

# Countering Maritime Crime in the Indian Ocean: Evaluating the Effectiveness of IORA



Theshani Weligamage\*

*Abstract : The objective of this article is to conduct an analysis of the existing levels of maritime crime in the Indian Ocean, with a particular emphasis on the blue crimes against mobility such as piracy, maritime terrorism and criminal flows such as drug and arms smuggling, and human trafficking. It offers a comprehensive evaluation of IORA's initiatives and collaborative mechanisms aimed at addressing the multifaceted challenges posed by maritime crime. By assessing the effectiveness of IORA's interventions, this study aims to contribute valuable insights into the complexities of safeguarding maritime security in the Indian Ocean, shedding light on both successes and shortcomings.*

## Background

The security landscape in the Indian Ocean Region (IOR) has experienced significant volatility, including a shift in focus from traditional security threats towards Non-Traditional Security (NTS) threats. Its abundant resources and the strategic location among other things have facilitated the occurrence of an increase in maritime crimes or 'blue crimes' within the region on an annual basis. Despite the concerted efforts made by regional frameworks to address a spectrum of blue crimes, including but not limited to piracy, maritime terrorism, drug and arms smuggling,

and human trafficking, there remains a notable prevalence of maritime crime in the region that necessitates effective intervention. Hence, it is imperative that the prevailing concerns in the region be adequately addressed through appropriate mitigation strategies.

Indian Ocean Rim Association (IORA) of which Sri Lanka assumed the chairmanship in October 2023, is primarily mandated with facilitating economic dialogue, fostering regional cooperation and promoting sustainable growth and balanced development. Among its various areas of emphasis, the focus on maritime security and countering Non-Traditional Maritime Security Threats plays a pivotal role as it poses a substantial, persistent challenge to the littoral and the non-littoral states alike in the Indian Ocean. The 'IORA Working Group on Maritime Safety and Security' (WGMSS), and the Regional Work Plan on Maritime Safety and Security are two of the prominent initiatives that were put forward by IORA to address the issues relating to maritime safety and security. However, despite numerous attempts, IORA continues to face significant obstacles that impede its efficacy as a platform for regional involvement. These challenges stem from factors such as the varying levels of commitment and capability among member states, limited financial and diplomatic resources, and the influence exerted by external powers, among others.

This article endeavours to critically examine the present status of maritime crime prevalent within the region and the efforts made by IORA in countering maritime crime. It will draw from alternative regional or multilateral frameworks on maritime security, that IORA might glean inspiration from in refining IORA's strategy for countering maritime crime more effectively. Additionally, this article seeks to examine the obstacles confronted by IORA in its endeavours to effectively combat maritime crime in the IOR. As nations grapple with the imperative to secure their maritime interests, understanding the nuances of regional cooperation becomes paramount, making this publication pertinent for policymakers, scholars, and practitioners interested in fostering a secure and sustainable maritime environment in the Indian Ocean.

## **1. Introduction**

The conventional understanding of 'security' primarily pertains to a state's capacity to safeguard its interests such as territorial integrity and sovereignty from external threats (Buzan, 1991). Nevertheless, the concept of security has evolved over the passage of time to include non-traditional security threats, thereby expanding the definition of security beyond the traditional state-centric challenges.

The Indian Ocean region which spans from the eastern coast of Africa to the western coast of Australia, is home to 38 countries and 2.9 billion people (Darshana, Labh and Greely, 2023). Due to the geographical sensitivity and the prominence of the location, it has become a

connecting nod for East-West maritime affairs. It contains critical maritime chokepoints that make it a strategically volatile space (Padmakunmara, 2023). It has witnessed a surge in maritime crime over the past years, posing significant challenges to regional stability and security. These threats encompass a range of transnational crimes, including piracy, maritime terrorism, illicit trafficking of drugs and weapons, human trafficking etc. These non-traditional security threats do not respect national boundaries and transcend institutional and policy stovepipes (A Center for the National Interest and NMF, 2011), Hence, they are inherently difficult to prevent entirely or minimise. The maritime domain, distinguished by its vastness and diversity, occasionally compounded by insufficient regulation, becomes notably susceptible to various types of maritime crime. Therefore, they necessitate the adoption of collective regional and international methods in order to effectively cope with them.

## **2. Identifying Major Threats in the Indian Ocean**

### **2.1.Piracy**

The definition of 'Piracy' under Art. 101 of the UNCLOS has four essential elements: (i) an act of violence, detention or depredation; (ii) committed for private ends; (iii) by one ship against another (the two-ship rule); and (iv) on the high seas. Piracy, being a transnational crime, exploits unpoliced maritime pathways and inadequately coordinated security networks. Piracy in the IOR has a historical background tracing its roots to the 16th and 17th centuries, notably exemplified by the exploits of the Barbary Corsairs (Powell, 2022). In the 21st century, piracy has emerged as an increasingly urgent and formidable challenge. The year 2009, in particular, witnessed a surge, with the region experiencing over 300 incidents of piracy (Melegoda, 2023). Consistently, the Gulf of Aden and the Western Indian Ocean have garnered significant attention since 2008, witnessing 571 incidents involving daring collisions, hijackings of tankers, and kidnappings of crew members, as reported by Risk Intelligence in 2023 (Padmakumara, 2023).

According to Chatterjee (2014), poverty is identified as the key driver for piracy. The Asian financial crisis in 1997 had a significant impact on piracy, serving as a compelling catalyst that attracted individuals to engage due to the adverse economic conditions resulting from declining wages, escalating food costs, and widespread unemployment. Following the Asian financial crisis, Indonesia was recognised as one of the most vulnerable regions for piracy. Similarly, Somalia emerged as a breeding ground for piracy due to extended conflicts and droughts, which further aggravated poverty in the nation.

As Chalk (2008) points out, the rise in maritime traffic within the Indian Ocean, particularly through heavily congested and narrow chokepoints such as the Straits of Malacca, the Strait of Bab el-Mandeb, and the Hormuz Strait, has been identified as a significant contributing factor to

the prevalence of piracy in the region. The constraints often compel vessels to considerably reduce their speed to guarantee a secure passage, consequently heightening their susceptibility to potential attacks.

Although there has been a decrease in instances of piracy in the waters surrounding Somalia after 2011 owing to the regional anti-piracy efforts like the Djibouti Code of Conduct (DCOC) and international responses including several UN Security Council Resolutions, there are still significant governance issues on land that have not been effectively resolved. These unresolved challenges could potentially contribute to a resurgence of piracy in the future.

Therefore, in order to overcome this issue of piracy, regional organisations such as IORA are required to strengthen regional collaboration and cooperation among its member states to enhance maritime security. Joint efforts in intelligence sharing, combined patrols, and coordinated response mechanisms can effectively combat piracy in the IO. It is imperative for them to establish a unified maritime security framework and encourage member states to actively participate in anti-piracy operations. It is also vital to leverage technological advancements and surveillance capabilities to enhance maritime domain awareness. Moreover, investing in capacity-building programs for coastal states to improve their maritime law enforcement capabilities and enhance their situational awareness can help address the root causes of piracy. By providing technical assistance, training, and resources, regional frameworks can help these states effectively patrol their waters and prevent piracy activities.

## **2.2. Maritime Terrorism**

According to Chalk (2008), Maritime Terrorism could be identified as the “undertaking of terrorist acts and activities within the maritime domain, using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, against coastal facilities or settlements, including tourist resorts, port areas and port towns or cities”.

Insufficient monitoring along coastal areas, lenient oversight of port security, and excessive reliance on trade routes passing through strategic choke points can be recognised as notable vulnerabilities that intensify the risk of maritime terrorism. As Shea (2012) points out, while the fundamental motivations of terrorists have consistently revolved around political objectives, acts of maritime terrorism may also serve as a means for these groups to generate financial resources supporting their onshore operations.

IOR has been subjected to multiple terrorist incidents, orchestrated by various terrorist factions including Al Qaeda, the Liberation Tigers of Tamil Eelam (LTTE), and Lashkar-e-Taiba (LeT), all of which have operated within the region. Notable instances of such incidents include the attacks conducted by the LTTE's naval arm, known as the 'Sea Tigers,' as well as the infamous

Mumbai terrorist attacks of 1993 and 2008. These incidents, marked by their severity, have left an indelible impact on human lives and trade and commerce within the region.

A single maritime terrorist incident could instigate substantial economic upheavals, accompanied by noteworthy financial and human repercussions, given the prominence of shipping as the primary mode of transportation. Consequently, maritime terrorism emerges as an imminent threat, wielding the power to profoundly disturb global trade and detrimentally affect advanced economies. Hence, it is imperative to institute more resilient measures to proficiently address and counteract this pressing concern within the region.

