



# drishti

## International Maritime Organization and India

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This article is based on **A case of a maritime presence adrift** which was published in The Hindu on 05/02/2020. It discusses India's negligible presence and interventions in the International Maritime Organization, which is affecting its interests. It argues that it's high time that India should regain its status as a major maritime power.

India's negligible presence and interventions in the International Maritime Organization (IMO) have been affecting its interests. It again became evident when recently the IMO mandated that merchant ships should not burn fuel with **Sulphur** content **more than 0.5% beginning January 1, 2020**. Regulations come at a price which will have to be **borne** to a large extent by **developing countries** such as **India**. As refineries including those in India struggle to meet the demand, freight costs have started moving up, with a cascading effect on retail prices.

### India's Inadequate Presence and Interventions

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- India **joined** the IMO in **1959**.
- The IMO currently lists **India** as among the 10 states with the '**largest interest in international seaborne trade**'.
- Recently, India's acceded to the **Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships a.k.a** Hong Kong Convention, which will help in providing a boost to the ship- recycling industry in India.
- The IMO adopted the Hong Kong Convention in **2009**. It is aimed at ensuring that **ships being recycled after reaching the end of their operational lives do not pose any unnecessary risks to human health, safety and the environment**.
- Hong Kong Convention 2009 is **not** yet in force.
- However, India's participation in the IMO to **advance its national interests** has been woefully inadequate.

### The Dominance of Developed Nations

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- To ensure that their maritime interests are protected, the European countries move their proposals in unison and voting or support are given en bloc.
  - **Permanent Representatives:**
  - Prominent maritime nations have their permanent representatives at London (Headquarters) and are supported by a large contingent (of domain experts from their maritime administration, seafarers and industry associations) during the meetings.
- They ensure that they have representation in every sub-committee, working group and even correspondence groups so that they are aware of the developments.
- **China, Japan, Singapore, Korea** and a few others represent their interests through their **permanent representative** as well as ensuring that a large delegation takes part and intervenes in the meetings.

## India Lagging Behind

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- India's **permanent representative** post in the IMO has remained **vacant** for the last 25 years.
- Representation at meetings is often through a skeletal delegation.
- A review of IMO documents shows that the number of **submissions made by India** in the recent past has been **few** and **not in proportion to India's stakes in global shipping.**

Recently, the IMO mandated that merchant ships should not burn fuel with **Sulphur** content **more than 0.5% beginning January 1, 2020.**

## Significance of the Recent Decision

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- **Previous Sulphur Limit:** Before the ban, fuel had a comfortable sulphur content limit of **3.5%**, which was applicable to most parts of the world.
- **Benefits of Low Limits:**
  - Limiting SOx emissions from ships will **improve air quality.**
  - This will significantly **reduce the amount of SOx emanating from ships** and will have major **health and environmental benefits** for the world, particularly for populations living close to ports and coasts.
  - **The decision is in sync with the SDG 14** (Conserve and sustainably use the oceans, seas and marine resources for sustainable development.)

- **Problems with Low Limits:**
  - In the US, past mandates on sulphur limits had led to **many technical problems**.
  - There have been instances of ships having been stranded after fine particles separated out from the fuel, damaging equipment and clogging up devices.
  - Despite the industry gradually gearing up to introduce the new fuel, many industry professionals expressed concern that the new very-low-sulphur fuel would be **incompatible with the engines and other vessel equipment**.
  - This and other regulations are **triggering massive technological, operational and structural changes**.
- **India and Low Limits:**
  - These regulations come at a price which will have to be **borne** to a large extent by developing countries such as **India**.
  - The sulphur cap, for instance, will reduce emissions and reduce the health impact on coastal populations but **ship operational costs are going up** since the **new fuel** product is **more expensive**.
  - **Refineries in India:** As refineries including those in India struggle to meet the demand, freight costs have started moving up, with a cascading effect on retail prices.

### Sulphur Oxides (SO<sub>x</sub>) emissions

- The main type of “bunker” oil for ships is heavy fuel oil, derived as a residue from crude oil distillation. Crude oil contains sulphur which, following combustion in the engine, ends up in ship emissions.
- Sulphur oxides (SO<sub>x</sub>) are known to be harmful to human health, causing **respiratory symptoms** and **lung disease**. In the atmosphere, SO<sub>x</sub> can lead to acid rain, which can harm crops, forests and aquatic species, and contributes to the **acidification of the oceans**.

### Environment -Friendly Efforts of the IMO

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- The global sulphur cap is only one of the many environment-related regulations that have been shaking up the shipping industry.
- The industry is generally risk-averse and slow to accept changes.
- **Sulphur Limit:** IMO regulations to reduce sulphur oxides (SO<sub>x</sub>) emissions from ships first came into force in 2005, under the **International Convention for the Prevention of Pollution from Ships (MARPOL Convention)**. Since then, the limits on sulphur oxides have been progressively tightened.
- **Reduction of emission of harmful gases:** Efforts are ongoing to reduce **nitrogen oxides (NO<sub>x</sub>)** and **ozone-depleting gases**.

