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**ADDRESSING MARITIME TERRORISM IN THE INDIAN OCEAN
REGION: GAPS IN THE LEGAL AND REGULATORY FRAMEWORK**

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Abstract

India is a developing nation which has much developed in this long run but with the passage of time there is a rapid growing rate of violence with regard of grave issues like terrorism, piracy as well as drug trafficking which has eventually grown in Indian Ocean Region (IOR). Terrorism has become multidimensional as it has expanded in all the areas and attacked every possible sector in our land, especially in sea-based zones. The primary reason for this growth of such sea attacks are rising of geographical location, the traditional maritime rules, the poor response of the government and their irresponsibility towards their duties, etc. All these factors have resulted in devastating outcome for the maritime supply chains which has direct impact on the global economy of the India. In the 21st Century Indian has captivated the geopolitical areas but has also created an increasing disturbing scenario because of the maritime threats. Maritime terrorism is most of the most critical issue in today's world and in India as well. This paper will deal with the growing maritime terrorism in the Indian Ocean Region and explore why sea-based terrorism is chosen by terrorists. In addition to this, it will also deal with the terror attacks and the rapid increase in these types of terror organizations. Furthermore, it will aim towards critically analyzing the threats, exposures with the effect of such terrorism in the Indian Ocean Region.

Introduction

The Conceptual Study of Maritime Terrorism

Critics and scholars have much debated on the accurate definition of terrorism but to bring forth its exact meaning is still challenging. According to Oxford Dictionary, terrorism is "the use of violent action to achieve political goals or to compel a government to act". Similarly we find abundant interpretation when we talk of maritime terrorism as it's a wider concept and

cannot be defined under limited words or selective compartments. Therefore, we can also say that to give a universal definition for this word becomes much challenging as it has multiple interpretations. One of its understandings can be that the terrorist act which has undertaken within the marine environment, usually platforms such as sea or port and against resorts, areas near ports which can be cities or town, etc. The components which can be categorized under maritime terrorism are,

- such disastrous activities occur in usually in marine environment;
- the terrorist uses the sea as a medium to fulfill their objectives;
- the assets from these hijacking are ports, civilian vessels, etc;
- attacks on maritime assets as battleship, navy base, and military port, etc.

Maritime terrorism is based on two aspects ideology as well as capacity. Any organization ability to work is based on its capacity and the terror group is association of pirates, drug traffickers, etc. When the capacity of such terrorist organization is high it results in its increasing funding rate and growing networks which results in conducting more and more terrorist activities in the marine places. Other than that, the ideology plays an efficient role as it brings terror at the sea. Few organizations believe that such terrorism is a motivational act and so they justify their act of following such violent path. But when compared with relatively other terrorism, maritime terrorism needs more budgets, apart from that, it requires logistical and proper training. Therefore, we can simplify that, Maritime terrorism can be referred as the acts of terrorism that are practised in or against the maritime domain. It involves acts which are committed at sea, in ports, or against maritime infrastructure. It holds a significant hazard to global security, as it can target vessels, ports, offshore facilities, or other maritime-related structures. This act is fully based on use of strength, viciousness, or terrorization in order to attain political, ideological, or religious objectives. Common strategies adopted by these terrorists are hijacking ships, fixing explosive devices on vessels or in ports, and attacking its infrastructure. The purpose behind maritime terrorism can differ based on the political activism and separatism to sacred extremism and piracy. A large group of international organizations, government and maritime security agencies work to prevent from maritime terrorism. The International Maritime Organization (IMO) plays most significant roles in building up the guidelines and protocols to enhance maritime security and stabilize the increasing acts of terrorism at sea.

Leading Factors for Maritime Terrorism

There are various reasons that lead to rapidly increasing maritime terrorist attacks and the factors responsible for it are the legal flaws, environmental necessity, insufficient securities, secure base areas, and the tradition of maritime, effective leadership, etc.

- Authority Weakness and Legal Flaws- The rise of such terrorism is due to various factors, such as the faults in marine authorities play a substantial role in rapid rise in such activities. Weakness in such authorities may lack the essential means and technology for effective surveillance of their waters. This builds a speedy rise of opportunities for terrorist groups which creates an exploit gaps in security and bring about unlawful activities something like smuggling weapons or conducting attacks. Due to the exploitation in maritime authorities can lead to compromised safety measures. The rise of corruption may turn a blind eye to distrustful activities or vigorously co-operate with terrorist organizations, which will ultimately allow them to operate with relative liberty. The challenges in economic sector can limit funds in marine security infrastructure and personnel. Inadequate funding may lead to outdate equipment, short-handed agencies, and inclusive reduced abilities in countering maritime threats. The political uncertainty or struggles are more susceptible to maritime terrorism. Because of the rise in weak authorities the struggle increased which eventually establish control over the maritime domains, building more and more openings for terrorist groups to exploit the condition.

