

WORLD OCEAN DAY

MariNe

The News of the Sea



CENTRE FOR MARITIME LAW

National Law University Odisha

The Centre for Maritime Law was established in 2015 with an aim to build a centre of excellence and research in the field of maritime law in India. The Centre identifies first and foremost, that the statutes which govern maritime law were adapted from foreign states and these statutes don't address the concerns pertaining to the field appropriately, as the Indian trade practices are relatively different from those foreign states. Also, under the Indian maritime law regime, there has been a lack of timely amendments and proper implementation and hence most of the laws are out dated and are not equipped to deal with modern complications.

Keeping in mind the complications which perforate the Indian maritime law regime, the Centre has been analyzing the foreign case laws, statutes and their relevancy to the Indian jurisdiction. The Centre is currently working on Indian statutes, case laws, international treaties and conventions pertaining to maritime law and seeks to crystallize the current maritime jurisprudence in India.

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MESSAGE FROM OUR PANELISTS



The ocean is the unending reservoir of marvel. At NLUO, the students at CML have been constantly encouraged to tap these opportunities that flow like currents in our oceans. There's a lot of literature with us but with time, there is the need to come up with so much more. They are so traditional, yet so dynamic. The agenda for us has always been reviewing what exists and filling any void that may appear. As the faculty advisor, I hope our initiative on World Oceans Day has reached out to Maritime law enthusiasts and propagated the field like we aimed to.

Mr. Pallab Das



When the whole world is struggling to keep their lungs safe and healthy from the attack of Covid19; we often tend to forget the real lungs of the world ecosystem i.e. the Oceans. In our pursuit of growth, we have cursed the oceans beyond imagination. That has resulted in many counter effects on our health and survival. The effects could only be managed with the Youth taking over the driving seats and sensitizing the world growth matrix under the clouds of 'sustainability'. Which is also the call of the hour from the World Ocean Day. If we wish to live and grow healthier; we need to care for our surroundings and protect our mother earth from salvage.

Dr. Bishwa Kallyan Dash



The oceans are the elixir of human existence on this planet. We have exploited the oceans for our greed but never really respected their might. Therefore, the onus lies on us to respect and care for our oceans. In this regard, I would wholeheartedly congratulate the Centre for Maritime Law, NLU Odisha for their brilliant efforts to raise awareness and foster understanding about the need for ocean sustainability and ocean governance. I strongly commend their efforts and i hope that they will become torchbearers of the global maritime governance movement.

Mr. Aishwarye Dubey



There is no gainsaying that the preservation and sustainable management of the planet's oceans is a growing concern due to the increasing instances of exploitation of oceanic resources. As citizens of a global world, being united by a global pandemic, we now share a strong responsibility of preserving our natural resources and bettering the quality of our co-habitants in this planet. Steps towards cleaner oceans can be taken in our day-to-day activities, which may be through discarding the use of plastic products for a start. On the occasion of the World Oceans Day, we must start educating ourselves in order to save and preserve our oceans and ensure a bright and sustainable future for the succeeding generations. While the oceans continue to remain as mysterious as ever, our responsibilities towards it need not be.

Mr. Agnish Aditya



2020 has shown that even as the most dominant life form, humans are not immune to the nature around them. Our existence is codependent on the health of the nature around us. On the eve of world ocean day, we should collectively strive to take care of and improve the environment around us. Learning from contemporary events, we should look for ways to implement innovative ideas into keeping our oceans clean and safe for the betterment of the millions of people and oceanic life dependent on it for their survival.

Mr. Vegadarshi K.

