Ships*, LLOYD’S LIST (Apr. 30, 2025), <https://www.lloydslist.com/LL1153321/EU-requests-for-insurance-proof-ignored-by-over-a-fifth-of-ships> [https://perma.cc/AH2L-9AU9].

23. *Id.*

competing interpretations of “military objectives” under international humanitarian law, assesses whether traditional enforcement mechanisms could have achieved Ukraine’s objectives within operationally relevant timeframes, and analyzes how state responses may signal emerging norms.

Part I provides background on oil sanctions, the legal framework governing maritime enforcement under UNCLOS, and recent enforcement efforts including flag state pressure, insurance sanctions, and environmental regulations. It also introduces the competing views on what constitutes a legitimate military target under the law of armed conflict. Part II analyzes why traditional enforcement mechanisms failed to deliver results within Ukraine’s operational timeframe, evaluates Ukraine’s legal justification under the contested “war-sustaining” doctrine, and examines how the muted international response reflects both sympathy for Ukraine’s position and concern about precedent-setting. Part III concludes that enforcement inadequacy creates destabilizing pressure for victim states to bypass legal constraints, threatening the maritime legal order unless enforcement mechanisms can operate on conflict-relevant timescales.

I. Background

A. Oil Sanctions and Price Caps

International oil sanctions serve as a primary tool for economic pressure on states engaged in conduct the international community seeks to deter. As of February 2026, fully active sanctions target Russia, North Korea, and Iran.²⁴ Sanctions against Russia came in response to its invasion of Ukraine in 2022 and have remained in place as the Russo-Ukrainian war continues.²⁵ This note focuses on Russian ghost fleets because of Russia’s outsized presence in the world’s crude oil production compared to Iran and North Korea.²⁶

On September 2, 2022, the G7 agreed to cap the price of Russian oil to reduce Russia’s ability to finance its war with Ukraine.²⁷ This was a cap rather than an outright ban because of Russia’s significant role in global crude oil production; an outright ban would have caused significant harm to the global

24. Directorate-General for Financial Stability, *supra* note 1; Cong. Rsch. Serv., IF12452, *U.S. Sanctions on Iran* (Aug. 19, 2025), <https://www.congress.gov/crs-product/IF12452> [<https://perma.cc/AML2-BYTH>]; Off. of Foreign Assets Control, *North Korea Sanctions*, U.S. DEP’T OF THE TREASURY, <https://ofac.treasury.gov/sanctions-programs-and-country-information/north-korea-sanctions> [<https://perma.cc/J6A7-J3BM>] (last visited Jan. 20, 2026).

25. Directorate-General for Financial Stability, *supra* note 1.

26. U.S. Energy Info. Admin., *What Countries Are the Top Producers and Consumers of Oil?*, <https://www.eia.gov/tools/faqs/faq.php?id=709&t=6> (last updated Apr. 11, 2024) [<https://perma.cc/V6Z5-8CNP>]; U.S. Energy Info. Admin., *Venezuela’s Heavy Crude Oil Output Increases Are Limited Following U.S. Sanctions Relief*, U.S. ENERGY INFO. ADMIN. (Oct. 23, 2023), <https://www.eia.gov/todayinenergy/detail.php?id=60762> [<https://perma.cc/EM6G-SMMU>]; Observatory of Econ. Complexity, *Refined Petroleum in North Korea*, <https://oec.world/en/profile/bilateral-product/refined-petroleum/reporter/prk> (last visited Jan. 19, 2026) [<https://perma.cc/CEG3-AN5G>].

27. Michael Race, *Ukraine War: G7 Agrees to Impose Price Cap on Russian Oil*, BBC NEWS (Sept. 2, 2022), <https://www.bbc.com/news/business-62770283> [<https://perma.cc/V9Y4-3J7V>].

crude oil market.²⁸ The G7 was joined by the EU and Australia.²⁹ Initial sanctions prohibiting certain Russian oil transactions took effect on December 5, 2022, followed by the price cap mechanism on February 5, 2023.³⁰

Between the implementation of these sanctions and early 2025, market rates for Russian oil followed a downward trend, hovering around \$60 per barrel.³¹ This threatened the original purpose of the cap. As described by the U.S. Treasury Secretary, the mechanism's purpose was to finalize and implement a price cap, significantly reducing Russia's main source of funding for its illegal war.³² When market prices fell below the original \$60 cap by early 2025, the cap lost its constraining effect, leading to a resurgence in European tanker involvement in Russian oil exports.³³ In response, the EU adopted a floating price cap mechanism in mid-2025, setting the cap at 15% below the six-month average price of Russian Urals blend.³⁴ This floating price cap became effective February 1, 2026, at \$44.10 per barrel.³⁵

B. Key Law and Organizations

Much of the international legal regime governing maritime enforcement is stipulated under the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and regulations of the International Maritime Organization (IMO), the UN agency responsible for developing and maintaining international shipping standards.³⁶ UNCLOS requires every ship to register with a flag, indicating the nationality of the ship.³⁷ Article 91 provides that states shall establish conditions to grant nationality and the right to fly its flag to ships, and "there must exist a genuine link between

28. Robin Brooks & Ben Harris, *Why the U.S. Should Sanction More Russian Tankers*, BROOKINGS (June 26, 2024), <https://www.brookings.edu/articles/why-the-us-should-sanction-more-russian-tankers/> [<https://perma.cc/JZ63-9BAZ>].

29. Ctr. for Rsch. on Energy & Clean Air, *Tracking the Impacts of G7 & EU's Sanctions on Russian Oil*, <https://energyandcleanair.org/russia-sanction-tracker/> [<https://perma.cc/7RPL-GL9M>] (last visited Apr. 14, 2026); Australian Dep't of Foreign Affairs & Trade, *Russia – Australia Implements the G7 Price Cap on Russian Oil* (Dec. 2022), <https://www.dfat.gov.au/news/news/russia-australia-implements-g7-price-cap-russian-oil> [<https://perma.cc/596E-A4YP>].

30. Press Release, *G7 Agrees Oil Price Cap: Reducing Russia's Revenues, While Keeping Global Energy Markets Stable*, EUR. COMM'N (Dec. 3, 2022), https://ec.europa.eu/commission/presscorner/detail/it/ip_22_7468 [<https://perma.cc/AE7Q-U72M>].

31. *Crude Oil*, TRADING ECON., <https://tradingeconomics.com/commodity/crude-oil> [<https://perma.cc/J7MQ-DJN7>] (last visited Jan. 19, 2026).

32. Statement by Secretary of the Treasury Janet L. Yellen on the G7 Price Cap Announcement, U.S. DEPT OF THE TREASURY (Sept. 2, 2022), <https://home.treasury.gov/news/press-releases/jy0936> [<https://perma.cc/WSE9-B3UQ>].

33. *Id.*

34. *Id.*

35. Directorate-General for Financial Stability, Financial Services and Capital Markets Union, *New Dynamic Mechanism to Lower Price Cap for Russian Crude Oil to \$44.10 per Barrel*, EUR. COMM'N (Jan. 15, 2026), https://finance.ec.europa.eu/news/new-dynamic-mechanism-lower-price-cap-russian-crude-oil-4410-barrel-2026-01-15_en [<https://perma.cc/2LYE-U55Y>].

