

A Review of Jurisdiction and Enforcement Issues for International Maritime Laws

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Abstract

The collection of guidelines, rules and regulations that control how seas, oceans, and other navigable waters are used is known as international maritime law. Navigation, maritime boundaries, shipping, piracy, marine environmental protection, fisheries, maritime security, and dispute resolution are among the topics it controls. Questions of jurisdiction and enforcement continue to be among the most complicated facets of international maritime law because maritime operations take place across national and international borders. While enforcement refers to the methods available to guarantee adherence to such rules, jurisdiction establishes a state's legal capacity to create, implement, and execute laws inside marine spaces. Treaties, customary international law, and organisations like the United Nations, International marine Organization, and International Tribunal for the Law of the Sea all play a major role in regulating the international marine system. Despite the existence of comprehensive legal frameworks such as the United Nations Convention on the Law of the Sea (UNCLOS) 1982, serious jurisdictional and enforcement challenges persist. These challenges include conflicts of jurisdiction, weak enforcement capacity, piracy, illegal fishing, marine pollution, and difficulties associated with transnational maritime crimes. This work uses the doctrinal research methodology to review the major jurisdictional principles and enforcement issues affecting international maritime law and evaluates their implications for global maritime governance.

1. Meaning and Scope of International Maritime Law

Gilmore and Black, in their *the Law of Admiralty*,² define maritime law as “A corpus of rules, concepts and legal practices governing certain centrally important concerns of the business of carrying goods and passengers by water”. On the other hand, William Tetley’s *Glossary of Maritime Terms* describes maritime law as “a complete system of law, public and private, substantive and procedural, national and international”.³ The famous legal dictionary – *Black’s Law Dictionary*, in its part, defines maritime law as “the body of law governing marine commerce and navigation, the carriage of persons and property, and marine affairs in general; the rules governing contract, tort and workers’ compensation claims or relating to commerce on or over water”.⁴

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² G. Gilmore and C. L. Black, ‘*The Law of Admiralty*,’ <https://www.abyssinialaw.com> accessed 19 June, 2026.

³ W. Tetley’s *Glossary of Maritime Law Terms*, 2nd Ed., 2004.

⁴ The Law Dictionary, ‘Black’s Law Dictionary,’ <https://www.blackfoundation.org> accessed 19 June, 2026.

The legal regulations governing navigation, shipping, maritime security, marine environmental protection, exploitation of marine resources, maritime boundaries, and the rights and obligations of governments in maritime zones are collectively referred to as international maritime law, or the law of the sea.⁵

The principal legal framework governing maritime activities is the United Nations Convention on the Law of the Sea (UNCLOS) 1982 which is also known as the bible book of the sea.

2. Sources of International Maritime Law

The major sources include:

a. International Conventions

- **United Nations Convention on the Law of the Sea (UNCLOS) 1982;**

Adopted in 1982, the United Nations Convention on the Law of the Sea came into effect in 1994. It establishes guidelines for the distribution of states' rights and jurisdiction in maritime areas, the peaceful use of the oceans, and the management of their resources, laying out a comprehensive system of law and order for the world's oceans.⁶ Additionally, the Convention offers a framework for the advancement of particular aspects of maritime law, notably through the efforts of capable international organisations like the IMO. In order to meet state priorities and close regulatory framework gaps, the regime initially established in the Convention has been expanded through the following measures.⁷ UNCLOS is an international convention that sets out the legal framework for the seas and the oceans by defining the rights and obligations of States Parties with respect to the maritime environment. Its main functions are to promote the peaceful use of the seas, regulate the use of marine resources and promote the conservation of living resources and the preservation of the marine environment.⁸

- **International Convention for the Safety of Life at Sea (SOLAS);**

- Adoption: 1 November 1974; Entry into force: 25 May 1980. The SOLAS Convention in its successive forms is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The first version was adopted in 1914, in response to the Titanic disaster, the second in 1929, the third in 1948, and the fourth in 1960. The 1974 version includes the tacit acceptance procedure - which provides that an amendment shall enter into force on a specified date unless, before that date, objections to the amendment are received from an agreed number of Parties.⁹ As a result the 1974 Convention has been updated and amended on numerous occasions. The Convention in force today is sometimes referred to as SOLAS, 1974, as amended. The main objective of the SOLAS Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety.¹⁰ Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done. Control provisions also allow Contracting Governments to inspect ships of other Contracting States if there are clear

⁵ ScienceDirect, 'Law of the Sea: Overview,' <https://www.sciencedirect.com> accessed 19 June, 2026.

⁶ The United Nations, 'United Nations Convention on the Law of the Sea,' <https://www.un.org> accessed 19 June 2026.

⁷ IMO, 'United Nations Convention on the Law of the Sea,' <https://www.imo.org> accessed 19 June 2026

⁸ Curtis, 'What is UNCLOS and its Function?' <https://www.curtis.com> accessed 18 June 2026.