- Geography – The terrorist groups look for correct opportunities to attack over the seas. They do this because there were obstructions inside the island, so a special maritime troop that was well-known as the Sea Tiger or the Kadal Puli which was established by the Liberation Tigers of Tamil Eelam (LTTE) was formed. Due to the vulnerability of the organization with the geographical position they were obliged to improve their maritime competences and gradually with time they have become the most popular group which has raised the maritime terror. It has frequently seen attacking the Sri Lankan Navy (SLN) plus it is seen massively engaging in criminal activities in Indian Oceans which resulted in spreading wide terror in such areas.

- Insufficient Security – When any region will have adequate and sufficient security then in that case it will become difficult to attack by these maritime attacking groups as they

will need new and advanced technologies to fight with those securities. For instance, due to lack of the facility of proper security the Sea Tigers have dominated the region of Sri Lanka as well as the prior control is in their hands only which ultimately cause the atmosphere of terror. Similar is the case with some of the organization in South East Asia as the communication in the Sea Lane has choked up and the terror group has grabbed the opportunity and taken the control totally.

- Secure Base Area – Every terrorist group has their base area where the group makes their plans; they give rest to themselves, the supervisors' trains their subordinates and also gets logistical supports. As it's not possible to live in the sea throughout their life so these terror groups need such places where they can rely safely and support when needed. We take as instance to justify this, in the year 2004 a massive tsunami took place which affected the coast of Sri Lanka and Indonesia, because of this natural disaster their terror operation got temporarily stopped resulted in an unsuccessful outcome. This demonstrates the necessity of such secure base areas which eventually accomplish their goals to happen successfully.
- Tradition of Maritime – A maritime tradition plays a prior role as these types of attacks cannot be performed by any terror groups but to practice such attacks and to achieve success in their objectives they need specialized skills. The group is provided with special training which helps them to attain expertized knowledge with gradual growth in their potential which will inspire them to end up the mission on a successful note. There are well-known groups like LTTE and ASG who holds long histories regarding the seafaring and therefore have developed wide-ranging knowledge for maritime field.
- Effective Leadership Quality – A good leader plays a prominent role in any sector and same is the case with such terror groups also as a leader with much calibre can give their best and even support their group during the low time. Good leadership qualities include working flexibly with their team, having a cooperative and encouraging attitude, clear communication, etc. When we talk of maritime terrorism, Abd al-Rahmin al-Nashiri is known as the mastermind in having maximum sea attacks.

Sea- Based Attacks in the Indian Ocean Region

When we compared to rest of the terrorist activities the marine terrorism is relatively less in percentage. But when we analysed the Indian Ocean Region (IOR) the maritime terrorism is quite vulnerable. There is a multidimensional culture with border combats, unbalanced government, state protection of terrorism, strange geographic location to sea, with the maritime tradition; all this makes it appealing for these types of terrorist groups in order to conduct their seafaring terrorism successfully which eventually make the IOR work very vulnerable. Many marine terrorist attacks have occurred in IOR, which comes under the definition of such terrorism. A terrorist attacks on the Pakistani Naval Ship (PNS) Zulfikar in southern Indian Ocean in 2014 were carried out by the Tehrik-i-Taliban with the assistance of Al-Qaeda. The progressive intelligence in Pakistan failed to interrupt in the attack and this can be a suitable example of how can radical organisation hamper the country's naval assets. It's assumed that the prior objective of any terrorist organization is to build up the feeling of fear and this attack only creates a large amount of fear among some countries of IOR. Next major incident took place in 2011 at PNS Mehran, at that place aircraft surveillance was destroyed. Another attack took place in the Indian's financial capital Mumbai where a famous terrorist group named Lashkar-e-Taiba(LeT) had used sea as a channel to enter into the coast eventually killed 160 people. A popular maritime terrorist group of people emerged and formed an organisation that created a rebellious group which has later developed as a terrorist organisation. The Liberation Tigers of Tamil Eelam (LTTE) was a group that was seen largely engaging in illegal and terrorist activities in Indian Ocean Region at an enormous scale.