36. *Registration of Ships and Fraudulent Registration Matters*, INT'L MAR. ORG., <https://www.imo.org/en/ourwork/legal/pages/registration-of-ships-and-fraudulent-registration-matters.aspx> [<https://perma.cc/3DVG-5CKQ>] (last visited Jan. 19, 2026).

37. U.N. Convention on the Law of the Sea art. 91, Dec. 10, 1982, 1833 U.N.T.S. 397.

the State and the ship.”³⁸ Article 94 assigns responsibility to the flag state for the ship, mandating the flag state to “effectively exercise its jurisdiction and control in administrative, technical and social matters” concerning the ship when at sea.³⁹

In *The Challenges of Dark Ships to the Safety and Security of Commercial Shipping and the Way Forward*, the author proposes potential methods of better combatting ghost fleets, including amending the flag states’ exclusive jurisdiction over their vessels under Article 92 UNCLOS or by articulating a clear “genuine link” requirement for vessel nationality in Article 91.⁴⁰ UNCLOS provides only limited circumstances under which other states may interdict foreign vessels. Article 110 stipulates the “right of visit,” permitting states to board foreign vessels on the high seas only under narrowly defined circumstances: suspicion of piracy, slave trading, unauthorized broadcasting, or when the vessel is stateless.⁴¹ Article 19 specifies when a vessel loses innocent passage, stating that within its territorial waters, a coastal state may restrict the right of innocent passage of vessels engaged in activities “prejudicial to the peace, good order or security of the coastal State.”⁴² Article 25 authorizes coastal states to “take the necessary steps in its territorial sea to prevent passage which is not innocent.”⁴³

C. Flags of Convenience and Regulatory Evasion

Ghost fleet vessels attempt to appear legitimate by registering with flag states that impose minimal oversight requirements. Flag registrations vary depending on state, but fit into one of two overall regulatory systems: open or closed registries. Open registries impose little to no nationality requirements for vessel owners and operators to register for a flag.⁴⁴ On the other hand, closed registries require that the ownership or crewing possess requisite ties to the country.⁴⁵

Open registries function primarily as income generation mechanisms for flag states, creating a competitive international market for vessel registration services. To attract clients, open registries offer reduced regulatory burdens, lower registration costs, and expedited certification processes compared to traditional closed registries.⁴⁶ This business model has proven remarkably successful, with more than 70% of global deadweight tonnage currently sailing under open registry flags.⁴⁷ However, open registries have documented

38. *Id.*

39. *Id.* art. 94

40. Trung Nguyen, *The Challenges of Dark Ships to the Safety and Security of Commercial Shipping and the Way Forward*, *ASIA-PAC. 8 J. OF OCEAN L. & POL’Y* 310-328 (2023).

41. U.N. Convention on the Law of the Sea art. 110, Dec. 10, 1982, 1833 U.N.T.S. 397.

42. *Id.* art. 19.

43. *Id.* art. 25.

44. *Registration of Ships and Fraudulent Registration Matters*, INT’L MAR. ORG., <https://www.imo.org/en/ourwork/legal/pages/registration-of-ships-and-fraudulent-registration-matters.aspx> [<https://perma.cc/3DVG-5CKQ>] (last visited Jan. 19, 2026).

45. *Id.*

46. Christopher J. Watterson et al., *Open Registries as an Enabler of Maritime Sanctions Evasion*, 119 *MARINE POL’Y* (2020).

47. *Id.*

problems with environmental safety compliance, vessel maintenance standards, and seafarer working conditions.⁴⁸ Because vessels can easily exchange flags and even their names, it is difficult for interested parties to trace them, providing anonymity for illegal operations.

Consequently, open registries are often called “flags of convenience.”⁴⁹ There is some positive momentum to discourage countries from offering lax open registries. The Federal Maritime Commission launched an investigation into whether flags of convenience harm American shipping conditions, noting that countries vying for registration revenue may outcompete one another by reducing oversight.⁵⁰ In 2025, U.S. lawmakers introduced a resolution condemning the international use of flags of convenience, due to their role facilitating criminal activity and enabling vessels to evade tariffs and sanctions.⁵¹ The resolution called on the United Nations, International Maritime Organization, and International Labour Organization to condemn flag-of-convenience practices globally and assist member nations in upholding maritime standards.⁵²

Even when vessels are deemed to be operating stateless, there remains a jurisdictional void.⁵³ States have demonstrated different treatment of stateless vessels. Some assert full jurisdiction over stateless vessels as if they were their own flagged ships, while others maintain they can only exercise jurisdiction when an additional legal connection exists beyond mere statelessness.⁵⁴ Because there is no definitive rule, the “Lotus principle” from international law suggests that states remain free to adopt whichever approach they prefer, so long as no explicit international prohibition exists.⁵⁵ This legal uncertainty demonstrates the enforcement challenges facing states attempting to curb ghost fleet operations through flag state regulation alone.

D. Insurance Providers

Enforcement efforts have increasingly focused on the insurance and financial service providers that make ghost fleets possible. On January 10, 2025,

48. *Id.*

49. See H.R. Res. 463, 119th Cong. (2025).

50. *Investigation Into Flags of Convenience and Unfavorable Conditions Created by Certain Flagging Practices*, 90 Fed. Reg. 21,926 (May 22, 2025) (order of investigation and request for comments), <https://www.federalregister.gov/documents/2025/05/22/2025-09236/investigation-into-flags-of-convenience-and-unfavorable-conditions-created-by-certain-flagging> [https://perma.cc/6Y2V-XYS9].

51. H.R. Res. 463, 119th Cong. (2025).

52. H.R. Res. 463, 119th Cong. (2025).

53. Andrew Norris, *Rudderless and Adrift: States’ Unwarranted Timidity Respecting Stateless Vessels*, 106 INT’L L. STUD. 101, 102 (2025).

54. *Id.* at 107.

55. *Id.* at 109; S.S. Lotus (Fr. v. Turk.), Judgment, 1927 P.C.I.J. (ser. A) No. 10 (Sept. 7) (holding [The absence of a definitive rule] leaves [States] a wide measure of discretion, which is only limited in certain cases by prohibitive rules; as regards other cases, every State remains free to adopt the principles which it regards as best and most suitable. This discretion left to States by international law explains the great variety of rules which they have been able to adopt without objections or complaints on the part of other States In these circumstances all that can be required of a State is that it should not overstep the limits which international law places upon its jurisdiction; within these limits, its title to exercise jurisdiction rests in its sovereignty).

the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) sanctioned two maritime insurance companies based in Russia - Ingosstrakh Insurance Company and Alfastrakhovanie Group - for covering oil tankers that were carrying sanctioned Russian oil.⁵⁶

By targeting insurance providers willing to cover sanctioned activities, authorities may apply additional pressure to the industry and raise ghost fleet operational costs. These sanctions carry significant implications for the maritime insurance industry. Foreign financial institutions that conduct or facilitate significant transactions with sanctioned tankers risk secondary sanctions from OFAC.⁵⁷ This incentivizes legitimate insurance providers to vet their clients and avoid providing coverage to sanctions-evading ships, even when those vessels operate under flags of convenience that might otherwise make a willfully ignorant approach attractive.