⁹ IMO, 'International Convention for the Safety of Life at Sea (SOLAS),' <https://www.imo.org> accessed 19 June 2026.

¹⁰ ScienceDirect, 'Safety of Life at Sea: An Overview,' <https://www.sciencedirect.com> accessed 19 June 2026.

grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention - this procedure is known as port State control.¹¹ The current SOLAS Convention includes Articles setting out general obligations, amendment procedure and so on, followed by an Annex divided into 14 Chapters.

- **Marpol Convention;**

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.¹²

The MARPOL Convention was adopted on 2 November 1973 at IMO. The Protocol of 1978 was adopted in response to a spate of tanker accidents in 1976-1977. As the 1973 MARPOL Convention had not yet entered into force, the 1978 MARPOL Protocol absorbed the parent Convention. The combined instrument entered into force on 2 October 1983. In 1997, a Protocol was adopted to amend the Convention and a new Annex VI was added which entered into force on 19 May 2005. MARPOL has been updated by amendments through the years.¹³

The Convention includes regulations aimed at preventing and minimizing pollution from ships - both accidental pollution and that from routine operations - and currently includes six technical Annexes. Special Areas with strict controls on operational discharges are included in most Annexes.

The MARPOL regulations are in six separate annexes, each of which addresses a different pollutant. These annexes are as follows:¹⁴

Annex I – Regulations for the Prevention of Pollution by Oil

Annex II – Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk

Annex III – Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form

Annex IV – Prevention of Pollution by Sewage from Ships

Annex V – Regulation for preventing pollution by Garbage from Ships

Annex VI – Prevention of Air Pollution from Ships

- **Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention).**

Adopted 10 March 1988; Entry into force 1 March 1992; 2005 Protocols: Adopted 14 October 2005; Entry into force 28 July 2010, the Convention concern about unlawful acts which threaten the safety of ships and the security of their passengers and crews grew during the 1980s, with reports of crews being kidnapped, ships being hi-jacked, deliberately run aground or blown up by explosives. Passengers were threatened and sometimes killed.¹⁵ The 1988 Convention and its 2005 Protocol, represent the cornerstone of international criminal law at sea. Unlike piracy laws (which apply only on the high seas and for private ends), SUA applies to *any* unlawful act endangering

¹¹ Conarina Group, 'What is SOLAS?' <https://www.conarinagroup.com> accessed 19 June 2026.

¹² IMO, 'International Convention for the Prevention of Pollution from Ships (MARPOL),' <https://www.imo.org> accessed 19 June 2026.

¹³ Ibid.

¹⁴ Nautilus Shipping, 'MARPOL Overview for Beginners,' <https://www.nautilusshipping.com> accessed 18 June 2026.

¹⁵ IMO, 'Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention)' <https://www.imo.org> accessed 19 June 2026.

navigation, regardless of motive. For instance, the 1988 Convention was designed to protect ships from "hooligans" or localized violence. After the September 11 attacks, the IMO recognized that ships could be used as **Weapons of Mass Destruction (WMD)** delivery systems or as weapons themselves. The 2005 Protocol addresses the fear of "Floating Bombs." A major addition in 2005 was criminalizing the transport of BCN (Biological, Chemical, Nuclear) weapons. This aligns maritime law with the goals of the **Non-Proliferation Treaty (NPT)**. It criminalizes the *intent* to intimidate a population or compel a government.¹⁶

b. Customary International Law

Long-standing maritime practices accepted as legally binding constitute customary maritime law. The common practice that is recognised as law is reflected in, or more precisely is, international custom. Except for those who consistently disagree with them, this source of international law permits the study of the regulations that apply to every state in the international community.¹⁷ Those who adhere to customary international law consider it to be mandatory. The existence and content of such regulations can therefore be inferred from state practice and behaviour, which provides a significant difficulty because, as one may know, politics and power are inextricably linked to the law. In international relations, identifying customary international law is crucial because it captures the features of the decentralised international system.

This widespread practice recognised as law, sometimes referred to as "custom," "international custom," "international customary law," "the law of nations," or "general international law," reflects the consensus approach to decision-making with the ability of the majority to create new law that is, in theory, binding on everyone.¹⁸ Stated differently, the goal is for a particular practice to be widely acknowledged as mandatory among states. It has been said that its acceptability and generality make it the universal law of society.¹⁹

c. Judicial Decisions

Decisions of international tribunals and national courts contribute to the development of maritime law.

Examples include judgments of:

- International Court of Justice (ICJ);
- International Tribunal for the Law of the Sea (ITLOS).

i. International Court of Justice (ICJ)

The International Court of Justice (ICJ) resolves maritime boundaries through international law, generally using a 3-step process: defining a provisional equidistant line, adjusting for special circumstances, and verifying no disproportionate inequity.²⁰ For instance, in maritime delimitation

¹⁶ R. Govindasamy, 'An Exhaustive Analysis of the SUA Convention (1988) and the 2005 Protocol,' <https://www.dieselship.com> accessed 17 June 2026.

