

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOL-2, ISSUE-1
ISSN-2583-8725

LEX SCRIPTA MAGAZINE OF LAW AND POLICY
ISSN- 2583-8725

VOLUME-2 ISSUE-1
YEAR: 2023

EDITED BY:
LEX SCRIPTA MAGAZINE OF LAW AND
POLICY

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOLUME-2: ISSUE-1

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**ADDRESSING MARITIME DRUG TRAFFICKING THROUGH REGIONAL
SECURITY PARTNERSHIPS IN THE INDIAN OCEAN**

Author: Shivam Kumar Pandey

(Research Scholar, Rashtriya Raksha University)

Co-Author: Ujjwal Ranjan

(LLM, Rashtriya Raksha University)

ABSTRACT

Several of the busiest fishing grounds and shipping channels in the world are found in the Indian Ocean, which connects The Middle East, East Africa, and South Asia. Currently, the marine environment of the Indian Ocean lanes handles almost 80% of the world's seaborne oil and 50% of all container traffic. Oceans, on the other hand, are thought to have the largest crime scenes in the world because they are large, uncontrolled areas that provide ideal hiding places for illegal activity. Crimes committed at sea have detrimental spillover effects on society, such is the surge in drug addiction in tiny island underdeveloped countries that serve as major hubs for the smuggling of drugs and people. These crimes also jeopardise the safety of seafarers and threaten blue economies. For Indian Ocean States, marine security and combating maritime crime—also known as "Blue Justice"—thus become increasingly important, especially as the number and seriousness of crimes committed at sea rise. However, there is very no law enforcement in the Region, and apprehending someone presents numerous physical obstacles.

KEYWORDS: Indian Ocean, Crimes, Blue Justice, Traffic, Illegal, Maritime, Seaborne, Smuggling.

INTRODUCTION

The literal definition of a "drug" is an "illegal substance that some people smoke, inject, etc. for the effects it has on their body and mind." "Psychotropic substance" is defined as any "substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in the list of psychotropic substances specified in the Schedule [to the Act]" and "narcotic drugs" as "coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs" under the NDPS Act, 1985. Methamphetamine is a psychotropic drug, while cocaine and heroin are narcotic narcotics made from derivatives of coca and opium, respectively.

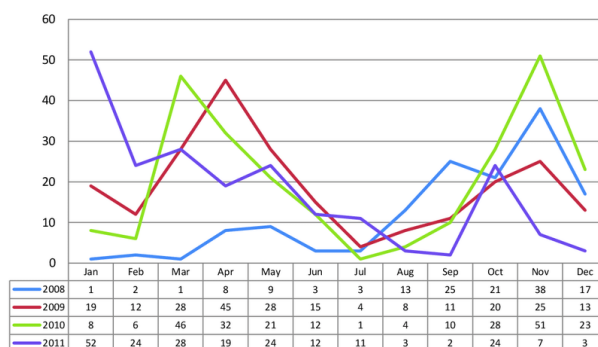


Figure 1: Piracy Attacks, 2008-2011

[Courtesy: Google Maps]

Illegal trafficking is one of the seven dangers to marine security, according to a 2008 study by the UN Secretary-General. The issue of international organised crime at sea, such as drug trafficking within the National Police Service, has emerged more lately was brought up in the UN Security Council's presidential declaration on maritime security stating "maintenance of international peace and security." Additionally, the Security Council has urged its members to think about accepting or ratifying international agreements in this area.

The Indian Ocean Region (IOR) is recognised by the Indian Maritime Doctrine (updated version 2015) as a "hotbed of narco-terrorism, smuggling, gun running, and associated crimes," and as such, law enforcement agencies, the coast guard, and navies must work together to combat these dangers. The Indian Maritime Security Policy, 2015 acknowledges drug trafficking presents an unconventional threat to marine security. In 2016, the interior ministries of the IOR met to combat drug trafficking, and during that conference, they decided to adopt the "Colombo Declaration," which stated that drug trafficking in the Indian Ocean "poses a threat to peace and security in the region and its possible link to organised crime and funding of terrorism."

