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2. Protecting Indian Seafarers in The Gulf – Defence

India recently lodged a strong diplomatic protest with the United States after U.S. naval strikes on merchant vessels in the Persian Gulf resulted in the deaths of three Indian seafarers. The incident has brought into sharp focus the legal vulnerability of Indian maritime workers employed on foreign-flagged vessels operating in geopolitically volatile waters – and the structural constraints that limit India's ability to directly protect its nationals in such situations.

1. India's Maritime Workforce: Scale and Significance

India is one of the world's largest suppliers of maritime manpower – a fact that is rarely appreciated in domestic policy discourse despite its enormous economic and strategic significance. Approximately 3.5 lakh Indian seafarers serve on merchant vessels across the globe. More than half are actively employed at any given time, predominantly on foreign-flagged ships. Strikingly, nearly one in every six seafarers on large merchant vessels globally is Indian – a share of the global maritime workforce that few nations match.

In the Gulf region specifically, approximately 23,000 Indian seafarers are estimated to be working, with the UAE accounting for the largest single share. This concentration in a geopolitically volatile region – where tensions involving Iran, Houthi attacks in the Red Sea, and now U.S. military strikes have periodically endangered civilian shipping – makes the protection of Indian maritime workers a matter of urgent national concern.

The strategic importance of Indian seafarers extends beyond remittances, though those are substantial. Indian seafarers contribute significantly to India's total foreign exchange inflows through remittances sent home from their global deployments. More critically, their presence on oil and gas tankers, container vessels, and bulk carriers directly underpins the global supply chains through which India sources 88.5% of its crude oil requirements – making their safety integral to India's energy security.

2. International Maritime Law: Framework and Limitations

The nodal global agency for regulating shipping is the **International Maritime Organization (IMO)** – a specialised United Nations agency responsible for setting standards for the safety, security, environmental performance, and efficiency of international shipping. Despite its extensive mandate – spanning technical standards, commercial regulations, environmental rules, and seafarer welfare conventions – the IMO has consistently fallen short in the actual protection of ships and their crews during episodes of geopolitical conflict or piracy.

The foundational international legal framework governing the oceans is the **United Nations Convention on the Law of the Sea (UNCLOS)** – one of the most comprehensive and carefully negotiated international legal instruments in history, covering territorial waters, exclusive economic zones, high seas freedoms, deep seabed resources, and maritime dispute resolution. UNCLOS explicitly addresses transit passage through international straits such as the Strait of Hormuz – through which a significant share of the world's oil transits – establishing rites of passage for merchant vessels even during periods of geopolitical tension.

However, UNCLOS has notable gaps and political limitations. The United States – the world's most powerful naval power – has never ratified UNCLOS, objecting to its treatment of deep seabed resources

as the "common heritage of mankind." Iran has signed but not ratified the convention. These gaps mean that during military confrontations in the Gulf, the legal framework for protecting civilian shipping crews is often practically insufficient.

Flag of Convenience (FOC): India's Structural Constraint

A central challenge in protecting Indian seafarers on foreign-flagged vessels is the **Flag of Convenience (FOC)** system. FOC refers to the practice of registering a ship in a country different from the country of its actual owner, to benefit from lower taxes, reduced registration fees, and lighter regulatory oversight. Popular FOC registries include Panama, Liberia, and the Marshall Islands — small nations with minimal maritime enforcement capacity but large commercial shipping registries. Under international maritime law, the **flag state** — the country in whose registry the ship is registered — bears primary legal responsibility for the vessel's safety, regulation, and crew protection. This creates a fundamental structural problem for India: when an Indian seafarer is employed on a Panamanian-flagged, Greek-owned tanker operating in the Gulf, India has no primary legal standing to directly intervene, demand consular access, or negotiate on behalf of that crew member as a flag state. India must instead rely on diplomatic channels, consular support, and cooperation with the flag state — which is often a small jurisdiction with limited diplomatic leverage of its own.

3. India's Efforts to Protect Seafarers

Despite these structural constraints, India has deployed several instruments to safeguard its maritime workers.

1. **Operation Sankalp:** India launched Operation Sankalp specifically to safeguard merchant shipping in the Gulf region during the period of heightened tensions involving Iran and U.S. forces in 2019. The operation involved maritime surveillance, deployment of Indian Navy warships, assistance to vessels threatened by attacks, and active escort and protection missions for vessels transiting the Strait of Hormuz and adjoining waters.
2. **Anti-Piracy Operations:** India's Navy has an extensive track record of anti-piracy operations, having successfully rescued hijacked vessels off the Somali coast, neutralised piracy threats in the western Indian Ocean, and provided convoy protection during the wave of Houthi attacks on commercial shipping in the Red Sea region in 2024–25. These operations reflect India's growing willingness and capacity to project naval power in protection of its maritime interests and workforce.

4. Way Forward

1. India must advocate strongly within the IMO for **enhanced legal protections for civilian crews** during military conflicts — including clear rules of engagement requiring warring parties to ensure the safety of neutral merchant shipping.
2. India should explore **bilateral seafarer protection agreements** with major flag states whose registries employ large numbers of Indian seafarers, establishing clear protocols for consular notification, evacuation, and compensation in the event of attacks.
3. Expanding India's own **merchant shipping fleet** under the Indian flag — a long-standing policy goal — would progressively bring more Indian seafarers under direct Indian flag state jurisdiction, enabling stronger government intervention.
4. The **Ministry of Ports, Shipping and Waterways** must coordinate with the Ministry of External Affairs to develop a real-time seafarer welfare tracking system and rapid response protocol for emergencies involving Indian maritime workers abroad.

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