

Director General of Shipping, India.

Forum for Integrated National Security Seminar – ‘Human Rights at Sea’

28 February 2019, The Leela Hotel, Mumbai

President, Forum for Integrated National Security (FINS), Lt. Gen Dr. D.B. Shekatkar, Chief Guest for today’s seminar Shri Pradeep Rawat ji, Chairman, National Shipping Board, Excellencies, distinguished guests, Delegates, Ladies & Gentlemen,

It is indeed an honor and privilege to stand here today in front of this distinguished audience to share my views on the growth of Indian shipping and the issues faced by India on today’s subject, ‘Human Rights at Sea’.

India is fortunate to have inherited a rich maritime culture. The evidences of our ancient trade links with the Greek Civilization, Mesopotamia, the Mediterranean rim countries and the middle east dating way back to 3500 BC are seen in the writings of Megasthenese and other Greek-Roman authors, in the discoveries of artifacts from Indus Valley Civilization in Egypt and Middle Eastern countries, in the discovery of a tidal dockyard at Lothal in Gujarat dating back to 2500 BC, and in our cultural and commercial ties with South East Asia and China. Our traditional expertise in building hand-made sailing boats which has survived till today is again a strong testimonial to our rich maritime heritage.

The modern India is also blessed with a large coast-line of more than 7500 km, inland waterways of nearly 20000 kms, more than 200 major and minor ports and an increasing ship building, ship repair and ship recycling industry. India has a large merchant marine fleet of more than 1400 vessels both on foreign going and coastal operations. In addition, it has a large fleet of vessels operating in the

inland and near coastal waters. Nearly, 90% of India's overseas trade by volume is carried by maritime transport and nearly 92% of these goods are carried through foreign flag vessels. With the Indian economy poised to grow at a faster pace, there exists more opportunities for both, the Indian and foreign flag vessels to carry large volume of goods to and from the Indian coast.

The Govt. has been alive to the possibility of a substantial increase in the maritime activities around the Indian coast. A huge push has been given by the Govt. for upgrading our maritime infrastructure and for reforming the regulatory framework to provide ease of doing business. Sagar Mala, the flagship program of this Govt., has been launched in 2015 for port led development. The program has 4 limbs viz. Port Modernization and new port development; Port connectivity; port led industrialization; and port community development. Under the first limb of this program, 6 new major ports are being developed and more than 150 projects have been identified for modernization of existing ports including construction of new berths and terminals. It is proposed to increase the

port capacity to 3000 MMTPA by 2025. In order to provide the last mile connectivity from the ports, more than 130 projects in rail and road sectors are in the pipeline. Sagar Mala is estimated to attract an investment of over 100 billion dollars by 2025. In order to harness our 20000 kms of inland waterways, 111 waterways fit for river navigation have been identified, out of which 32 waterways will be developed in the first phase with an estimated investment of 800 million dollars. The intermodal terminal, river information system and navigational aids are being established for developing inland water transportation. Since the Indian Govt. allows 100% FDI in the shipping sector, these flag ships programs have opened major investment opportunities for the international community.

India has been one of the founder members of IMO and has had the privilege of being elected to the IMO Council in Category B since then, except for the term of 1983-1984, representing nations with the largest share in International sea-borne trade. Dr. C.P. Srivastava, an Indian has the distinction

of being the longest serving Secretary General of IMO from 1974 to 1989 and has often been credited for the establishment of World Maritime University in Sweden, International Maritime Academy at Italy and the International Maritime Law Institute at Malta.

As we go for a major expansion in our maritime activities, our engagement with IMO will become even more important and its guidance even more valuable. The resolve of the International community to engage with India as a major maritime power was reflected in the last IMO Council election when India received the 2nd highest votes, just one short of Germany, for its bid for re-election in IMO Council for Category B. Since then India has also been nominated as a Co-Chairman of the Working Group on operations of the Contact Group on Piracy off the Coast of Somalia [CGPCS]. India is the largest contributor of the International Oil Pollution Compensation Fund [IOPC Fund] and has accepted the position of Vice Chair of the Executive Committee of the Funds and is in its Joint Audit Body.

While a strong thrust has been given by the Govt. on creating Maritime Infrastructure, the pride of Indian Maritime community remains its seafarers. You will be glad to know that the number of Indian seafarers actively employed on Indian or foreign flag vessels increased from 103835 in the year 2013 to 126945 in the year 2015, 154349 in the year 2017 and a whopping 2,08799 by the end of the year 2018 showing an unprecedented growth of more than 35%. The total number of seafarers employed on Indian flag vessels also increased from 22103 in 2017 to 27364 in 2018 while in the same period the employment in foreign flag vessels increased from 132246 to 181435. The number of officers employed have increased from 60194 in 2017 to 72327 in the year 2018 while ratings have increased from 72052 to 109108.