E. Legitimate Targets of Military Force

International humanitarian law protects civilian objects unless they qualify as military objectives. Article 52(2) of the 1977 Additional Protocol I to the 1949 Geneva Conventions defines military objectives as objects "which by their nature, location, purpose or use make an effective contribution to military action" and whose destruction offers "a definite military advantage."⁵⁸

What exactly constitutes an "effective contribution to military action" has generated significant disagreement among states and international law scholars. The majority view, reflected in authoritative expert manuals, restricts lawful targeting to objects that directly support war-fighting capability, and limited indirect functions.⁵⁹ Essentially, all states agree that objects indirectly contributing to the "war-fighting" category are legitimate military targets; most reject expanding this to include indirect economic support, or the "war-sustaining" category.⁶⁰

Recent authoritative codifications of international humanitarian law have explicitly rejected the "war-sustaining" theory that would permit attacks on economic infrastructure supporting a war effort. The HPCR Manual on International Law Applicable to Air and Missile Warfare and Tallinn Manual on Cyber Warfare each concluded that the connection between revenues from exports and military action is too remote.⁶¹ The San Remo Manual on International Law Applicable to Armed Conflicts at Sea also rejected this broad

56. Press Release, *Treasury Intensifies Sanctions Against Russia by Targeting Russia's Oil Production and Exports*, U.S. DEP'T OF THE TREASURY (Jan. 10, 2025), <https://home.treasury.gov/news/press-releases/jy2777> [<https://perma.cc/Z7UD-Q2ZZ>].

57. Press Release, *Treasury Disrupts Russia's Sanctions Evasion Schemes*, U.S. DEP'T OF THE TREASURY (Jan. 15, 2025), <https://home.treasury.gov/news/press-releases/jy2785> [<https://perma.cc/Q3BG-7BR8>].

58. Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), Art. 52(2), June 8, 1977, 1125 UNTS 3.

59. Ryan Goodman, *The Obama Administration and Targeting War-Sustaining Objects in Noninternational Armed Conflict*, 110 AM. J. INT'L L. 664-665 (2016).

60. *Id.* at 664.

61. *Id.* at 665 (citing to PROGRAM ON HUMANITARIAN POLICY AND CONFLICT RESEARCH AT HARVARD UNIVERSITY, COMMENTARY ON THE HPCR MANUAL ON INTERNATIONAL LAW APPLICABLE TO

interpretation, as drafting experts considered the broad view likely to justify indiscriminate attacks on targets as broad as an entire city.⁶²

A minority viewpoint, advanced primarily by the United States, adopts a broader definition of military objectives to include objects contributing to an enemy's war-sustaining effort.⁶³ This view includes two types of targets: (A) "war-fighting" capabilities—e.g., petroleum used to fuel military vehicles; and (B) "war-sustaining" capabilities—e.g., petroleum used to generate revenue to fund armed forces.⁶⁴ Under this framework, decision-makers evaluate whether the connection amounts to effectively supporting and sustaining the enemy's war capability; if so, the object may be lawfully attacked.⁶⁵

The United States has applied this doctrine in practice, including targeting oil infrastructure during conflicts in the Middle East.⁶⁶ Before the conflict with Islamic State in Iraq and the Levant (ISIL) arose, scholarly reviews suggested the United States may have been alone or nearly alone among states in viewing "war-sustaining" capabilities as legitimate military targets.⁶⁷ Critics argue that such an interpretation is unworkably broad, contending that accepting this theory would render virtually any economic activity supporting a state's general capacity to wage war targetable, effectively erasing the civilian/military distinction that forms the foundation of international humanitarian law.⁶⁸ Under an expansive "war-sustaining" approach, any object generating revenue for a wartime government could arguably be considered "war-sustaining."

Legal scholars have attempted to define boundaries for the "war-sustaining" doctrine to address these overbreadth concerns. Professor Ryan Goodman's influential framework identifies four limiting principles that, if rigorously applied, would constrain the doctrine's scope. First, the Definite Military Advantage requirement contains an implicit consideration of potential substitution effects. If destroying one "war-sustaining" object simply causes the adversary to substitute another source, then the military advantage may be illusory.⁶⁹ Second, the distinction between "war-sustaining" objects and individuals recognizes that targeting infrastructure differs from targeting civilians who work within

AIR AND MISSILE WARFARE, para. 24(2) (2002)); citing to TALLINN MANUAL ON THE INTERNATIONAL LAW APPLICABLE TO CYBER WARFARE 131 (Michael N. Schmitt ed., 2013).

62. *Id.* (citing to Horace B. Robertson, *The Principle of the Military Objective in the Law of Armed Conflict*, 8 U.S. AIR FORCE ACAD. J. L. STUD. 35, 50–51 (1997); citing to INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW, SAN REMO MANUAL ON INTERNATIONAL LAW APPLICABLE TO ARMED CONFLICTS AT SEA, para. 67.27 (Louise Doswald-Beck ed., 1995).

63. *Id.* at 664.

64. *Id.*

65. *Id.*

66. Brian Egan, *International Law, Legal Diplomacy, and the Counter-ISIL Campaign: Some Observations*, 92 INT'L L. STUD. 235, 242 (2016) ("The United States has interpreted this definition to include objects that make an effective contribution to the enemy's war-fighting or war-sustaining capabilities.").

67. Goodman, *supra* note 59 (citing to AGNIESZKA JACHEC-NEALE, THE CONCEPT OF MILITARY OBJECTIVES IN INTERNATIONAL LAW AND TARGETING PRACTICE 92, 105 (2014); David Turns, *Targets*, in RESEARCH HANDBOOK ON INTERNATIONAL CONFLICT AND SECURITY LAW 342, 366 (Nigel D. White & Christian Henderson eds., 2013); Kenneth W. Watkin, *Coalition Operations: A Canadian Perspective*, 84 INT'L L. STUD. 251, 255 (2008).

68. Iulia E. Padeanu, *Accepting That War-Sustaining Objects Are "Legitimate Targets" Under IHL Is a Terrible Idea*, YALE J. INT'L L. (2017).

69. Goodman, *supra* note 59, at 677.

“war-sustaining” functions, with the latter raising proportionality concerns.⁷⁰ Third, the “Great Staple” principle observes that historical precedents supporting the “war-sustaining” approach “involved very limited cases and involved an export that was a crucial component of an enemy armed forces’ capabilities,” suggesting that the doctrine applies only when an export constitutes an irreplaceable or dominant component of the war effort.⁷¹ Finally, proportionality analysis requires weighing military advantage against expected civilian harm, even when the target qualifies as a military objective.⁷² These limiting principles, while not eliminating concerns about doctrinal expansion, narrow the U.S. approach in theory, although whether states applying the “war-sustaining” doctrine in practice actually observe these constraints remains an open question.