¹⁷ J.M.P. Castillo, 'The Customary International Law Nature of the UNCLOS EEZ Fisheries Regime and its Application to a Non-State Party to UNCLOS: The Peruvian Case,' <https://www.un.org> accessed 18 June 2026.

¹⁸ UN GOR, '73rd Session, Report of International Law Commission, UN Doc A/73/10(2018)123, para 2.

¹⁹ United States v. Smith 18 U.S. (5 Wheaton) 153, 161 (1820).

²⁰ J. Sun, 'Kenya's Blue Rebalancing after the Somalia v. Kenya Maritime Delimitation Judgment: a Strategic Toolkit for Restoring Leverage,' <https://www.frontiersinjournals.org> accessed 27 June 2026.

dispute in the Indian Ocean between Somalia and Kenya, in 2021 the ICJ ruled mostly in favor of Somalia, drawing a new maritime boundary that split the disputed triangle in the Indian Ocean, favoring the equidistance line. The court overwhelmingly rejected Kenya's claim that a 1965 political agreement constituted a definitive maritime boundary.²¹ Similarly, in 2014, the maritime dispute case between Chile and Peru, the ICJ established a new maritime boundary, altering the previous line proposed by Chile to grant Peru a larger portion of the overlapping maritime territory.²²

ii. International Tribunal for the Law of the Sea (ITLOS).

In a major anti-piracy and oil smuggling dispute (ITLOS Seizure Case: M/T Heroic Idun (Marshall Islands v. Equatorial Guinea), ITLOS ruled that Equatorial Guinea illegally seized and detained a Marshall Islands-flagged oil tanker. The court sided with the Marshall Islands, stating that Equatorial Guinea violated the U.N. Convention on the Law of the Sea by detaining the massive crude carrier after Nigerian authorities flagged it.²³

Deep Seabed Mining Disputes (Cases No. 34 and 35): In late May and early June 2026, *Nauru Ocean Resources Inc.* (Case No. 34) and *Tonga Offshore Mining Ltd.* (Case No. 35) instituted separate proceedings against the International Seabed Authority in the Seabed Disputes Chamber. The mining contractors allege that the Authority violated due process, transparency, and contractual rights during an ongoing compliance inquiry. Provisional measures are actively being considered for these cases.²⁴

Advisory Opinion on Climate Change (Case No. 31): Handed down in May 2024, this unanimous advisory opinion responded to a request by the Commission of Small Island States. ITLOS ruled that greenhouse gas emissions constitute marine pollution and that states have specific legal obligations under UNCLOS—including preventing, reducing, and controlling climate impacts—to protect the marine environment.²⁵

iii. International Organizations

The International Marine Organization (IMO) establishes global maritime standards, norms and regulations.

3. Jurisdiction under International Maritime Law

Jurisdiction refers to the legal capacity, authority, power and competence of a State to prescribe, apply, interpret, adjudicate, and enforce laws.

²¹ ICJ, 'Maritime Delimitation in the Indian Ocean (Somalia v. Kenya),' <https://www.icj-cij.org> accessed 28 June 2026.

²² ICJ, 'Maritime Dispute (Peru v. Chile),' <https://www.icj-cij.org> accessed 28 June 2026.

²³ E. Hong, 'Maritime Court Criticizes Illegal Seizure of Oil Tanker in West African Piracy Scare,' <https://www.courthousenews.com> accessed 28 June 2028.

²⁴ ITLOS, 'Case concerning an inquiry by the International Seabed Authority (Nauru Ocean Resources Inc. v. International Seabed Authority),' <https://www.itlos.org> accessed 28 June 2026.

²⁵ ITLOS, 'Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Request for Advisory Opinion submitted to the Tribunal),' <https://www.itlos.org> accessed 28 June 2026.

3.0. Types of Maritime Jurisdiction

3.1 Prescriptive Jurisdiction

This is the authority of a state to make laws governing conduct. It is a state's legal authority under international law to create, define, and apply its laws (legislative power) over activities, ships, and persons at sea. It dictates *who* has the right to make the rules governing maritime spaces²⁶

3.2 Adjudicative Jurisdiction

This concerns the authority of courts or tribunals to hear maritime disputes. It is the power to undertake court proceedings after enforcement. In international maritime law, adjudicative jurisdiction refers to which state's courts or tribunals have the legal ability to hear and adjudicate disputes involving marine operations, vessels, or events. It differs from prescriptive (law-making) and enforcement (law-enforcing) jurisdiction by focusing solely on the judicial arena.²⁷

3.3 Enforcement Jurisdiction

This refers to the authority to enforce laws through arrest, detention, inspection, or prosecution. Enforcement jurisdiction in international maritime law relies on a tiered system of sovereignty defined by the United Nations Convention on the Law of the Sea (UNCLOS). The extent to which a nation can board, inspect, or prosecute a vessel depends entirely on the ship's location and its registration.²⁸ The jurisdiction to enforce the laws on the high seas is generally vested in the flag State, which possesses the exclusive jurisdiction over that vessel.²⁹

4. Maritime Zones and Jurisdiction

UNCLOS divides the seas into different maritime zones with varying jurisdictional rights.

