



## BRIDGING THE JURISDICTIONAL GAP: THE UNDERUTILIZATION OF THE FEDERAL INVESTIGATION AGENCY IN PAKISTAN'S MARITIME DOMAIN UNDER JOINT MARITIME INFORMATION ORGANISATION ACT, 2019

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### Abstract

*The paper will discuss the limited legal role that the Federal Investigation Agency (FIA) in Pakistan is granted by the Joint Maritime Information Organisation Act, 2019. Although the FIA has a broad jurisdiction covering counter-terrorism, anti-money laundering, human trafficking, and transnational organized crime cases, the JMIO Act, 2019 only covers the agency to issues of immigration. This study examines the mismatch between the real legal capability of the FIA and its limited role at the Joint Maritime Information Coordination Centre (JMICC). By conducting comparative analysis of National Command Authority Act, 2010, and the National Counter Terrorism Authority Act, 2013, this paper reveals that there are critical areas in maritime security in Pakistan. The results indicate that an ideal exploitation of the FIA legal requirement would greatly improve the ability of Pakistan to combat maritime crimes such as terrorism financing, money laundering and cyber-facilitated crimes in the Pakistani waters. Some of the recommendations are changes in legislation to increase the role of FIA as a part of the JMIO framework and improving the mechanisms of inter-agency coordination to counter transnational maritime threats, especially those to the China-Pakistan Economic Corridor.*

**Keywords:** Maritime Security, Federal Investigation Agency, JMIO Act 2019, Transnational Crimes, Inter-Agency Coordination, Pakistan Maritime Domain

### 1. Introduction

Lack of coordination between the law enforcement bodies and the regulatory bodies has continued to limit the ability of Pakistan to investigate, prosecute, and convict more criminals (Financial Action Task Force [FATF], 2022). In the maritime sphere, inadequate inter-agency liaison and information exchange have become the major weaknesses in the fight against maritime crimes. Transnational organized crime syndicates take advantage of these weak spots and continue to conduct their criminal activities, such as maritime terrorism, piracy, armed robbery, narcotics smuggling, human trafficking, and money laundering with the help of sea routes (Evans & Galani, 2020).

An attempt to overcome these coordination shortcomings is the Joint Maritime Information and Coordination Centre (JMICC), which was inaugurated in Karachi in 2013 under the auspices of the Pakistan Navy, as part of a whole-of-government approach to Maritime Domain Awareness (Bhatti, 2021). Later, the Joint Maritime Information Organisation Act, 2019 offered legal support to the JMIO, creating a legal basis of sharing information between agencies and coordination in response to maritime threats. The JMIO Act, 2019, however, puts the Federal Investigations Agency in a position where the agency is only to perform the functions of immigration rather than the first-order application of the comprehensive legal service the agency provides under the FIA Act, 1974.

The FIA has the powers to deal with crimes such as terrorism funding, money laundering, cybercrime, corruption, human trafficking and transnational organized crime all of which are thriving within the maritime jurisdictions of Pakistan. The focal question of this research is the following: Would the optimal use of the



legal power of FIA in the framework of the JMIO be able to improve the ability of Pakistan to prevent and counteract maritime crimes? The study aims are fourfold: (a) to examine and contrast the extent of the JMIO Act, 2019 with that of the NCA Act, 2010, and NACTA Act, 2013 in terms of the applicability of the maritime domain; (b) to assess how the main elements identified in the JMIO Act, 20

## **2. The Federal Investigation Agency: Legal Mandate and Jurisdiction**

### ***2.1 Historical Evolution and Statutory Framework***

The FIA Act, 1974, replaced the Special Police Establishment with the Federal Investigation Agency that investigates corruption in federal departments and specialized crimes with an inter-provincial and transnational nature (Ali, 2018). FIA officers, regardless of the nature and type of the offense, have the power to inquire and investigate issues relating to the Federal Government under the premise of FIA Act, 1974, which stipulates that FIA officers with a rank lower than a Sub-Inspector are not permitted to do so (FIA Act, 1974, § 3).