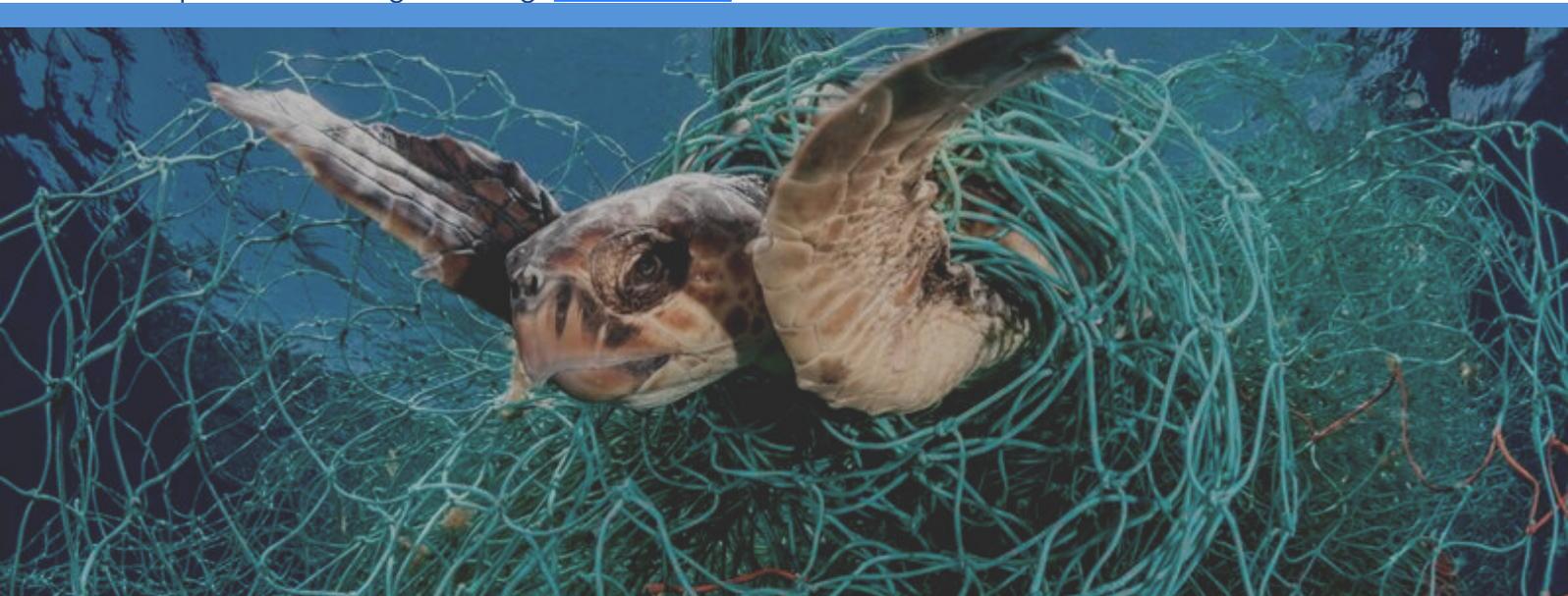
AN INSIGHT INTO MARINE WILDLIFE AND TRAFFICKING

by Diya Chakraborty & Raksha Tripathy

Stellar's sea cow, the carnivorous sea mink, the hawksbill turtle, only exist in pictures as these animals were brutally poached. The International Union for Conservation of Nature (IUCN) has reported hundreds of marine species worldwide under endangered, vulnerable categories. The campaigns on saving wildlife have a little impact on the ground level.

Despite having a regulatory authority, i.e. the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), poaching and trafficking are still prevalent and has not been stopped. Marine species are often neglected, failing to grab attention and awareness about their protection, altering the marine ecosystem. Humans are obligated to maintain the salubrious ecological balance of the planet because if a single species is stranded or becomes extinct, the whole food chain is hampered- affecting all species. Certain fundamental duties have been mentioned under Article 51A(g) of the Indian Constitution, where it entails provisions to safeguard the environment; comprising lakes, forests, rivers, wildlife, and possess compassion for living organisms and make it available for the future generation. Human beings have been hunting since the existence of our planet, but the initial hunting was necessary for survival. Due to the lack of awareness and unemployment, people have adopted illegal and unethical ways to earn money. Henceforth, compromising national security of states, promoting corruption, and undermining the rule of law.