4.1 Internal Waters

States exercise complete sovereignty over internal waters. Internal waters appertain to the land territory of the coastal state. They consist of harbours, lakes, rivers, canals and other such waters as are to be found on the landward side of the baselines from which the width of the territorial sea and other zones is measured.³⁰ In contrast to the 1958 Convention, the 1982 Convention's choice to include measures governing internal waters is obviously wise.³¹ This is because, because establishing baselines is the coastal state's primary responsibility, it may be tempted to do so in such a way that it encloses a portion of its territorial sea, resulting in an expansion of its overall maritime jurisdiction and a corresponding shrinking of the *res communis*. If, as the ICJ stated in the Anglo-Norwegian Fisheries Case (1951), the delimitation of maritime areas has always taken

²⁶ Z. L. Kapsis, 'The Prescriptive and Enforcement Jurisdiction of a Coastal State in Relation to Ship Source Pollution Occurs in its Various Maritime Zones, Under the United Nations Convention on the Law of the Sea and the Customary International Law,'

²⁷ UNODC, 'Flag State Jurisdiction and Transnational Organised Crime at Sea,' <https://www.unodc.org> accessed 28 June 2026.

²⁸ C. Hays, 'International Waters Boundaries, Jurisdiction and Legal Implications: All You Need to Know,' <https://www.amnauticals.com> accessed 28 June 2026.

²⁹ NATO Cooperative Cyber Defence Centre of Excellence, 'Maritime Law Enforcement,' <https://cyberlaw.ccdcoe.org> accessed 28 June 2026.

³⁰ L. Ogboye, 'The Legal Regime of the Nigerian Maritime Zones,' <https://www.nigerianjournalonline.com> accessed 29 June 2026.

³¹ Article 5(1) of the 1958 Convention on the Territorial Sea, and Article 8(1) of the 1982 Convention.

on an international dimension, then the determination of baselines (and thus the outer limits of internal waters) must be governed by international law.³²

In this zone, foreign vessels have no automatic right of passage without explicit permission. All waters on the landward side of the baseline (e.g., ports, rivers, estuaries, and certain bays). The coastal state has absolute, full sovereignty, similar to its land territory.

4.2 Territorial Sea

The territorial sea has been the most divisive of all maritime zones. While the concept of a territorial sea is not new, the question of its breadth has always been present. This is the ultimate struggle between supporters of *Mare Liberum* and those of *Mare Clausum*.³³ The Nigerian Territorial Sea Law has accurately represented these historical developments: the territorial sea's width has changed four times. Nigeria, as a British colony, followed the cannon-shot rule of 3 nautical miles until 1967. The Territorial Waters Decree expanded the territorial sea to 12 nautical miles, amending Section 18 (1) of the Interpretation Act 1964 to reflect this change. One incident that led to this change is the negative experience of the Nigeria and Biafra civil war.³⁴ As a result, the Territorial Waters Amendment Decree of 1971 increased the width of Nigeria's territorial sea from 12 to 30 nautical miles.³⁵

Coastal states have the right of enforcement of customs and immigration laws, regulation of navigation, maritime security enforcement, but foreign vessels enjoy the right of innocent passage under this zone.³⁶

4.3 Contiguous Zone

Under the UNCLOS III, a coastal state may establish a zone contiguous to its territorial sea but which cannot extend beyond a width of 24 nautical miles from the baselines where from the breadth of the territorial sea is measure.³⁷ This area is known as the contiguous zone. What is crucial to notice is that the contiguous zone was previously considered part of the high seas, therefore the question of whether the coastal state could exercise full sovereignty over it was never raised. Additionally, contiguous zones were limited to a maximum width of 12 nautical miles from the baselines used to calculate the territorial sea. This meant that a coastal state with a 12-mile territorial sea breadth could not simultaneously claim a contiguous zone.³⁸ However, with UNCLOS III which under Article 33 now allows a coastal state to claim a contiguous zone of up to 24 miles from the baselines, States have once more renewed their interest in the contiguous zone.³⁹ States may enforce laws relating to customs, fiscal matters, immigration, sanitation.

³² Anglo-Norwegian Fisheries Case (1951).

³³ L. Ogbuye, 'The Legal Regime of the Nigerian Maritime Zones,' *International Journal of Comparative Law and Legal Philosophy* (IJOCLLEP) 4 (3) 2022.

³⁴ Interpretation Act 1964, s8(1).

³⁵ United Nations, 'Maritime Zones and Jurisdictions,' <https://www.un.org> accessed 28 June 2026.

³⁶ Ibid.

³⁷ M. N. Shaw, *International law*, fourth Edition, Cambridge University Press, 1997, p. 410.