To effectively overcome the threat of maritime terrorism in the IO, regional organisations such as IORA need to play a pivotal role in enhancing regional cooperation and collaboration. One approach could be to establish a comprehensive framework within IORA that focuses on counter-terrorism measures, intelligence sharing, and joint maritime security exercises. This would involve leveraging the combined naval capabilities of member states to conduct coordinated patrols and surveillance in key areas vulnerable to terrorist activities. Additionally, training and capacity-building programs could be initiated to enhance the maritime security capabilities of IORA member states. Furthermore, addressing the root causes of maritime terrorism, such as poverty, political instability, and lack of governance in certain regions, is crucial. This would involve not only strengthening security measures but also investing in socio-economic development and good governance practices in the IOR. Cooperation with dialogue partners in reinforcing assets to combat maritime terrorism can also significantly contribute to the overall security architecture in the Indo-Pacific.

### **2.3. Drug Smuggling**

The UNODC Global Maritime Crime Programme (GMCP) has highlighted the growing prominence of the Indian Ocean as a pivotal conduit for traffickers operating in the region. They emphasized a significant transformation in the patterns of narcotics trafficking in the Indian Ocean, noting a shift from the Makran Coast of Pakistan to the Swahili Coast, with a notable increase in seizures within the IOR.

The IOR is known to be a hub for the production and illicit trafficking of narcotics, harbouring some of the world's most significant illicit drug producers. The cultivation of opium is predominantly concentrated in two regions commonly known as the "Golden Triangle" and the "Golden Crescent"; the Golden Triangle encompasses Thailand, Myanmar, and Laos, while the Golden Crescent consists of Afghanistan, Pakistan, and Iran.

Notably, drug trafficking, particularly through the infamous 'Smack Track' in the western Indian Ocean, involves the transportation of heroin and various narcotics, primarily originating in

Afghanistan. These substances are transported by sea, reaching the east coast of Africa, including locations such as Tanzania and Mozambique, before being shipped to European markets and other destinations.

According to a 2020 UNODC report, Afghanistan remains one of the top opium producers with approximately 84 percent of global opium production over the course of the past five years. The statistics from 2018 further reveal that the Southern Route via Pakistan or Iran to India, Africa and Europe accounted for 6 percent of global quantities.

Drug smuggling within the IOR intricately intertwines a network of diverse actors, encompassing transnational criminal organizations, traffickers, financiers etc. These criminal syndicates exhibit a remarkable degree of adaptability and organizational prowess, effectively capitalizing on weaknesses within regional governance structures and law enforcement mechanisms. Reports underscore the complicity of Non-State Actors, including terrorist groups, in drug trafficking as a strategic avenue to generate funding for their operations (Melegoda, 2023).

Between April to May 2023, a French destroyer affiliated with Combined Task Force (CTF) 150 executed four illicit narcotic seizures from fishing vessels traversing the Indian Ocean, seizing a collective estimated market worth of \$108 million (Hindustan Times, 2023). This emerging pattern in the region underscores the pressing necessity for proactive measures. The ramifications of the increasing incidence of illegal narcotic seizures resonate across the affected states, emphasizing the imperative for decisive counteractive measures. The influx of prohibited narcotics, predominantly heroin and cocaine, instigates a domino effect of adverse consequences, exacerbating addiction, social upheaval, and violence in both producer and transit nations along the drug trafficking routes. As the prevalence of addiction rises, a corresponding escalation in social instability too tends to increase. This unrest has the potential to extend beyond national boundaries, as the criminal activities associated with drug abuse often transcend borders, posing a significant threat to global security (Melegoda, 2023).

Similar to other forms of maritime crimes, such as piracy, the enforcement of maritime drug laws is primarily focused on suppressing the threat rather than completely eradicating it. Thus, in order to effectively address the forthcoming challenges associated with drug trafficking in maritime domains, it is imperative to adopt a comprehensive multi-agency approach (Das, 2021).

Addressing drug trafficking in the IO through regional organisations such as IORA demands a multifaceted approach. Collaboration among member states is imperative, emphasizing intelligence-sharing, coordinated law enforcement, and robust maritime security frameworks. Strengthening legal frameworks and enhancing regional cooperation can act as formidable deterrents. Moreover, investing in socio-economic development and educational initiatives can

address underlying factors that fuel drug-related activities. The success of overcoming drug trafficking in the IO lies in a unified commitment to comprehensive strategies, fostering resilience and security across the region through sustained collaboration under the IORA umbrella.

#### **2.4.Arms Smuggling**

In the year 2023, a series of occurrences pertaining to the illicit trafficking of arms has been reported in the Indian Ocean, posing a formidable threat to its security. Shipments of thousands of illicit weapons from the Iran-Yemen arms trade were reportedly transported via maritime routes to Somalia to be sold to the violent extremist groups Islamic State in Somalia and al-Shabaab (Willima and Ramachela, 2023). Moreover, across the Gulf of Aden, weapons were reportedly illegally trafficked to terrorist and organized criminal groups in Somalia and the region, increasing the possibility of violence against civilians, funding further illicit activity, and undermining the effectiveness of the partial arms embargo by the UN Security Council (UNODC,2023).

The surge in incidences of arms smuggling within the Indian Ocean can be ascribed to a nuanced socio-political landscape. Prolonged internal conflicts have weakened several states bordering the Indian Ocean, creating a vulnerable environment. The post-Cold War period saw a notable escalation in arms proliferation within the IOR, giving rise to a pressing challenge of illicit arms trafficking across diverse sub-regions.

The growth in piracy in the Horn of Africa/Gulf of Aden in the last decade is linked to the state failure in Somalia and the widespread availability of small arms. Internal conflicts in the region, along with inconsistent port state controls, exacerbate an arms race, complicating the detection of weapons. Heightened instability in the IOR and extensive inter-regional maritime trade amplifies piracy risks, highlighting the need for comprehensive solutions to address underlying causes and enhance maritime security.

Small arms sustain domestic criminal organisations that erode or contest the authority of the state. The widespread proliferation of small arms can be perceived as a manifestation of the gradual transition of armed conflict progressively from regular to irregular. It has created a new kaleidoscope wherein neither the old rules nor new weapons apply. Thus, regional organizations such as IORA must confront and mitigate this security challenge to preserve stability within the region.

While regional organisations such as IORA stand as a beacon of regional collaboration, its potential to overcome arms trafficking requires heightened attention. A robust framework addressing intelligence-sharing, coordinated maritime patrols, and uniform legal standards is

crucial. Strengthening partnerships among member states and leveraging technological advancements can fortify IORA's capabilities. By transcending current limitations, IORA should reshape the IO narrative, fostering a secure and stable environment that transcends borders, ensuring lasting peace and prosperity for the region.

## **2.5.Human Trafficking**

As per the UN Migrant Smuggling Protocol on migrant smuggling and related conduct, human trafficking can be referred to as " either procurement of an illegal entry or illegal residence of a person; into or in a country of which that person is not a national or permanent resident; for the purpose of financial or other material benefit" (UNODC,2011). According to the information compiled by the United Nations Office on Drugs and Crime (UNODC) in the Global Report on Trafficking in Persons 2020, nations with lower and middle incomes face heightened susceptibility to human trafficking, and regrettably, the IOR is not exempt from this trend (Padmakumara, 2023). Furthermore, UN reports reveal a worldwide deceleration in the criminal justice response to trafficking, a distressing trend that further intensified in the year 2020 (UNODC, 2022). Based on data provided by the International Labour Organization (ILO), the number of individuals subjected to human trafficking is estimated to be no less than 2.45 million, with a significant proportion of 1.36 million victims located in the Asia and Pacific region (ILO, 2015). This underscores the escalating menace posed by human trafficking to the tranquillity and stability of the region.

The region is plagued by the presence of organised criminal groups that actively engage in illegal people smuggling. These groups are motivated by the potential for substantial financial gains derived from engaging in people smuggling. Additionally, the relatively shorter jail sentences serve as an advantage for the criminals. This phenomenon was particularly evident during Myanmar's Rohingya Crisis, as frequent incidences of illicit large-scale migration were reported, involving the smuggling of Rohingyas into Indonesia and Malaysia.

The surge in irregular migrants originating from Somalia and Djibouti in the Horn of Africa, traversing the Gulf of Aden to reach Yemen, along with the instances of illegal migration from Afghanistan, Iraq, Iran, and Sri Lanka to Australia, underscores the persistent nature of human trafficking within the region. The act of trafficking humans in the IOR entails significant risks, including the potential for loss of life at sea and the exploitation of trafficked individuals by organised criminal networks. Consequently, it is imperative that regional governments fortify their commitment to combating this crime, fostering a more robust engagement, while simultaneously intensifying collaboration with international stakeholders to further strengthen the collective response to this pressing issue.