This phenomenal growth in the number of Indian seafarers, when the shipping industry itself is passing through a prolonged phase of recession, has been possible due to a series of measures taken by the Government in the last 3 to 4 years to improve the standards of maritime training, increase

the on-board training opportunities, improve the examination and certification system and facilitate ease of doing business.

The training curriculum for the officers and the ratings were revised in 2016 not only to meet the global standards but also to meet the expectations of the foreign employers. In order to regulate the training institutes working in the private sector, a system of 'Comprehensive Inspection Program' (CIP) was designed to assess the quality of the institute on various parameters such as infrastructure, quality of student's intake, quality of faculty, pedagogy, performance in examination, on-board training and placement of students. To standardize the course material of these institutes, an e-learning module was prepared by the Directorate General of Shipping and provided free of cost to all Indian seafarers, to allow them to upgrade their knowledge and skills before appearing for the examination. To ensure increase in the supply side, a 15-year-old ban on setting up of new training

institutes or increasing the capacity of the existing training institutes was lifted provided the Institutes also made arrangements for on-board training of their trainees.

Maritime training requires compulsory training in the class room and on-board a ship without which a cadet (trainee) cannot be certified by the Maritime Administration for obtaining a job in merchant navy. While India has created a large capacity in imparting class room training for Merchant Navy, there has been a major constraint in providing on-board ship training for the students enrolled for class room training. A policy shift was made by the regulator by holding the training institutes responsible for on-board ship training of the students also and not only for the class room training. Further, to release more on-board ship training slots, a decision was taken to allow on-board training of officers and ratings on tugs and offshore vessels also. These two initiatives have opened additional berth for nearly 4000 trainees.

The Govt. has also brought major regulatory relaxation for obtaining Indian Continuous Discharge Certificate (CDC) which is a pre-requisite for boarding a vessel for the purposes of employment. A new liberalized CDC regime was introduced in 2017 which allowed 10th pass Indian citizens who had completed a 14 day basic maritime course to obtain Indian CDC. Earlier, they were required to complete at least 6 months training for obtaining CDC. Many seafarers having past experience in sailing have managed to procure Indian CDC. The Directorate General of Shipping has so far issued nearly 70000 CDCs under new CDC Rules, in the year 2018-19, itself.

The Govt. has also given a lot of emphasis on introducing e-Governance initiatives in the field of Maritime Administration and today the entire process of obtaining CDC, training, issue of Certificate of Competency, application for examination and interviews, obtaining of medical certificates, Immigration for boarding a foreign flag vessel etc. have been made on-line.

It is in the context of the present focus of the Indian Maritime Administration on the human resources that this seminar on 'Human Rights at Sea' becomes most contextual and relevant for us as a maritime nation.

As we continue to add the number of active Indian seafarers, the instances of the exploitation of their human rights also continue to add. The biggest and the most common violation of human rights now is non-payment of wages and abandonment of seafarers, and Indian seafarers have been the largest group to suffer on these counts. As the shipping industry is passing through a prolonged financial downturn, some unscrupulous shipowners have made with-holding of seafarers wages their business model to increase their own cash flow. The callous behavior of some Indian RPSL companies but mostly non-recognized recruitment agencies has also contributed to this human crisis. Nonpayment of wages completely destroys the morale of the seafarers and brings unnecessary financial and emotional burden on their families.

Indian maritime administration is completely alive to this challenge and has taken several effective steps to stop this menace. India became one of the first parties to ratify the Maritime Labor Convention which, amongst other things, provides for monthly disbursement of salary, deemed abandonment if salary is not paid for more than two months, responsibility of the P&I to disburse unpaid wages of up to four months, and repatriation of seafarers in case of abandonment. The new CDC Rules, which did away with the requirement of experience on board of ship for issue of CDC, finished the lure of gaining experience by hook or crook without bothering to look at the quality of the vessel or the working conditions. An e-migrant software has been developed and linked to the e-migrant portal of the Protectorate General of Emigrant and the Immigration authorities, which allows immigration of only those seafarers who have been sponsored by the registered RPSL. To make sure that the RPSL also do their due diligence, before sending any seafarer on a ship, an e-governance solution for the RPSL companies has also been prepared which captures the details of the vessels

under their contract, their history, their insurance status including MLC certificate etc., and the seafarers would be allowed to board only those vessels that are financially secured. DG shipping has also become the first Maritime administration to actually blacklist certain companies, shipowners or ships from employing Indian seafarers and the privileges of these entities are blocked from our e-governance system. In short, the emphasis is not only on job creation, but also on creation of quality jobs.

