# 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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