³⁸ United Nations, 'Maritime Zones and Jurisdictions,' <https://www.un.org> accessed 28 June 2026.

³⁹ UNCLOS III 1982, Art33.

4.4 Exclusive Economic Zone (EEZ)

The EEZ extends up to 200 nautical miles. The Exclusive Economic Zone was created due to conflicts over fishing rights and subsequent disputes.⁴⁰ The 1958 Geneva Conference failed to establish an agreement on creating fishing zones, and Article 24 of the Convention did not grant exclusive fishing rights in the contiguous zone.⁴¹ In such conditions, countries began unilaterally granting themselves Exclusive fishing rights extend considerably beyond the agreed-upon area. Iceland established a 50-mile exclusive fishing zone in 1972 to prevent depletion of its fishing stocks, which account for 90% of its foreign profits. When West Germany and the United Kingdom brought Iceland to the International Court of Justice to determine if its unilateral decision was constitutional, the Court simply ruled that the extension was not binding on the United Kingdom and West Germany.⁴² However, the Court's reasoning indicated that there was no international law rule preventing claims for fishing rights beyond 12 miles.

Coastal States exercise rights of exploitation of natural resources, fisheries regulation and environmental protection.⁴³ Under this regime, coastal states possess sovereign rights to explore, exploit, and manage both living and non-living natural resources but conflicts often arise concerning illegal fishing, resource exploitation and environmental jurisdiction.

4.5 High Seas

The high seas are regions beyond national jurisdiction and are governed by the principle of freedom of the seas. The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by the 1982 Convention and by other rules of international law. It comprises, *inter alia*, both for coastal and land-locked States: freedom of navigation, freedom of fishing, freedom of overflight, freedom to lay submarine cables and pipelines, freedom to construct artificial islands and other installations permitted under international law, freedom of fishing, subject to the conditions laid down in section 2, freedom of scientific research.⁴⁴ These freedoms shall be exercised by all States with due regard for the interests of other States in their exercise of the freedom of the high seas, and also with due regard for the rights under this Convention with respect to activities in the Area.⁴⁵ However, no single state exercises sovereignty over the high seas, creating enforcement difficulties.

4.6 The Continental Shelf

Under the 1982 Convention, its Article 76(1) now provides that the continental shelf of a coastal state comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend to that distance.⁴⁶ Understandably, this concept, which the ICJ adopted in the North Sea Continental Shelf Case (1969)⁴⁷ as representing customary international

⁴⁰ UNCLOS III 1982, Arts 55, 56 and 57.

⁴¹ Ibid, Art 24.

⁴² Fisheries Jurisdiction Case (United Kingdom v. Iceland), <https://www.icj-cij.org> accessed 28 June 2026.

⁴³ UNCLOS III 1982, Art 58.

⁴⁴ UNCLOS III 1982, Art 87(1).

⁴⁵ Ibid, Art 87(2).

⁴⁶ UNCLOS III 1982, Art 76(1).

⁴⁷ North Sea Continental Shelf Case (1969).

law, is difficult to apply due to the impact of technological advances on the exploitability of the seabed and its subsoil.

5. Jurisdictional Principles in Maritime Law

5.1 Flag State Jurisdiction

Ships are subject primarily to the jurisdiction of the state whose flag they fly. Flag State jurisdiction is exercised by the State whose flag the vessel in question is entitled to fly, which under the law of the sea, is the State of its nationality. The fact that vessels have nationality of a State (the ‘flag State’) plays an important role in the law of the sea, especially on the high seas, which no State enjoys sovereignty.⁴⁸ The maintenance of order on the high seas requires that some State has authority over vessels (and over the conduct of persons onboard). Under Article 92 (1) UNCLOS, ‘Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas’.⁴⁹ Thus, the jurisdiction of a flag State over its vessels is the principal means to secure the public order of the high seas. Vessels must have a nationality to cruise on the high seas and marine zones, as per UNCLOS and other international law regulations. According to Article 90 of the United Nations Convention on the Law of the Sea, states, whether coastal or landlocked, have the exclusive right to navigation.⁵⁰ International law does not control the grant of nationality to vessels, leaving it up to the discretion of the flag State. However, nationality is important for maintaining public order in the waters. According to Article 91 of the UN Convention on the Law of the Sea, each state determines the rules for granting nationality to ships, registering them in their territory, and granting them the right to fly their flag.⁵¹ Each state is solely responsible for determining the nationality of its vessels.⁵² The flag state is responsible for ship registration, safety standards, crew regulation and law enforcement aboard vessels. Some states operate “flags of convenience,” allowing ships to evade strict regulations. Examples of common flag-of-convenience states include Panama, Liberia and Marshall Island.