In our effort to secure the rights of abandoned seafarers, however, we have noticed two major lacunae in our regulatory regime. While DG Shipping has adequate powers to regulate the RPSL companies registered with it, there exists no provision in the Merchant Shipping Act to take action against the non-registered RPS. In many cases, we request the police to invoke the provisions of IPC and CrPC, but the action taken so far has not been satisfactory. The other loop-hole has emerged in the MLC regime itself, which provides for repatriation of abandoned seafarer, but does not cast any

obligation on the insurance agency to provide a replacement seafarer. The ports around the world become constrained to allow repatriation of seafarers, till a replacement is provided. India has prepared a draft paper for the next tripartite meeting of ILO and has circulated the same to the ship-owners, trade unions and other countries to garner support for provision of replacement crew. I'll use this platform, to appeal to all countries present here to support this paper of India in the next tripartite committee meeting.

Indian seafarers have often been at the receiving end of the incidence of piracy and have been taken hostage for prolonged periods. To their utter dismay, they have also faced situations where their employers washed their hands off on the grounds that their contract came to an end during the period of their captivity. To ensure that the seafarers were not deprived of their due rights and medical facilities, India along with other organizations have been taking up the issue of deemed extension of seafarer's contract, if the same expired during their period of captivity. I am happy to

inform that the ILO and IMO's Tripartite Committee decided to amend the Code of MLC 2006 to give effect to the continuation of seafarer's contract during the period of their captivity, made them entitled to wages and other emoluments during this period and put the responsibility of their repatriation on the employers. The International Community, therefore, joined hands with India to show their resolve to minimize the sufferings of the victims of piracy.

India has been actively participating in the security meetings of the IMO, CGPCS and other International bodies such as Share Awareness and De-conflicting (SHADE), and Maritime Information Exchange Vessel Operations Meeting (MIEVOM) to ensure cooperation amongst the International community to curb the menace of piracy. In addition, to deal with the potential maritime security situation arising out of any hijacking at sea of merchant vessels with Indian crew, an anti-piracy contingency plan has also been put in place for dealing with piracy and kidnapping of Indian crew on merchant ships and the same is activated at the time of such an incidence.

We feel that the CGPCS is a very successful mechanism formulated under the United Nations Security Council Resolution 1851 and has shown positive results in suppressing piracy off the Coast of Somalia. However, as per the United Nations Security Council Resolution, CGPCS has a mandate to only combat the Somalia based piracy. Considering that there is an increased armed robbery activity in the Gulf of Guinea and especially considering that vessels with Indian seafarers were hijacked in this area, India is pushing towards the creation of a multilateral effort like CGPCS to combat piracy in other areas such as the Gulf of Guinea.

Piracy off the coast of Somalia had increased the risk for merchant vessels in the west Indian Ocean Region, which has now been suppressed due to the efforts of CGPCS. Since, substantial efforts have been made by the Navies of various countries, including India, to make areas such as Gulf of Aden and Oman safe and secure for merchant shipping, the other agencies such as insurance underwriters are being asked to consider these aspects in identifying listed areas so that the benefits of the efforts

of CGPCS is passed on to the shipping industry and the end users. India has made interventions in this matter in forums such as CGPCS, SHADE and also with the Lloyd's Market Association [which enforces these listed areas]. I am given to understand that the demand to re-define HRA and 'listed area' has gained momentum mainly due to our efforts and we hope for a successful resolution in this matter soon.

The rise of piracy off the Coast of Somalia has resulted in a new phenomenon called Floating Armories. These ships, often unflagged keep weapons & untrained manpower to provide armed guards to the merchant vessels when they are transiting through Indian EEZ specially from Sri Lanka to the Gulf of Aden. The lack of international regulation for such floating armories has been a major cause of concern for Indian Maritime Administration. India has made several presentation in IMO and CGPCS for framing of regulations for such floating armories so that, these armories are registered with a responsible flag state, a method of reporting by floating armories to the nearest

coastal state is developed, a protocol for compliance to directions of coastal states to the floating armories is established, information on entry of private security guards and foreign owned fire arms into the territorial waters or ports are provided in advance so that these fire arms are bonded and sealed before entering into coastal waters of a country; the information about the vessel used by floating armories like its IMO number and size etc is provided to the coastal states; and the documentations and certification requirement for floating armories are determined. Due to the unrelenting pressure of this country, the United Nations Office on Drugs and Crimes (UNODC) has now decided to examine the issue of floating armories and a draft summary of applicable law was discussed by UNODC Global Maritime Crime Programs Legal Conference in Colombo, Sri Lanka from 18th to 20th June 2018. India has requested the IMO Secretariat to continue consultations with UNODC and various stakeholders regarding establishment of a binding legal and regulatory regime around floating armories.

I'm extremely glad to note that the technical sessions will touch upon many more subjects on 'Human Rights at Sea' and India's engagement with IMO and other international bodies. I'm sure these deliberations will result in some concrete suggestions for strengthening of our engagement with these bodies. From our side, we assure you of proactive implementation of all implementable solutions. With these words I would like to conclude my speech here and wish the organizers and participants all the very best for a very fruitful and enlightening discussions ahead.

Thank you. Jai hind.