

AN OVERVIEW OF MARITIME LAW— FROM THE BRIDGE OF A SHIP



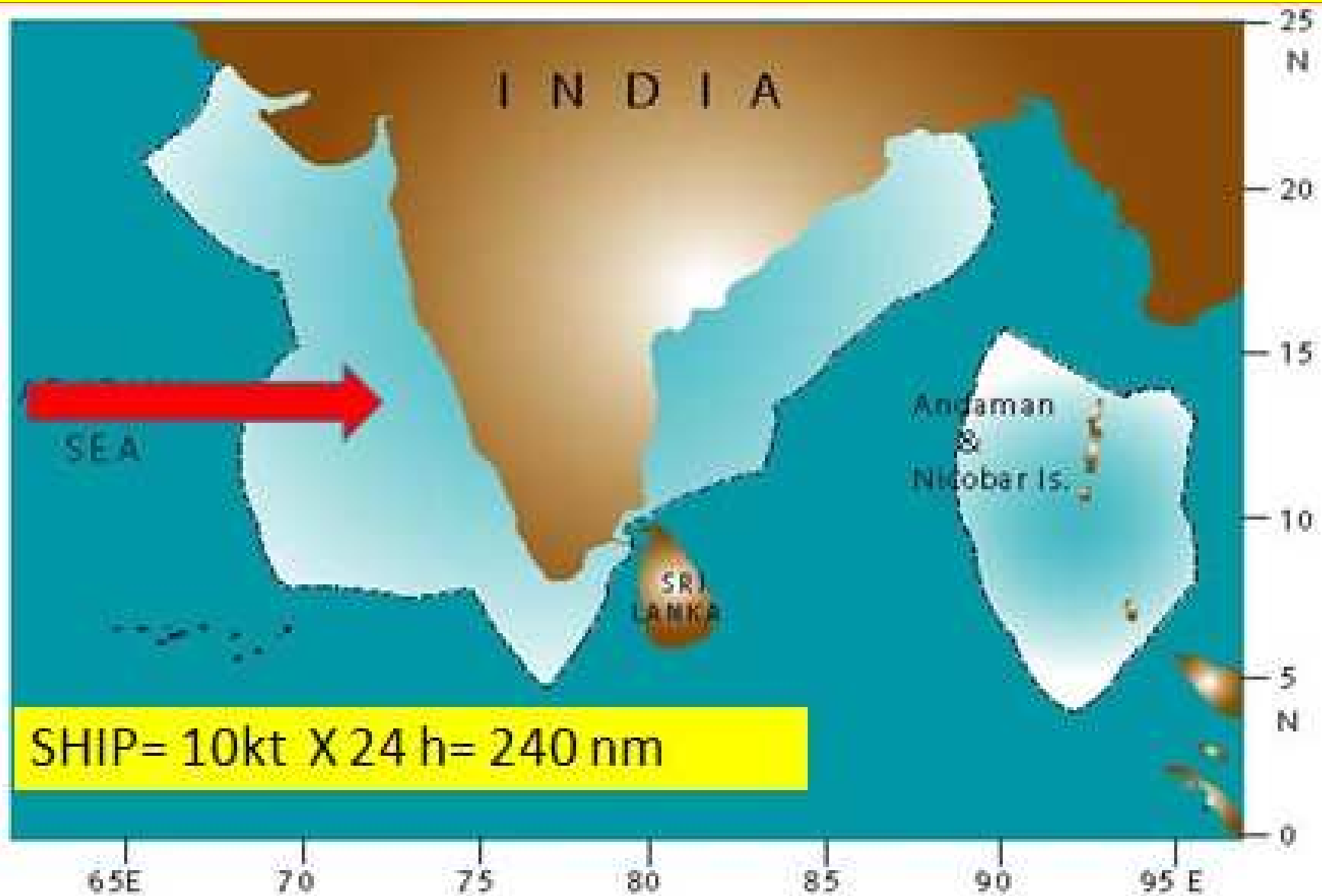
- NOT A LAWYER – BUT A SAILOR
- TO UNDERSTAND MARITIME LAW YOU MUST FIRST KNOW MARITIME OPS
 - MANY LAWS BESIDES UNCLOS
 - NAVY /ICG - LAW ENFORCEMENT AGENCIES
 - COMMANDING OFFICER -MAN ON THE SPOT
 - SATCOM HAVE MADE THINGS BETTER BUT MORE DIFFICULT
 - PRACTICAL APPROACH REQUIRED
 - APPLICATION IS IMPORTANT
 - MARITIME LAWS MUST NOT PARALYSE ONE INTO INACTION WHEN YOU ARE ON THE BRIDGE OF A SHIP

MARITIME MEDIUM

- NO FENCES AT SEA
- SEAS – TRANS-NATIONAL NATURE
- SHIPS –MOBILITY- $10 \text{ KT} \times 24\text{h} = 240 \text{ NM}$ IN ANY DIRECTION



MARITIME ZONES



SHIPS

- BUILT IN ONE COUNTRY
- NATIONALITY ANOTHER
- REGISTERED ELSEWHERE
- OWNER IS A
- MANAGED BY B
- CHARTERED BY - C
- CONSIGNOR -D
- CONSIGNEE- -E
- TRANS SHIPPED ENROUTE
- STAFFED BY MULTINATIONAL CREW
- *FLAGS OF CONVENIENCE (FOC)*
- MARITIME LOGISTIC SUPPLY CHAIN -TENOUS
- DIFFICULT TO FIND OUT OWNERSHIP OF A VESSEL & CARGO AND INTENTIONS OF CREW



MARITIME AGENCIES

**ENFORCEMENT AGENCIES AT SEA -ICG& NAVY
FIRST RESPONDERS**

**MARINE POLICE
CUSTOMS MARINE WING**

DG SHIPPING HAS NO ENFORCEMENT CAPABILITY

WRIT RUNS ONLY CLOSE TO COAST /PORTS

MARITIME LAW

- UNCLOS 82
- SHIPPING & CARGO
- MARITIME FRAUDS
- ETC

Law of the Sea Conferences

- Hague Conference (1930)
- Geneva UNCLOS I (1958)
- Geneva UNCLOS II (1960)
- UNCLOS III (1973-82)