Increase in population and emergence of the middle class in Asia and other places have reportedly placed a high demand on fisheries. There is a proliferation for luxury seafood delicacies to demonstrate status and trend; which includes shark fin, sea cucumber, sea urchins, etc. prevalent in the South East and East Asia, hence, increased illegal fishing and other activities. Worldwide, around USD 10 to 423.5 billion is the estimated financial loss due to unreported and illegal fishing. [Read more...](#)



RUSSIAN OIL SPILL : DESOLATION OF THE DREAM OF 'SUSTAINABLE OCEAN'

by Ujjawal Vaibhav Agrahari

President Vladimir Putin declared a state of emergency after spilling 20,000 tons of diesel fuel into a river in the Arctic Circle. The oil travelled from the fuel site, some 7.5 miles, making the Ambarnaya River bright red and contaminating a total area of 135 square miles. "The accident has contributed to disastrous results and we will see the implications for years to come," said Sergey Verkhovets, WWF Russia's leader of Arctic programs, in a statement quoted by CNN, "We're worried about rotting birds, infected bird plumage, and tainted livestock."The Ambarnaya channel is part of a network that runs through the highly fragile Arctic Ocean, into which the oil has been poured.

Boom barriers, which are portable floating barriers used to prevent underwater pollution, were installed in the river but due to deeper waters, they did not hold the crude. The announced state of emergency will put in new powers and federal support in the coming days for clean-up operations as reported by government leaders.

The leak can have a significant effect on local ecology as the Ambarnaya river flows into the Pyasino lake and the Pyasina river which connects it to the Arctic Ocean's Kara Sea. This leakage will lead to thin oil layering on the ocean surface, which is dangerous for aquatic life. The area is abundant in whales, dolphins, sea otters, and sea birds, and in the field, fishing is almost difficult. WWF defined this as the second greatest confirmed oil spill in the history of modern Russia in terms of quantity without measuring the ozone impact related to greenhouse gases and soil emissions.

After the devastating oil spill in Southern Russia's Kerchensky Strait in 2007, WWF-Russia has collaborated with the Russian authorities on a regulation. [Read more...](#)