As per the RAND report, there were in total 200 attempts of attacks that took place in ship of the south-eastern region of Indian Ocean in the year 2014 and 2018. Another devastating terrorist attack took place in the year 2004 in the Philippine coast where 110 passengers with the crew members were attacked. This deadly attack was practised by the Abu Sayyaf Group (ASG). Apart from that, this group of terrorist is usually seen practicing the criminal and unlawful activities in the areas of Indonesia. In the south-western part of Indian Ocean Region an incident took place which had devastating consequences and has drawn worldwide attention towards the marine terrorism in the year 2000. There is a rapid growth in political as well as domestic chaos in the regions which leads to an extensive risk of the seafaring terrorism making it vulnerable.

Counter- Maritime Terrorism Measures Taken in the Indian Ocean Region

The government has developed several measures in order to tackle with the terrorist attack practice in the marine. The Institute for Security Studies suggest that ‘the Indian Ocean Region has complex sub regional geopolitical and geostrategic associations.’ The Indian Navy is conjoined with some nations like Indonesia, Myanmar, Thailand, and Bangladesh across Indian Ocean Region. Another prominent agreement took place which is known as the White shipping agreement where colour was used as a code and the ships were given such codes in order to safeguard from such terrorist attacks. The government established various initiatives in regard with the safety for IOR; some popular initiatives were the Information Fusion Centre (IFC) and the Indian Navy’s Information Management and Analysis Centre (IMAC). To manage the upcoming threats the National Committee on Strengthening Maritime and Coastal Security (NCSMCS) was introduced which created awareness in regards with such terrorism. The Indian Navy has built up a grid of detectors, sensors and sonars which help in detecting the terrorist operations. In the year 2019, India has joined hands with Philippines by signing up a bilateral agreement that deals with maritime securities.

When compared with previous time, much development took place and in order to develop much they require more competences. Furthermore, to manage such rising sea-based terrorism our government need to increase their potential and capacities by possessing quality assets. The government is also evolving its technologies in regards with intellect and scrutiny but it is difficult to manage for small states but if multiple nations work mutually they can tackle with this terrorism.

Gaps in the Legal and Regulatory Framework

Indian Ocean has faced too much by the act of maritime terrorism which broadly includes hijacking and attacking on the infrastructure as well as the passengers. The current legal framework has much improved by introducing several severe agreements and this has bring forward decline in such terrorist acts. Some popular agreements were the United Nations Convention on the Law of the Sea (UNCLOS) as well as the International Maritime Organization (IMO) which has introduced many regulations. But still the complexities has not yet fully resolved and required effective tailored approach. The Indian Ocean Rim Association (IORA) works by promoting by collaboration with the members of various states. But even sometimes this may be harmful as every nations have selective priorities and lack of resources may also be another hindrance while collaborating with other states. In order to improve the condition we need to understand the loophole and gaps that are there in the legal framework.

The prior loophole is lack of effective policymaking plus the challenges include lack of harmony in national laws, inadequate mechanism, requirements for a better intelligent sharing mechanism. Improving these gaps will result in resolution of the maritime security threats. An effective international framework can be built up only when national law formulations of independent countries are improved. The Djibouti Code of Conduct and Combined Maritime Forces also focus on the betterment for marine security.

Conclusion

Indian Ocean Region is vulnerable in nature when it comes with maritime terrorism because of many factors and it also becomes very challenging. They have to deal with several challenges and the prior reason behind it is deficiency of power lack of proper technologies that can collect the data, with economic plus political instabilities. The Indian Ocean Region must improve their potential as the current organisation is diverse in various areas and lacks to concentrate and fight with maritime terrorism. If not focused on this issue the maritime terrorism will become a serious problem with the course of time. With the passage of time India has made several effective efforts in order to raise the awareness in marine terrorism by increasing the safeguard in the sea, practicing naval exercises, and building up policies like Information Fusion Centre in IOR. The state organisation has funded on groups and those small states usually collaborate with big states which help in tackling with these terrorists. To solve the major issues of worldwide terrorism there is an urgent need for universal reformation and the Indian Navy has played the most crucial role in countering these types of acts. But still in several areas where the efforts are made after the attack is taken place and all these carelessness is the root cause of rise in such unlawful acts. To stop such terrorism our government needs to go to its root cause and find a best solution to it and only when the root cause is cut short properly only then we can be free from these deadliest terrorism and then no Indian Navy with nations of IOR can be free from these problems.

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