UNCLOS

- UNCLOS -20YRS IN MAKING
- UMBRELLA LAW
- PACKAGE DEAL
- GENERAL
- AMBIGUITY
- MIGHT IS RIGHT
- US IS NOT A SIGNATORY

UNCLOS

IMO

FAO

ISBA

ITLOS

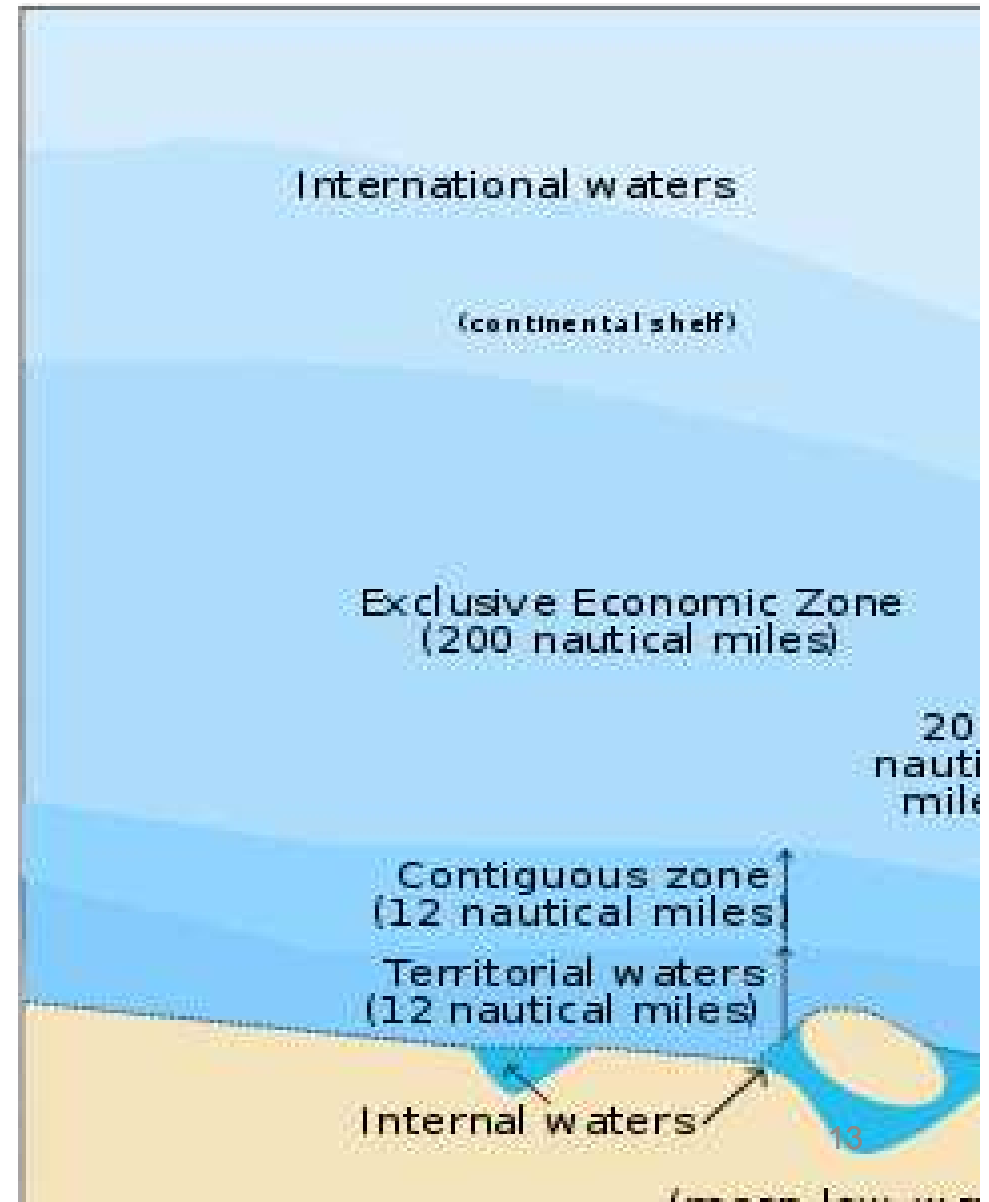
COMMISSION ON LIMITS OF CONTINENTAL SHELF

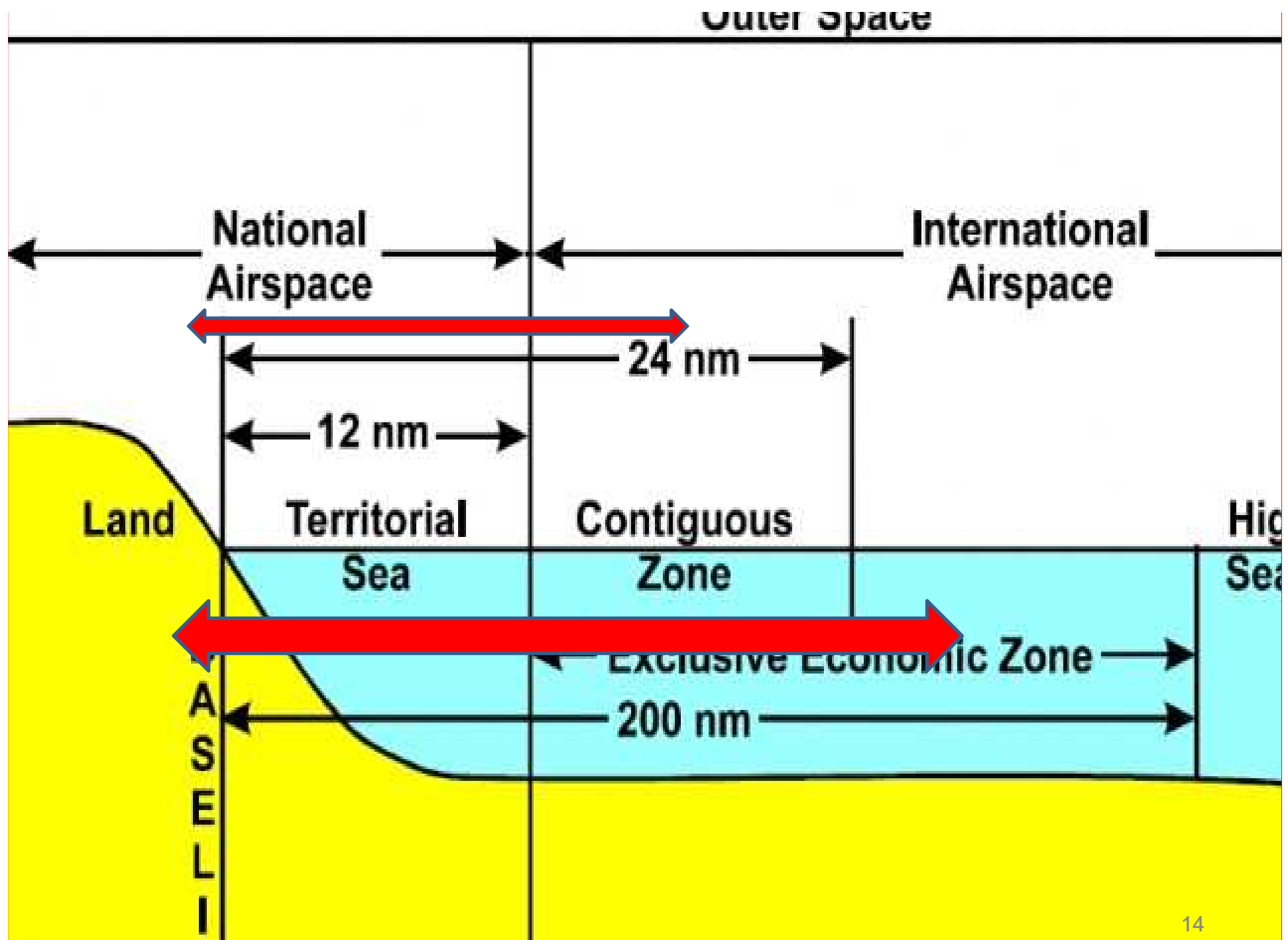
- PRINCIPLE OF SOVEREIGNTY –SAFE GUARD INTERESTS OF COASTAL STATE
- PRINCIPLE OF FREEDOM OF THE SEAS
- COMMON HERITAGE OF MANKIND

TERRITORIAL WATERS , CONTINENTAL SHELF,EEZ,AND OTHER MARITIME ZONES ACT OF 1976

Zones in the Law of the Sea

- Internal Waters
- Territorial Sea
- Contiguous Zone
- Exclusive Economic Zone
- High Seas
- continental shelf
- International Seabed



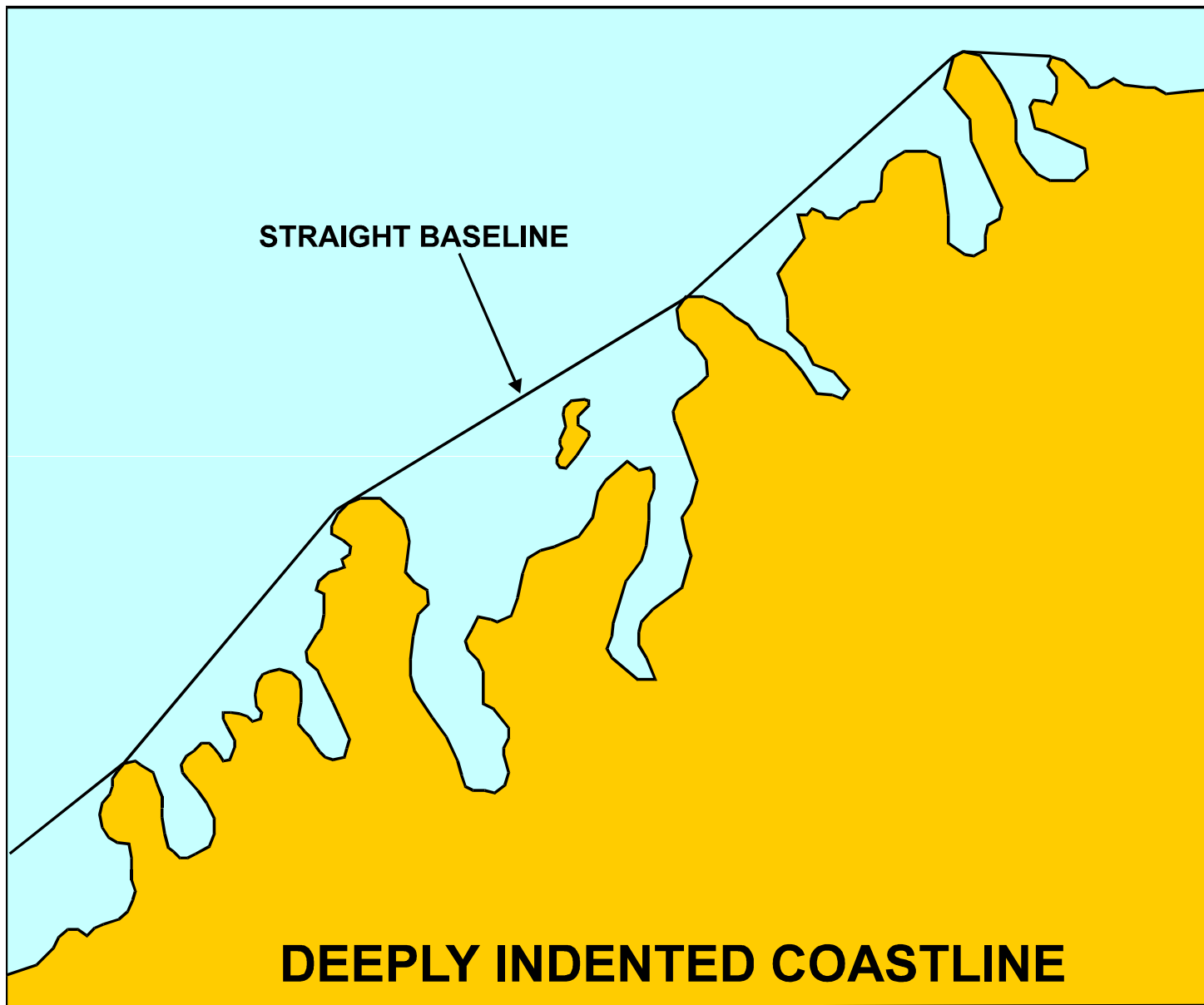




Baselines

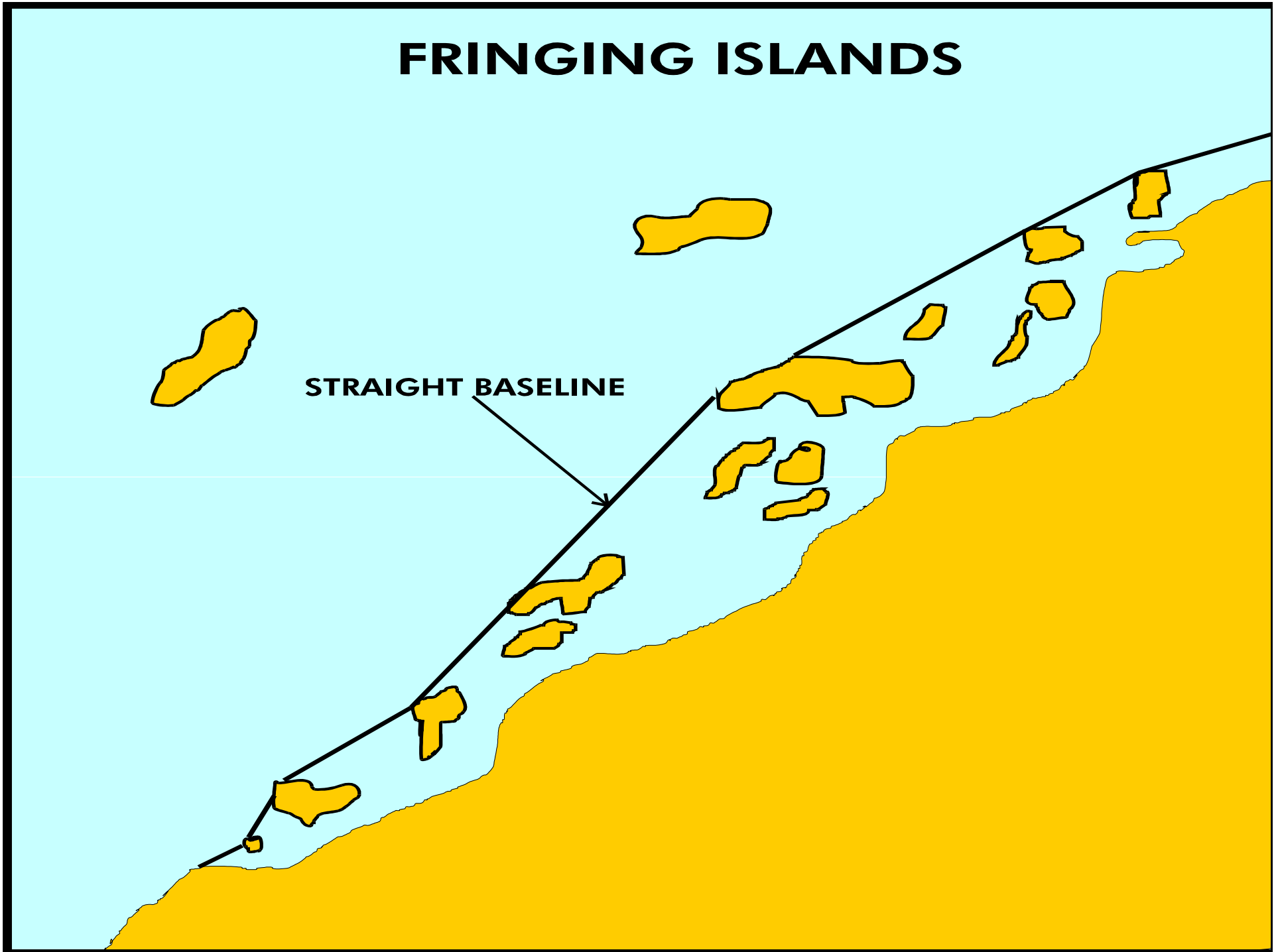
- The Normal Rule (UNCLOS Art. 5)
 - ,...the normal baseline for measuring the breadth of the territorial sea is the **low-water line** along the coast as shown by the appropriate symbols on Large scale charts officially recognized by the coastal state
- Straight Baselines – **exception, not the rule**
 - UNCLOS Art. 7
 - Coastline is deeply indented and cut into
 - Fringe of islands along the coast