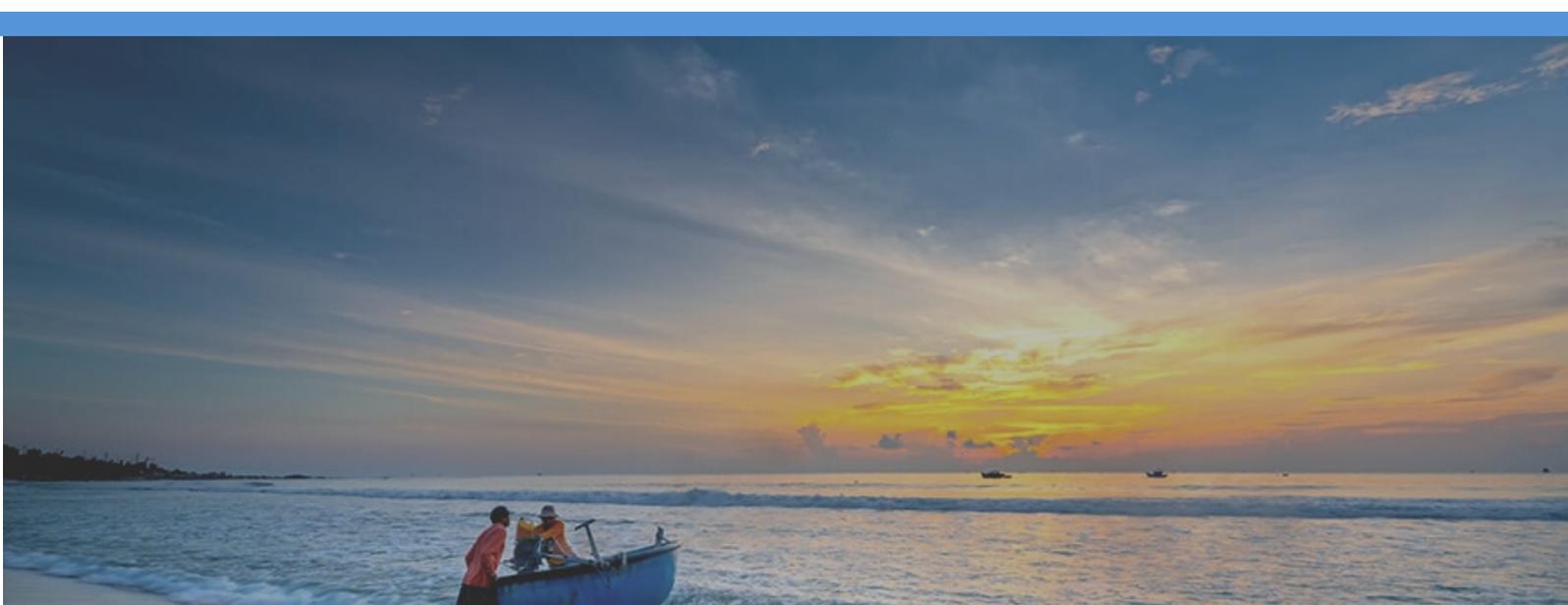
THE WAY TOWARDS SUSTAINABLE OCEANS

by Harsh Amrit & Nitya Malviya

In contemporary times, the inter-relationship between nature and human society has become more and more extensive. This has led to a shared position by everyone, where the question of sustainable utilization of natural resources affects all. This question is more pronounced for ocean and seas, which covers 71 percent of the Earth and play an indispensable role in maintaining life on Earth. Thus, a sustainable marine life is necessary for a healthy life on land. The biggest obstacle in ecosystem-based management of oceans is that the areas beyond the Exclusive Economic Zone, which is also called Areas Beyond National Jurisdiction (ABNJ) representing 95% of Earth's total habitat by volume, are beyond any country's jurisdiction. Till now, no Convention or Treaty is in place which can close this governance gap. The plethora of existing international legal instruments suggests that, in general, efforts to ensure sustainable development of the oceans are hampered by weaknesses in implementation, due to a lack of legal and technological coverage.

ABNJ represents the least protected areas on the planet, despite being rich in biological diversity. This area covers a great chunk of Earth's surface, which continues to be threatened by overfishing, seabed mining, marine pollution, increasing CO2 level, etc. Scientists and environmentalists have expressed their concern over the over-exploitation of ABNJ. This has led to the Sydney Outcome Document by International Union for Conservation of Nature (IUCN), which calls for identifying 30% of ABNJ as protected areas.

It is evident that the contemporary governance gaps can't be filled using the existing treaties and framework. In coming up with a legal method to protect the ABNJ, the United Nations Convention on the Law of the Sea (UNCLOS) comes as a guiding light. The preamble of UNCLOS not only highlights the importance of conservation of oceans and seas, but also vocalizes the idea of achieving goals through coordination and cooperation. [Read more...](#)