Thus, there is a pressing need for enhanced collaboration, standardized protocols, and dedicated resources to fortify the region's collective response. Strengthening intelligence sharing, implementing stringent legal frameworks, and fostering regional cooperation are paramount. By prioritizing victim protection, empowering law enforcement agencies, and fostering international partnerships, regional organisations such as IORA can transcend existing limitations. It is only through a cohesive, comprehensive approach that the IOR triumphs over the scourge of human trafficking and safeguards the dignity and rights of its vulnerable populations.

	Narcotics			Small arms & light weapons	Human
	Opiates	ATS	Cannabis		
<b>Key source countries</b>	Afghanistan, Laos, Myanmar, Pakistan, Thailand & Vietnam	Australia, Bangladesh, India, Indonesia, Iran, Malaysia, Myanmar, South Africa & Thailand	Afghanistan, India, Philippines, South Africa & Sri Lanka	Ethiopia, India, Iran, Iraq, Mozambique, Myanmar, Pakistan, Somalia, South Africa, Sri Lanka, Sudan, Thailand & Yemen	Afghanistan, Bangladesh, Comoros, Egypt, Eritrea, Ethiopia, India, Iraq, Madagascar, Malaysia, Maldives, Myanmar, Sudan, Tanzania, Thailand & Yemen
<b>Potential points of sea export/ departure</b>	Pakistan (Karachi, Gwadar, Port MBQ); Iran (Bandar Abbas, Charbahar & Jask)	Bangladesh (Chittagong); India (Mumbai, Chennai), Indonesia (Jakarta); Iran (Bandar Abbas, Charbahar, Jask); South Africa (Durban)	Pakistan (Karachi, Gwadar, Port MBQ); Iran (Bandar Abbas, Charbahar & Jask)	Iran (Bandar Abbas, Charbahar, Jask); Yemen (Hodeidah & Aden)	Djibouti, Somalia (Bosaso & Berbera); Eritrea (Massawa & Aseb); and Sudan (Port Sudan)
<b>Transshipment points</b>	India (Mumbai, Chennai, Calcutta, Kochi), Kenya (Mombassa), Mozambique (Nacala Porto, Pemba, Maputo), Oman (Salalah & Muscat); South Africa (Durban), Tanzania (Dar es Salaam) & UAE (Jebel Ali)	India (Mumbai, Chennai, Calcutta, Kochi), Kenya (Mombassa), Mozambique (Nacala Porto, Pemba, Maputo), Oman (Salalah & Muscat); South Africa (Durban), Tanzania (Dar es Salaam) & UAE (Jebel Ali)	India (Mumbai & Chennai), Kenya (Mombassa); South Africa (Durban); Sri Lanka (Colombo) & UAE (Jebel Ali)	India (Mumbai, Chennai, Kochi), Kenya (Mombassa), Mozambique (Maputo); Somalia (Mogadishu, Kismayo & Bosaso) South Africa (Durban), Tanzania (Dar es Salaam) & UAE (Jebel Ali); Eritrea (Massawa & Aseb); and Sudan (Port Sudan)	India (Mumbai, Chennai, Calcutta), Kenya (Mombassa), Oman (Salalah & Muscat); Tanzania (Dar es Salaam) & UAE; Yemen (Hodeidah, Mocha, Red Sea coast & Hanish Island group)
<b>Primary sea transportation routes</b>	Malacca - Bab el Mandeb & Suez Malacca - Durban & Cape Aghulas Persian Gulf - Cape Agulhas Persian Gulf - Sri Lanka/Malacca Persian Gulf - Suez	Malacca - Bab el Mandeb & Suez Malacca - Durban & Cape Aghulas Persian Gulf - Cape Agulhas Persian Gulf - Sri Lanka/Malacca Persian Gulf - Suez Singapore - SE China/Taiwan/Japan Western Australia - Sunda Strait	Malacca - Bab el Mandeb & Suez Malacca - Durban & Cape Aghulas Persian Gulf - Cape Agulhas Persian Gulf - Sri Lanka/Malacca Persian Gulf - Suez Singapore - SE China/Taiwan/Japan Western Australia - Sunda Strait	Malacca - Bab el Mandeb & Suez Malacca - Durban & Cape Aghulas Persian Gulf - Cape Agulhas Persian Gulf - Sri Lanka/Malacca Persian Gulf - Suez Singapore - SE China/Taiwan/Japan Western Australia - Sunda Strait	Malacca - Bab el Mandeb & Suez Malacca - Durban & Cape Aghulas Persian Gulf - Cape Agulhas Persian Gulf - Sri Lanka/Malacca Persian Gulf - Suez Singapore - SE China/Taiwan/Japan Western Australia - Sunda Strait
<b>Destination regions/ countries/ ports</b>	Major European ports		Major European ports	Somalia (Kismayo, Mogadishu, Haradhere, & Bossaso); Yemen (Hodeidah & Aden); Eritrea (Massawa & Aseb); Sudan (Port Sudan) & Gaza, Lebanon and Syria (via Suez)	Bahrain, Iran, Kuwait, Qatar, Saudi Arabia, UAE & Yemen
<b>Means of transportation</b>	Container vessels (TEUs), Dhows, Fishing vessels, General cargo vessels & Go-fast boats	Container vessels (TEUs), Dhows, Fishing vessels, General cargo vessels & Go-fast boats	Container vessels (TEUs), Dhows, Fishing vessels, General cargo vessels & Go-fast boats	Container vessels (TEUs), Dhows, Fishing vessels, General cargo vessels & Go-fast boats	Container vessels (TEUs), Dhows, Fishing vessels, General cargo vessels & Go-fast boats

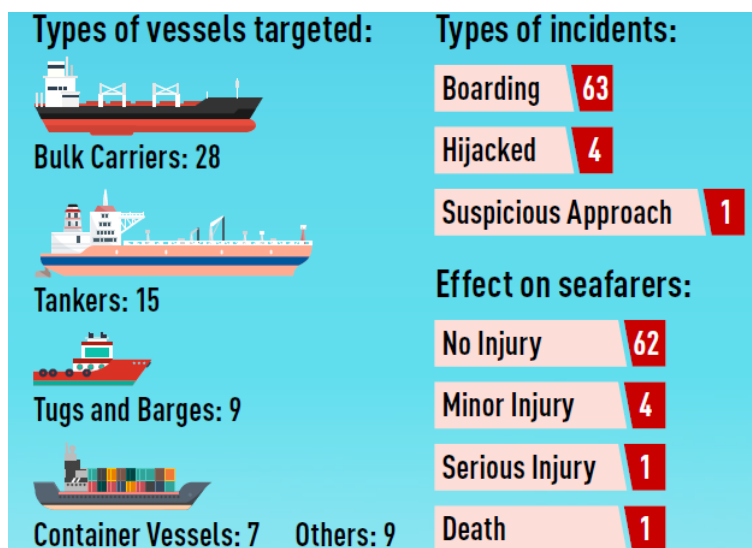
Source: *Herbert-Burns R, 'Indian Ocean Rising: Maritime Security and Policy Challenges'*

The graph above (Herbert-Burns,2012), seeks to capture a categorization of diverse trafficking crimes prevalent in the IOR, encompassing drug trafficking, arms trafficking, and human trafficking. It delineates the primary source countries for each category of crime within the region, as well as potential points of origin, transit locations, routes, destinations, and identified modes of transportation based on conducted studies. The graphic underscores the pervasive nature of these maritime crimes across numerous states in the region, resulting in a spill-over effect. Consequently, it emphasizes the imperative for law enforcement agencies and regional organizations to proactively address and combat these crimes.

### 3. Current Trends and Explanations on Maritime Crime in the IOR

According to the reports of Information Fusion Centre (IFC) an organisation hosted by the Republic of Singapore Navy which monitors maritime crime and incidents in Asia (Corbett,2020), during the initial six months of 2023, the IOR witnessed a total of 1,474 reported incidents, signifying a 7% surge compared to the corresponding period in 2022, which recorded 1,381 incidents (Kypriotaki, 2023).