BASELINE



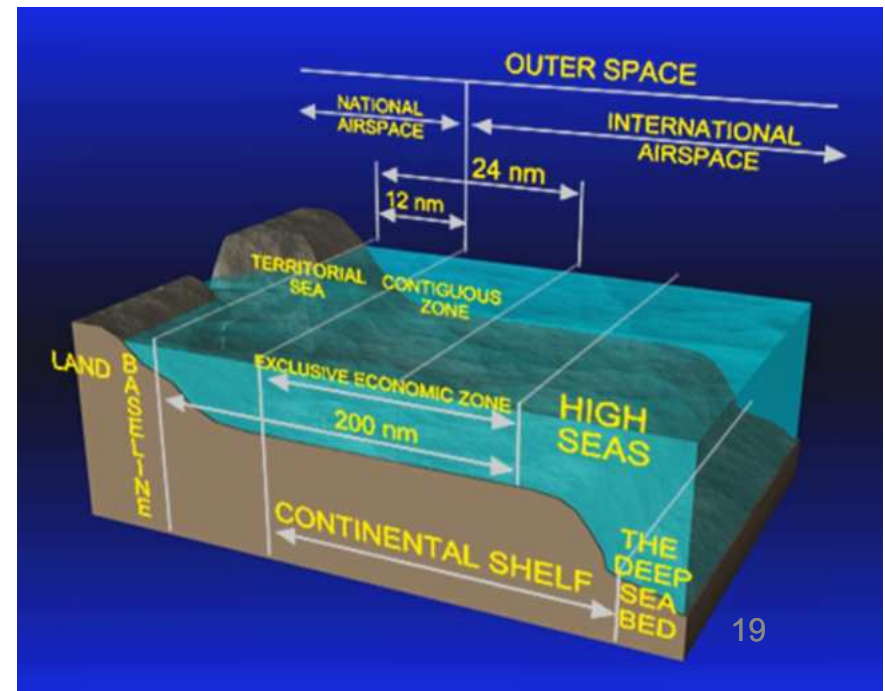
FRINGING ISLANDS

STRAIGHT BASELINE



Territorial Sea

- Maximum breadth of 12 nm (UNCLOS Art. 3)
- **Coastal state sovereignty** subject to:
 - Right of Innocent Passage (UNCLOS Art. 17-19)
 - No right of overflight
 - Assistance Entry (UNCLOS Art. 18)
 - Persons, ships or aircraft in danger or distress



Coastal State Laws & Regulations

UNCLOS Art. 21

- Safety of navigation/regulation of traffic
- Protection of navigational aids and facilities
- Protection of cables and pipelines
- Conservation of living resources
- Fisheries laws
- Preservation of the marine environment
- MSR and hydrographic surveys
- Customs, fiscal, immigration or sanitary laws

Territorial Sea

- Duties of the coastal state (UNCLOS Art. 24)
 - Not to hamper or deny innocent passage
 - Not to discriminate in form or fact against ships of any state or ships carrying cargoes to any state
 - To give appropriate publicity to dangers to navigation

Territorial Sea

- Rights of the Coastal State (UNCLOS Art. 25)
 - To prevent passage which is not innocent
 - E.g., submerged submarine
 - To prevent breach of conditions of port entry
 - E.g., Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargos - 96 hour advance notice
 - Temporarily suspend innocent passage in specified areas if essential for protection of its security
 - E.g., weapons exercise

Article 19 of the Convention restricts certain military activities in foreign territorial seas for ships engaged in innocent passage, such as - threat or use of force, use of weapons, intelligence gathering, acts of propaganda, launching and landing of aircraft and other military devices, military surveys and intentionally interfering with communication systems

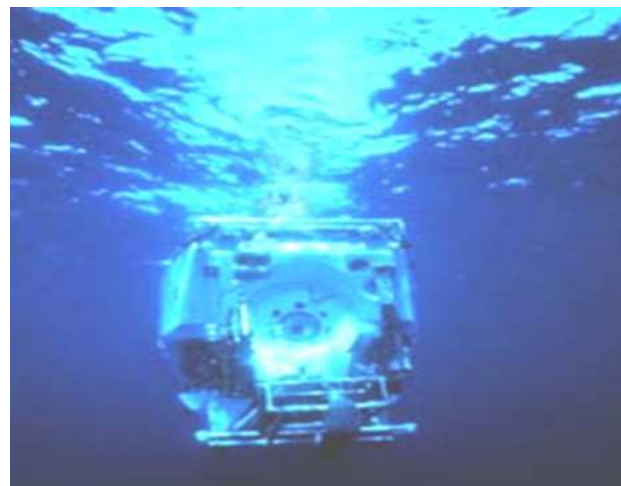
Contiguous Zone

- Law Enforcement Zone
- Maximum 24 nm from Baseline
- Coastal State may enforce laws regarding
 - Customs
 - Fiscal
 - Immigration
 - Sanitation



EEZ

- Maximum 200 nm
- Sovereign rights over living and non-living resources
- Jurisdiction over off-shore structures, MSR and protection of environment



Within the EEZ, all States enjoy high seas freedoms of “navigation and overflight . . . laying of submarine cables and pipelines and other internationally lawful uses of the seas related to those freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and which are compatible with the other provisions of the Convention.”

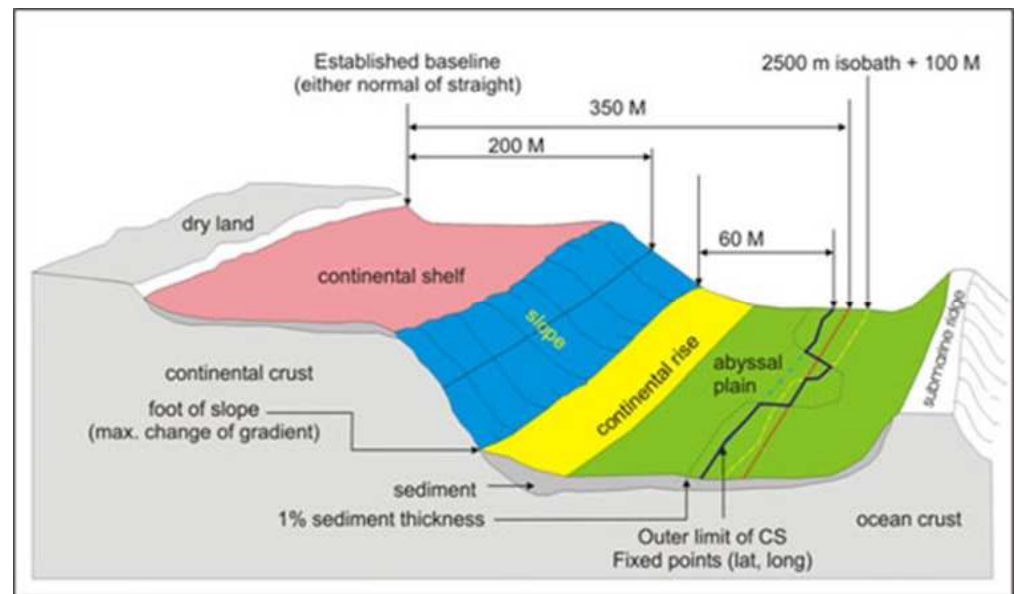
In its EEZ, the coastal State has certain “sovereign rights” with respect to natural resources, and “jurisdiction” over the establishment and use of artificial islands, installations and structures, over marine scientific research, and over the protection and preservation of the marine environment.” These provisions might preclude naval activities that potentially interfere with or harm these coastal State interests. A frequently cited example is that of a weapons exercise, test or placement, such as the use of mines that might potentially harm a natural resource.

Environmental Protection

- UNCLOS Art. 211(5)
 - Coastal state laws must conform and give effect to generally accepted international rules and stds
 - MARPOL, SOLAS, STCW, etc.
- UNCLOS Art. 220(6)
 - Enforcement jurisdiction limited to incidents causing “major damage or threat of major damage”
- UNCLOS Art. 236
 - Sovereign immune vessels do not have to “comply” with coastal state environmental laws and regs

Continental Shelf

- Continental Shelf:
 - 200 nm or
 - outer edge of the continental margin ...
 - whichever is further
- Resource zone
- Does not affect legal status of waters



High Seas

- Beyond Outer Edge of EEZ
- Not Subject to Coastal Nation Sovereignty, Jurisdiction, or Control
- Free for use by all states



High Seas

- Exclusive Flag State jurisdiction (UNCLOS Art. 92)
 - Exceptions – right of visit (UNCLOS Art. 110):
 - Piracy
 - Slave trade
 - Unauthorized broadcasting
 - Stateless vessels
 - Assimilated stateless vessels (two or more flags)

Multilateral Authorities to Combat Terrorism

- 2005 SUA Protocol adds new offenses to 1988 SUA Convention, including two terrorism-related offenses
 - Using a ship to commit a terrorist act
 - Intentional/unlawful release of substances such as chemicals, biological or radiological material
 - Transport of terrorist
 - Persons alleged to have committed offenses under any of the 12 UN terrorism convention