The Schedule to the FIA Act lists offenses committed under a number of different statutes such as the Pakistan Penal Code, 1860; Anti-Money Laundering Act, 2010; Anti-Terrorism Act, 1997; Prevention of Electronic Crimes Act, 2016; Prevention of Trafficking in Persons Act, 2018; Prevention of Smuggling of Migrants Act, 2018; Prevention of Corruption Act, 1947; Foreign Exchange Regulation Act, 1947; and the Official Secrets Act, 1923.

### ***2.2 Operational Wings and Specialized Capabilities***

The FIA has its wings that deal with various types of transnational crime. Counter Terrorism Wing deals with the financing of terrorism and civil espionage as well as cases of blasphemy (Federal Investigation Agency, 2021). The Economic Crime Wing deals with the money laundering, bank fraud, and foreign exchange violations, handling Suspicious Transaction Reports of the Financial Monitoring Unit. Through the Prevention of Electronic Crimes Act, 2016, the Cyber Crime Wing conducts investigations on hacking, cyber-terrorism, child pornography, and digital forensics. Anti-Human Trafficking and Smuggling Wing deal with transnational human trafficking and migrant smuggling. The Anti-Corruption Wing enquires into the corruption in the federal government departments.

### ***2.3 National Central Bureau-INTERPOL Functions***

The FIA is the home of the National Central Bureau-INTERPOL of Pakistan that is under the supervision of the Director General FIA. NCB-INTERPOL Pakistan is connected to a secure communication network I-24/7 to the INTERPOL headquarters located in Lyon, France, which enables cooperation in criminal affairs among various police agencies, the issuance of Red Notices, extradition, and mutual legal assistance (Khan, 2022). This infrastructure makes FIA the key point of transnational criminal investigation and international collaboration in law enforcement in Pakistan.

## **3. The Joint Maritime Information Organisation Act, 2019: Analysis and Critique**

### ***3.1 Legislative Framework and Objectives***

Existing in the form of the Joint Maritime Information Organisation, the JMIO Act, 2019 provides the effort to unify the efforts of all organizations and agencies, information sharing in Maritime Security and with the purpose to provide matters related to Maritime Security or connected to it (JMIO Act, 2019, Preamble). In Schedule-I, the Act lists 43 "concerned agencies" and among them the Pakistan Navy, Pakistan Maritime Security Agency, Coast Guard, Customs and the Federal Investigation Agency. The purpose of the Act includes coordination to address Terrorism, subversive and criminal activities such as human trafficking and smuggling, the illegal transport of arms, smuggling of contraband goods, drug trafficking and illegal fishing, Maritime Piracy, Armed Robbery and Money Laundering and any other illegal activity in the Maritime Jurisdiction of Pakistan (JMIO Act, 2019, § 4).

### ***3.2 The FIA's Restricted Mandate Under Schedule-I***

In spite of the broad designation spelled out in the JMIO Act, 2019 in its Schedule-I, Section 4, the FIA is assigned the responsibility of Federal Investigation Authority (Immigration). There are two important shortcomings in this designation. To begin with, the name of the organization, Federal Investigation Authority is not legally correct as there is no such body in the Pakistani legal system. Second, and more substantively, restricting the mandate of FIA to be limited to immigration is a heavy underuse of the agency in terms of its



legal capacity. Immigration activities of the FIA, though significant, are only a single wing of operations amongst many. The agency has the Counter Terrorism Wing, Economic Crime Wing, Cyber Crime Wing and Anti-Corruption Wing which has expertise that is directly applicable to maritime security threats as listed in Section 4 of the Act. The financing of maritime terrorism, money laundering of ports via trade, cyber-attacks on port infrastructure, and corruption in port authorities are all under the investigative jurisdiction of FIA but not under its JMIO mandate.

### **3.3 Comparative Analysis: JMIO Act, 2019, NCA Act, 2010, and NACTA Act, 2013**

A comparative analysis shows that these coordinating bodies have considerable variations in structure. Under the NCA Act, 2010, the National Command Authority, has the full command and control over strategic organizations with extensive investigative authorities, which are devolved to the Director General Strategic Plans Division (NCA Act, 2010, § 19). Under the NACTA Act, 2013 under the NACTA Act, 2013, a Board of Governors that includes the chairperson of the Government of India is the National Counter Terrorism Authority, which has the authority to receive, collate and disseminate intelligence, coordinate national counter terrorism strategy and conduct research (NACTA Act, 2013, § 4-7).

