Protection of Maritime Safety & Seafarers

Mains: *GS-II – International Relations*

Why in News?

India has strongly protested U.S. Navy strikes on merchant vessels in the Gulf that killed three Indian seafarers, highlighting the vulnerability of its 23,000 nationals working in the region.

How many Indians are working on merchant vessels globally?

- **Global Presence** – There are an estimated 3.5 lakh Indian seafarers manning ships across the world.
- **Active Service** – The Indian government estimates that more than half of them is in active service, mostly in foreign-flagged ships.
- This means *one in every six seafarers* serving on large merchant ships worldwide is Indian.
- **Crisis in the Gulf** – The International Maritime Organization (IMO) estimates that some 20,000 seafarers of all nationalities are stranded on ships in the Persian Gulf region.
- The *DG Shipping of India* estimated at the start of the crisis that some 23,000 Indian seafarers are serving in the broader Gulf region in various capacities and facilities, with the *UAE accounting for more than half.*
- **Blanket Ban Not Practical** – The calls to prohibit Indian seafarers from sailing through the Strait of Hormuz resurface often, but a total ban is neither practical nor demanded by the industry.
- The strait is a critical global energy route, and thousands of Indians earn their livelihood on ships that transit it safely.
- A ban would hurt employment, supply chains, and India's maritime reputation.

What about the sanctions and sanctioned vessels?

- **Sanctioned Vessel** – It is one designated under an economic, trade or security sanctions regime imposed by a government or international organisation.
- **Origin of Sactions** – Such sanctions may originate from the UN Security Council, the United States, the European Union, the United Kingdom or other national authorities.
- **Reasons** – Vessels may be sanctioned due to their
    - Ownership,
    - Involvement in prohibited trade,
    - Restricted cargo,

    - Links to terrorism, or
    - Participation in sanctions-evasion practices such as deceptive shipping and unauthorised ship-to-ship transfers.
- **Jurisdiction Limits** – Sanctions are not universally applicable; a vessel sanctioned by one country is not automatically sanctioned everywhere.
- Unless restrictions arise from a *binding UN Security Council resolution*, unilateral sanctions generally apply only within the jurisdiction of the imposing country and entities subject to its laws.
- **Example** – A vessel sanctioned by the U.S. Office of Foreign Assets Control is not automatically illegal under Indian law.
- **Operational Status** – Sanctioned ships remain merchant vessels unless their registration is withdrawn or they are detained.
- Such vessels often face port access restrictions, insurance challenges, banking limitations, and heightened regulatory scrutiny.
- **Seafarer Safety** – The larger issue is not the legal status of individual ships, but the safety of seafarers operating in regions where commercial shipping has become entangled in geopolitical conflict.
- **Insurance & Compliance Issues** – The sanctioned ships lose insurance cover, without which ports will not accept calls by the ships, and charterers avoid cargo handling.
- Some reports show non-compliance on these ships with some maritime regulations, though ships are usually given time to fix these issues before losing insurance.

Does international maritime law adequately protect civilian crews?

- **IMO's Role in Global Shipping** – The International Maritime Organization (IMO), a UN agency, regulates the technical, commercial, environmental, and safety aspects of shipping.
- However, it often fallen short in protecting ships and seafarers, as national governments frequently take unilateral actions beyond IMO's reach.
- **UNCLOS** – The law governing the oceans is the United Nations Convention on the Law of the Sea (UNCLOS) provides a comprehensive legal framework for ocean governance, including transits through straits like Hormuz.
- It is the result of decades of negotiations and consensus-building.
- **Limitations of UNCLOS** – Not all nations have signed or ratified UNCLOS.
- The U.S. refused to sign it on the grounds that UNCLOS considers the deep seabed as the global commons.
- Iran has signed the convention but has not ratified it.
- Without universal participation, there is no overarching enforcement body, leaving compliance largely to the discretion of governments.

What measures India do to protect Indian seafarers in the region?

- **Operation Sankalp** – India has launched the Operation Sankalp to protect merchant ships against Houthi attacks.
- Indian Navy and Coast Guard intervened to protect four merchant ships in 2024 in piracy cases.

- India did act against Somalian pirates, but in the Gulf, the conflict involves state actors (U.S. vs Iran), limiting India's ability to intervene militarily.
- Does the foreign-flag status of the vessels limit India's options?
- **Flags of Convenience** – Many ships carried *foreign flags of convenience (FOCs)* but had strong Indian links in ownership and management.
- FOCs are registrations in countries with limited oversight with no infrastructure to rigorously supervise and monitor ships, such as Panama, Marshall Islands, Liberia, and Guinea-Bissau.
- Such FOCs are also popular among ships transporting Russian and Iranian oil.
- **Legal Authority & Naval Action** – Technically, an Indian flagged ship will provide legal sanction for possible action.
- During the Iran-Iraq war, the U.S. ordered ships to reflag under its banner to legally escort them in and out of the Strait of Hormuz.
- Despite foreign flags, the Indian Navy has intervened against Houthis and Somali pirates to protect Indian seafarers.
- **Defenceless Merchant Ships** – Merchant ships are unarmed and vulnerable. Typically, they have wireless channels open for communication with nearby vessels and any instructions from governments and Navies and Coast Guard vessels.
- Seafarers are trained mainly to safeguard the crew, cargo, and ship, not to fight attackers.
- **Pirate Threats** – Somalian pirates coming in small boats and carrying firearms could easily board and seize massive oil tankers.
- **Limited Defence Measures** – The only evasive tool merchant ships have is a high-pressure water jet to deter attackers — offering minimal protection against armed assaults.

What India needs to be done?

- **India's Expected Posture** – The maritime community looks for India to adopt a stronger, more proactive posture.
- Attacks on merchant shipping and civilian seafarers, irrespective of nationality, should be unequivocally condemned.
- **Adherence to International Law** – India continues to advocate adherence to international maritime law and freedom of navigation at multilateral forums, like UN, IMO and regional maritime-security platforms.
- **Beyond Diplomacy** – Diplomatic engagement alone may not suffice.
- India must work closely with flag States, shipowners and operators to ensure appropriate security measures for vessels transiting high-risk areas. Indian seafarers should not be compelled to sail through war-risk zones without full disclosure of the risks and their informed consent.
- **Strengthening Maritime Security** – There is growing expectation that India will strengthen its maritime-security posture in the region by
    - Enhanced naval deployments,
    - expanded Coast Guard surveillance,
    - rapid-response and evacuation capabilities
    - preparedness for hostage-rescue operations
    - Share timely intelligence and threat assessments with shipowners and operators

- **Seafarer Welfare** – Families of seafarers frequently depend on fragmented information and rumours during emergencies.
- India should establish dedicated contact points, provide verified updates, and offer psychological and logistical support to affected families should form an integral component of any crisis-management framework.
- **War-Risk Protections** – Seafarers who decline assignments in declared war-risk areas should not face professional penalties.
- Existing contractual protections, war-risk compensation provisions and insurance mechanisms must be fully honoured.
- Enhanced war-risk allowances and adequate insurance cover, negotiated with *Protection and Indemnity Clubs* and hull-and-machinery underwriters, have become increasingly necessary.

References

1. The Hindu | Can India protect its seafarers in the Gulf?
2. The Hindu | Where Indian seafarers' safety is at stake

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