THE BLUE ECOSYSTEM : DURING AND AFTER COVID - 19

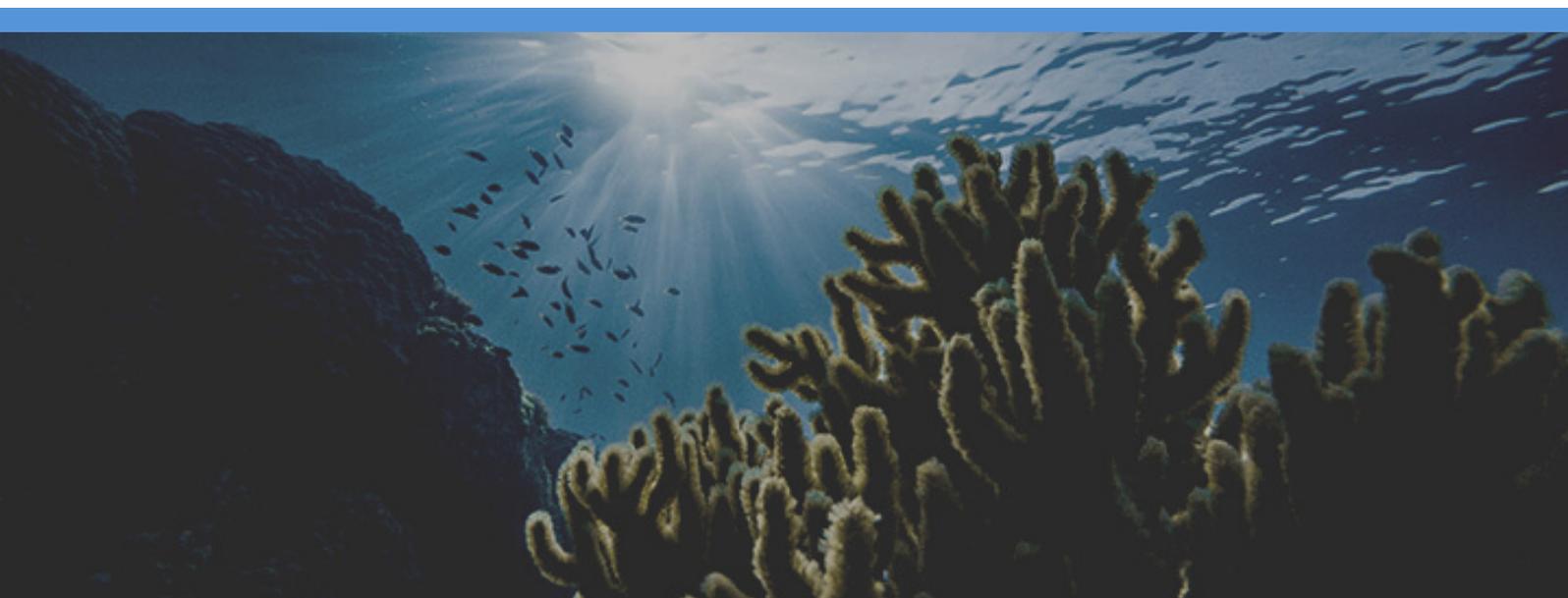
by Shivangi Banerjee

The mass movement of ships and commercial fishing over the years has marred the marine ecosystems to a great extent. However, due to COVID-19, the entire world has come to a standstill. This has had both positive and negative impacts on our blue waters.

The COVID-19 lockdown has given the “much-needed breathing space” to our oceans to recover from pollution, overfishing and, other damages. Energy demands have significantly reduced resulting in declining marine pollution. Due to a reduction in shipping traffic, levels of greenhouse emissions have also fallen substantially which will slow down the pace of water pollution. Furthermore, a sizeable reduction in coastal construction, fossil fuel consumption, and, even noise pollution has profited the marine flora, fauna and, coral reefs. The Royal Observatory of Brussels found out that inland anthropogenic noise has declined by about 33% during this crisis. Therefore minor seismic noises that were inaudible earlier could now be recorded.

Marine wildlife has also flourished during the lockdown since aquatic animals have been appearing in places where they were never seen earlier. For example, dolphins were seen in beach waters of Santa Marta and Cartagena in the Columbian Caribbean, and sea roguls and sharks were spotted in the Calanques National Park on the French coasts Thus, marine waters have become more habitable for various species due to declining pollution levels and reduced stirring of sediments as commercial activities have reduced.

Even India’s coastal waters have benefitted from the lockdown. Not only have the quality of rivers improved due to a decline in industrial runoffs, but the coastal ecosystem of the Gulf of Mannar along the Thoothukudi district has also revived. The health of River Ganga has also improved. [Read more...](#)



COASTAL REGULATION ZONE NOTIFICATION 2018 : A GOAL OF UNSUSTAINABLE DEVELOPMENT ?

by Shubham Kashyap Kalita

India has brought its first Coastal Regulation Zone Notification in 1991 (hereinafter to be referred as CRZ 1991) intending to govern the human and industrial activity in close vicinity to the coastal area and to further restrict certain activities that posed a threat to the fragile marine ecosystem in India. The notification was issued under the Environment Protection Act 1986. The primary objective of the CRZ 1991 regulatory framework was to allow those activities that are in close proximity to the coastal environment with specific conditions and obligations. It was the obligation of the state government to determine all the CRZ areas in the State Coastal Zone Management Plans (SCZMP) and seek approval from the Ministry of Environment and Forest (Hereinafter to be referred as MoEF). The CRZ 1991 met with some technical implementation deficits and multiple amendments have been made. But the amendments were made not to cover all those shortcomings rather intended to favor industrial interests over environmental standards. The major problem with the CRZ Notification back then was that the responsibility to implement the provisions of the Notification was on the state government which they blatantly failed to do.

In Indian Council for *Enviro-Legal Action v. Union of India*, the petitioner brought the issue of non-implementation of the Notification for several years that paved the way for unregulated developmental activities causing environmental degradation.

Another landmark judgment in coastal regulation is *S. Jagannath v. Union of India*.