PRESENT SITUATION

Smugglers are used to certain shipping lanes. The Makran coast, which hugs Pakistan's and Iran's coastlines is the departure point for heroin shipments from Afghanistan, according to the UNODC, which then travels to several entrance sites in East Africa. Although major ports like Mombasa and Dar Es Salaam are well-liked travel destinations, the majority of dhows are said to stay at sea rather than access provincial ports. Dhows dock in smaller island ports off the shore, such as Sri Lanka, if they do so at all. Small island nations like Kiribati, Palau, and the Solomon Islands have suffered greatly from this trade and are pleading for assistance due to

the "devastating" effects of criminal networks that are connected to human smuggling and drug trafficking.

Heroin and hashish manufactured in the regions referred to as the Golden Crescent and Golden Triangle are smuggled farther to the United States of America and Europe via India's borders. Several rebel organisations with bases in Afghanistan, Sri Lanka, and North-Eastern India engaged in the drug trade to make money to buy munitions from South-East Asia for their upkeep. Historically, the most vulnerable area has been the border between India and Pakistan for the illegal drug trade, it is evident that since the 1980s, Sri Lanka has grown to be a major hub for drug transportation.



Figure 2: Trafficking Areas and the Southern Route

[Courtesy: Google Maps]

Heroin from Bangladesh, White heroin originating in Myanmar, hashish from Nepal, as well as heroin from Pakistan are among the drugs trafficked across India. There are numerous chemical factories in India that legally produce precursor materials like acetic anhydride, which can be used to process and manufacture heroin. The Indian Ocean drug trade typically involves five main narcotics: heroin, hashish, opium, herbal cannabis, and methaqualone.

Due to their shared ethnic heritage, Sri Lankans are able to maintain sufficient connections in the coastal region of Tamil Nadu to continue their smuggling activities. Mainly, the trafficking is carried out by fishing boats travelling from south-eastern India, close to Tuticorin, to the coast north of Colombo. Heroin that reaches the coast in the surrounding area is pumped by "border agents" and boatmen, then transported to cities like Salem, Trichy, and Madurai. But the fundamental question of where the heroin that is being delivered from India to Sri Lanka ends up is still unsolved.

ROUTES FOR INTERNATIONAL TRAFFICKING

The "Southern Route" is an emerging trend in the transportation of opiates from Afghanistan, as opposed to the usual land routes (Balkan Route), based on an evaluation conducted in 2015 by the United Nations Office on Drugs and Crime, or UNODC. This Southern Route effectively connected Afghanistan to many places in Oceania, Central and Western Europe, Asia, and Africa through a network of routes and structured organisations was enabling the movement of heroin southward. When utilising marine routes for trafficking, greater consignments were sent by boat as opposed to air and mail methods. According to the report, China is Southeast/East Asia's largest potential revenue source, and India is the region's primary destination market in South Asia.

Seizures in Sri Lanka and the Maldives, and the Seychelles from 2014 to 2016 suggested that one of the maritime lines that originated on the Makran coast was directed towards the eastern Indian Ocean, specifically the Maldives and Sri Lanka, and that the line might have continued westward to the Seychelles. The "hash highway" and the "smack track" are other common names in relation to the Southern Sea Route, which is situated within the western Indian Ocean and focuses on the coasts of Yemen and East Africa as stated The International Narcotics Control Bureau (INCB) has released its 2019 annual report. Drug traffickers' increasing use of the southern route has resulted in a rise in heroin seizures in South Asia, particularly in Sri Lanka. The majority of heroin that is smuggled into South Asia via the so-called "southern route," which goes via Afghanistan, Pakistan, and South Asia, is originally from Afghanistan and is intended for North America.