- **Decarbonising shipping:** IMO has announced an ambitious project to **decarbonise shipping** in order to **reduce carbon emissions**.

## International Maritime Organization

- The International Maritime Organization(IMO) is a **specialized agency of the United Nations (UN)**.
- It is a global **standard-setting** authority with responsibility **to improve the safety and security of international shipping and prevention of marine and atmospheric pollution by ships**.
- The IMO is **not** responsible for enforcing its policies. There is **no enforcement mechanism** to implement the policies of the IMO.
- Its main role is to create a **regulatory framework** for the shipping industry that is **fair and effective, universally adopted** and **universally implemented**.
- It is also involved in **legal matters**, including **liability** and **compensation issues** and the **facilitation of international maritime traffic**.
- It was established by means of a Convention adopted under the auspices of the United Nations in Geneva on 17 March 1948 and met for the first time in January 1959.
- It currently has 174 Member States and 3 associate members.

## Structure and Functions of the IMO

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- The IMO, like any other UN agency, is primarily a secretariat, which facilitates decision-making processes on all maritime matters through meetings of member states.
- The **binding** instruments are brought in through the conventions — to which member states sign on to for compliance — as well as amendments to the same and related codes.
- Structurally, maritime matters are dealt by the committees of the IMO — the Maritime Safety Committee (MSC), Marine Environment Protection Committee (MEPC), Technical Cooperation Committee, Legal Committee and the Facilitation Committee.
- **Important Treaties/Conventions:**
  - **International Convention for the Safety of Life at Sea (SOLAS)**
  - International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW)
  - **International Convention for the Prevention of Pollution from Ships (MARPOL)**

## International Convention for the Safety of Life at Sea

IMO's treaty, International Convention for the Safety of Life at Sea, is regarded as the most crucial treaty regarding safety at sea. The first draft of it was adopted in 1914 following the sinking of the Titanic, before the creation of the IMO.

- **Committees:** There are 5 committees tasked with making policies and developing, going over, and overhauling rules and guidelines.
  - the Technical Co-operation Committee,
  - the Maritime Safety Committee,(MSC)
  - the Marine Environmental Protection Committee, (MEPC),
  - the Legal Committee,
  - and the Facilitation Committee.
- Each committee is designated a separate aspect of shipping and supported by sub-committees. Working groups and correspondence groups support the subcommittees.
- **Importance of the Subcommittees:**
  - There are **7 Sub-committees** working under the Committees.
  - The subcommittees are the main working organs, where the proposals from a member state are analysed before they are forwarded to one of the main committees.
  - The main committees, thereafter, with the nod of the Assembly, put the approved proposal for enactment through the Convention, amendments, and codes or circulars.

## Shipping and the Role of the IMO

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- Shipping accounts for over 90% by volume and about 80% by value of global trade.
- Shipping is a highly regulated industry with a range of legislation promulgated by the IMO.
- The IMO's policies or conventions have a serious impact on every aspect of shipping including the cost of maritime trade.

## The Issue of High-Risk Areas

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- There have also been obstacles in pushing issues which are of importance to India.
- For **Ex:**
  - IMO demarcated '**High-Risk Areas**' when piracy was at its peak and dominated media headlines.
  - The IMO's demarcation resulted in half the Arabian Sea and virtually the entire south-west coast of India being seen as piracy-infested, despite the presence of the Indian Navy and Coast Guard.
  - The "**Enrica Lexie**" shooting incident of 2012, off the coast of Kerala, was a direct fallout of the demarcation.

- **Negative Impact of Demarcation on India's National Interests:**
  - The demarcation led to a significant increase in insurance costs;
  - It negatively affected the goods coming into or out of India.
  - It took great efforts to revoke the promulgation and negate the financial burden.
  - The episode highlighted India's apathy and inadequate representation at the IMO.
  - There was also great difficulty in introducing the indigenously designed **NavIC (NAVigation with Indian Constellation)** in the worldwide maritime navigation system.

## Future Consequences of the Recent Decisions of the IMO

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- The European Union has a documented procedure on how to influence the IMO.
- **New legislative mandates, fitment of new equipment and changes to ship structural designs** being brought on have been driven by developed countries.
- The agenda and interventions pushed by the developed countries are **not entirely pragmatic from the point of view of India's interests.**
  - Further, they may be efforts to push products and companies based in the West.

## Way Forward

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- India should have well-laid-out procedure and agenda to deal with procedures of IMO to further its interests.
- At the earliest, India should fill the vacant post of the permanent representative at the IMO.
- The number of submissions and interventions made by India at the IMO should be in proportion to its stakes in global shipping.
- So far, India's presence and participation in the IMO has been at the individual level. India should now make its presence felt so that its national interests are served. It is time India regained its status as a major maritime power.

### ***Drishti Mains Question***

Presently, India is one of the few countries which has the largest interest in international seaborne trade. Critically analyse the role of India in the International Maritime Organization (IMO) to further its national interests.

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