

Shocking incidents of **Collisions** in the High Seas

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Introduction

In the present days, number of accidents in the High Seas or International Waters is on the rise at an alarming rate. Accidents pertaining to the collision between ships and fishing boats are highlighted in this article. The victims are usually fishermen. As a result, the dependents of them do suffer enormously. It is apt to have a close look at the causes of such accidents. It is no secret that a world map can give a vivid picture about the boundary of each and every country. Where one country's border ends, another country's begins. In case of oceans and seas, don't we have demarcated boundaries? Do any laws govern the waters? In this article, we will analyze and answer some of the pivotal queries. It is sad that as many as 9 major incidents took place from 2012 to 2021 in International waters. Since this issue assumes importance in the fishermen's life, let us analyze a slew of facts connected with this. It is also worth to remember the incidents happened between 2017 and 2018.

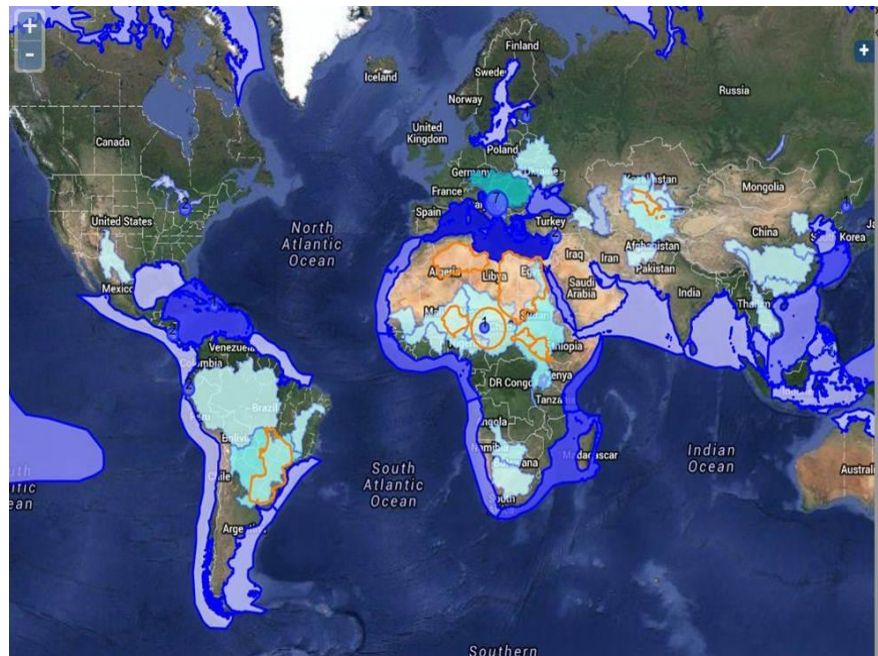
Incidents

- 2017 January: Seven injured after a ship collided with a fishing boat 65 nm off Kochi
- 2017 June: Three dead, 11 injured when Panama-flagged merchant vessel Amber L hit a fishing boat Carmel Matha 14 nautical miles off Kochi coast
- 2017 August: A Hong Kong-flagged ship collided with a fishing boat Arockia Annai, 39 nm off Kollam coast
- 2017 October: Unidentified ship rammed a fishing vessel, 19 nm off Colachel
- 2017 October: Unidentified merchant ship rammed fishing boat Immanuel, 50 nm off Beypore
- 2018 January: Unidentified ship hit fishing vessel Nelson off Kanyakumari coast

International waters

The term, “**International waters**” is most often refers to waters beyond the “**territorial sea**” of any state.

International waters (high seas) do not belong to any state's jurisdiction. These waters are common for all where a state cannot claim but is disputed by the neighboring countries. The high seas – the area outside any country's national waters – cover nearly two-thirds of the oceans and are largely ungoverned. The high seas make up 50% of the surface area of the



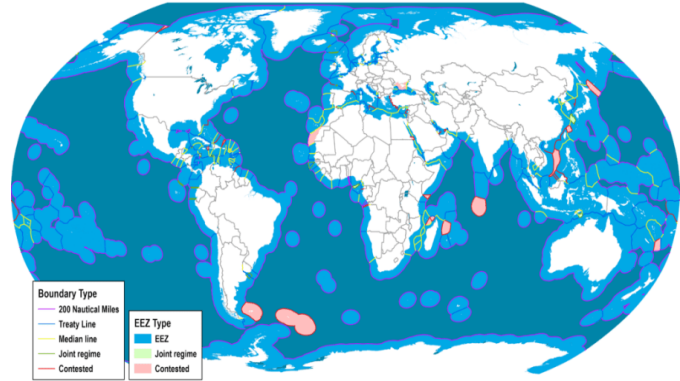
planet. States have the right to fishing there. Upon analysis, it is noticed that if states have the right to fishing, then why can't their fishers do so in high seas? Our fishers in mechanized boats venture in to these open international waters. If high seas areas were closed to fishing, some countries would benefit directly and others indirectly through the protection of some fish stocks. The high seas are a headache for the people who manage fisheries. These fisheries are common resources, accessible by anyone. That's why, some could view the high seas as a global “**fish bank**”.