The debate over “war-sustaining” targets applies when states justify attacks under the military objective framework. However, the law of naval warfare provides an alternative basis for attacking enemy merchant vessels through prize law.⁷³ Under this doctrine, belligerents may capture enemy merchant vessels as “prizes” irrespective of their cargo.⁷⁴ Attacks conducted by unmanned systems without warning or crew evacuation do not satisfy prize law requirements, and instead force reliance on the military objective framework discussed above.⁷⁵

II. Analysis

Ukraine is currently at war with Russia and has a strong strategic interest in stopping ghost fleet operations that bring in billions of dollars for Russia’s military campaign. Since late November 2025, Ukraine has conducted multiple drone strikes on Russian tankers in the Black Sea.⁷⁶ Ukrainian officials justified these strikes as legitimate, arguing that Russia used this tanker to circumvent sanctions and earn money that went to the war against Ukraine.⁷⁷ This justification implicitly argues for the minority “war-sustaining” doctrine. Ukraine’s actions reflect a lack of faith in sanctions enforcement to serve its security interests. The potential consequences of Ukraine’s course of actions are significant. Vladimir Putin has warned that continuation of Ukrainian strikes

70. *Id.* at 677-678.

71. *Id.* at 678.

72. *Id.* at 678-679.

73. Procès-verbal Relating to the Rules of Submarine Warfare Set Forth in Part IV of the Treaty of London of 22 April 1930, 6 November 1936; *San Remo Manual*, para. 139; *Newport Manual*, para. 9.13.

74. See Wolff Heintschel von Heinegg, *The Ukrainian Attacks Against Gambian-Flagged Oil Tankers in the Black Sea*, WEST POINT (Dec. 8, 2025), <https://lieber.westpoint.edu/ukrainian-attacks-against-gambian-flagged-oil-tankers-black-sea/> [<https://perma.cc/5P65-NC2B>].

75. *Id.*

76. *Russian Dark Fleet Tankers Seek Shelter Along Turkish Coast from Ukrainian Drone Strikes*, WINDWARD (Dec. 25, 2025), <https://windward.ai/blog/russian-dark-fleet-tankers-seek-shelter-along-turkish-coast-from-ukrainian-drone-strikes/> [<https://perma.cc/3UXN-JCMQ>]; *Drone Hits Tanker Scheduled to Load Kazakh Oil at Russian Port*, MOSCOW TIMES (Jan. 13, 2026), <https://www.themoscowtimes.com/2026/01/13/drone-hits-tanker-scheduled-to-load-kazakh-oil-at-russian-port-a91671> [<https://perma.cc/5SME-8TQR>].

77. Simon Shuster & Jonathan Lemire, *Ukraine’s Latest Attacks Showcase Its Desperation*, ATLANTIC (Dec. 10, 2025), <https://www.theatlantic.com/national-security/2025/12/russia-ukraine-war-putin-zelensky-oil/685194/> [<https://perma.cc/9A9S-HKN2>].

may result in Russian attacks on merchant vessels from countries supporting Ukraine, potentially expanding the conflict and threatening commercial shipping far beyond the Black Sea.⁷⁸

A. Traditional Enforcement Against Sanctions-Evading Vessels: Why They Fail Ukraine's Threshold

1. Flag Registry Enforcement

Two potential paths exist to curtail flags of convenience: (1) international legal reform requiring closed registries or (2) economic pressure on individual flag states through incentives or disincentives. From Ukraine's strategic perspective, neither offers adequate enforcement within operationally relevant timeframes.

The first option, amending UNCLOS Article 91's "genuine link" requirement to require closed registries, is unavailing. It is currently settled that the genuine link is within the domestic domain of flag states, so any reform would require negotiating a new treaty.⁷⁹ Thus, while this reform might benefit future victims of sanctions evasion, it does not solve Ukraine's immediate problem. A state facing ongoing military aggression cannot wait for treaty negotiations while adversary oil revenues continue financing current combat operations. The second option, which is economic pressure on flag states, faces the "hydra problem": for every registry that shifts to a closed system, multiple alternatives remain. Moreover, ghost fleet operators already engage in serial flag-hopping as standard practice. The vessel *Pushpa*, for example, had rotated through flags from Djibouti, Gabon, the Marshall Islands, Mongolia, and Benin to evade oversight.⁸⁰

States could explore alternative interpretations to expand enforcement authority. If flag-hopping were interpreted as "using two flags" under UNCLOS Article 92(2), vessels could be designated stateless and thus subject to boarding under the "right of visit."⁸¹ The United States tried a separate method of seeking confirmation from the purported flag state in its 2025 seizure of the Venezuelan tanker *Skipper*. After confirming with Guyana that the vessel was not registered despite flying Guyana's flag, the U.S. treated it as stateless and lawfully boarded it in international waters.⁸² This method requires flag state

78. See *id.*

79. Doris König, *Flag of Ships*, MAX PLANCK ENCYCLOPEDIA PUB. INT'L L. (Apr. 2009) ("In conclusion, the option to negotiate an international agreement on the precise meaning and conditions of the genuine link requirement cannot be considered as a promising approach for improving flag State performance. Consequently, the relevant international agencies concentrate on new strategic approaches and initiatives to ensure compliance by ship owners and ship operators on the one hand, and effective implementation and enforcement by flag States on the other.")

80. See *France: Russian Ghost Fleet Tanker Pushpa Seized Off Saint-Nazaire*, MARITIME CRIMES (Oct. 2, 2025), <https://maritimetimes.com/2025/10/02/france-russian-ghost-fleet-tanker-pushpa-seized-off-saint-nazaire/> [<https://perma.cc/U74P-VWV9>].

81. Chris Kremidas-Courtney, *Europe's Security Begins at Sea: It's Time to Counter Russia's Shadow Fleet*, EUR. POL'Y CTR. (Nov. 25, 2025), <https://www.epc.eu/publication/europes-security-begins-at-sea-its-time-to-counter-russias-shadow-fleet/> [<https://perma.cc/2QBF-AT4Y>].

82. *Crude Oil Tanker Caught Falsely Flying Guyana Flag in International Waters*, GUYANA CHRON. (Dec. 11, 2025), <https://guyanachronicle.com/2025/12/11/>

cooperation and explicit disavowal of the vessel, cooperation unlikely from jurisdictions profiting from registry fees. While flag state pressure offers the benefit of narrowing the pool of potential flags of convenience, it is unlikely to be a significant enforcement mechanism without some accompanying measures to broadly deter additional states from offering alternative protection.

In sum, flag state enforcement operates on timescales incompatible with Ukraine's needs. Treaty reform requires years, economic pressure triggers substitution, and interpretive expansions depend on flag state cooperation unlikely from revenue-seeking registries. While these mechanisms might gradually constrain operations over decades, they cannot deliver the immediate disruption Ukraine requires while Russian oil revenues finance its ongoing military operations.