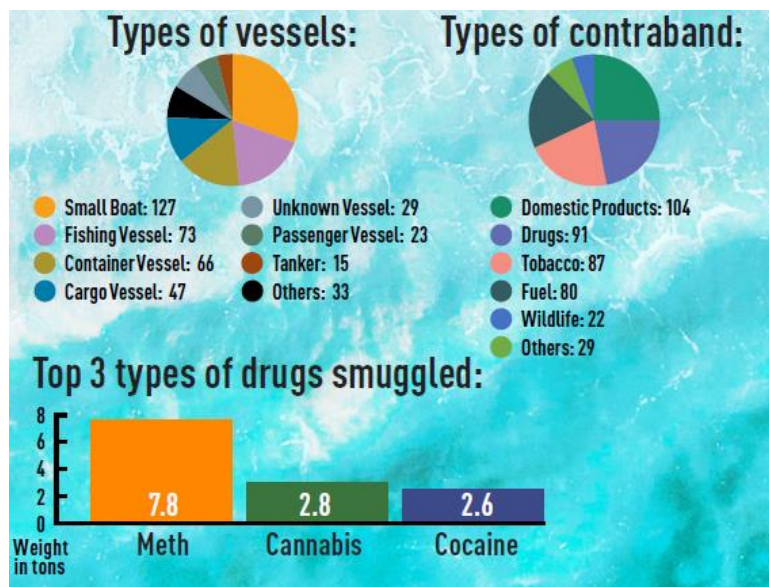
The escalation in theft, robbery, and piracy incidents amounted to 68 cases between January and June 2023, in contrast to 59 incidents in 2022. Notably, the Singapore Strait (SS) observed a surge in incidents, totalling 37 in 2023, surpassing the figures for both 2022 (27) and 2021. This upswing is attributable to a sluggish regional economic recovery, diminished fishing yields impacting the livelihoods of fishermen, and heightened financial obligations during festive periods (Kypriotaki, 2023).



Source: Information Fusion Centre (IFC): 1,474 incidents recorded in the first half of 2023.

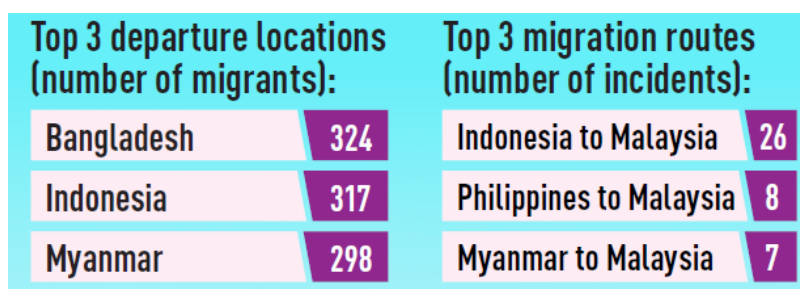
SAFETY4SEA. <https://safety4sea.com/ifc-1474-incidents-recorded-in-the-first-half-of-2023/>

Simultaneously, the illicit smuggling of drugs and arms experienced a rise, attributed to elevated inflation and ongoing geopolitical instability, such as the Russia-Ukraine conflict. Methamphetamine comprised the most substantial quantity of smuggled drugs, exhibiting a remarkable 107% increase in seizure amount, with an unprecedented 5.35 tons confiscated in May. Indonesia registered a 26% surge in Meth seizures, linked to an increase in drug production and flow from the Golden Triangle.



Source: Information Fusion Centre (IFC): 1,474 incidents recorded in the first half of 2023. SAFETY4SEA. <https://safety4sea.com/ifc-1474-incidents-recorded-in-the-first-half-of-2023/>

In the realm of human trafficking, a decline was observed compared to the previous year, owing to an improved situation in Sri Lanka. Primary migration routes involved Indonesians and Filipinos driven by economic motives, as well as Myanmar migrants seeking asylum in Malaysia and Indonesia.



Source: Information Fusion Centre (IFC): 1,474 incidents recorded in the first half of 2023. SAFETY4SEA. <https://safety4sea.com/ifc-1474-incidents-recorded-in-the-first-half-of-2023/>

While maritime terrorism exhibited a reduction in the first half of 2023, terrorist groups retain both the capability and potential intent to launch attacks against merchant vessels and maritime

infrastructure. Effective joint patrols conducted by Malaysian, Indonesian, and Philippines authorities in the Sulu-Celebes Sea contributed to keeping incident numbers low. Nevertheless, all nations and the maritime community are urged to remain vigilant and share pertinent information.

Considering the aggregate figures of maritime crime incidents, it is evident that there has been an overall increase. This underscores the imperative to allocate heightened attention to the domain of maritime safety and security within the region.

#### **4. IORA's Role in Countering Maritime Crime**

IORA, initially known as the Indian Ocean Rim Association for Regional Cooperation, was established on the 7th of March 1997, inspired by the visionary leadership of the late President of South Africa, Nelson Mandela (IORA,2023). Conceived with the primary objective of fostering economic cooperation and promoting trade liberalisation among Indian Ocean nations, IORA has evolved into an apex regional organisation, boasting 23 Member States and 11 Dialogue Partners. Geographically spanning from South Africa in the west, tracing the eastern coast of Africa, extending along the Gulf to South and Southeast Asia, and concluding with Australia in the east, IORA encapsulates a diverse and strategically significant region (IORA,2023).

The current chairmanship of IORA, a position held for a two-year term, rests with Sri Lanka until the end of 2025. Over the years, IORA has undergone substantive growth, particularly during India's chairmanship in 2011, when its priority areas were expanded. Initially encompassing a broad spectrum of areas, six priority areas were identified, with Maritime Safety and Security being accorded an area of special recognition. In 2015, India hosted the IORA Meeting of Experts on Maritime Safety and Security with a view to deepening the discussions about maritime safety and security issues in IOR through the convergence of scholars and government officials on a single platform, facilitating a standalone exchange (Sakhuja and Narula, 2016). IORA recognized the imperative of adopting an inclusive and comprehensive approach to effectively tackle the challenges associated with maritime safety and security in the region. The inaugural IORA Leaders' Summit convened in Jakarta on 7th March 2017 marked a pivotal moment, as the participating nations adopted the 'Jakarta Concord' which signified the highest level of commitment to transforming the Indian Ocean into a region characterised by peace, stability, and development through intensified cooperation (Sakhuja and Narula, 2016).

Integral to this commitment is the comprehensive IORA Action Plan (2017-2021), a five-year strategy that addresses the six priority areas and cross-cutting issues. Among these priorities, countering maritime crime falls under the purview of MSS, underscoring IORA's dedication to

ensuring the safety and security of the maritime domain. Thus, although IORA's initial objective was fostering economic cooperation, as non-traditional security concerns have progressively escalated, it is to be noted that IORA has correspondingly expanded its collaborative efforts to encompass the realm of non-traditional security, including the combatting of marine crime.

IORA has acknowledged the presence of various non-traditional security challenges in the IO including piracy, armed robberies at sea, terrorism, human trafficking, irregular movement of persons, drugs trafficking etc. and aims at building upon existing national, regional and multilateral measures to support a more effective utilisation of resources for enhanced cross-border co-operation and sharing of knowledge, experiences and best practices to secure the Indian Ocean as an ocean strengthening maritime cooperation for a peaceful, stable, and prosperous region (IORA, n.d.).

IORA recognises that the neutralisation of these security challenges requires an effectively integrated, inter-sectoral and multidisciplinary approach (Wamuba, 2016). Since the inclusion of maritime security as a focal area, IORA has held multiple meetings and seminars, focusing on non-traditional security issues and promoting international collaboration in security and governance in order to address these issues effectively. Among the various initiatives undertaken by IORA, the 'IORA Working Group on MSS' (WGMSS), IORA's and its flagship initiative, the Indian Ocean Dialogue stand out as key endeavours aimed at tackling the challenges associated with maritime crime in the region.

It is noteworthy that Sri Lanka has actively contributed to the initiatives undertaken by IORA to enhance maritime security within the IOR. Positioned strategically at the crossroads of crucial global shipping lanes, Sri Lanka is well-positioned to catalyze substantial cooperation in the realm of security within the framework of IORA (Padmakumara, 2023). Consequently, it becomes imperative to comprehensively grasp the limitations and loopholes inherent in the operationalization of IORA's initiatives. This understanding is crucial for Sri Lanka to assess its endeavors in contributing to IORA for fortifying effective measures against maritime crime in the Indian Ocean.

## **5. Operationalization of IORA's Initiatives to Combat Maritime Crime**

### **5.1. IORA Working Group on Maritime Safety and Security (WGMSS)**

The inception of the IORA WGMSS dates back to September 2018, when following the 17th Council of Ministers held in Durban, South Africa in 2017, it was determined that Sri Lanka would lead the implementation of the IORA Action Plan 2017-2021 on Maritime Safety and Security. This was to include, amongst others, the establishment of the WGMSS (Ministry of Foreign Affairs, 2018). Subsequently, the Member States convened to finalize the Terms of

Reference (ToR) at a workshop held for the setting up of the WGMSS in September 2018 in Colombo, Sri Lanka.

The ToR delineated the goals of the Working Group in advancing the policy priorities outlined in the Maritime Safety and Security Area. These priorities encompassed among others establishing a common understanding between IORA Member States of the collective Maritime Safety and Security risks, threats and opportunities in the Indian Ocean region; establishing an integrated policy approach on Maritime Safety and Security including through capability enhancement and capacity building; building a partnership within the framework of IORA for the strengthening of capacity and capability as well as institution building in the domain of MSS; and enhancing Maritime Domain Awareness among IORA Member States (Ministry of Foreign Affairs, 2018).