Territorial waters

What does the law of the sea say about territorial waters? What is meant by the term “territorial waters”? The 1982 United Nations Convention on the Law of the Sea defines that the **Territorial Sea** is a belt of coastal waters extending 12 nautical miles (22 km/14 mi) from the base line. It is abundantly clear that in the event of an accident, a law of that country will apply only within this area. It is the exclusive right of that country to build, extract natural resources and either encourage or forbid sea passage through it. Ominously, there is a growing apprehension among the fishermen whether they are permitted to fishing beyond this zone. Fundamental changes have to be made in the maritime laws that give conflicting signals to the fishermen. No doubt, they can fish but not in the territorial waters of other countries. Since the availability of fish is scanty within this zone, they go for fishing in the High Seas and the water column of Exclusive Economic Zone

Exclusive Economic Zone (EEZ)

Maritime countries are also entitled to an exclusive economic zone (EEZ) which is made up of the water column and the seabed out to a distance of 200 miles (about 322 km). This is about 60% of the 364 million square kilometers of global oceans. It is also said that the maritime country that owns the EEZ also owns the sea life and mineral resources found within it. However, it cannot prevent ships, aircraft and other vessels from foreign countries from passing through it and over it.



International crimes

No doubt, water bodies do not end with these. There are still a lot of ocean beyond the EEZs and 12 mile limits. Which laws will be in force when crimes such as piracy, human trafficking and crimes against humanity are committed in this part of the ocean? Are the laws of the country owning the vessel applied? In this connection, there arises the question of jurisdiction. The concerned country can bring to the limelight the laws that are in force in that particular country. These laws are very often challenged by any other country. Obviously, it takes time for the International courts to recognize such laws. Similarly, the verdicts of the International courts are not



accepted by the affected nations. It is due to these reasons the crimes committed in such circumstances are dragged on for so many years. **Enrica Lexie case** is the shining example of this.

Collision at Mid Sea

Incidents of collision at mid sea are on the rise time and again. This necessitated the stakeholders to take the matters very seriously. Although the Government of India, the fisheries departments of the concerned states and the coast guards are concerned about these matters, the fishermen are in trouble very often. Normally the fishing boats do not collide with the ships. It is the ships that collide with the boats. Gone are the days when many such incidents took place. At the same time, one cannot expect of these in the present scenario when technology has developed to a greater extent. However, it has to be observed that technological development has got its own repercussions too. Before the emergence of industrial revolution and technological advancement, a duty in-charge used to stay in captain's cabin to steer the ship very promptly. Now, the mechanized world is not bothered about the course of the ship. It is believed that the technology is in upper hand and therefore the steering part of the ship is no more a matter.

“The ships, during the course of their journey, would move to a certain direction and this is possible because of the setting of the steering for a considerable amount of time”, said Antony Jayaraj, an engineer in a



ship. His words aptly describes about the existing condition of modern shipping industries. He continued to say that most of the accidents occur due to the negligence of the duty in charge. There would be none on duty for a certain hours. It is observed that at the time of the occurrence of accidents, none in the ship might notice it. As the size of the ship is much bigger than the fishing boat and the height of the ship is more than that of the boat, the noise produced by the collision is unheard of in the captain's cabin to make them alert about the accident. Something they are insensitive to or unaware of. In the event of a major collision also feeble noise would be heard to the crews in the ship. As usual, the ship would move with the same pace as if they have not damaged the boats. In this regard, it is suggested that the crews of the ship should undertake their duties routinely so that they might notice the boats if they were on their path. Many of the ships give scant regard to this particular aspect.

Collision between “IB Rabbal” and “APL Le Havre”

The newspaper, **The New Indian Express** dated, 13th April 2021 expressed that three fishermen were killed when **APL Le Havre**, a container ship with Singapore registration collided with a fishing boat, **IB Rabbal** owned by Mamantakkathu Jaffer of Beypore. It occurred around 60 nautical miles off the Mangaluru coast on 12th April night. According to sources, the crew of the ship launched a rescue operation and saved five workers of whom three died. The survived ones were Vel Murugan of Colachel and Sunil Das of West Bengal. According to Kerala Fishing Boat Operators Association Vice president, Haneefa Haji, there were 14 workers in the boat of which 7 were from Colachel and the other 7 from Odisha and West Bengal.