2. *Insurance Provider and Environmental Sanctions*

Beyond flag state pressure, enforcement efforts have targeted insurance providers and leveraged environmental regulations. The EU granted member states authority to demand proof of insurance in April 2025, achieving over 90% compliance rates.⁸³ Coastal states possess authority under UNCLOS Article 56(1)(b)(iii) to inspect vessels for environmental compliance, which Denmark has exercised aggressively, with its Environmental Minister announcing the government would “tighten control of fundamental environmental regulations so we can act more effectively and consistently against tankers and the Russian shadow fleet.”⁸⁴ Danish government inspects target waste management, ships recycling certificates, and enforces environmental safety standards.⁸⁵

Both mechanisms suffer from shared limitations. Insurance enforcement faces the hydra problem, sanctioning providers triggers migration to alternatives or uninsured operation. Enforcement is especially difficult when insurers operate beyond Western jurisdictional reach. The bureaucratic process of identifying insurers and designating vessels operates too slowly for Ukraine's needs. Environmental inspections, while providing legitimate grounds for detention, operate on a small scale. While states can inspect vessels in territorial waters, ghost fleet operations minimize coastal contact through ship-to-ship transfers in international waters. Despite documented environmental damage, even environmentally motivated enforcement has failed to meaningfully disrupt operations. Most critically, learning that a vessel carries fraudulent insurance or fails environmental standards does not stop it from sailing. Inspections impose costs, but vessels resume operations once they leave territorial jurisdiction.

crude-oil-tanker-caught-falsely-flying-guyana-flag-in-international-waters/ [https://perma.cc/2ELC-73Y9].

83. Richard Meade, Bridget Diakun & Joshua Minchin, *More Than 90% of Shadow Fleet Ships Are Producing Insurance Certificates When Challenged*, LLOYD'S LIST (July 2, 2025), <https://www.lloydslist.com/LL1154189/More-than-90-of-shadow-fleet-ships-are-producing-insurance-certificates-when-challenged> [https://perma.cc/2XEV-MEFM].

84. *Denmark Tightens Oversight of Shadow Fleet Tankers in Strategic Baltic Gateway*, GCAPTAIN (Oct. 7, 2025), <https://gcaptain.com/denmark-tightens-oversight-of-shadow-fleet-tankers-in-strategic-baltic-gateway/> [https://perma.cc/9BM4-HVPT].

85. *Id.*

While insurance and environmental enforcement represent positive momentum, these mechanisms cannot deliver the immediate operational disruption Ukraine requires. One of the vessels targeted in Ukraine's drone strikes was already sanctioned by the U.K., Canada, and the EU but remained in operation until the attack.⁸⁶ This illustrates the lack of "teeth" that these sanctions have, as the shadow fleet sometimes declines to even replace sanctioned vessels.

3. *Collective Assessment: The Enforcement Gap*

Viewed individually, each enforcement mechanism shows promise. Flag state pressure narrows the pool of available registries and improves intelligence. Insurance sanctions raise operational costs and incentivize legitimate providers to vet clients. Environmental enforcement leverages coastal state authority to impose delays and remediation costs. Each represents a rational policy response to the ghost fleet problem, and each has achieved measurable results, such as higher compliance rates, market pressure on insurers, and vessel detentions.

Viewed collectively against Ukraine's operational needs, however, these mechanisms share a fatal flaw: they operate on institutional timescales incompatible with wartime urgency. Flag state reform requires years of treaty negotiation. Insurance market sanctions impose gradual cost increases measured in quarterly revenue impacts. Environmental inspections create friction through individual vessel detention, but do not prevent the next, or even the same, vessel from sailing.

Between December 2022 when sanctions took effect and late 2025 when Ukraine began striking tankers, the international community implemented all three enforcement approaches. During those three years, Russia's shadow fleet expanded from approximately 600 vessels to between 1,300 and 2,300 vessels.⁸⁷ Ukraine has elected to shift from relying on these enforcement mechanisms to carrying out drone strikes on Russian ghost tankers. The following section evaluates whether Ukraine's drone strikes can be justified under international law, specifically whether sanctions-evading tankers constitute legitimate military targets under the contested "war-sustaining" doctrine.

B. Evaluating Ukraine's Strikes: Legal Justification Under Naval Warfare Law

This section examines Ukraine's legal justification for striking ghost tankers. First, it analyzes whether these vessels qualify as enemy merchant vessels despite flying flags of neutral states. Second, it evaluates Ukraine's shift from condemning ghost fleet interdiction as 'piracy' in 2023 to its implicit reliance on the war-sustaining doctrine to classify them as lawful military targets. Third, it assesses whether emerging state practice supports Ukraine's interpretation. Finally, it considers what Ukraine's actions reveal about enforcement inadequacy.

86. *Sanctions Haven't Sidelined Russia's Shadow Fleet. So Ukraine Has Turned to Drones*, CBC NEWS (Nov. 29, 2025), <https://www.cbc.ca/news/world/black-sea-ships-drones-9.6997552> [<https://perma.cc/9BM4-HVPT>].

87. Dukmedjian, *supra* note 6.

1. *Classification: Enemy or Neutral Merchant Vessels?*

Enemy or neutral merchant vessels making an effective contribution to the enemy's military action are arguably lawful targets, but before considering whether a known Russian ghost tanker is a valid military target, there is the problem of these tankers flying the flags of neutral states. Under the law of naval warfare, the flag of a neutral state is seen as *prima facie* evidence of a merchant ship's neutrality.⁸⁸ However, merchant vessels may be considered enemies when certain conditions are met. Examples of these conditions include operating in the "exclusive employment of the enemy government," operating "directly under enemy control, orders, charter, employment or direction," "owned by enemy nationals or enemy corporations," and "no entitlement under the domestic law of the respective State to fly its flag."⁸⁹ The relevant indicia is not necessarily public information, but would hinge on the intelligence Ukraine possessed that informed its determination.

Ukraine has not publicly disclosed specific intelligence justifying enemy vessel classification, but its position appears to rest on two grounds: (1) Vessels systematically employed in Russian sanctions-evasion operations function under Russian state direction and (2) Vessel exclusive service to Russian oil export terminals demonstrates integration into Russia's "war-sustaining" apparatus. The same sanctions evading tactics discussed earlier, such as shell company ownership, flag-hopping, and AIS manipulation, may also support the inference of Russian government control.

This classification faces potential challenges. It is unknown what evidence Ukraine had to justify targeting these individual tankers. Tentatively accepting the classification as enemy merchants, Ukraine could justifiably capture the tankers outside of neutral waters, most relevant, outside the Turkish territorial sea.⁹⁰ This classification also would give Ukraine the authority, under prize law, to sink the tankers under certain circumstances, if prior to the attack, passengers, crew, and the ships' documents had been taken in a place of safety.⁹¹ Per reports, no such effort was made in these strikes to evacuate passengers, crew, and documentation; these attacks were conducted by unmanned "Sea Baby" drones.⁹² Accordingly, Ukraine is left to justify the drone strikes by arguing that these tankers are lawful targets under naval warfare.