5.2 Coastal State Jurisdiction

Coastal states exercise authority within maritime zones adjacent to their territory. UNCLOS stipulates the measures a coastal state can take and coastal state jurisdiction to ensure peace and good order in their territorial sea. Such a provision provides the coastal state with the necessary latitude to take measures to investigate or prevent such occurrences that would be dangerous or detrimental to the coastal state.⁵³ UNCLOS is careful to prevent creeping coastal state jurisdiction over violations which have occurred prior to the ship entering the territorial sea from a foreign port, granted it is in transit and not entering the coastal state’s internal waters or ports. Article 56 of UNCLOS offers coastal states jurisdiction in their EEZ, with regard to artificial islands, installations and structures, marine scientific research; and protection and preservation of the marine environment.⁵⁴

⁴⁸ UNCLOS III 1982, Article 89

⁴⁹ UNCLOS III 1982, Art92(1).

⁵⁰ Ibid, Art90.

⁵¹ Ibid, Art91.

⁵² Ibid.

⁵³ Dieselship, ‘Costal State Jurisdiction,’ <https://dieselship.com> accessed 28 June 2026.

⁵⁴ UNCLOS III 1982, Art56.

To enforce further control beyond the territorial sea and into the Exclusive Economic Zone (EEZ), a coastal state must contact the subject vessel's flag state to complete flag state responsibilities, or develop and exercise port state jurisdiction. Eventually, the ship will have to dock at a port. National legislation criminalizing certain actions such as environmental damage, carriage of firearms, drugs, or other controlled substances, or even non-compliant labour practices and substandard ship conditions, or agreements with other port states upholding related legislation, can then provide port state jurisdiction to enforce compliance as described below. There is no limitation on concurrent jurisdiction under UNCLOS, therefore vessels may be subject to the jurisdiction of states other than the flag state in certain circumstances, such as entering their maritime zones or ports.⁵⁵ The caveat or exception to this is that government-owned non-commercial boats and warships are immune to any other jurisdiction than the Flag State's as defined by Article 32 of UNCLOS and are under no circumstances subject to the jurisdiction of other states.⁵⁶ Also, the prescriptive power of coastal states can be seen as a way to control the condition of ships navigating lawfully through their territorial seas. UNCLOS lays down rules for enforcement powers by coastal states toward vessels in their maritime zones, specifically in their territorial seas.⁵⁷ Some of the challenges the Coastal States have are disputes which frequently arise from maritime boundaries, fishing rights, and oil exploitation.

5.3 Port State Jurisdiction

Port state jurisdiction is not covered by UNCLOS directly, but UNCLOS provisions confirm this practice, indicative of residual jurisdiction in relation to port state-control. A port state enjoys limited jurisdiction over a foreign-flagged vessel in its port. Foreign vessels calling at ports are subject to the coastal state's criminal laws, civil laws, and regulations, yet the coastal state has discretion as to whether jurisdiction will be exercised in each instance. This means it is up to the coastal state to decide if, how, and when to exercise its jurisdiction (enforcement).⁵⁸

Port states may check or inspect foreign ships entering their ports to ensure they meet international standards. Port State Jurisdiction (PSJ) under the United Nations Convention on the Law of the Sea (UNCLOS) empowers a sovereign nation to regulate, investigate, and enforce international maritime norms on any foreign-flagged vessel that willingly enters its ports.⁵⁹

Article 218 addresses port State enforcement jurisdiction, which refers to the port State's authority to investigate foreign ships in its ports for alleged discharge violations committed on the high seas or in another State's national waters, and, if the evidence warrants, to take legal action for the discharge violations (Article 218(1)).⁶⁰ The port State's powers depend on whether an alleged discharge occurred on the high seas or in another State's national waters. First, if an illegal discharge occurs on the high seas, Article 218(1) authorises the port State to conduct investigations and initiate legal proceedings against the suspected violation while in port.⁶¹ It is important to note

⁵⁵ A. Petrig, 'Coastal State Jurisdiction in the Territorial Sea and the Protection of People on Board Foreign Flagged Vessels,' <https://ejiltalk.org> accessed 28 June 2026.

⁵⁶ UNCLOS III 1982, Art32

⁵⁷ Ibid, Art27 and 28.

⁵⁸ M. Sumer, 'Port State Jurisdiction and Remotely Controlled Ships,' <https://www.cambridge.org> accessed 28 June 2026.

⁵⁹ Dieselship, 'Port State Jurisdiction,' <https://dieselship.com> accessed 28 June 2026.

⁶⁰ UNCLOS III 1982, Art218.

⁶¹ H. Bang, 'Port State Jurisdiction and Article 218 of the UN Convention on the Law of Sea,' *Journal of Maritime Law & Commerce*, Vol. 40, No. 2, April, 2009.

that the port State can commence legal procedures against the putative polluter, but the outcome of the proceedings is primarily determined by whether or not the flag State wants to exercise its right to pre-empt the proceedings under Article 228(1).⁶² Port state control strengthens enforcement against pollution, unsafe vessels and labour violations.