The UNODC's 2020 World Drug Report uses reported seizure data from 2014–18 to identify the primary drug trafficking routes worldwide. This includes the Southern Route, which is a low-volume cocaine route that runs from South America to South Asia, and the three relatively low-volume heroin routes that run from the Makran coast to East Africa, Southern Africa, and Southeast Asia. The COVID-19 pandemic has, among other things, caused traffickers to use waterways more frequently and to increase the amount of their shipments, as per the 2021 World Drug Report. The DRI has also confirmed this information locally. There has reportedly been an 18% rise in cocaine seizures at 12 European ports.

The Information Fusion Centre (IFC), Singapore, evaluated four methods of smuggling contraband (including drugs) in their area of interest for the year 2020. These methods included using little boats for maritime transshipment employing fishing boats, many of which are used for "dark" fishing (i.e., no tracking systems), letting illegal goods wander, particularly for smuggling in containers and low-value contraband (i.e., to evade detection). Remarkably, (Website-lexscriptamagazine.com) 6 (lexscriptamagazine@gmail.com)

comparable patterns have also been discovered in India. The research also noted that a high vessel density of fishing boats in use in restricted waterways, such those between Sri Lanka and India, made it easier to hide illicit activities, with certain occurrences indicating patterns from the past.

Regarding drug smuggling specifically, the report noted that Thailand continued to be the hub for the transfer of psychotropic substances, such as methamphetamines, including containerised goods, to nations in the area and beyond and that the Myanmar region bordering Thailand continued to manufacture these substances. One example of this was the smuggling of yaba pills into Bangladesh from Myanmar. 2020 saw a reported increase in cannabis seizures, which was linked to finds of strays in South Asia, namely in the seas separating Sri Lanka from India and the India-Pakistan maritime border. According to the research, the majority of heroin that was shipped over the Southern Route from the Makran coast was actually meant for Europe via the "smack track" and "hash highway," with a smaller amount going to South Asian nations including India, Sri Lanka, and the Maldives. The latter is the Southern Route's easternmost track, which is referred to in this article as the "Eastern Southern Route." Although other kinds of pharmaceuticals were also found in the IOR, they were found in comparatively smaller quantities.

The NCB is the designated body in India's NDPS for stopping and preventing drug addiction and illegal trafficking. In addition, the NCB is in charge of carrying out India's responsibilities under international conventions and coordinating with all national and international authorities. It functions throughout 12 sub-zones, thirteen zonal entities, and three regions. From 2004 onward, the NCB has supported states and union territories financially to bolster their drug-enforcement strategies. In addition, it conducts drug-enforcement training programmes for federal, state, and local government organisations. Despite the NCB's nodal function, a number of agencies, including the Police, Customs, Coast Guard, DRI, and Central Bureau of Investigation (CBI), are involved in drug law enforcement.

The Indian government has taken several significant steps to stop drug trafficking within the nation. These include establishing a Joint Coordination Committee (JIC), chaired by the Director General of the Narco Coordination Bureau (NCB), which serves as a district-level coordinating structure consisting of four layers; empowering "border guarding forces" legally to carry out drug enforcement duties (from a marine standpoint, the Coast Guard); information sharing between drug-related law enforcement organisations; digitising seizure data using the Seizure Information Management System (SIMS); surveillance and enforcement at import and

export points at land and marine borders; as well as efforts to halt drug trafficking via recognised routes.

The NCB has 16 Memoranda of Understanding (MoUs) and 27 bilateral agreements with other nations and organisations as part of its international cooperation charter. Additionally, discussions at the director general level are held with a number of nations, including Bangladesh, Afghanistan, Sri Lanka, and Myanmar. In addition, the NCB collaborates with a number of regional groups to share intelligence and information in the fight against international drug trafficking. In a similar vein, several drug law enforcement organisations have established global coordination systems. India specifically participates in the Indian Ocean Forum on Maritime Crime (IOFMC) within the auspices of the Southern Route Partnership (SRP).