88. SAN REMO MANUAL ON INTERNATIONAL LAW APPLICABLE TO ARMED CONFLICTS AT SEA, art. 113 (Louise Doswald-Beck ed., 1995).

89. NEWPORT MANUAL ON THE LAW OF NAVAL WARFARE 62-63 (2025).

90. *Russian Dark Fleet Tankers Seek Shelter Along Turkish Coast from Ukrainian Drone Strikes*, *supra* note 76 ("Following Ukrainian drone strikes in late November and December, dark fleet tankers are abandoning direct Black Sea crossings and instead hugging the Turkish coastline, adding 350 miles (70%) to each voyage.").

91. Treaty of London, *supra* note 73 ("In particular, except in the case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety.").

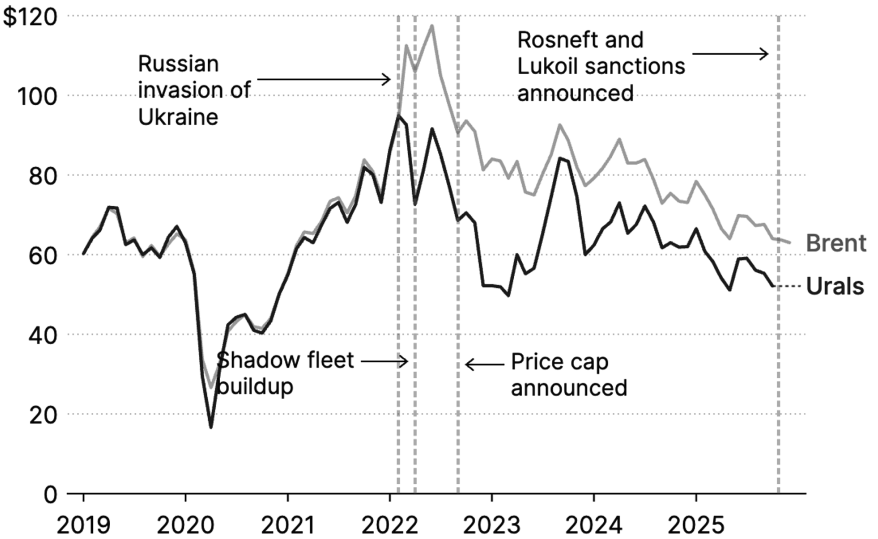
92. Wolff Heintschel von Heinegg, *The Ukrainian Attacks Against Gambian-Flagged Oil Tankers in the Black Sea*, LIEBER INST. WEST POINT (Dec. 8, 2025), <https://lieber.westpoint.edu/ukrainian-attacks-against-gambian-flagged-oil-tankers-black-sea/> [https://perma.cc/5P65-NC2B].

2. Lawful Targets: “War-Sustaining” Doctrine

Ukraine’s case rests on oil revenues’ critical role in Russia’s war financing. Over the past decade, oil and gas revenues have comprised 30-50% of Russia’s federal government revenue, making petroleum exports fundamental to Russia’s fiscal capacity.⁹³ International sanctions strategy reflects this: much of the pressure against Russia has targeted oil trade through price caps and export restrictions. Oil price data shows an initial dip in Russian export prices following December 2022 sanctions, followed by a substantial recovery as the shadow fleet expanded, demonstrating both oil’s importance and enforcement’s inadequacy.⁹⁴

Figure 1: Graph of Brent and Urals oil price, in \$ per barrel, from 2019-2025.⁹⁵

Brent and Urals oil price, in \$ per barrel



Source: Haver Analytics

BROOKINGS

Ukrainian officials justified the strikes by asserting that tankers used to circumvent sanctions and earn money that was used for the war against Ukraine constitute “absolutely legitimate target[s] under international law.” In advancing the argument, Ukraine may argue that the tankers make an “effective

93. Vitaly Yermakov, *Follow the Money: Understanding Russia’s Oil and Gas Revenues*, OXFORD INST. FOR ENERGY STUD. (Mar. 2024), <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2024/03/Follow-the-Money-Russian-Oil.pdf> [<https://perma.cc/QP62-84WK>].

94. Scott R. Anderson et al., *Can Sanctions Change the Course of Conflict?*, BROOKINGS INST. (Dec. 17, 2025), <https://www.brookings.edu/articles/can-sanctions-change-the-course-of-conflict/> [<https://perma.cc/CA3G-5PUX>].

95. *Id.*

contribution” to Russia’s military action, satisfying the Article 52(2) standard. This argument requires accepting the U.S./minority position that an indirect connection may constitute an “effective contribution,” and that Ukraine (in its drone strikes) receives a “definite military advantage.” As mentioned above, there is not a consensus with respect to how broad lawful targets are under 52(2), but Ukraine may point to the significance of oil to Russia’s economy. In fact, much of the international pressure against Russia in-light of the Ukraine war has targeted Russia’s oil trade; over the last decade, oil and gas revenues have been critical to Russia’s economy. Ukraine may contend that this is *prima facie* indicia that this revenue is making an “effective contribution,” as cutting it off would certainly make it substantially more difficult for Russia to continue its military campaign. Ukraine separately has carried out strikes on Russian oil infrastructure, which have been aided by U.S. intelligence.⁹⁶ This represents a closer version of the war-sustaining doctrine to the U.S. strikes on ISIL oil reserves, while the ghost tanker drone strikes are complicated by the different flag states involvement and maritime setting.

Critics of the “war-sustaining” doctrine contend that this interpretation dangerously expands targetable objects, threatening the civilian/military distinction. After all, if revenue generation alone justifies targeting, “the United States runs the risk of creating a precedent where civilian objects and actions are also considered ‘war sustaining’ and thus targetable.”⁹⁷ The majority of states reject indirect economic contribution as sufficient grounds for targeting under Article 52(2).⁹⁸ However, Professor Ryan Goodman’s framework identifies four limiting principles that, if rigorously applied, constrain the “war-sustaining” doctrine’s scope and address overbreadth concerns. Evaluating Ukraine’s strikes against these principles provides a more nuanced assessment than simply categorizing them as majority or minority view violations. If Ukraine’s actions satisfy all four constraints, critics’ concerns about dangerous precedent are less compelling; if they violate these principles, even “war-sustaining” doctrine proponents might find the strikes problematic. Moreover, how Ukraine’s strikes perform against these principles may help explain the muted international response.⁹⁹

3. *Application of Limiting Principles*

a. *Definite Military Advantage*

First, the definite military advantage considers whether the strikes provide Ukraine a meaningful military benefit. This inquiry includes evaluating Ukraine’s potential alternative actions. Here, the analysis is made easier because the alternative actions had multiple years to curb Russia’s ghost fleet and

96. *U.S. Intelligence Helps Ukraine Target Russian Energy Infrastructure*, *FT Reports*, REUTERS (Oct. 12, 2025), <https://www.reuters.com/world/europe/us-intelligence-helps-ukraine-target-russian-energy-infrastructure-ft-reports-2025-10-12/> [<https://perma.cc/HVN8-TGTW>].