The inaugural meeting of IORA WGMSS held in Sri Lanka in August 2019 was a significant development as a detailed regional Work Plan for 2019–2021 was finalized during this conference. It was agreed that Sri Lanka, as the coordinating country would take the lead in assessing the progress of the implementation of the MSS Blueprint and the activities agreed upon under the Work Plan on MSS. Moreover, Sri Lanka also offered to undertake to support member states in capacity building related to anti-piracy and SAR activities as well as engaging in research connected to specific MSS challenges (Ministry of Foreign Affairs, 2019).

The Second Meeting of the IORA WGMSS, held virtually by Sri Lanka in March 2021, focused on the growing trinity of maritime crimes—narcotics, people, and weapons. These issues continued to persist despite the best efforts by the UNODC, regional and international groups, and national governments. A Work Plan for 2022–2026 was created, identifying specific initiatives and allocating responsibilities to Member States or the IORA Secretariat. Moreover, new initiatives and pending actions from the 2019-2021 Work Plan were included in this plan.

Sri Lanka hosted the third Meeting of the IORA WGMSS in March 2023. In this virtual conference, Secretary General Salman Al Farisi stressed the importance of Member States continuing the collaborative discourse and endeavours (Ada Derana, 2023). Recognizing Maritime Security and Safety as a key development issue, the focus remained on finding solutions to regional safety and security issues. A three-day Workshop on "Cooperation for Maritime Security" was held from March 21–23 alongside IORA WGMSS (Ada Derana, 2023). This workshop, organized by the Ministry of Foreign Affairs and the Max Planck Foundation for International Peace and the Rule of Law, complemented the Working Group's overarching objectives. Following Sri Lanka, the leadership of the IORA WGMSS has now transferred to



India, the current Vice Chair of IORA. Importantly, India will assume the role of IORA Chairmanship after 2025.

However, notwithstanding the persistent convening of meetings and the formulation of work plans, the working group has yet to achieve substantial growth in a pragmatic manner, as evidenced by an evaluation of its undertaken initiatives. The following section encapsulates the operational, structural, and strategic impediments that IORA may address in order to realize its utmost potential as a regional organization, thereby adeptly countering maritime crime. Accordingly, pivotal attention must be directed towards the following three domains to propel the Working Group's prospects forward.

Operational Challenges	Structural Challenges	Strategic Challenges
<ul style="list-style-type: none"> <li>● <b>Deficient Information Sharing and Capacity Building:</b> The existing inadequacy in information sharing and capacity building demands meticulous scrutiny and concerted efforts for improvement.</li> <li>● <b>Ineffective Approach to Maritime Surveillance:</b> The absence of a concrete approach to maritime surveillance mandates a strategic re-evaluation to enhance the group's efficacy in this critical aspect.</li> <li>● <b>Suboptimal Resource Deployment Optimization:</b> Lack of proper utilisation of resources calls for</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Absence of a Comprehensive Regional Security Architecture:</b> A crucial vacuum exists in the formulation of a comprehensive regional security architecture tailored to address non-traditional security threats in the region.</li> <li>● <b>Lack of Harmonization Among Regional Maritime Security Organizations within IORA:</b> The absence of harmonisation among existing regional maritime security entities within IORA necessitates immediate attention to foster a cohesive and collaborative framework.</li> <li>● <b>Frail Partnerships</b></li> </ul>	<ul style="list-style-type: none"> <li>● <b>Restricted Dialogue Partner Engagement:</b> There exists a need to broaden and deepen engagement with dialogue partners to strengthen collaborative endeavours.</li> <li>● <b>Insufficient Research Output by IORAG (Indian Ocean Rim Academic Group):</b> The paucity of studies and research conducted by IORAG underscores the imperative to augment research output generation pertaining to the region.</li> <li>● <b>Limited Progress in Legal Frameworks for Countering Maritime Crime:</b> The restricted advancements in legal frameworks for countering</li> </ul>



<p>optimisation strategies to ensure their judicious and effective deployment.</p> <ul style="list-style-type: none"> <li>● <b>Infrequent Regional Maritime Exercises:</b> The infrequency of regional maritime exercises involving navies and coastguards highlights the need for more consistent and robust collaborative exercises.</li> </ul>	<p><b>Among Maritime Safety Forums:</b> The weak partnerships observed among existing maritime safety forums, exemplified by IONS and IMO Djibouti Code of Conduct, underscore the necessity for fortifying these collaborations.</p> <ul style="list-style-type: none"> <li>● <b>Inadequate Integration of Civil and Military Partnerships:</b> The limited integration of civil and military partnerships for enhancing military security warrants a comprehensive re-evaluation and enhancement of collaborative efforts.</li> </ul>	<p>maritime crime with a regional approach necessitate urgent attention to foster comprehensive legal measures.</p> <ul style="list-style-type: none"> <li>● <b>Lack of a Collective Voice in International Fora:</b> The absence of a collective voice in international fora when addressing regional maritime security challenges underscores the urgency of fostering a united stance for effective advocacy and representation.</li> </ul>
---	---	--

## 5.2.IORA Action Plan

The inaugural IORA Action Plan (2017-2021) was adopted during the first IORA Leaders’ Summit convened in Jakarta in 2017. This comprehensive framework delineated short-term, medium-term, and long-term objectives within the purview of Maritime Safety and Security.

Short-Term	Medium-Term	Long-Term
<ul style="list-style-type: none"> <li>● Establish an IORA Working Group on Maritime Safety</li> <li>● Enhance cooperation with the United Nations Offices and Agencies to support</li> </ul>	<ul style="list-style-type: none"> <li>● Implement training and capacity-building programs</li> <li>● Implement IORA MOU on Search and Rescue</li> </ul>	<ul style="list-style-type: none"> <li>● Explore a regional surveillance network of existing Member States institutions including sharing of data and exchange of information</li> </ul>

<p>the IORA Working Group in addressing common safety and security challenges</p> <ul style="list-style-type: none"> <li>• Encourage Member States to sign the IORA MOU on Search and Rescue</li> <li>• Explore the establishment of the Maritime Institute of Malaysia as an IORA Centre of Excellence for Maritime Safety and Security</li> </ul>	<ul style="list-style-type: none"> <li>• Explore further proposals for establishing IORA Centres of Excellence for Maritime Safety and Security</li> </ul>	<p>on maritime transportation systems</p>
---	--	---

A virtual workshop convened on October 20-21, 2020 in the UAE, reviewed the progress of the First Action Plan and laid the groundwork for a new IORA Action Plan (2022-2026). Member states gathered to share insights garnered during the current plan's implementation phase, ensuring IORA's pertinence in an ever-evolving world, particularly in the post-pandemic era. Acknowledging that the initial goals were not entirely realised, there was a discernible need to incorporate them into the impending Action Plan.

Subsequently, Bangladesh assumed a leading role in formulating the Second Action Plan. At the 21st Meeting of the Council of Ministers (Dhaka Communique) on November 17, 2021, the forum expressed confidence in the Second Action Plan as the guiding force propelling IORA toward its envisioned future. The meeting encompassed deliberations on the IORA Strategic Vision and sought member states' consensus on the proposed format and structure of the new IORA Action Plan. The gathering recognized the transformative trajectory of IORA into a platform addressing human security and development on a global scale. The Secretary (Maritime Affairs Unit) of the Ministry of Foreign Affairs in Bangladesh who led the meeting, emphasized the imperative for the Second IORA Action Plan to be 'result-oriented, action-oriented, inclusive, comprehensive, and aligned with the organization's objectives' (The Business Standard, 2021).

The Action Plans formulated by the IORA should transcend mere textual formulations. When evaluating the effectiveness of the Action Plan in addressing maritime crime rates in the IOR, it is observed that while there have been partial successes such as the implementation of the

WGMSS, the plan lacks a targeted approach in addressing non-traditional security threats highlighted in this article. Despite its broad emphasis on "Maritime Safety and Security" within the region, the Action Plan falls short in specifically addressing the escalating non-traditional security threats, which pose a greater risk to regional security. To enhance the efficacy of the Action Plan, it is recommended to include as a component of it, a specific focus on countering maritime crimes within the region due to their potential severe consequences.

Moreover, to effectively realise the outlined objectives within these Action Plans, it is imperative that all participating states in the region contribute substantially and conscientiously monitor progress in a timely manner. Furthermore, conducting a thorough analysis to revisit the Action Plan and ascertain the reasons as to why certain objectives were not achieved is crucial. Consequently, addressing implementation challenges, bridging existing gaps, and actively advancing towards the fulfilment of the Action Plan are paramount tasks that demand attention.