5.4 Universal Jurisdiction

Certain crimes such as piracy may be prosecuted by any state regardless of nationality or location. The United Nations Convention on the Law of the Sea (UNCLOS) establishes universal jurisdiction, particularly over piracy. Under international law, any State can seize pirate vessels, arrest suspects, and punish offenders on the high seas, irrespective of country or nationality of the offender.⁶³ The concept received a great deal of prominence with Belgium's 1993 law of universal jurisdiction,⁶⁴ was amended in 2003 in order to reduce its scope following a case before the International Court of Justice⁶⁵ regarding an arrest warrant issued under the law, entitled *Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*. According to Amnesty International, a proponent of universal jurisdiction, certain crimes pose so serious a threat to the international community as a whole, that states have a logical and moral duty to prosecute an individual responsible for it; no place should be a safe haven for those who have committed genocide crimes against humanity, extrajudicial executions, war crimes, torture and forced disappearances.⁶⁶ Article 101 of UNCLOS defines piracy as illegal acts of violence, detention, or depredation committed for private ends on the high seas or in a place outside the jurisdiction of any State.⁶⁷ According to **Article 105 of UNCLOS**, on the high seas or outside any State's jurisdiction, any State can seize a pirate ship and arrest those on board.⁶⁸

The seizing State's courts have the authority to determine the penalties and measures to be imposed on the ship, aircraft, or property. Piracy poses a threat to the global order of marine commerce, hence no geographical, nationality, or victim-based connection is required for a state to exercise jurisdiction.⁶⁹ Universal jurisdiction strengthens anti-piracy enforcement but faces practical limitations in prosecution and extradition.

6. Enforcement Mechanisms in International Maritime Law

Enforcement in international maritime law is based on a decentralised, multi-layered framework. Because there is no unified worldwide police force, enforcement authority is divided among the

⁶² UNCLOS III 1982, Art218(1).

⁶³ Oceans and Law of the Sea – United Nations, 'Legal Framework for the Repression of Piracy Under UNCLOS,' <https://www.un.org> accessed 29 June 2026.

⁶⁴ D. Archibugi and M. Chiarugi, 'Piracy Challenges Global Governance,' <https://www.lawyersnjurists.com> accessed 29 June 2026.

⁶⁵ United Nations, 'Piracy Under International Law,' <http://www.un.org/Depts/los/piracy/piracy.htm> accessed 29 June 2029.

⁶⁶ Kenneth C. Randall, 'Universal jurisdiction under international law', Texas Law Review, No. 66 (1988), pp. 785–8; International Law Association Committee on International Human Rights Law and Practice, 'Final Report on the Exercise of universal jurisdiction in respect of gross human rights offences', 2000, p. 2.

⁶⁷ UNCLOS III 1982, Art101.

⁶⁸ Ibid, Art105.

⁶⁹ Lawyers & Jurists, 'The Principle of Universal Jurisdiction Applies in Respect of the Crime of Piracy Under International Law,' <https://www.lawyersnjurists.com> accessed 29 June 2026.

flag state (the country where the ship is registered), the coastal state (the countries that govern the neighbouring waterways), and the port state (where the ship is now docked).⁷⁰

The procedures for guaranteeing conformity with international treaties—such as the United Nations Convention on the Law of the Sea and International Maritime Organization conventions—are classified as follows:

6.1 Flag State Enforcement

Flag states are primarily responsible for ensuring that vessels flying their flag meet international safety, environmental, and labour regulations. Flag states give certificates through classification bodies like Lloyd's Register, do routine inspections, and investigate incidents. However, the challenge is that some jurisdictions may not have the capacity or motivation to effectively manage their fleets when using "flags of convenience."⁷¹

6.2 Port State Control (PSC)

Port states enforce international norms on foreign vessels visiting their harbours in order to counteract or compensate for inadequate flag state control. It is the duty of Port State Control personnel to inspect ships' certifications and physical condition. If a ship is found to be in violation (e.g., unseaworthy or violating MARPOL pollution rules), the port state may hold the vessel until flaws are addressed or prohibit future port entrance.⁷²

6.3 Coastal State Jurisdiction

Coastal states have different levels of enforcement authority depending on how close a vessel is to their coasts territorial seas or Exclusive Economic Zones (EEZs). Coastal authorities like, coast guards, marine police or navies have the authority to board, inspect, and arrest vessels suspected of unlawful activities such as fishing, maritime research, or environmental violations in their waters.⁷³ Actions include initiating criminal proceedings, detaining crew members, and confiscating commodities and boats in the event the crew or vessel is found wanting.

6.4 International Tribunal and Dispute Settlement.

When sovereign governments disagree on the interpretation or application of the Law of the Sea, legal remedy is available. The International Tribunal for the Law of the Sea (ITLOS), headquartered in Hamburg, Germany, oversees the rapid release of detained vessels and sailors, as well as larger maritime conflicts. Disputes can also be settled through the International Court of Justice (ICJ) or by binding international arbitration.⁷⁴

⁷⁰ D. König, 'The Enforcement of the International Law of the Sea by Coastal and Port States,' <http://www.zaoerv.de> accessed 30 June 2026.