This decision has led to the creation of National Coastal Zone Authority (NCZMA) and State Coastal Zone Authorities (SCZMA) for the regulation and implementation of CRZ Notification. [Read more...](#)



DEEP SEABED MINING : IS IT FEASIBLE TO TRANSIT FROM EXPLORATION TO EXPLOITATION ?

by Shubhang Chaturvedi & Sanjana Gopal

The projection of deep-seabed mining (DSM) and Outer Space Mining (OSM) as answers to the global mineral crunch is tenuous and questionable. While the mandate of this article is to expound the risks associated with DSM, it looks at the OSM regime to conclude that commercial exploitation is environmentally detrimental and incongruous with international law.

The deep-sea (DS) refers to the seabed and water column below 200m depths and remains largely unexplored. It remains, besides Antarctica, the only location, where commercial extraction of mineral resources does not take place.

Interest in deep-seabed mining (DSM) has renewed on the back of, a) increasing concerns about the depleting terrestrial reserves of selected minerals, b) controversial control over such resources, c) demand for minerals needed for transport electrification and renewable energy generation, and d) the development of an international governance structure under the UNCLOS and its 1994 agreement.

A complex set of rules and institutions govern ocean activities such as DSM. Like outer space mining (OSM), it is a relatively unconventional method of extracting Rare Earth elements (REEs). Similar to outer space, the seabed was reserved exclusively for peaceful purposes. The UNCLOS refers to the 'Area' which is situated beyond national jurisdiction, as the "common heritage of mankind", implying that the DS is open to use for all but owned by none.

Comprising 167 Member States, and the EU, the International Seabed Authority (ISA) plays the crucial role of safeguarding the DS, ensuring the effective protection of the marine environment from harmful effects that may arise from DSM etc. [Read more...](#)