VBSS Legal Bases

Counter-Terrorism Operations

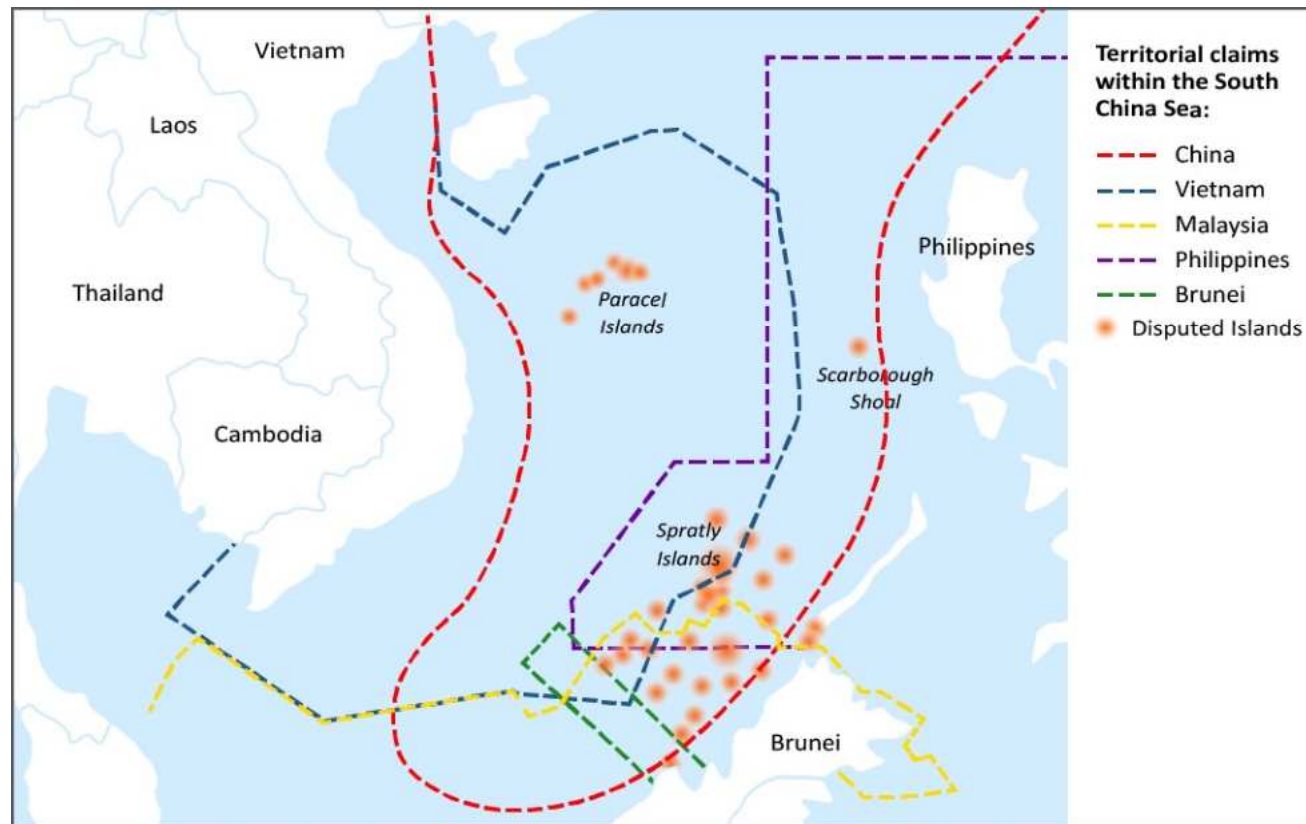
- Port/Coastal State authority
- Flag state/master consent
- Universal jurisdiction (UNCLOS)
 - Piracy, slave trade, unauthorized broadcasting, **stateless vessels**
- Multi-lateral/bilateral agreements (SUA)
- UNSCR (consensual or nonconsensual)
- Right of self-defense (Art. 51)
- Belligerent rights (blockade/visit & search)

Criminal Jurisdiction art. 27

- Coastal state criminal jurisdiction should not be exercised on board foreign ships except:
 - Consequences extend to...
 - ...of a kind to disturb the peace of state or the good order of the territorial sea
 - ...or ship requests help of local authorities
 - ...or necessary to suppress drug trafficking
- Les internal waters and in territorial sea
- “Due regard to navigation”

SOUTH CHINA SEA

Nine-Dash Line – South China Sea



➤ CHINA UNILATERAL ACTION IN SCS
NINE DASH LINE ECOMPASSES EEZ OF NEIGHBOURS
RECLAIMING & MILITARISING ROCKS DO NOT GIVE
200NM EEZ

- ISLAND – ABOVE WATER AT HIGH TIDE
- NATURALLY FORMED CREATION
- SURROUNDED BY WATER

▪ ROCKS WHICH CAN NOT SUSTAIN HUMAN HABITATION OR ECONOMIC LIFE OF THEIR OWN CAN NOT GENERATE EEZ

▪ LOW-TIDE ELEVATION IS A NATURALLY FORMED AREA OF LAND WHICH IS SURROUNDED BY AND ABOVE WATER AT LOW TIDE BUT SUBMERGED AT HIGH TIDE.

- EEZ 200- 350nm
- SCS IMBROGLIO
- CLIMATE CHANGE –CHANGE IN BASELINES
- HIGH SEAS JURISDICTION- WEAK AREA
- NEED TO REVIEW UNCLOS ?
- UNCLOS IV ?

LAWS RELATING TO MARITIME DOMAIN

- **INTERNATIONAL REGS FOR PREVENTION OF COLLISION AT SEA 1972 (ROR)**
- **MARPOL -INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL)-1978**
- **SOLAS – SAFETY OF LIFE AT SEA 1974**
- **STCW – STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING-1978**
- **INDIAN MERCHANT SHIPPING ACT 1958**

- **SUPPRESSION OF UNLAWFUL ACTIVITIES (SUA) 1988/2005**
- **INTERNATIONAL SHIP AND PORT SECURITY CODE (ISPS)**
- **CUSTOMS ACT 1978**
- **NDPS ACT 1985**
- **PROLIFERATION SECURITY INITIATIVE (PSI)**
- **CONTAINER SECURITY INITIATIVE (CSI)**
- **RULES OF ENGAGEMENT (ROE)- navy specific**
- **INCIDENTS AT SEA (INCSEA)**

Fisheries

**FISHERIES –UNDER MINISTRY OF
FISHERIES , ANIMAL HUSBANDRY& DAIRYING**



FISHING VESSELS

- REGULATION OF FISHERIES - DIFFICULT TASK
- OVER 3 LAKHS REGISTERED VESSELS
- TRADITIONAL, MOTORIZED ,MECHANISED BOATS
- POSITIVE IDENTIFICATION AT SEA – REMAINS A PROBLEM

ILLEGAL, UNREPORTED AND UNREGULATED FISHING

- VESSELS SWITCHING OFF AIS
- FISHING WITH ILLEGAL GEAR
- FISHING DURING MONSOONS
- FISHING IN EEZ WITHOUT LICENCE
- FISHING WITH LICENCE BUT NOT REPORTING CATCH
- TRANSHIPPING WITH OUT PERMISSION
- FISHING WITH EXPLOSIVES
- OVER FISHING

MARITIME ZONES –REGULATION OF FISHING BY FOREIGN FISHING VESSELS ACT OF 1981

- CHINESE TRAWLERS ARE A COMMON SIGHT CLOSE TO OUR EEZ
- INTELLIGENCE COLLECTION- MONITORING MISSILE FIRINGS OFF WHEELER ISLANDS ETC



PALK BAY FISHING WARS



- GOVT HAS TOLD SUPREME COURT THAT **KACCHATIVU** WAS NEVER CEDED TO SRI LANKA .
- INDIAN SIDE OF PALK BAY OVERFISHED
- LEGALLY INDIAN FISHERMEN CAN NOT CROSSOVER THE IMBL TO FISH IN SRI LANKAN WATERS
- **POTENTIAL TO FLARE UP INTO BILATERAL DIPLOMATIC PROBLEMS .**





Indian Position

Pak position

MSR

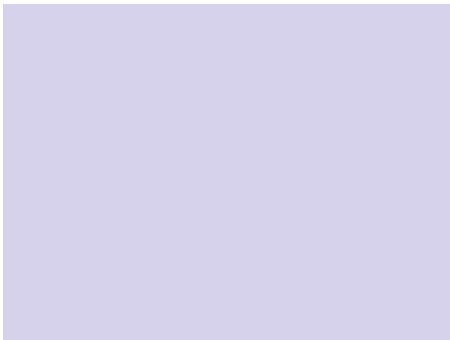
MSR ,
HYDROGRAPHIC SURVEY ,
MILITARY SURVEY



USS BOWDITCH - MARINE SCIENTIFIC SURVEY (MSR)

Seizure of Underwater Drone – Dec 2016

- PLAN submarine rescue ship seized US UUV deployed by USNS Bowditch Dec 17
- 50 nm NW of Subic Bay, Philippines
- Drone returned Dec 20 after US protest