Incident of “Mercedes”

In the recent incident in which the boat, **Mercedes** belonging to Franklin of Vallavilai met with an accident at mid sea on 23d April 2021 about 600 nautical miles away from Goa coast, the ship that brought about the accident has not been caught so far. Initially, on witnessing the floating of the wheel house of the boat by another boat by name, **Periyanayahi**, it was speculated that the boat might have been damaged fully and as a result, it might have sunk in to the sea. But, to their fortune and luck, it was found subsequently that it wasn't damaged fully and all the 11 crews managed to get in to the damaged boat and could reach the Thenkapattnam harbour on 1st May 2021 after a long voyage of 8 days. Who is held responsible for this accident? The ship is largely to be blamed for this. She has to be charged with this grave crime. Normally, the culprits

are hardly accounted for. Had all the 11 crews been lost to the sea, the condition of the 11 family members would have been moribund and pathetic. The mental agony suffered by the family members of



the crew until the receipt of the good news is unimaginable. It is the responsibility of the Government of India to ensure the safety and security of the fishermen. The ship that caused the damage has to be tracked and identified at once. There should be a proper mechanism so as to do this promptly. Laws should be enacted so that necessary compensation shall be provided to the innocent victims.

Kerala Matsiya Thozhilali Aikyavedi President, Charles George, on an earlier occasion said that a certain merchant vessels, instead of going through High Seas, came to the territorial waters in order to receive signals to their mobile phones to contact with the family members. However, in the case of 'Mercedes', it did not happen so.

Accidents at dusk

At times, accidents occurred at dusk too when light in the boat is not visible. The gillnet boats of 1970s did not have such facilities including proper lighting as we have today. There was every room for major collisions in those days. The fishermen would be in dilemma as to find out the direction of the moving ship. Everyone in the boat must be aware of the approaching ship and so they would be in panic so much that the ship might dash against the boat from any direction. In order to move away from the path of the ship, the driver of the boat would steer it frantically to a safer side. It so happened in 1978 when a merchant vessel was about to hit a gillnet boat. I was also one among the 5 crews in the boat which was fishing about 20 nautical miles away from the Kochi coast. Luckily, we were saved solely due to the courage and tactics employed by our fellow driver. Intelligently, he drove the boat so fast towards the right direction so that the one on duty in the cabin of the ship could see the boat. When the crew in the captain's cabin noticed our boat's dangerous situation, he changed the direction of the ship. Thus, another major accident was averted.

Further, it is noticed that many a ships have the habit of escaping from the accident spot after hitting the traditional fishermen. They fail to give sufficient warning to fishermen when they are resting at sea. To their surprise, they would not find out the black sheep. After



reporting to the government authorities, it would be difficult for them to detect the crime makers. Why does it happen? Advanced technology and modern communication system would make it easy to find out the ship that causes the damage. How much would they get as compensation? Does any law stipulate any fixed amount for the damage? They might sometimes lose their fishing gear too. Has any fisherman got any amount as compensation so far? There are numerous ways such as blowing the fog horn, use of water cannon and fire warning shots for the captain or the one on duty to give alert to the fishing boats. It is uncertain that they do the precautionary measures to avert the mishaps.

Incident of shooting

It is equally shocking that there occur shooting in the high seas. It so happened on 15th February 2012 when two Indian fishermen were killed off the coast of Kerala by two Italian



marines aboard the Italian-flagged commercial oil tanker, **MB Enrica Lexie**. The ship continued to move, but was intercepted by the Indian Navy and the marines were detained. Here, in this case, the marines, during interrogation, said that they had suspected the fishermen of sea pirates. Nevertheless, it was a lame excuse.

It was very clear that the fishermen had every reason to substantiate that they were fishermen. Here too, the question of jurisdiction arose. This has been the cause of friction between India and Italy for so many years. More worryingly, the case has not been settled so far. What is the need for this heightened tension? Powerful International Organizations with strong international laws can help ease the tension among maritime countries.

Conclusion

In all the above-mentioned cases the victims are poor fishermen. As usual our leaders would express deep concern over such incidents and reiterate the need for reforms in the existing laws. The political parties would make visit to the spot and give a lot of promises. Of course, they will take actions. Most of the efforts would end in futile. A mature and timely response is the need of the hour. Truly, there would be an unacceptable delay on the part of the government authorities in acting on it. In the aftermath of accidents, with the help of floating materials, the victims could swim in the water for long hours in spite of the tough weather. Before they would go missing, the rescue workers should reach the spot. They have to act swiftly and efficiently so that they can save lives. The presence of dedicated, strong, courageous and industrious sons and daughters of fishermen as workers or officers in the Fisheries department and coast guard can help save hundreds of lives. There would be peaceful public outcry for some time after the incident. It will go for a little more time. In due course, it will be forgotten forever. The concerned governments and departments should realize that this is a matter of serious concern and so it has to be looked in to its totality. The issue has to be approached with a human touch. A safe and dignified environment has to be assured to the fishermen. There is an imminent need to review the International law that governs the maritime countries. Sooner the governments realize this, the better for our fishermen.