The Coast Guard was granted more marine power by the NDPS Act of 1985. With countries like Sri Lanka, it shares intelligence and data on drug trafficking. It also has several Memorandums of Understanding (MoUs) with international coast guards and other similar organisations. The NDPS Act, 1985 states in Section 56 that "all officers of the several departments mentioned in Section 42 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act." From a maritime perspective, the Indian Navy is made up of the military forces, law enforcement, and customs. These are all included in the list.

Intelligence from the DRI and other intelligence agencies, especially technical intelligence from the National Technical Research Organisation (NTRO), has been vital in supporting drug interdiction operations conducted by Indian agencies. In 2017, the Coast Guard extracted 1,500 kg of heroin worth over Rs 3,500 crore from the Arabian Sea with the help of the NTRO.

UNCLOS III

Examining the regulations governing illicit drug trafficking by water is crucial in light of the current circumstances. The international law that addresses the subject is UNCLOS III. UNCLOS III states that a state by the sea may exercise authority over its sea as long as it complies with the Convention and other international legal requirements. All states grant ships the freedom to travel through their territorial waters in peace; however, if a ship violates any international laws or loads or unloads any goods, money, or persons that are against it will be judged to be harmful to the state's security, peace, or good order if it violates the coastal state's fiscal, immigration, customs, or sanitary rules and regulations. The state by the sea has the

authority to enact laws and rules pertaining to uninjured travel across its maritime territory, maritime traffic safety and regulation, prevention of laws and rules pertaining to customs, finances, immigration, and sanitation, and these are all within its rights.

In a few specific circumstances, such as drug trafficking, the coastal state may even use its criminal jurisdiction to make an arrest and launch an investigation into any offence carried out on board the foreign vessel while it is navigating its territorial sea. The vast oceans cannot be under the jurisdiction of any State; however, the coastline state has the right to use its influence in the Contiguous Zone and some rights and freedoms are permitted within the zone of exclusive economic zones. These restrictions are what the smugglers abuse, particularly the fact that no state has the authority to impose criminal jurisdiction outside of its territorial sea and that the freedom of passage is being abused.

UNCLOS Article 108 addresses the illicit trafficking of psychotropic and narcotic drugs in particular and urges all States to cooperate in order to tackle this threat. High Seas is specifically mentioned as the location where these types of crimes occur. In this sense, the right of hot pursuit guaranteed by Article 111 is quite helpful. However, it has its own restrictions. For example, the hot pursuit can only be carried out outside the contiguous zone or the territorial sea provided that the pursuit hasn't been interrupted, and it can only be started when the foreign vessel or one of its boats enters the territorial sea of the state that is pursuing it, territorial sea, contiguous zone, or waters. In case the foreign vessel is situated in a zone that is contiguous, legal action may only be initiated in response to a breach of the rights that the zone was created to safeguard. When a vessel sails into the exclusive maritime territory of another State or its own, the right of hot pursuit expires.

INTERNATIONAL AND REGIONAL OBLIGATIONS

Sri Lanka has ratified all three of the United Nations conventions against three conventions were created to combat drug addiction and trafficking. The measures described under the United Nations Comprehensive Multidisciplinary Outline of Future Drug Abuse Control and Global Action Plan are now part of the national policy with the purpose of stopping and managing drug abuse. Ten of the twelve international treaties against terrorism are ratified by Sri Lanka. Among these is the 1999 Convention on the International Covenant on the Suppression of Terrorism-Financing particularly noteworthy as terrorism is the primary cause of narcotics and illicit people trafficking.

In reaction to maritime piracy along Somalia's coast, the naval presence in the regional waterways has grown since 2008. In addition to independent warships from countries like Iran, (Website-lexscriptamagazine.com) 9 (lexscriptamagazine@gmail.com)

China, Japan, and Russia, three multilateral operations are presently at work in the region. Additionally, the IORA aims to eradicate marine crimes in the Indian Ocean, a region in which Sri Lanka plays a significant role.