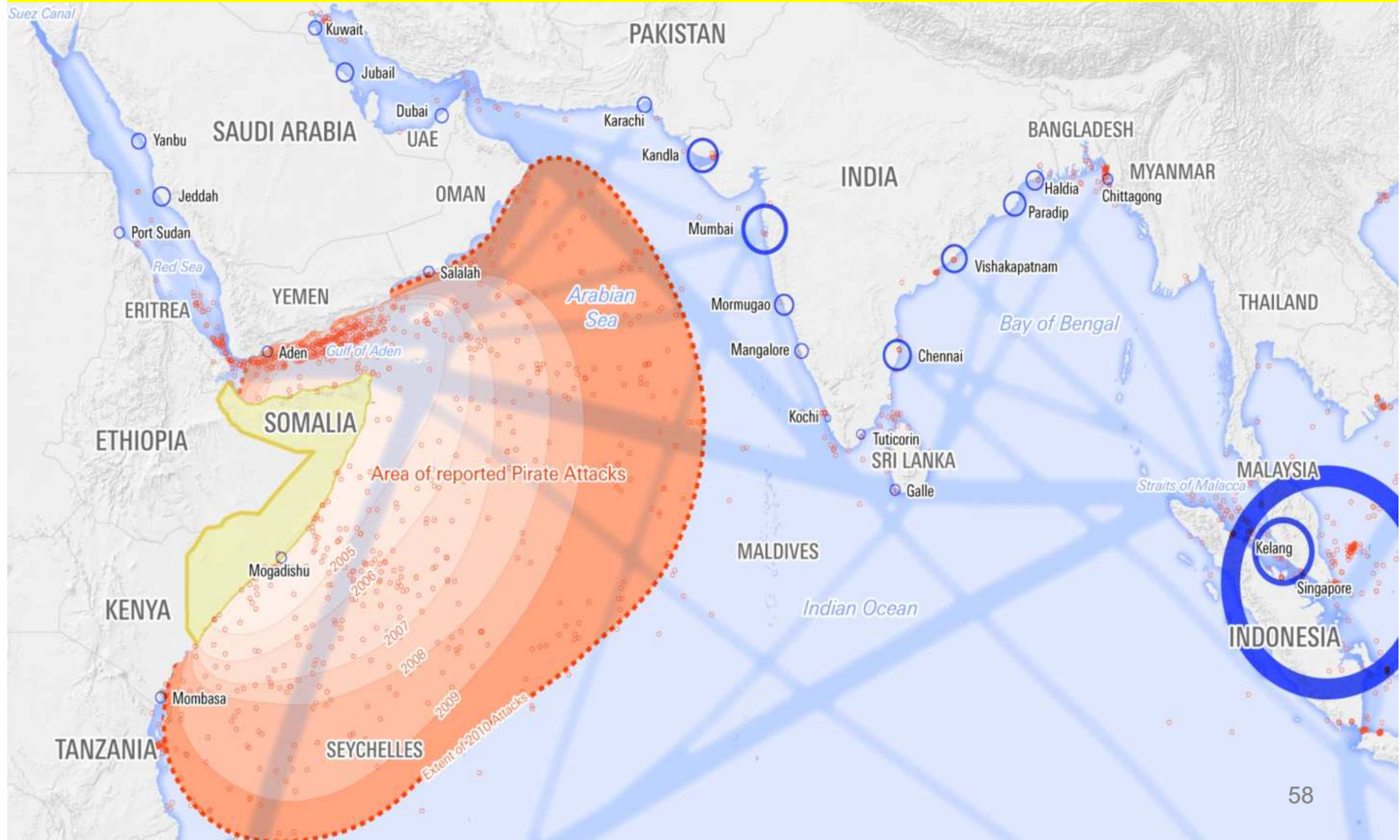


CHINESE VESSELS IN IOR

CHINESE RESEARCH SHIP **SHI YAN 1**- SIGHTED
CARRYING OUT HYDROGRAPHIC AND
OCEANOGRAPHIC SURVEY OFF A&N IN DEC 2019



PIRACY OFF SOMALIA SINCE 2008



PIRACY

- INTERNATIONAL AND INDIAN DOMESTIC LAWS-WEAK
 - UNCLOS 82 - DEFINITION ,PENALTY NOT SPECIFIED
 - HIGH SEAS -- NO NATIONAL JURISDICTION
-
- NATIONALITY OF PIRATES
 - NATIONALITY OF CREW
 - NATIONALITY OF VICTIMS
 - FLAG STATE OF PIRATE SHIP
 - FLAG STATE OF VICTIM SHIP
 - FLAGS OF CONVENIENCE (FOC)
 - NATIONALITY OF SHIP OWNERS

PIRACY –FACTORS

- NATIONALITY OF CARGO
- DESTINATION STATE
- COASTAL STATE WHERE INCIDENT OCCURRED-JURISDICTION
- TOO MANY ACTORS –COORDINATION DIFFICULT
- LACK OF MARITIME COURTS
- RELUCTANCE TO PROSECUTE