## **6. Insights from Comparative Regional Frameworks**

IORA, while relatively young in comparison to analogous regional entities like ASEAN, holds the promise of addressing maritime safety and security challenges within the Indian Ocean region. This optimism is grounded in the conviction that a carefully crafted, enduring, and comprehensive "building block" strategy, which recognizes current contextual nuances and endeavours to confront them through sustained collaborative endeavours involving all member states and stakeholders, has the potential to triumph over the challenges it has confronted. The following segment will delve into several regional and multilateral frameworks that merit examination, seeking inspiration to enhance the strategy of the IORA in addressing maritime crime.

### **6.1. European Union Naval Force Operation ATALANTA**

Since its initiation in 2008, 'Operation Atalanta' by the European Union Naval Force (EU NAVFOR) has swiftly emerged as a globally esteemed component within the expansive framework of regional maritime security. This EU maritime military operation was conceived with the aim of contributing to the deterrence, prevention, and repression of piracy and armed robbery off the coast of Somalia. It stands as a pivotal instrument for the European Union in the Western Indian Ocean, ensuring maritime security off the coast of Somalia, upholding the freedom of navigation, and supporting the EU Integrated Approach for Somalia's development.

Over time, the mandate of EU NAVFOR has been adapted to reflect the evolving situation in the region and the increased presence of the International Community, with the aim of developing the Operation into a provider of maritime security in the North-West Indian Ocean. 'Operation Atalanta' incorporates the Cooperation Concept of Operation ATALANTA (COCOA) as

competent framework for sharing information with partners such as the Combined Maritime Forces and the European-led Maritime Awareness in the Strait of Hormuz, between the Persian Gulf and the Gulf of Oman in the IOR. It strategically coordinates efforts to safeguard the extensive operational area.

EU NAVFOR embodies a comprehensive network encompassing military, civil, and diplomatic capabilities. This network extends beyond maritime patrol aircraft and onboard vessel protection detachments, integrating legal, political, commercial, and developmental objectives. Notably, the operation considers Gender and Human Rights perspectives in its execution.

The 'legal finish' policy of EU NAVFOR has resulted in the arrest of 171 suspected pirates, who have subsequently been transferred to regional justice systems for prosecution. This approach has proven to be a formidable deterrent, constituting a cornerstone in what is colloquially referred to as the 'ATALANTA acquis,' boasting 145 successful convictions thus far (EEAS,2021).

Since its inception in 2008, the Maritime Security Centre – Horn of Africa (MSCHOA) under Operation Atalanta has meticulously recorded the movements of hundreds of thousands of commercial vessels transiting the contested waters of the Horn of Aden. This effort aims to evaluate vessel vulnerability and provide requisite protection from piracy and other security threats.

EU NAVFOR's commitment to local maritime capacity-building is evident through training sessions organized for African coastguards, port security personnel, and military forces. The topics covered range from harbour security to the preservation of forensic evidence.

In its pursuit of establishing a regional maritime security architecture, EU NAVFOR collaborates closely with the UN Office on Drugs and Crime (UNODC). The force contributes significantly to the training and education of regional coordination and information fusion centres, military and law enforcement forces, and their legal and judicial systems across the region. Moreover, EU NAVFOR maintains a cooperative relationship with the UN International Maritime Organization (IMO) and the International Criminal Police Organization (INTERPOL). At the end of 2022, EUNAVFOR Operation ATALANTA was extended until December 2024, accompanied by a renewed mandate that aptly encapsulates the Operation's accomplishments, encountered challenges, and prospects for the future.

As a strategic partner for other maritime security actors in this expansive operational area, the initiative's success can be attributed to enhanced information-sharing systems, a regional approach to security, effective coordination with agencies and organisations, robust surveillance mechanisms, integration of civil and military partnerships, solid legal frameworks, and capacity-

building. IORA stands to benefit from the valuable lessons offered by this regional initiative to invigorate its own operations.

## **6.2. Operation Sea Guardian (OSG)**

Initiated in 2016, OSG represents NATO's strategic endeavour in maritime security within the Mediterranean region. Presently, the operation is dedicated to maritime security capacity development, providing essential assistance for maritime situational awareness and counter-terrorism efforts. Collaboration within OSG extends beyond NATO member states, fostering an inclusive approach with partner nations and various international organisations. Noteworthy is NATO's sustained engagement in constructive dialogues, particularly at the staff-to-staff level, with the European Union. This collaboration materialises notably during annual conferences on "Shared Awareness and Deconfliction in the Mediterranean," co-chaired by the EU-led operation EUNAVFOR MED IRINI and the Allied Maritime Command.

OSG also extends an invitation to non-NATO countries to participate as operational partners, broadening its impact and effectiveness. The operation was strategically designed to run concurrently with the European Union's 'Operation Sophia', particularly in their mandates concerning counter-smuggling networks. The synergy between these maritime operations was evident through the seamless exchange of real-time information and logistical support, encompassing refuelling assistance and advisory exchanges.

From its inception in 2016 to the conclusion of Operation Sophia in 2020, the operational alignment and shared mandates of OSG and Operation Sophia resulted in a highly successful collaborative paradigm. This success was notably underscored during the operational focus on the Mediterranean Sea from September 14 to October 4, 2023, where NATO emphasised the strengthening of partnerships with Egypt and Georgia.

In essence, OSG serves as yet another testament to the critical importance of a robust system for information sharing, effective collaboration, and the utilisation of partnerships in fostering regional and international maritime security initiatives.

## **6.3. Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime**

Established in 2002, and co-chaired by the Governments of Australia and Indonesia, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime constitutes a regional forum fostering collaborative engagement, nuanced discourse, and the formulation of policies pertinent to irregular migration within the Asia-Pacific region and beyond. Comprising multiple Working Groups, this initiative convenes government officials,

practitioners, and experts hailing from Bali Process Member States and Organizations. This collective endeavour seeks to advance initiatives addressing pivotal regional concerns and priorities, ensuring the adaptability of the Bali Process to the evolving landscape of new challenges and emergent issues.

The Eighth Bali Process Ministerial Conference was held in February 2023, recalling and reaffirming the principles and direction set out in the 2016 and 2018 Ministerial Declarations and Co-Chairs Statements, and recognising enduring priorities from 2018 Strategy for Cooperation, as well as new priorities for cooperation (The Bali Process, n.d.).

The Bali Process incorporates a Steering Group vested with the responsibility of aligning the objectives and priorities of the Bali Process with regional exigencies, considering the emergent trends and issues. In addition, the Bali Process integrates an Ad Hoc Group mechanism, affording heightened responsiveness in addressing instances that impact the prevalence of trafficking in persons and the illicit smuggling of individuals, all on a case-by-case basis. It also encompasses The Bali Process Government and Business Forum (GABF), serving as a pivotal platform for fostering meaningful collaboration with the private sector. The GABF convenes influential business leaders and ministers from the diverse Bali Process membership with the overarching objective of amplifying lawful avenues for labour migration. This is accomplished by implementing robust labor practices throughout supply chains, thereby fostering expansion of legitimate opportunities for migrant workers.

It also has a Consultation Mechanism, instituted in the aftermath of the 2015 irregular migration incidents in the Andaman Sea and Bay of Bengal, which was established by Ministers at the Sixth Bali Process Ministerial Conference in 2016 (The Bali Process, n.d.). Recognizing the imperative for agile and prompt responses to time-sensitive migration concerns, the Ministers endorsed the creation of a mechanism empowering Co-Chairs to initiate consultations and convene meetings addressing urgent irregular migration issues. These sessions provide a platform for voluntary and non-binding participation by Bali Process members, fostering collaborative discussions and the formulation of potential regional responses.

The Bali Process has effectively orchestrated targeted initiatives and specialized focus groups within its framework to address the escalating non-traditional security threats in the IOR. Furthermore, the endeavours to engage the private sector and implement advisory mechanisms exemplify best practices that IORA may consider integrating or enhancing within its own operational paradigm.

#### **6.4. ASEAN Regional Forum (ARF)**

Established in 1994, the ARF has played a vital role in fostering peace and security in the Asia-Pacific region and beyond. The ARF ISM Maritime Security serves as a forum for ARF participants to discuss and address common maritime security issues, promoting cooperative efforts and activities (ARF, 2008). The forum recognized the imperative of addressing maritime security concerns, initiating discourse on the subject during its 10th meeting in Phnom Penh in 2003. During this meeting, the ministers endorsed the ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security on June 18, 2003 (ARF, 2008).

In their Maritime Security Work Plan for 2022-2026, the forum has identified as their primary guideposts, Shared awareness and Exchange of Information and Best Practices, Confidence Building Measures based on relevant International and Regional Legal Frameworks, Arrangements and Cooperation, including the 1982 UNCLOS and Capacity Building and Enhancing Cooperation of Maritime Law Enforcement Agencies in the Region. The concurrent focus on establishing relationships with regional and international counterparts has been a noteworthy development (ARF, 2022).