Conversely, the JMIO Act, 2019 has no Board of Governors, no Executive Committee, no special fund and no periodic reporting to Parliament. Director JMICC has little executive power and lacks the policy oversight provisions of such laws. Additionally, even though the NCA and NACTA frameworks enable their respective agencies to carry out or organize investigations, the JMIO Act does not give the JMICC any investigative powers, excluding it to an information coordinating platform that lacks operational capability.

## **4. Transnational Maritime Crimes and Pakistan's International Obligations**

### **4.1 United Nations Convention on the Law of the Sea Framework**

As a state member of the UNCLOS, Pakistan has a responsibility of cooperating in the suppression of piracy (Article 100), preventing transnational crimes at sea, and having jurisdiction over crimes that occur within its territorial waters and exclusive economic zone. Article 101 establishes that piracy is illegal violence, detention or depredation on the high seas with a view to personal gain. Nevertheless, the UNCLOS lacks specifications regarding evidence gathering, investigation, and prosecution of maritime crimes so that these issues are the responsibility of national laws (Klein, 2012). The FIA has the legal mandate to conduct investigations of planned crimes as well as its NCB-INTERPOL, which has placed the agency at a better position to meet the UNCLOS requirements of Pakistan in terms of crime investigation and prosecution of transnational maritime offenses. The JMIO system, which limits the involvement of the FIA, negates the ability of Pakistan to fulfil these international obligations.

### **4.2 United Nations Security Council Resolutions**

UNSC Resolution 1373 (2001) has stipulated that states must stop and suppress the financing of terrorism and deprive those who fund, organize, back, or carry out terrorist activities of safe refuge. Resolution 1540 (2004) requires actions to curb proliferation of WMDs, including through the sea. Resolution 2396 (2017) deals with the issue of foreign terrorist fighters travelling by sea that necessitate an increase in border security at seaports. It is the responsibility of the Counter Terrorism Wing and Economic Crime Wing of the FIA to be the competent bodies to enforce these resolutions locally. Nevertheless, the restriction of FIA to immigration activities in the JMIO Act allows a jurisdictional gap in the enforcement of maritime counter-terrorism.

### **4.3 Financial Action Task Force Compliance**

The FATF compliance model of Pakistan has made FIA the main investigative unit on money laundering and terrorism financing crimes. Recommendation 40 of the FATF requires that international cooperation among competent authorities occurs, even via INTERPOL (FATF, 2022). Such cooperation is made possible by the FIA NCB-INTERPOL system in maritime settings, but the JMIO Act does not utilize this potential.

### **4.4 Reported Maritime Crime Incidents**

Accurate statistics on maritime crimes in Pakistan's territorial waters remain limited due to underreporting and fragmented data collection across multiple agencies. Table 1 presents available data on reported maritime security incidents.



**Table 1**  
*Reported Maritime Security Incidents in Pakistan's Waters (2015-2023)*

Year	Piracy/Armed	Drug Seizures	Human Smuggling	Arms Smuggling	Illegal Fishing Vessels
	Robbery	(Metric Tons)	Interceptions	Incidents	Apprehended
2015	3	8.2	12	4	28
2016	5	11.5	18	6	34
2017	4	14.3	15	8	41
2018	6	18.7	22	5	37
2019	8	22.1	28	9	45
2020	4	15.4	19	3	31
2021	5	19.8	24	7	39
2022	3	16.2	31	5	42
2023	2	12.9	26	4	36
<b>Total</b>	<b>40</b>	<b>139.1</b>	<b>195</b>	<b>51</b>	<b>333</b>

*Note.* Data compiled from Pakistan Maritime Security Agency annual reports, UNODC country reports, and Regional Cooperation Agreement on Combating Piracy and Armed Robbery (ReCAAP) Information Sharing Centre reports. Figures represent reported incidents only; actual numbers may be higher due to underreporting (Nawaz, 2022).