INDIA - ANTI PIRACY MEASURES

- INDIAN ANTI PIRACY BILL - AFTER A DECADE - 2018-
- YET TO BE PASSED
- LIFE IMPRISONMENT /DEATH PENALTY FOR PIRATES

MV ENRICA LEXIE /ITALIAN MARINES INCIDENT





ARBITRAL TRIBUNAL UNDER UNCLOS

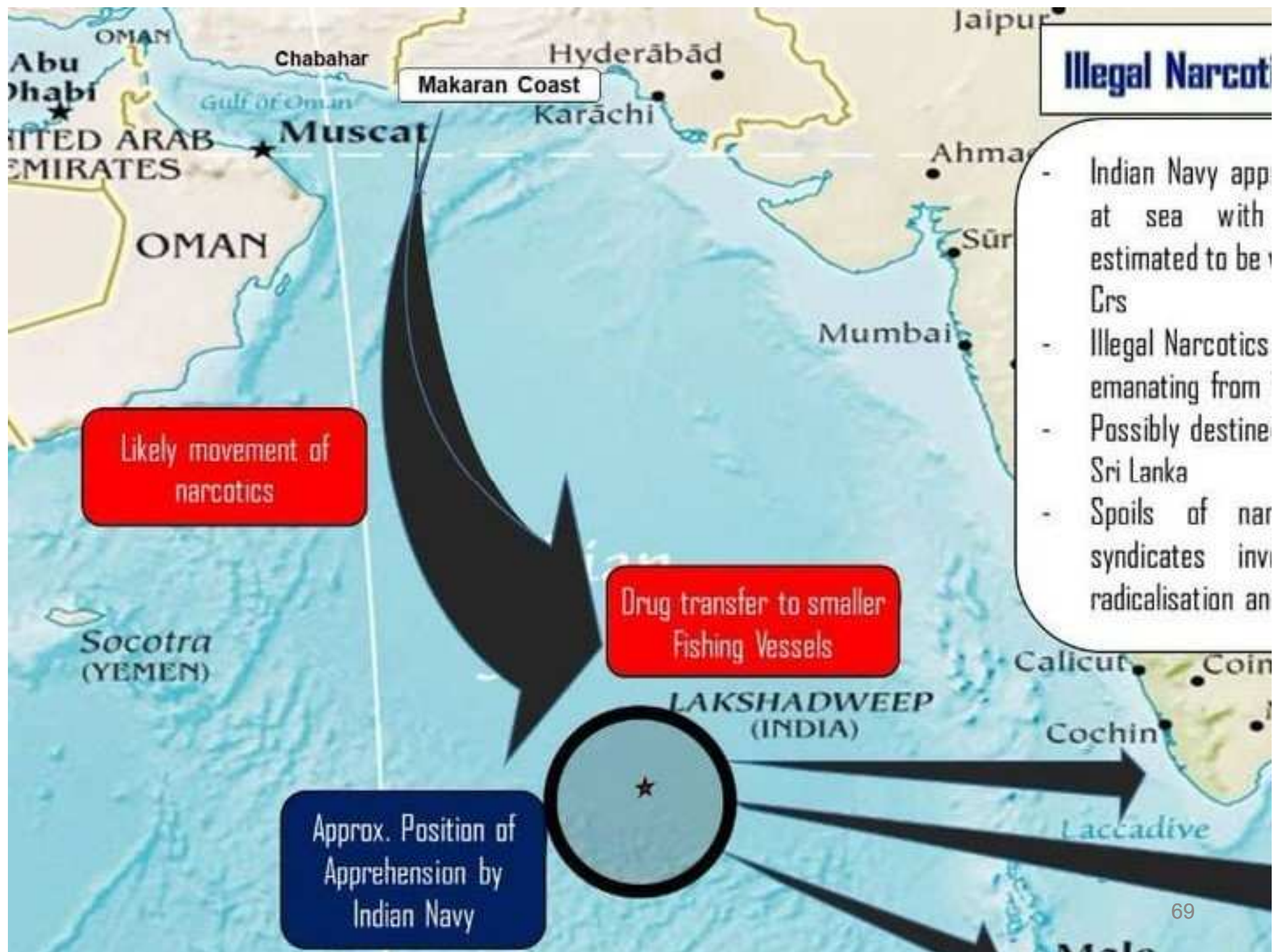
- INDIA IS ENTITLED TO COMPENSATION
- BUT CAN NOT TRY THE ITALIAN MARINES

FLOATING ARMOURY



FLOATING ARMOURIES

DRUG SMUGGLING



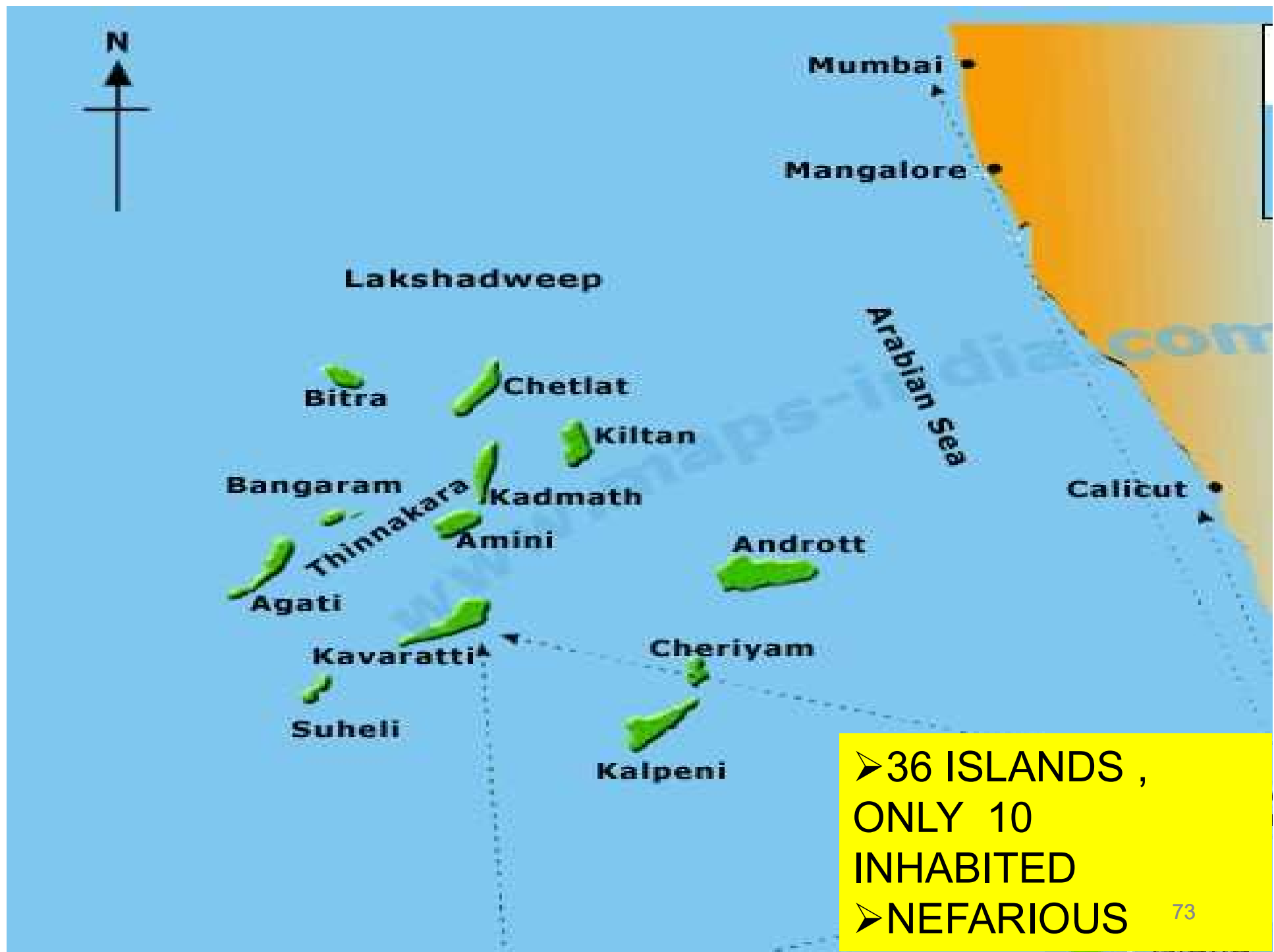


DRUGS HAUL OFF LAKSHWADEEP

MARCH 2021

3 SRI LANKAN BOATS





➤ 36 ISLANDS ,
ONLY 10
INHABITED
➤ NEFARIOUS

INTERNATIONAL SHIP AND PORT SECURITY CODE (ISPS)- POST 9/11

PORTS ARE THE INTERFACE BETWEEN SHIPS, CARGO &
CREW AND FOREIGN SHORES

INTERNATIONAL SHIP AND PORT SECURITY CODE(ISPS) – POST 9/11

- DESPITE CLAIMS, NO INDIAN PORT IS REALLY ISPS COMPLIANT
 - PORTS LIKE MUMBAI CAN EASILY BE PENETRATED EVEN TODAY – 13 YEARS AFTER 26/11
 - WATER FRONT SECURITY IS WEAK SPOT .
 - CISF
 - INDIAN REGISTER OF SHIPPING(IRS)
- 
- A map of Bombay Harbour, India, showing the coastline and various islands. Key locations labeled include Malabar Pt, Fort Al, Fort B, Fort C, Fort D, Fort E, Fort F, Fort G, Fort H, Fort I, Fort J, Fort K, Fort L, Fort M, Fort N, Fort O, Fort P, Fort Q, Fort R, Fort S, Fort T, Fort U, Fort V, Fort W, Fort X, Fort Y, Fort Z, Fort AA, Fort AB, Fort AC, Fort AD, Fort AE, Fort AF, Fort AG, Fort AH, Fort AI, Fort AJ, Fort AK, Fort AL, Fort AM, Fort AN, Fort AO, Fort AP, Fort AQ, Fort AR, Fort AS, Fort AT, Fort AU, Fort AV, Fort AW, Fort AX, Fort AY, Fort AZ, Fort BA, Fort BB, Fort BC, Fort BD, Fort BE, Fort BF, Fort BG, Fort BH, Fort BI, Fort BJ, Fort BK, Fort BL, Fort BM, Fort BN, Fort BO, Fort BP, Fort BQ, Fort BR, Fort BS, Fort BT, Fort BU, Fort BV, Fort BW, Fort BX, Fort BY, Fort BZ, Fort CA, Fort CB, Fort CC, Fort CD, Fort CE, Fort CF, Fort CG, Fort CH, Fort CI, Fort CJ, Fort CK, Fort CL, Fort CM, Fort CN, Fort CO, Fort CP, Fort CQ, Fort CR, Fort CS, Fort CT, Fort CU, Fort CV, Fort CW, Fort CX, Fort CY, Fort CZ, Fort DA, Fort DB, Fort DC, Fort DD, Fort DE, Fort DF, Fort DG, Fort DH, Fort DI, Fort DJ, Fort DK, Fort DL, Fort DM, Fort DN, Fort DO, Fort DP, Fort DQ, Fort DR, Fort DS, Fort DT, Fort DU, Fort DV, Fort DW, Fort DX, Fort DY, Fort DZ, Fort EA, Fort EB, Fort EC, Fort ED, Fort EE, Fort EF, Fort EG, Fort EH, Fort EI, Fort EJ, Fort EK, Fort EL, Fort EM, Fort EN, Fort EO, Fort EP, Fort EQ, Fort ER, Fort ES, Fort ET, Fort EU, Fort EV, Fort EW, Fort EX, Fort EY, Fort EZ, Fort FA, Fort FB, Fort FC, Fort FD, Fort FE, Fort FF, Fort FG, Fort FH, Fort FI, Fort FJ, Fort FK, Fort FL, Fort FM, Fort FN, Fort FO, Fort FP, Fort FQ, Fort FR, Fort FS, Fort FT, Fort FU, Fort FV, Fort FW, Fort FX, Fort FY, Fort FZ, Fort GA, Fort GB, Fort GC, Fort GD, Fort GE, Fort GF, Fort GG, Fort GH, Fort GI, Fort GJ, Fort GK, Fort GL, Fort GM, Fort GN, Fort GO, Fort GP, Fort GQ, Fort GR, Fort GS, Fort GT, Fort GU, Fort GV, Fort GW, Fort GX, Fort GY, Fort GZ, Fort HA, Fort HB, Fort HC, Fort HD, Fort HE, Fort HF, Fort HG, Fort HH, Fort HI, Fort HJ, Fort HK, Fort HL, 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Fort QA, Fort QB, Fort QC, Fort QD, Fort QE, Fort QF, Fort QG, Fort QH, Fort QI, Fort QJ, Fort QK, Fort QL, Fort QM, Fort QN, Fort QO, Fort QP, Fort QQ, Fort QR, Fort QS, Fort QT, Fort QU, Fort QV, Fort QW, Fort QX, Fort QY, Fort QZ, Fort RA, Fort RB, Fort RC, Fort RD, Fort RE, Fort RF, Fort RG, Fort RH, Fort RI, Fort RJ, Fort RK, Fort RL, Fort RM, Fort RN, Fort RO, Fort RP, Fort RQ, Fort RR, Fort RS, Fort RT, Fort RU, Fort RV, Fort RW, Fort RX, Fort RY, Fort RZ, Fort SA, Fort SB, Fort SC, Fort SD, Fort SE, Fort SF, Fort SG, Fort SH, Fort SI, Fort SJ, Fort SK, Fort SL, Fort SM, Fort SN, Fort SO, Fort SP, Fort SQ, Fort SR, Fort SS, Fort ST, Fort SU, Fort SV, Fort SW, Fort SX, Fort SY, Fort SZ, Fort TA, Fort TB, Fort TC, Fort TD, Fort TE, Fort TF, Fort TG, Fort TH, Fort TI, Fort TJ, Fort TK, Fort TL, Fort TM, Fort TN, Fort TO, Fort TP, Fort TQ, Fort TR, Fort TS, Fort TT, Fort TU, Fort TV, Fort TW, Fort TX, Fort TY, Fort TZ, Fort UA, Fort UB, Fort UC, Fort UD, Fort UE, Fort UF, Fort UG, Fort UH, Fort UI, Fort UJ, Fort UK, Fort UL, Fort UM, Fort UN, Fort UO, Fort UP, Fort UQ, Fort UR, Fort US, Fort UT, Fort UU, Fort UV, Fort UW, Fort UX, Fort UY, Fort UZ, Fort VA, Fort VB, Fort VC, Fort VD, Fort VE, Fort VF, Fort VG, Fort VH, Fort VI, Fort VJ, Fort VK, Fort VL, Fort VM, Fort VN, Fort VO, Fort VP, Fort VQ, Fort VR, Fort VS, Fort VT, Fort VU, Fort VV, Fort VW, Fort VX, Fort VY, Fort VZ, Fort WA, Fort WB, Fort WC, Fort WD, Fort WE, Fort WF, Fort WG, Fort WH, Fort WI, Fort WJ, Fort WK, Fort WL, Fort WM, Fort WN, Fort WO, Fort WP, Fort WQ, Fort WR, Fort WS, Fort WT, Fort WU, Fort WV, Fort WW, Fort WX, Fort WY, Fort WZ, Fort XA, Fort XB, Fort XC, Fort XD, Fort XE, Fort XF, Fort XG, Fort XH, Fort XI, Fort XJ, Fort XK, Fort XL, Fort XM, Fort XN, Fort XO, Fort XP, Fort XQ, Fort XR, Fort XS, Fort XT, Fort XU, Fort XV, Fort XW, Fort XX, Fort XY, Fort XZ, Fort YA, Fort YB, Fort YC, Fort YD, Fort YE, Fort YF, Fort YG, Fort YH, Fort YI, Fort YJ, Fort YK, Fort YL, Fort YM, Fort YN, 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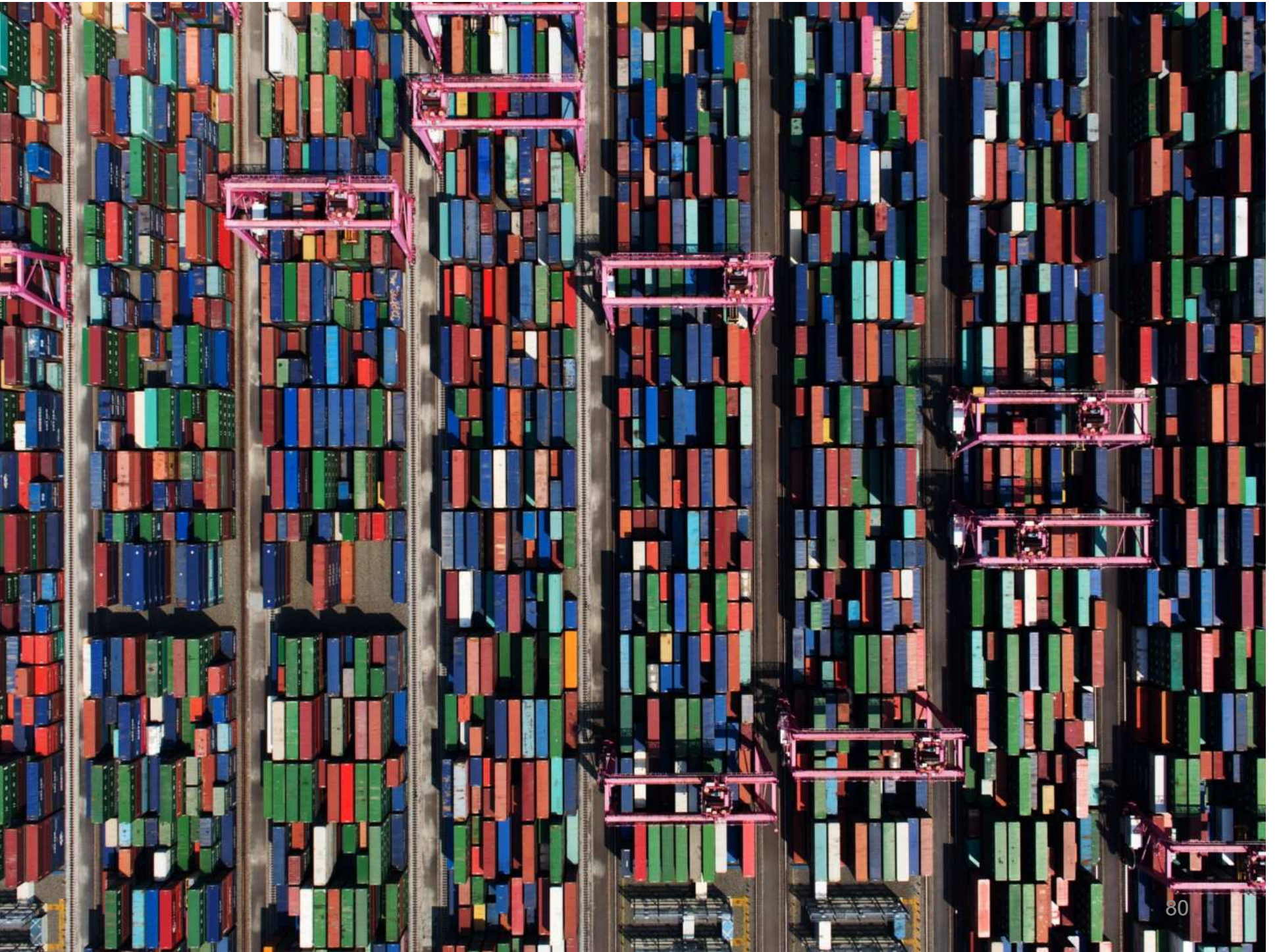