⁷¹ Maritimecyprus, 'IMO: Revised Port State Control (PSC) Procedures,' <https://www.maritimecyprus.com> accessed 30 June 2026.

⁷² AbujaMoU, 'Memorandum of Understanding on Port State Control for West and Central Africa Region,' <https://www.abujamou.org> accessed 30 June 2026.

⁷³ J. Wang and Others, 'Forcible Measures for Maritime Law Enforcement by the Coast Guard,' <https://www.frontiersin.org> accessed 30 June 2026.

⁷⁴ I. Oltean, 'Maritime Dispute Settlement Practice – UNCLOS Mechanism Explained,' *Romanian Journal of International Law* 31 2024.

7. Major Jurisdiction and Enforcement Issues

7.1 Flags of Convenience: Shipowners frequently register their vessels in countries with relaxed or weak labour laws and standards, inadequate safety requirements, minimal taxes, and lax regulatory enforcement. This makes it more difficult to pursue human rights crimes and enforce international safety standards. Basically, it results in weak enforcement, environmental risks and reduces accountability.⁷⁵

7.2 Undelimited Maritime Boundaries: Examples include disputes in South China Sea, Eastern Mediterranean and Gulf of Guinea. When surrounding countries have competing claims to an Exclusive Economic Zone (EEZ) or continental shelf, law enforcement actions (such as patrolling illicit fishing) sometimes cause diplomatic tension and jurisdictional issues and lack of inter-state cooperation.⁷⁶ For instance, Illegal, Unreported and Unregulated (IUU) Fishing (IUU) fishing threatens marine ecosystems and coastal economies. This could be as a result of vast maritime spaces, weak monitoring systems and insufficient patrol assets.

7.3 "Action in Rem": In admiralty law, plaintiffs frequently seek to make the vessel responsible for damages or unpaid fees (action in rem). Enforcing these judgments requires successfully arresting the ship at a specific port, which is challenging if the vessel travels globally and avoids places with rigorous and stringent maritime enforcement regimes.⁷⁷

7.4 Weak Institutional and Human Capacity: Developing states often lack trained personnel, surveillance technology, weak intelligence systems, modern naval assets. This weakens enforcement of international maritime law resulting in transnational criminal networks, corruption and other maritime crimes like piracy, armed robbery at sea, human trafficking and smuggling and so on.⁷⁸ Maritime routes will be increasingly used for, migrant smuggling, drug trafficking, arms trafficking, and all sorts of crimes.

8. Recommendations

8.1 Strengthening International Cooperation: States should improve intelligence sharing, joint naval operations and extradition arrangements.

8.2 Enhancing Naval Capacity: Developing states should invest in patrol vessels, surveillance technology and other maritime intelligence systems.

8.3 Reforming Flag State Regulation: Stricter international standards should regulate flags of convenience.

⁷⁵ Nautilus Shipping, 'Flag of Convenience: Understanding Vessel Registration and the Flags Commonly Used in Shipping,' <https://www.nautilusshipping.com> accessed 30 June 2026.

⁷⁶ I. Okafor-Yarwood, 'Illegal, Unreported and Unregulated Fishing, and the Complexities of the Sustainable Development Goals (SDGs) for Countries in the Gulf of Guinea,' <https://www.ScienceDirect.com> accessed 30 June 2026.

⁷⁷ Foundation Chambers, 'Arrest of Vessels,' <https://www.foundationchambers.com> accessed 30 June 2026.

⁷⁸ M. Lukunze, 'Maritime Strategy in Africa: Strategic Flaws Exposing Africa to Vulnerabilities from Food Insecurity to External Domination,' <https://www.tandfonline.com> accessed 30 June 2026.

8.4 Strengthening Port State Control: Port inspections should be standardized globally.

8.5 Expanding Technological Monitoring: Use of satellite surveillance, drones and automatic identification systems (AIS) should be enhanced.

8.6 Judicial and Institutional Reforms: Specialized maritime courts and tribunals should be strengthened for speedy dispute resolution.

8.7 IMO Must Expand Its Role: The International Maritime Organization plays a major role in maritime safety regulation, pollution prevention, security standards and technical cooperation. But the IMO also has to expand the scope of its role in ensuring that those states, vessels, corporate bodies or individuals that violate maritime safety regulation are punished adequately.

Conclusion

Jurisdiction and enforcement remain key issues in international marine law. Although frameworks such as the UNCLOS and IMO treaties provide broad legal regulation, practical implementation is hampered by jurisdictional conflicts, insufficient institutional capacity, flags of convenience, piracy, illicit fishing, pollution, and transnational marine crimes. The worldwide nature of maritime activity means that no single state can successfully enforce maritime regulations on its own. As a result, improved international cooperation, technical innovation, institutional reforms, and harmonised legal systems are critical for efficient maritime governance and international security. Ultimately, the success of international maritime law is determined not only by the existence of legal standards, but also by governments' willingness and ability to enforce them collectively and consistently.