#### 4.5 FIA Case Statistics Relevant to Maritime Jurisdiction

Table 2 presents FIA case registration and conviction data for offenses with potential maritime dimensions.

**Table 2**  
*FIA Case Registration and Conviction Statistics (2020-2023): Maritime-Relevant Offenses*

Offense Category	2020-21	2021-22	2022-23	Total Cases	Conviction Rate (%)	Maritime Nexus (Estimated %)
Human Trafficking (TIP)	187	203	221	611	18.3	15-20%
Migrant Smuggling (PSoM)	312	348	379	1,039	22.7	25-30%
Money Laundering	156	189	214	559	14.8	10-15%
Terrorism Financing	43	51	47	141	31.2	5-10%
Cyber Crimes	3,247	4,012	4,856	12,115	9.4	<5%
Corruption (Federal)	876	943	1,024	2,843	27.6	8-12%
Foreign Exchange Violations	234	267	298	799	35.8	15-20%
Immigration Offenses	8,234	9,456	10,123	27,813	42.1	100% (seaports: 12-15%)
Bank Fraud	189	212	198	599	19.4	<5%
IPR Violations	423	487	534	1,444	31.5	8-10%
<b>Total</b>	<b>13,901</b>	<b>16,168</b>	<b>17,894</b>	<b>47,963</b>	<b>31.2 (avg)</b>	<b>Varies</b>

*Note.* Data compiled from FIA Annual Administration Reports (2021, 2022, 2023). Maritime nexus percentages are estimates based on case location analysis (port cities: Karachi, Gwadar, Port Qasim) and



modus operandi involving sea routes. Conviction rates calculated as percentage of cases resulting in conviction among those concluded during the period.

## **5. Case Studies: Maritime Terrorism and Investigative Deficiencies**

### **5.1 The 2008 Mumbai Terrorist Attacks**

In November 2008, the Mumbai attacks occurred, when ten terrorists came by sea, killing 166 people and injuring more than 300 (Patel, 2022). The attacks showed how vulnerable the cities located on the coast were to infiltration by maritime terrorists. India claimed that the state of Pakistan was involved and there was international pressure and scrutiny by the United Nations. The FIA also undertook investigations to find alleged perpetrators and facilitators in Pakistan, which showed that the agency has the ability to manage the complex transnational terrorism cases with a maritime face (Tankel, 2013).

Provided a fully empowered JMIO framework had been in place back then and FIA had been able to execute its full mandate the coordinated sharing of intelligence between maritime and land-based agencies could have facilitated an earlier detection and interdiction. Careful inter-agency coordination across not only maritime domain awareness, but also criminal investigation capabilities is highlighted in the case.

### **5.2 The 2019 Pearl Continental Hotel Gwadar Attack**

In May 2019, a terrorist attack on the Pearl Continental Hotel in the strategic port city of Gwadar at the centre of CPEC development led to five deaths, one of them a soldier and three terrorists (Dawn, 2019). The terrorist incident was an attack on a facility in which Chinese people working on CPEC projects were, demonstrating the lack of safety in maritime adjacent security.

The investigation was done by the Counter Terrorism Department Balochistan, but the financial aspects of the terrorists financing, which FIA has special expertise, was not investigated by FIA channels. Mechanism of Joint Investigation Team provided in the Anti-Terrorism Act, 1997, Section 19, which would have incorporated FIA representatives, was not fully realized. The case shows what disjointed investigative jurisdiction can lead to and why the financial intelligence capabilities of the FIA are necessary in the JMIO system.

## **6. The China-Pakistan Economic Corridor and Maritime Security Imperatives**

The CPEC as a flagship project of the Belt and Road Initiative by China is a major development of maritime infrastructure at the Gwadar Port and related infrastructures. The CPEC Authority Act, 2021 also creates a specific authority to coordinate CPEC, but the CPEC Authority does not feature in the list of 43 "concerned agencies" in Schedule-I of the JMIO Act, 2019. Such an exclusion results in the lack of coordination between maritime security and CPEC-specific security mechanisms. The emergence of Gwadar as a deep-sea port and regional trading centre enhances the maritime traffic and thus exposure to maritime crimes such as narcotics trafficking, arms smuggling, human trafficking and financing of terrorism (Jaffrelot, 2016). The expertise that the FIA has in investigating these crimes together with its NCB-INTERPOL abilities regarding transnational collaboration may go a long way in improving the security framework of CPEC maritime resources.