97. Padeanu, *supra* note 68.

98. Goodman, *supra* note 59.

99. Professor Goodman’s framework is adopted without an alternative meaningfully considered because it is the most influential scholarship in this area. In fact, in this author’s review of critiques, it was the only framework that was identified and responded to.

demonstrably failed to do so. Between the initial December 2022 sanctions and Ukraine's late 2025 escalation to drone strikes, the international community attempted flag state pressure, insurance sanctions, port inspections, price cap mechanisms, and secondary sanctions on purchasing countries. During this same period, Russia's shadow fleet more than doubled from approximately 600 vessels to between 1,300 and 2,300 vessels, oil revenues continued financing military operations at scale, and evasion tactics grew increasingly sophisticated. The estimated revenue from these tankers is 87-100 billion dollars per year, matches, if not exceeds, all the economic and military aid supplied to Ukraine.¹⁰⁰

Moreover, the conservative end of this estimate is just under 80 times as much revenue than ISIS is estimated to have generated when the U.S. advanced the war-sustaining doctrine in carrying out strikes on its oil refineries.¹⁰¹ The definite military advantage inquiry thus becomes: do the drone strikes offer military benefits that these failed enforcement mechanisms could not provide? The evidence suggests that they do provide such benefits. Windward Maritime AI reports that following Ukraine's strikes, suspected tankers abandoned direct Black Sea crossings in favor of routes through Turkish territorial waters, adding 70% more distance to voyages.¹⁰² This operational disruption imposes added costs—increased fuel consumption, extended transit times, higher crew expenses—that directly reduce the profitability and efficiency of sanctions evasion. This disruption has carried to maritime insurance, or wartime insurance premiums for ships sailing into Russian or Ukrainian Black Sea ports, which “rose to their highest since 2023 in early December after a series of drone attacks on Russian-linked tankers,” and have remained elevated.¹⁰³ Finally, each strike hurts twice as Russia loses the value of the lost tanker and needs to spend to replace the tanker to maintain its ghost fleet. Thus, while Russia may purchase additional vessels or develop new evasion tactics, the strikes have created friction in the shadow fleet apparatus in less than three months that years of traditional enforcement failed to achieve.

b. War-Sustaining Objects Versus Individuals

The next limitation is war-sustaining objects versus individuals. This weighs the human cost of the military target. Reports thus far suggest that there have been three confirmed fatalities and multiple injuries from Ukraine's December 2025 tanker strike of the Russia-flagged tanker Valeriy Gorchakov, including two crew-members and one Russian civilian. Two of the November

100. Benjamin Jensen & Jose M. Macias III, *Ghost Busters: Options for Breaking Russia's Shadow Fleet*, CTR. FOR STRATEGIC & INT'L STUD. (Dec. 15, 2025), <https://www.csis.org/analysis/ghost-busters-options-breaking-russias-shadow-fleet> [https://perma.cc/465W-A5U2].

101. See Luay Al-Khatteeb & Eline Gordts, *How ISIS Uses Oil to Fund Terror*, BROOKINGS INST. (Sept. 27, 2014), <https://www.brookings.edu/articles/how-isis-uses-oil-to-fund-terror/> [https://perma.cc/5SCZ-2BDN].

102. *Russian Dark Fleet Tankers Seek Shelter Along Turkish Coast from Ukrainian Drone Strikes*, *supra* note 76.

103. Jonathan Saul, *Black Sea War Insurance Rates Jump After Tanker Attacks*, *Sources Say*, REUTERS (Jan. 13, 2026), <https://www.reuters.com/business/energy/black-sea-war-insurance-rates-jump-after-tanker-attacks-sources-say-2026-01-13/> [https://perma.cc/JS8T-4DDK].

2025 strikes and two January 2026 strikes are each confirmed to have yielded no fatalities and no injuries.¹⁰⁴

Two operational choices are designed to minimize harm to individuals while targeting the vessels themselves. First, Ukraine has primarily struck tankers on their route to load oil rather than fully laden vessels.¹⁰⁵ This choice serves dual purposes: avoiding environmental catastrophe from massive oil spills while also reducing the number of personnel aboard vessels during transit phases. Second, strikes have predominantly occurred at sea rather than at ports. The sole incident with confirmed casualties, the Valeriy Gorchakov strike, occurred at a port with concentrated civilian presence and infrastructure.¹⁰⁶ Ukraine's demonstrated preference for at-sea strikes inflicts economic and operational costs on the shadow fleet apparatus while lessening the risk of death and injury. While there are still humanitarian concerns about warning and evacuation, this principle weighs favorably for Ukraine.

c. Great Staple

Third, the "great staple" principle requires that the targeted export constitute "a crucial component of an enemy armed forces' capabilities."¹⁰⁷ Historical precedents supporting the "war-sustaining" doctrine "involved very limited cases and involved an export that was a crucial component," suggesting the doctrine should apply only when an export is irreplaceable or dominant in the adversary's war financing.¹⁰⁸

Ukraine's strikes satisfy this principle decisively. As previously noted, Russian oil and gas revenues have comprised 30-50% of federal government revenue over the past decade, and estimated revenues from the ghost tankers exceed all of Ukraine's international aid. The ghost fleet exists precisely because oil revenues are so critical that Russia developed an elaborate sanctions-evasion apparatus—involving thousands of vessels, shell companies, flags of convenience, and insurance fraud—specifically to preserve this revenue stream. Unlike diversified economies where multiple sectors could substitute for one another, Russian oil exports represent an irreplaceable pillar of war financing. As an analogue, one example Goodman cited was cotton to the South in the Civil War.¹⁰⁹ Union forces destroyed raw Confederate cotton because "it was the Confederacy's chief export and "the ultimate source of all Confederate weapons and military supplies."¹¹⁰ Here, as there is no readily available alternative capable of generating comparable revenue to sustain military operations at the current scale. Thus, oil functions similarly as Russia's chief export and the ultimate source of its weapons and military supplies.

104. *Sanctions Haven't Sidelined Russia's Shadow Fleet. So Ukraine Has Turned to Drones*, CBC NEWS (Nov. 29, 2025), <https://www.cbc.ca/news/world/black-sea-ships-drones-9.6997552> [<https://perma.cc/9BM4-HVPT>].

105. *Id.*; Heintschel von Heinegg, *supra* note 74.

106. Rameen Siddiqui, *Kyiv Escalates Drone War with Fatal Strikes on Russian Territory*, MODERN DIPLOMACY (Dec. 18, 2025), <https://modern diplomacy.eu/2025/12/18/kyiv-escalates-drone-war-with-fatal-strikes-on-russian-territory/> [<https://perma.cc/7BW2-XCLJ>].