The designated focal points for guiding the ISM-MS agenda from 2022 to 2026 include: 1) Maritime Security and Cooperation; 2) Environmental Management and Conservation; 3) Protecting Critical Maritime Infrastructure. Within the ambit of Maritime Security and Cooperation, the organization aims to enhance collaboration among governments, leveraging partnerships with accredited civil society entities, to fulfill international obligations, notably those outlined in the 1982 UNCLOS. The objective is to foster trust, coordination, and interoperability, addressing maritime security challenges through increased engagement, information sharing, and a unified understanding of regional security issues. A series of approximately 14 or more workshops and seminars have been conducted to deepen comprehension of these objectives (ARF, 2022).

The second thematic area aims to explore the initiatives undertaken by ARF to prevent and mitigate both direct and indirect adverse impacts on the marine environment, fostering the sustainability and resilience of the regional maritime ecosystem. The third topic delves into strategies for countering transnational organized crime, emphasizing the significance of bolstering information exchange and technical collaboration among ports and vessels throughout the region. It is noteworthy to acknowledge the commitment of this thematic area to advance the discourse by facilitating a harmonious equilibrium between port and waterway security and the recuperation of maritime transportation capabilities, ultimately optimizing the operational stability of the Maritime Transportation System (MTS) (ARF, 2022).

In sum, ARF serves as a valuable regional model for IORA, offering insights into optimal organizational practices. The commitment to adhere to established legal frameworks, notably the Law of the Sea, coupled with collaborative efforts and capacity-building initiatives, merits investigation for enhancing security in the IOR through the initiatives of IORA.

### 7. Recommendations and The Way Forward

In the above sections, the author has examined the prevailing conditions of maritime crime in the Indian Ocean, and offered a comprehensive evaluation of the endeavours undertaken by IORA, considering both their efficacy and shortcomings. Furthermore, the author has examined various analogous regional and multilateral frameworks that have demonstrated notable successes, which offer profound insights to enhance the efficacy of IORA's endeavours in addressing maritime crimes in the IOR. Accordingly, the following recommendations are proffered to fortify and refine IORA's strategy in combating maritime crime in the Indian Ocean.

The emphasis has centred on five key areas of consideration: Elevating Regional Collaboration and Governance, Fortifying Institutional Capacity, Streamlining Legal and Regulatory Frameworks, Engaging in Global Advocacy and Outreach, and Advancing Technological Capabilities and Operational Readiness. While acknowledging the potential for some recommendations to span multiple categories, the comprehensive consideration and resolution of all suggested domains are deemed constructive for the way forward of the organization. These proposed areas merit thoughtful contemplation and concerted attention if IORA aspires to amplify its capabilities and fortify its resilience in effectively addressing the prevailing challenges.

Recommendations and The Way Forward	
<p><b>Enhancing Regional Collaboration and Governance</b></p>	<ul style="list-style-type: none"> <li>● Elevate maritime domain awareness throughout the region to cultivate a more comprehensive understanding of maritime activities.</li> <li>● Institute a robust regional security architecture that encompasses all facets of security within the region, ensuring a holistic and integrated approach.</li> <li>● Harmonise operations with existing regional maritime security organisations within IORA to optimise collective efforts and streamline strategies.</li> </ul>



<p><b>Strengthening Institutional Capacity</b></p>	<ul style="list-style-type: none"> <li>● Bolster the IORA secretariat, augmenting organisational effectiveness to better fulfil its mandate and address evolving challenges.</li> <li>● Foster increased research and academic output from IORAG and other expert groups to systematically address regional security concerns.</li> <li>● Include an Eminent Persons Group to set a Vision with a schedule on deliverables, Provide strategic vision and guidance, Offer informed policy recommendations, Engage in diplomatic outreach to foster collaboration and partnerships</li> <li>● Expedite Sectoral cooperation projects and make best use of IORA Special Fund and IORA "Observers' for the Special Fund</li> </ul>
<p><b>Optimising Legal and Regulatory Frameworks</b></p>	<ul style="list-style-type: none"> <li>● Leverage legislation and regulation to formulate robust regional legal frameworks, enhancing the efficacy of maritime crime combating measures.</li> <li>● Embrace global best practices in maritime safety and security, aligning regional efforts with international standards.</li> <li>● Enhance coordination between IORA and IONS (Indian Ocean Naval Symposium), with IORA providing political direction and IONS contributing suitable response mechanisms.</li> </ul>
<p><b>Global Advocacy and Outreach</b></p>	<ul style="list-style-type: none"> <li>● Advocate for the active involvement of dialogue partners in IORA's projects, fostering broader collaboration for shared objectives.</li> <li>● Strengthen partnerships with extra-regional entities without compromising regional autonomy, establishing a balanced and mutually beneficial framework.</li> <li>● Intensify training initiatives through active participation in</li> </ul>

	<p>defence courses, fortifying regional capabilities.</p> <ul style="list-style-type: none"> <li>• Unify as a collective voice at international fora, advocating for concerted efforts to address regional security concerns on a global platform.</li> </ul>
<p><b>Enhancing Technological Advancements and Operational Preparedness</b></p>	<ul style="list-style-type: none"> <li>• Implement a robust system for data gathering and information sharing, establishing Regional Information Sharing Centres as central hubs for data collection.</li> <li>• Incorporate advanced technologies, such as vessel monitoring systems, to effectively track and counter maritime crime.</li> <li>• Fortify regional port security, implementing measures to safeguard vital maritime infrastructure.</li> <li>• Cultivate strong and resilient civil maritime security partnerships to promote a collective and comprehensive security apparatus.</li> <li>• Conduct operational exercises to enhance naval capabilities, ensuring preparedness for diverse maritime challenges.</li> </ul>

## 8. Conclusion

In conclusion, the evolving security dynamics in the IOR underscore the imperative for IORA to recalibrate its strategies in addressing maritime crime and security challenges. The paradigm shift from traditional to non-traditional security threats necessitates a nuanced understanding of the multifaceted issues at play. As has been analysed, the hurdles impeding IORA's endeavours underscore the necessity for a comprehensive approach, emphasizing that success in combating maritime crime lies in the integration of various strategies. By addressing these challenges head-on, IORA can strengthen its position as a regional entity committed to fostering maritime safety and security.

As the region grapples with the complexities of evolving security threats, IORA is encouraged to navigate the intricate seascape with adaptability and a collaborative spirit, fostering a collective response to maritime challenges. In doing so, it can position itself as a proactive and effective force, playing a pivotal role in ensuring the safety and security of the Indian Ocean Region. To

that end, IORA can draw inspiration from alternative regional frameworks, in enhancing the efficacy of its approach. Recognizing the need for adaptability and collaboration, the organization is urged to leverage insights from successful models, fostering a cooperative network that extends beyond traditional boundaries. The emphasis on refining IORA's strategy is not only a response to the evolving threat landscape but also a proactive measure to stay ahead of emerging challenges.

Until October 2023 during which the 23rd Council of Ministers was conducted, Sri Lanka has been actively engaged in shaping the MSS pillar of IORA since 2018. Given its current position as the chair of IORA until 2025, Sri Lanka is well-positioned to leverage its understanding and expertise in the complex issue of maritime crime. This unique vantage point will enable Sri Lanka to enhance the organization's response in effectively combating maritime crime within the region.

Ultimately, it should be noted that the success of IORA in this endeavour hinges on its ability to integrate insights, overcome challenges, and chart a course that reflects the dynamic nature of maritime security in the 21st century. The organization must foster collaborative partnerships, leverage technological advancements, and remain agile in responding to emerging threats. Through concerted efforts, IORA can not only fortify regional security but also contribute significantly to the broader global discourse on maritime security and cooperation.

*\*Theshani Weligamage is a Research Intern at Lakshman Kadirgamar Institute of International Relations and Strategic Studies (LKI). She is an undergraduate at the Faculty of Law, University of Colombo, and a graduate of International Relations at the University of London, UK.*

*All errors and omissions remain the author's own. The opinions expressed in this publication are the author's and not the institutional views of LKI. They do not necessarily reflect the position of any other institution or individual with which the author is affiliated.*

## **References**

1. Corbett, A. (2020, July 23). *Information Fusion Centre reports rise in maritime crime in Asia*. *TradeWinds*. <https://www.tradewindsnews.com/casualties/information-fusion-centre-reports-rise-in-maritime-crime-in-asia/2-1-847386>
2. A GUIDE TO IORA . (2023, November). <https://www.iora.int/media/24536/guide-to-iora-november-2023.pdf>
3. Bergin, A. (2022). *Strengthening Law and Order at Sea for the Blue Pacific*. Maritime Cooperation and Security in the Indo-Pacific Region.