BLUE ECONOMY - A ROAD TO OCEAN SUSTAINABILITY

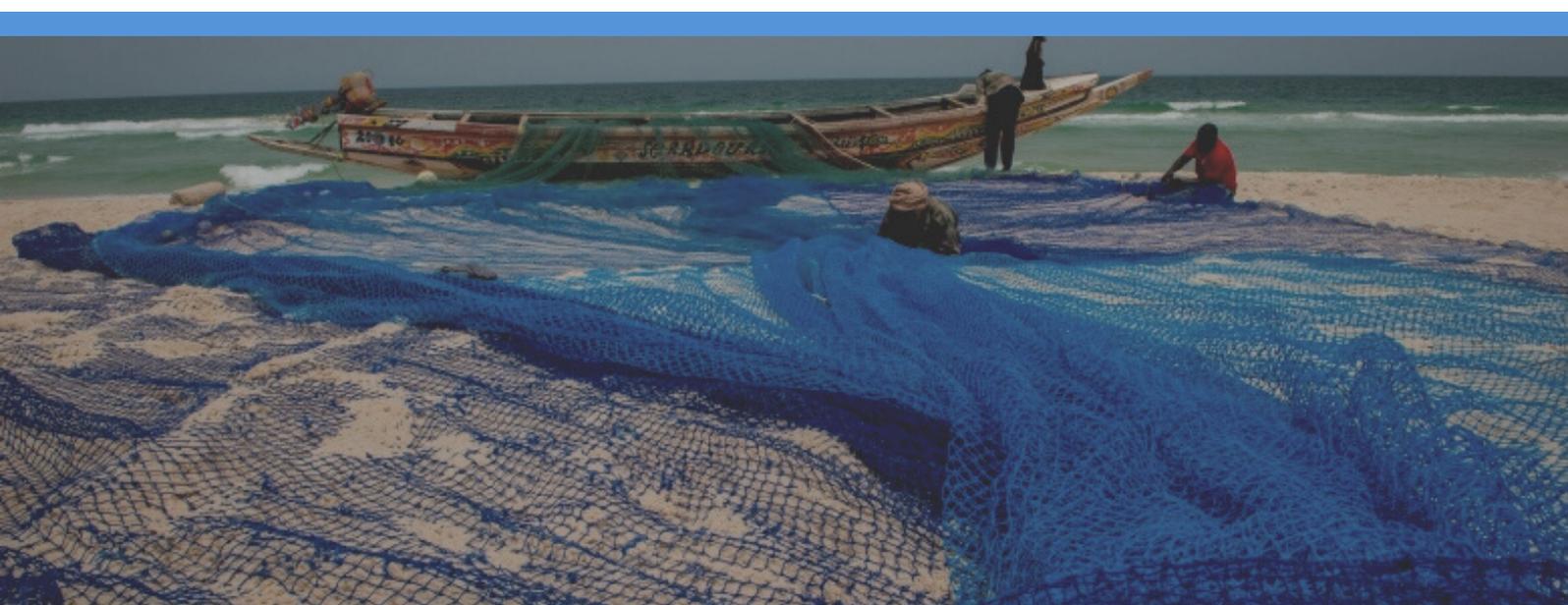
by Vaayu Goyal

Human entities have been constantly jeopardizing the very resources that they depend on for their survival. The Intergovernmental Panel on Climate Change, i.e. IPCC's Report on Climate Change and Land; while highlighting the importance of our natural resources; states,

“Neither our individual or societal identities, nor the world's economy would exist without the multiple resources, services and livelihood systems provided by land ecosystems and biodiversity”

Regardless of proximity to oceans, our dependence on the oceanic resources is prodigious. This is evident from the 2019 Special Report by IPCC that comprehensively deals with the effects of changing climate on the ocean and cryosphere. It highlights the present and future hazards posed to the human communities living in close association to ocean resources and threats to sustainable development as a whole. Human community depends on marine ecosystems for its fundamental requirements of food and shelter. If the exploitation of this ecosystem continues at its present pace, there would be a massive decline in fish stocks and millions of people are likely to be displaced by rising levels of sea, caused due to large scale flooding, low-lying mega cities and small island nations. Further, a large number of individual livelihoods that depend on income arising from the exploitation of marine resources would ultimately become redundant. Individual nations are already dealing with extreme scarcity of food resources accompanied by large scale unemployment whereas the global community, on the other hand, is tackling a statelessness crisis, both with no actual relief in sight.

The UNHCR's expert Round Table Conference on Climate Change and Displacement recognized displacement of human communities as a significant consequence of global climate change. [Read more...](#)



IN CONVERSATION WITH CAPT. PANKAJ KAPOOR



Captain Pankaj Kapoor is a Senior Partner, specialised in Maritime Law at India Law Offices, based in Mumbai. He holds the Bachelor's degree in Law from Mumbai University and post-graduate in Maritime Law from the London Metropolitan University. He pockets extensive knowledge and experience by having being served as Master Mariner for 14 years, Maritime consultant, President at Veenus International Limited in Dubai, serving as a visiting faculty at several colleges and so on. He adds a colourful feather to his achievements by being an eminent ex-committee member of NITI Aayog for National Maritime Policy and discharging his duty for the nation holistically.

Que: Starting from the very basics, what are the three requirements to achieve the goals of sustainable ocean vis-à-vis sustainable shipping?

In order to answer this question, we'll have to go a few years back to something which we call COP 21 (COP stands for Conference of Parties, and twenty-first stands for the 21st meeting of the parties). The meeting was held somewhere around 2015, where United Nations, along with its 192 members, decided that they should do something about reducing the greenhouse gases which are immensely polluting the environment. We, in the shipping industry, by following in the footsteps of COP 21, have come out with various regulations. Just for your information, though I am sure that your audience is already aware that the body which governs shipping is called IMO, i.e. International Maritime Organisation. IMO has come out with Regulation 1126 (30); and under IMO, there exists a Marine Environment Protection Committee (MEPC), which has also come out with Circular No. 74. Both, the Regulation and the Resolution, aim for reducing the greenhouse gases emitted by ships by 2050 to a level which is 50% less than what the emission was in 2008. That means, with the base year as 2008, if shipping emitted 100 tonnes of greenhouse gases in 2008, IMO aims to bring it down to 50 tonnes by the year 2050.

Your question also enquires on what pillars sustainable development is based. We, in shipping industry or the world involving us, famously go by the acronym SEE (Society, Economy and Environment). We believe that the use of the present environment, more specifically the sea environment, should be such that it assists in the growth of the economy, and yet at the same time, maintains sufficient resources for future generations to use. By its very definition 'Sustainable Development' can be interpreted as development that meets the needs of the present generation and at the same time, enough is left for regrowth and use for the future generations. IMO, along with the shipping industry, is very much into it and solemnly pursuing the goals of COP 21.

[Read more...](#)