CONTAINER SECURITY

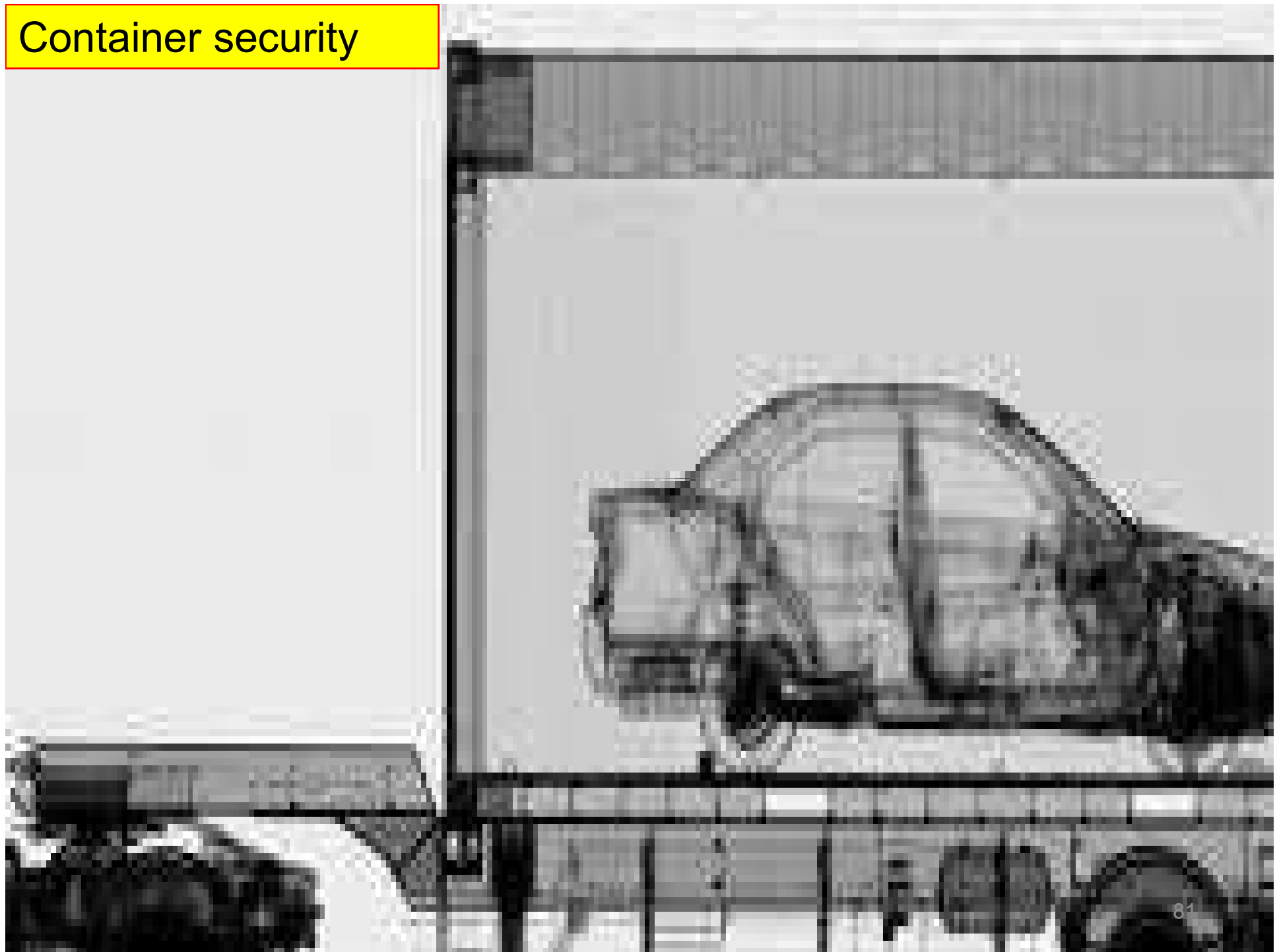


POST 9/11 -CONTAINER SECURITY

- **CONTAINERS(20 FT, 40 FT) -TROJAN HORSES
(TERRORISTS, WEAPONS & EXPLOSIVES ETC)**
- **PAUCITY OF ADEQUATE X-RAY MACHINES**
- **100% SCREENING IMPOSSIBLE**
- **TECHINT & HUMINT AT CONTAINER STUFFING/ DE-STUFFING CENTRES IS THE KEY.**
- **CUSTOMS PERSONNEL PLAY AN IMPORTANT ROLE .**



Container security



BLASTS IN CONTAINER SHIP –DUBAI





PROLIFERATION SECURITY

PROLIFERATION SECURITY

- MV DA CUI YUN
- HONG KONG FLAGGED SHIP – BOUND FOR KARACHI
- DETAINED IN KANDLA
- FEB 2020
- AUTO CLAVE USED IN BALLISTIC MISSILE LAUNCH DECLARED AS INDUSTRIAL DRYER
- WEAPONS OF MASS DESTRUCTION (PROHIBITION OF UNLAWFUL ACTIVITIES) ACT 2005

ENVIRONMENTAL ISSUES

INDIA DESPATCHES –
EQUIPMENT AND
COAST GUARD
TEAM

JAPANESE
TANKER MV
WAKASHIO



ICG FIGHTING FIRE ON MT NEW DIAMOND OFF SRI LANKA



MV X-PRESS PEARL



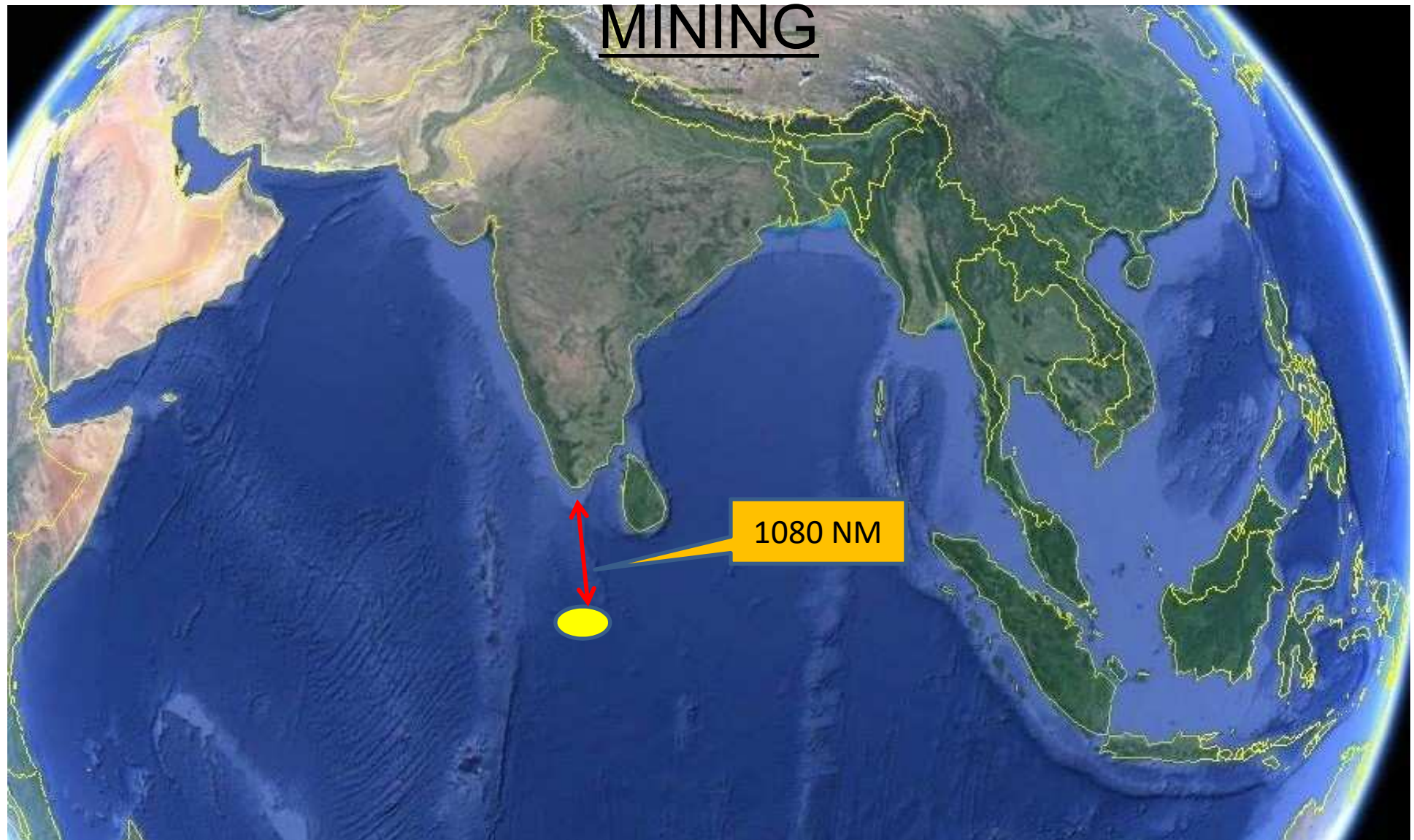
PEOPLE SMUGGLING

MEDIA REPORTS -NIA- INVESTIGATING HUMAN SMUGGLING OF SRI LANKANS VIA TUTICORIN TO MANGALORE & MADURAI AND ONWARD TO CANADA