4. Brewster, D. (2019). *TURBULENT WATERS: WORKING WITH REGIONAL PARTNERS TO ADDRESS CIVIL MARITIME SECURITY THREATS*. Australia's second sea.
5. Buzan, B. (1991). *People, states and fear: An agenda for international security in the post-cold war era*. Harvester Wheatsheaf.
6. Caballero-Anthony, M. (2010). *Non-Traditional Security Challenges, Regional Governance, and the ASEAN Political-Security Community (APSC)*. Asia Security Initiative Policy Series.
7. Chalk, P. (2008). *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. The RAND Project Air Force, Santa Monica.
8. Chatterjee, A. (2014). *Non-Traditional Maritime Security Threats in the Indian Ocean Region*. Maritime Affairs: Journal of the National Maritime Foundation of India.
9. Christine.opiyo. (2018). *United Nations Office on Drugs and Crime. Countering Narcotics Trafficking in the Indian Ocean Side Event*.  
<https://www.unodc.org/easternafrika/en/countering-narcotics-trafficking-in-the-indian-ocean-side-event.html>
10. Christine.opiyo. (2023, May 31). *United Nations Office on Drugs and Crime. Disrupting Arms Trafficking in Somali Waters*.  
<https://www.unodc.org/easternafrika/en/Stories/disrupting-arms-trafficking-in-somali-waters-.html>
11. Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden.
12. Cordner, L. (2015). *Indian Ocean Maritime Security: Risk-Based International Policy. Development*.
13. Das, H. (2021). *DRUG TRAFFICKING IN INDIA: MARITIME DIMENSIONS*.  
<https://maritimeindia.org/drug-trafficking-in-india-maritime-dimensions/>
14. Emmers, R. (2003). *The Threat Of Transnational Crime In Southeast Asia: Drug Trafficking, Human Smuggling And Trafficking, And Sea Piracy*. Institute of Defence and Strategic Studies.
15. HANGZO, PHK. (2011). *NON-TRADITIONAL SECURITY CHALLENGES IN THE INDIAN OCEAN REGION. ASEAN AND THE INDIAN OCEAN: The Key Maritime Links*.
16. Herbert-Burns, R. (2012). *Countering Piracy, Trafficking, and Terrorism: Ensuring Maritime Security in the Indian Ocean. Indian Ocean Rising: Maritime Security and Policy Challenges*.

17. Home minister's statement on terrorist attacks in Mumbai. Home Minister's statement on terrorist attacks in Mumbai :: South Asia Terrorism Portal. (2008).  
[https://www.satp.org/satporgtp/countries/india/document/papers/08\\_dec\\_12\\_HM\\_st.htm](https://www.satp.org/satporgtp/countries/india/document/papers/08_dec_12_HM_st.htm)
18. Hong, W., & Ciyuan, L., (2018). *Indian Ocean Rim Association: New Developments and China's Engagement*.
19. IORA.net. (n.d.). *Indian Ocean Rim Association*. IORA. <https://www.iora.int/en>
20. IORA.net. (n.d.). *Maritime Safety & Security*. IORA.  
<https://www.iora.int/en/priorities-focus-areas/maritime-safety-and-security>
21. Kaplan, R. (2009). *Center Stage for the Twenty-First Century: Power Plays in the Indian Ocean*. *Foreign Affairs*.
22. Kypriotaki, A. (2023, July 10). IFC: 1,474 incidents recorded in the first half of 2023. *SAFETY4SEA*. <https://safety4sea.com/ifc-1474-incidents-recorded-in-the-first-half-of-2023/>
23. Malinga. (2023, October 11). *Sri Lanka pledges strong commitment to Iora's principles and objectives*. *DailyNews*. <https://www.dailynews.lk/2023/10/12/local/165898/sri-lanka-pledges-strong-commitment-to-ioras-principles-and-objectives/>
24. Maritime Security Archives. Asean Regional Forum. (n.d.).  
<https://aseanregionalforum.asean.org/librarycat/maritime-security/>
25. Maritime Security Challenges in the Indian Ocean Region. (2011). A Centre for the National Interest and NMF.
26. Melegoda, N. (2023). *Combating Illegal and Irregular Crimes in The Indian Ocean*. *International Security Cooperation : Cooperation in the Indo-Pacific and Beyond*. Friedrich Naumann Foundation for Freedom.
27. Ministry of Foreign Affairs. (2018). *IORA member states finalise terms of reference (TOR) for the setting up of the Working Group on Maritime Safety and Security in Sri Lanka*. *Ministry of Foreign Affairs - Sri Lanka*. <https://mfa.gov.lk/iora-eng/>
28. Ministry of Foreign Affairs. (2019). *Sri Lanka led IORA Maritime Safety and Security Working Group finalizes work plan*. *Ministry of Foreign Affairs - Sri Lanka*.  
[https://mfa.gov.lk/iora\\_wg\\_eng/](https://mfa.gov.lk/iora_wg_eng/)
29. Nincic, D. (2014, May 26). *Maritime terrorism: How real is the threat?*. *Fair Observer*.  
[https://www.fairobserver.com/region/north\\_america/maritime-terrorism-how-real-threat/](https://www.fairobserver.com/region/north_america/maritime-terrorism-how-real-threat/)
30. South Asia Terrorism Portal, *Opening remarks by secretary general H.E. K V Bhagirath*. (2012.).

- [https://www.iora.int/media/8292/opening\\_remarks\\_by\\_secretary\\_general\\_he\\_k\\_v\\_bhag\\_irath.pdf](https://www.iora.int/media/8292/opening_remarks_by_secretary_general_he_k_v_bhag_irath.pdf)
31. Operation Atalanta, *the European Union Naval Force for Somalia takes stock after 13 years operating*. EEAS. (2021). [https://www.eeas.europa.eu/eeas/operation-atalanta-european-union-naval-force-somalia-takes-stock-after-13-years-operating\\_and\\_en](https://www.eeas.europa.eu/eeas/operation-atalanta-european-union-naval-force-somalia-takes-stock-after-13-years-operating_and_en)
  32. Padmakumara, S. C. (2023). *Sri Lankan Role in Bay of Bengal for Security Cooperation*. *International Security Cooperation : Cooperation in the Indo-Pacific and Beyond*. Friedrich Naumann Foundation for Freedom.
  33. Piracy off the coast of Somalia. *Climate*. (2022). <https://climate-diplomacy.org/case-studies/piracy-coast-somalia>
  34. Rabassa, A., & Chalk, P. (2012). *Non-Traditional Threats and Maritime Domain Awareness in the Tri-Border Area of South-East Asia: The Coast Watch System of the Philippines*. Santa Monica: The RAND National Defense Research Institute.
  35. Sakhuja, D. V., & Narula, D. K. (2016). *Maritime Safety and security in the Indian Ocean*. Vij Books India Private Limited.
  36. Shea, N.E. (2012). *Maritime Terrorism and Piracy: Existing and Potential Threats*. Global Security Studies.
  37. Small arms and drug trafficking in the Indian Ocean Region. (2008). [https://archive.mu.ac.in/arts/social\\_science/african\\_studies/biswaswp.pdf](https://archive.mu.ac.in/arts/social_science/african_studies/biswaswp.pdf)
  38. Ada Derana. (2023). *Sri Lanka hosts 3rd meeting of IORA Working Group on Maritime Safety and Security*. <https://www.adaderana.lk/news.php?nid=89237>
  39. TBS Report. (2021, May 20). *Bangladesh hosts Virtual workshop to discuss Iora's second action plan*. *The Business Standard*. <https://www.tbsnews.net/bangladesh/bangladesh-hosts-virtual-workshop-discuss-ioras-second-action-plan-248434>
  40. The Bali process on people smuggling, trafficking in persons and related transnational crime. *The Bali Process*. (2023, August 21). <https://www.baliprocess.net/>
  41. The Commission on Narcotic Drugs. *United Nations : Office on Drugs and Crime*. (2023). <https://www.unodc.org/unodc/en/commissions/CND/index.html>
  42. UN Migrant Smuggling Protocol on migrant smuggling and related conduct.
  43. United Nations Convention on the Law of the Sea art 101, 16 November 1994, 1883 U.N.T.S. 397 (hereinafter UNCLOS).
  44. Wambua, P.M. (2016). *Legal Frameworks for Maritime Safety and Security in the Indian Ocean Region: Prospects and Proposals*. 12 *Maritime Affairs: Journal of the National Maritime Foundation of India*.

45. Willima , A., & Ramachela, T. J. (2023, February 7). *An ocean of weapons: Arms smuggling to Somalia*. *ISS Africa*. <https://issafrica.org/iss-today/an-ocean-of-weapons-arms-smuggling-to-somalia>