107. Goodman, *supra* note 59.

108. *Id.*

109. *Id.*

110. *Id.*

The “great staple” limitation exists to narrow the scope of the war-sustaining doctrine, ensuring it applies only to genuinely irreplaceable resources rather than becoming a blanket justification for targeting any revenue-generating activity. Russian oil exports clearly meet this high threshold. The buildup of a 1,300-2,300 vessel shadow fleet, and the overall importance of oil to Russia’s economy, clearly render it a “crucial component.”

d. Proportionality

Finally, Proportionality analysis requires weighing anticipated military advantage against expected civilian harm, even when the target qualifies as a military objective. Ukraine’s strikes perform well under this standard. Casualties have been minimal, zero fatalities in four of five strikes, while the military advantage is substantial: degrading Russia’s capacity to finance ongoing military aggression through billions in sanctions-evading oil revenues. While any civilian casualties in armed conflict raise humanitarian concerns, the ratio of military advantage gained (disrupting a multi-billion dollar sanctions-evasion apparatus financing an aggressive war) to civilian harm inflicted (minimal casualties) easily satisfies the proportionality threshold, particularly when compared to alternative enforcement mechanisms that have proven unable to achieve comparable disruption without military force.

4. Takeaways from Limiting Principles

Evaluating Ukraine’s strikes against Goodman’s four limiting principles, three are clearly satisfied. The strikes clearly satisfy the great staple and proportionality principles; Russian oil constitutes an irreplaceable pillar of war financing, and the casualties have been minimal in comparison to Ukraine’s military advantage gained. The definite military advantage principle is met through the readily available comparison between three years of traditional enforcement failing to curb ghost fleet operations, and Ukraine’s strikes achieving measurable operational disruption within months. The war-sustaining objects versus individuals principle presents the weakest case, as unwarned drone strikes without crew evacuation violate prize law’s procedural safeguards and present more danger to the people on board, but operational choices minimizing harm demonstrate Ukraine’s effort to distinguish infrastructure from human targets. Taken together, Ukraine’s application represents a relatively constrained version of the war-sustaining doctrine, targeting an irreplaceable export with demonstrable military advantage and minimal civilian harm, rather than the dangerously expansive interpretation critics fear.

The muted international response suggests states recognize the benefits to Ukraine’s agenda, which is an agenda many states support as evidenced by the widespread sanctions. However, formally accepting the strikes risks legitimizing the war-sustaining doctrine’s expansion, and it may place a state’s own vessels at risk of Russian retaliation.¹¹¹ These competing interests make it

111. Heintschel von Heinegg, *supra* note 74 (“However, the ongoing Russian-Ukrainian War seems to provide evidence that States are increasingly prepared to accept the war-sustaining approach”) [<https://perma.cc/5P65-NC2B>].

difficult to gauge whether the silence speaks to implicit acceptance of the practice or if states would prefer to see the old system of ineffective enforcement mechanisms.

III. Russian Response and Potential for Escalation

Developments in January and February of 2026 suggest that Ukraine's strikes and accelerating Western interdictions have prompted Russia to abandon covert evasion tactics in favor of openly registering ghost fleet vessels under the Russian flag and asserting legal defenses under international maritime law. Operating under Russia's flag allows Russia to assert its international legal protections and serves the related strategic purpose of legitimizing Russian naval protection of these vessels. Between December 2025 and February 2026, nine vessels were interdicted by Western states, and some of them were reflagged to Russia after being dropped from flags-of-convenience registries.¹¹² The continuing interdictions despite reflagging appear to have heightened Russian concerns, with senior Russian Security Council official Nikolai Patrushev stating that Russia believes NATO plans to blockade the Russian exclave of Kaliningrad on the Baltic Sea.¹¹³ Patrushev warned that Russia would deploy naval forces to protect merchant vessels, characterizing Western enforcement actions as "piracy-like attacks."¹¹⁴ Patrushev stated further that "the best guarantor of navigation safety is the navy" and threatened "if peaceful resolution to this situation fails, the blockade will be broken and eliminated by the navy."¹¹⁵

Having already lost reliable access to Black Sea export routes due to Ukrainian strikes, a Baltic blockade would pose an existential threat to Russia's oil trade: the Baltic Sea accounts for approximately 60% of Russia's seaborne oil exports.¹¹⁶ With Russia already having threatened Ukrainian and Western merchant vessels in retaliation for past strikes, concerns relating to a Baltic blockade heighten existing concerns of Russian military aggression to protect its tankers.

Russia's aggressive response is also relevant to several aspects of the prior analysis of Ukraine's strikes. First, the reflagging trend makes it considerably easier to establish enemy government control of reflagged tankers, strengthening Ukraine's claim that these are legitimate military targets under the minority doctrine. Second, Russia's willingness to risk military confrontation with NATO to protect these shipping routes, deploying naval convoys and threatening to "break and eliminate" any blockade validates its "great staple" reliance

112. *Enforcement Shock Accelerates Dark Fleet Reflagging to Russia*, WINDWARD (Feb. 10, 2026), <https://windward.ai/blog/enforcement-shock-accelerates-russias-dark-fleet-reflagging/> [<https://perma.cc/D9PP-V5C9>].

113. *Kremlin Official Says Russian Navy to Stop West's Seizure of Merchant Ships*, AL JAZEERA (Feb. 18, 2026), <https://www.aljazeera.com/news/2026/2/18/kremlin-official-says-russian-navy-to-stop-west-s-seizure-of-merchant-ships> [<https://perma.cc/9FKM-J4RF>].

114. *Id.*

115. *Id.*

116. See Meelis Oidsalu, *Why Russia's Shadow Fleet Sails Unhindered*, CTR. FOR EUR. POL'Y ANALYSIS (Dec. 18, 2025), <https://cepa.org/article/why-russias-shadow-fleet-sails-unhindered/> [<https://perma.cc/9K5J-GLUH>].

on oil. Finally, the evolving tensions help explain states' reluctance to explicitly endorse Ukraine's strikes, particularly given Russia's threats of reciprocal attacks on Western commercial shipping.

For Russia, reflagging vessels may mean more formal efforts to advance claims of "piracy" and to fight the minority view of the "war-sustaining" doctrine. This legal positioning strengthens Russia's hand should it choose to openly claim ownership of tankers that Ukraine targets, potentially forcing direct legal confrontation over these issues of international law.

Conclusion

The ghost fleet problem reveals a limitation of modern maritime law: enforcement mechanisms operate on institutional timescales incompatible with wartime operational needs. Ukraine's drone strikes against Russian tankers, whether legally justified under the contested "war-sustaining" doctrine or not, expose how enforcement inadequacy destabilizes international law. Three years of coordinated international sanctions failed to meaningfully curb Russian oil revenues, with the ghost fleet doubling in size despite flag state pressure, insurance sanctions, price caps, and port inspections. This failure created irresistible pressure for Ukraine to shift to the minority viewpoint on legitimate military targets. It remains to be seen the extent to which Ukraine's drone strikes will have a destabilizing effect on global commerce, or if more states will explicitly endorse or condemn them. While Russia openly claiming ships may facially appear to be a success for ghost fleet enforcement, the accompanying threats of military escalation and reciprocal attacks on Western merchant vessels raise questions as to how Russia may respond if these international law issues are not resolved to its satisfaction.