SEA BED MINING

SEA BED ALLOTTED TO INDIA BY ISA FOR MINING





FONOPS



CONCLUSION

- **IMPORTANCE OF MARITIME LAW WILL GROW WITH IMPENDING EXTENSION OF EEZ (200NM -350NM) , SAGARMALA & BLUE ECONOMY**
- **CURRENT GOVERNANCE STRUCTURE NEEDS TO BE REVAMPED TO INCLUDE MARITIME DOMAIN**
- **A NEW CADRE OF SECURITY PROFESSIONALS REQUIRED IN CIVIL SERVICES**
- **COASTAL SECURITY BILL 2013- PUT UP TO THE PARLIAMENT BY NAVY /CG STILL PENDING.**
- **DOMESTIC ANTI PIRACY BILL TABLED IN 2018 NEED TO BE PASSED EARLY**
- **COUNTER TERRORISM IN THE COUNTRY IS POLICE ORIENTED**
- **INDUCTION OF COAST GUARD AND NAVAL OFFICERS REQUIRED TO ADDRESS MARITIME TERRORISM**
- **EMPHASIS ON MARITIME LAW . MARITIME COURTS NEEDED**

CONCLUSION –WAY AHEAD

- ALL STATE MUST IMPLEMENT MARITIME BOARDS
- NODAL AGENCY REQUIRED
- BJP GOVT ANNOUNCED IN 2014 SETTING UP OF A 'NATIONAL MARITIME AUTHORITY' -(NMA) . SEVEN YEARS LATER , NO PROGRESS .
- NATIONAL MARITIME COMMISSION AND NATIONAL MARITIME SECURITY COORDINATOR ON THE ANVIL

THANK YOU

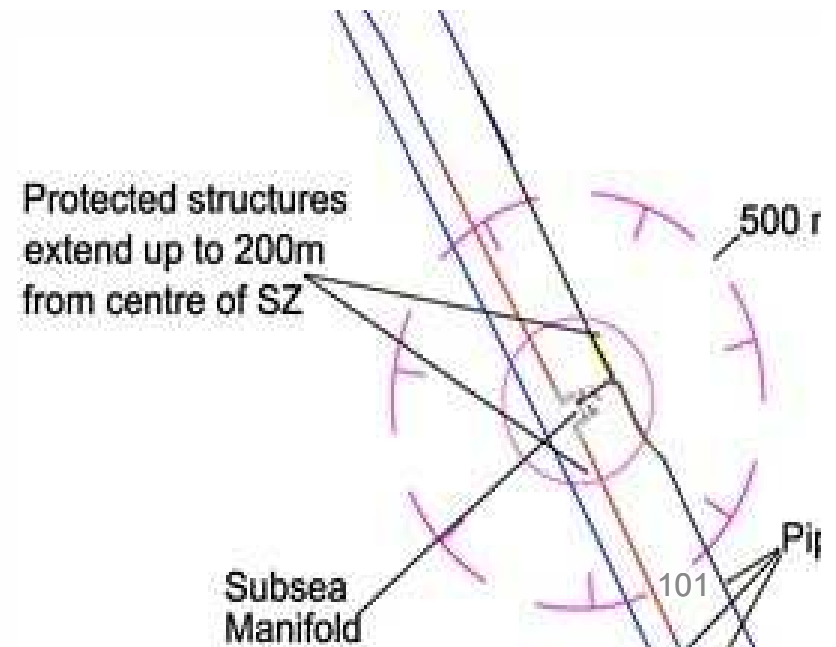


✓ COUNTER TERRORISM STRUCTURE IN THE COUNTRY IS POLICE ORIENTED.

✓ NEED INDUCTION OF ICG AND NAVAL OFFICERS TO HANDLE MARITIME COUNTER TERRORISM

Off-Shore Structures

- Safety Zones may not exceed 500 m
 - Due notice and may not interfere with recognized sea lanes essential for international navigation
 - Recent efforts at IMO to increase size failed



Off-Shore Structures

- Exclusive jurisdiction over customs, fiscal, health, safety and immigration matters
- Due notice
- Removal if abandoned to ensure safety of navigation





Freedom of Navigation Program

- 3-prong program
 - Operational–Diplomatic–Bilateral Discussions
- Competing interests
 - Political – it's never the right time
 - Resources – not enough ships and aircraft
 - Timing – lead time and approval process

TRANSIT PASSAGE
ARCHIPELAGIC WATERS

TERRITORIAL SOVEREIGNTY
AND SOVEREIGN RIGHTS
CONTINENTAL SHELF
HOT PURSUIT

FREEDOM OF NAVIGATION
OVERFLIGHT
SUBMARINE CABLES
PIPELINES
HIGH SEAS
FLAG STATE

Coastal State restrictions in the EEZ take many forms, including:

- Prohibition on military marine data collection (military surveys) and hydrographic surveys
- Prior notice and consent
- Environmental restrictions/resource-related concerns
- National security restrictions

Nuclear-powered Ships/Dangerous Cargoes

- Use specified TSS or sea lanes (UNCLOS Art. 22)
- Carry documents and observe special precautionary measures established by IMO (UNCLOS Art. 23)
 - INF Code



Restrictions on Innocent Passage

- UNCLOS Art. 17 – ships of all nations enjoy the right of innocent passage
 - Art. 19 – prohibited activities in innocent passage
 - Art. 20 – submarines on the surface



SUA Boarding Regime

- Based on Flag State Jurisdiction
- Includes comprehensive framework to facilitate boarding suspect vessels at sea
 - Request to board communicated to flag State
 - Required response from Flag State
 - Authorize boarding and search (subject to any conditions imposed)
 - Conduct boarding and search itself
 - Conduct boarding and search with requesting Party
 - Decline request
 - Default to standing/existing authorizations (e.g, boarding agreement)

Hot Pursuit (UNCLOS Art. 111)

Violation of coastal state laws within one of the zones

Signal to stop (seen or heard)

Pursuit commences within that zone

Pursuit is uninterrupted

Ends upon entry into territorial sea of another nation

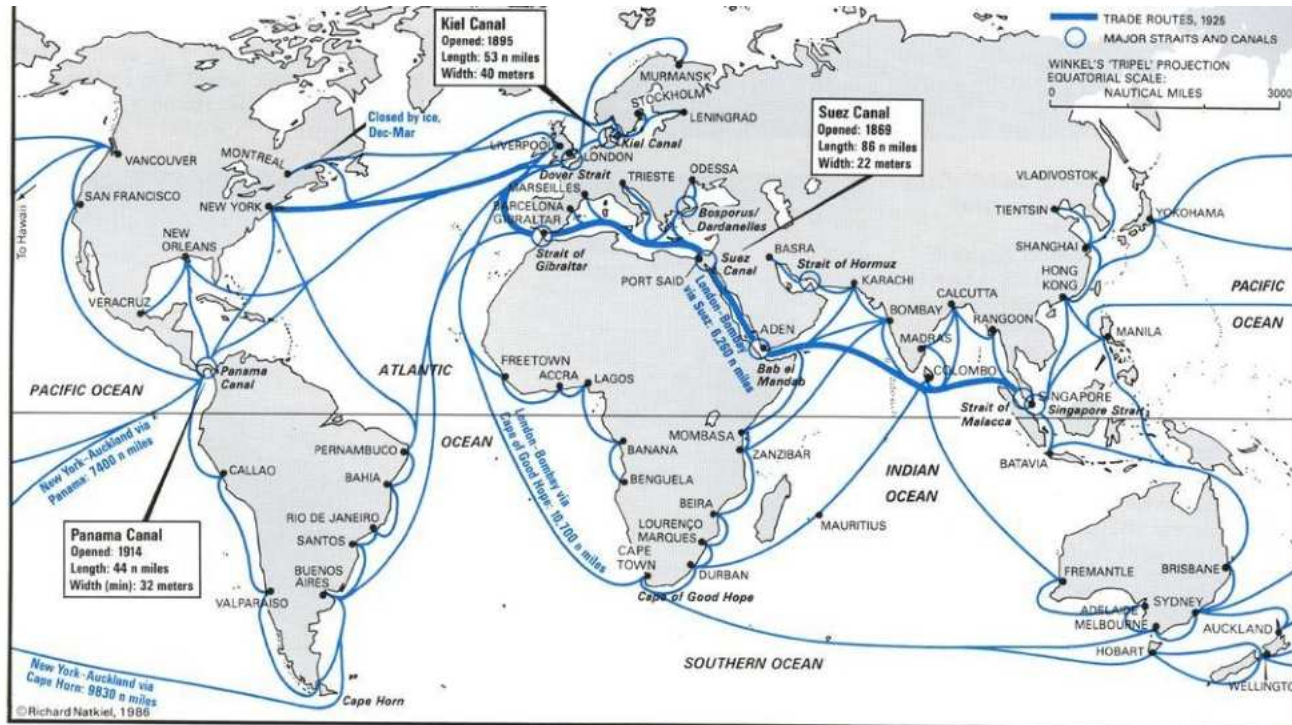
Archipelagic Straits

- International straits that are located within archipelagic waters are subject to the navigational regime of ASLP
- Art 53 defines ASLP as: The exercise of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or EEZ and another part of the high seas or EEZ.



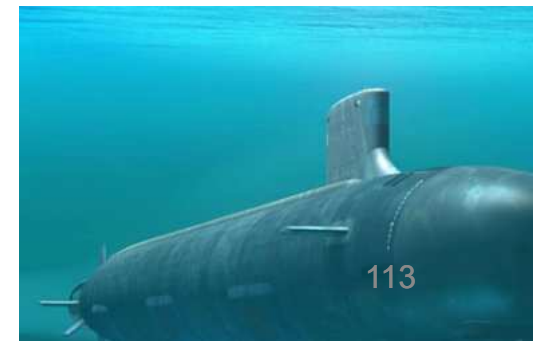
Transit Passage Straits

- Art. 37 – Part III applies to straits that are used for international navigation between one part of the high seas or EEZ and another part of the high seas or EEZ (no high seas corridor).



Transit Passage Defined

- Art. 38.2/Art. 39.1(c) - Transit passage means the exercise of the freedom of navigation and overflight in the **normal mode of operation** solely for the purpose of **continuous** and **expeditious** transit of the strait between one part of the high seas or an EEZ and another part of the high seas EEZ.
- Coastal State prior notice or consent not required.



Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law

Due Regard – Art. 56(2)

- “In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have **due regard** to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.”

High Seas

- Exclusive Flag State Jurisdiction (Art. 92)
 - Flag State consent
 - Master's consent (board and search only)



Exceptions

Nonconsensual Boarding

- Stateless vessels (Art. 92, Art. 110)
- UNSCR (Chap. VII)
- Self-defense (Art. 51 UN Charter)
- Belligerent rights (blockade/visit & search)



PIRACY

“...any illegal acts of violence, detention, depredation

- committed for *private ends*
- by the crew or the passengers of a private ship
- directed...against another ship