INDIA'S MAJOR SEIZURES: 2021

This year, there have been several drug seizures. The Indian Ocean Region and Information Fusion Centre (IFC-IOR) announced four instances of cannabis January and February saw seizures from Tamil Nadu in 2021: three in January and one in February. Three foreign vessels containing heroin, one thousand rounds of ammunition, and AK-47 assault rifles were seized by the Coast Guard on March 18, 2021, off the coast of Lakshadweep. Drawing from a declaration made by the Narcotics Control Bureau (NCB) and later verified by the DRI within its yearly report, the IFC-IOR emphasised the event as an illustration of potential connections between the illicit drug commerce and terrorism, as well as the potential for routes used for smuggling to be utilised for more malevolent intents. A Sri Lankan fishing vessel was apprehended by the Coast Guard and the NCB on March 7, 2021, off the coast of Vizhinjam in Kerala, based on particular intelligence. According to the investigations, the crew was returning to Sri Lanka when they disposed of the contraband after spotting a coast guard ship. They had taken from a Pakistani boat on the high seas, 100 kilogrammes of hashish and 150 kilogrammes of methamphetamine. The Coast Guard and the Gujarat Anti-Terrorism Squad (ATS) collaborated to capture 30 kilogrammes of heroin from an offshore Pakistani vessel of Jakhau, Gujarat, on April 15, 2021. Later that month, the Indian Navy and the NCB collaborated to seize 337 kg of heroin from the Arabian Sea. The news announcement stated that the Makran coast's drug-smuggling routes headed to locations in the Maldives, India, and Sri Lanka, and that the "spoils of narcotics trade feed syndicates involved in criminal activities, terrorism, and radicalization." On July 6, 2021, over two months later, additionally, the Coast Guard found 19 narcotic packets that was discarded offshore Gujarat's Kutch region, and were thought to be charas. 300 kilogrammes of cocaine were found at Tuticorin Port by the DRI on April 21, 2021, on the east coast as well.

But the drug trade entering India revealed a new facet in the second half of 2021. The Indian police confiscated In July, Nhava Sheva Port in Mumbai imported 294 kilogrammes and 25 kilogrammes of heroin. and October of 2021, respectively, in the guise of vegetable oils and talcum powder. The DRI apprehended two containers that had travelled from Kandahar, Afghanistan, via Bandar Abbas, Iran, to Mundra Port, Gujarat, on September 13, 2021—

possibly the greatest narcotics haul in Indian history. Following inspection, 3,004 kg of heroin were found hidden in the bottom layers of large sacks that contained raw talc powder.

Additional seizures in Delhi and Noida as well as the arrest of eight people, including foreign nationals, resulted from follow-up operations. Then, in an undercover operation, the NCB found cocaine on a west coast cruise ship of India, halfway somewhere between Goa and Mumbai, on October 02, 2021. On the east coast, 150 kg of Ganja were taken by In Tamil Nadu's Nagapattinam Harbour, an Indian fishing boat displays customs, on September 26, 2021. Four suspects were detained and 530 kg of cannabis were confiscated from Tharuvaikulam, Tamil Nadu, on October 9, 2021.

CONCLUSION

It is clear from the discussion above that the proliferation of illicit substances in the IOR has created a dangerous and unstable environment. A single nation finds it challenging to manage and exert control over this circumstance. As it is, the area has already witnessed the rise of several effective regional organisations include the Mekong Ganga Co-operation Project and the ASIA Pacific Economic Cooperation. With the notable exception of landlocked Laos, all of these groups' member states are marine nations, which makes them remarkable in this perspective.

Because maritime law enforcement is significantly more challenging than land-based enforcement, traffickers take advantage of this reality. Additional regional factors that support traffickers include being near the southern route, having porous borders where drugs can pass unnoticed, having weak maritime and law enforcement capabilities, having socioeconomic conditions that encourage involvement in trafficking as a source of income, having corrupt officials, having ineffective criminal justice systems to prosecute offenders, and lacking in regional and cross-border cooperation. To combat drug and people trafficking, cooperation between all tiers of power is necessary.

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LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOL-2, ISSUE-1
ISSN-2583-8725

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