

The Threat of Maritime Piracy in the Indian Ocean and Its Implications on Sri Lanka: A Jurisdictional Analysis

N. Fernando¹

Abstract

Piracy is universally accepted as *hostis humani generis* and is also a transnational crime which imposes serious threats to maritime security in the Indian Ocean Region. Since Sri Lanka is strategically posited in the Indian Ocean among the most important sea lanes of communication and is geopolitically significant; this position could serve as a catalyst for pioneering anti-piracy framework through regional multilateralism and in adherence to international law. For this goal, potential actors are identified through a security matrix. This paper analyses the jurisdictional bases of International Law concerning piracy with special reference to universal jurisdiction for prosecution of piracy and transnational crime. The United Nations Convention on the Law of the Sea, Security Council resolutions, and Djibouti guideline are examined for building a comprehensive legal framework aimed at combatting piracy. It is identified that military alliance through multilateralism is important to combat the threat of piracy. Therefore, work of international specialized agencies and regional organizations on combatting piracy is examined to provide suggestions for the development of the existing frameworks in navigating the complexities of maritime security regime. It is concluded that a state sponsored solution is best for prosecuting piracy rather than privatized security service success of which depends on state willingness to assert universal jurisdiction in the high seas. The International Criminal Court (ICC) is identified as the most plausible solution to prevent crime at sea for which it's suggested the ICC must include piracy and transnational crime within its jurisdiction by way of an amendment to the Rome Statute. It is recommended that Sri Lanka cooperates with the ICC in the future to re-establish Sri Lanka as a cooperative state. It is recommended for Indian Ocean Rim Association to include a military component in the shape of a naval collective security regime to provide security for vessels in the region. This paper is based on documentary analysis obtained from secondary sources of data including textbooks, journals, legal resources, official websites of specialized agencies and their publications using the data triangulation method of qualitative research.

Key words: *Maritime Security, law of the sea, crimes against humanity, geopolitics*

¹ BA (Special) International Studies, University of Kelaniya
natasha.fernando01@gmail.com