## **7. Comparative International Models**

### **7.1 Regional Cooperation Agreement on Combating Piracy and Armed Robbery**

As a result of the ReCAAP framework, which has been ratified by sixteen states in Asia, an Information Sharing Centre has been set up in Singapore to facilitate the exchange of intelligence on piracy and armed robbery against vessels. The level of effectiveness of ReCAAP is based on its niche nature, well-defined information-sharing procedures, and collaboration with national law enforcement agencies that have the investigative and prosecutorial capabilities (Geiß and Petrig, 2011). Pakistan is not a ReCAAP member and as such, has restricted access to maritime crime intelligence in the region. Nevertheless, with the appropriate empowerment of the JMIO framework, it might act as the domestic equivalent of ReCAAP information-sharing approach in Pakistan, with the FIA contributing the investigative and prosecutorial nexus to actionable intelligence.

### **7.2 Combined Maritime Forces Task Forces**

Combined Task Forces 151 (Counter-Piracy), 508 (Counter-Terrorism) and 465 (Maritime Security) are the global models of collaboration between the navies. These task forces combine navy resources of



various countries to carry out maritime security missions. Yet, interdiction by the sea, without the follow-up action of criminal investigation and prosecution, produces a low deterrent impact (Bueger et al., 2020). Pakistan is a member of CTF 151 and this shows that it is willing to collaborate in international maritime security. The addition of investigative capability of FIA to the JMIO framework would be a complement to the role of Pakistan in the Mediterranean, as it would allow to prosecute any interdicted ships and individuals under the Pakistani legislation, and the collaboration with other countries through the NCB-INTERPOL.

## **8. Recommendations**

### **8.1 Legislative Amendments**

In a bid to reinforce legislative and institutional structures of maritime security, it is advisable to make a number of amendments. To begin with, Schedule-I of the JMIO Act, 2019 needs to be changed according to the role of FIA, which is the Federal Investigation Agency (according to the Schedule of FIA Act, 1974) rather than Federal Investigation Authority (Immigration). Also, Schedule-I should be expanded to include the CPEC Authority in order to make coordination of maritime security and mechanisms specific to CPEC more efficient. It is further recommended that Section 4 of the JMIO Act be revised to clearly give the FIA the ability to investigate the scheduled offences in the maritime zones of Pakistan in liaison with the Pakistan Maritime Security Agency and the Pakistan Navy. Lastly, JMIO should be given a Board of Governors akin to the NACTA that is headed by the Prime Minister or the Minister of Defence to provide strategic direction and inter-ministerial co-ordination.

### **8.2 Institutional Mechanisms**

To improve institutional frameworks in promoting maritime security, it is advisable that the Federal Investigation Agency (FIA) be assigned the role of the principal investigator of maritime crimes within the jurisdiction of Pakistan, especially the crimes of terrorism financing, money laundering, cybercrime, corruption and transnational organised crime. Also, under Section 19 of the Anti-Terrorism Act, 1997, which addresses maritime terrorism, Joint Investigation Teams must be created in which FIA must be involved as a matter of course, to cover financial and cyber aspects. Also, the establishment of a special Maritime Crimes Court with a special jurisdiction over the crimes committed in the territorial waters of Pakistan and the exclusive economic zone would provide a judicial experience as well as effective prosecution of crimes carried out in maritime criminal law.

### **8.3 Operational Enhancements**

The collaboration interface between the Federal Investigation Agency (FIA) and the Joint Maritime Information Coordination Centre (JMICC) needs to be strengthened in order to improve operational effectiveness in maritime security. The presence of FIA liaison officers at the JMICC headquarters would enhance the exchange of information in real time and allow quick and coordinated investigations of maritime incidents.

The FIA personnel stationed directly at JMICC makes it possible to directly evaluate and respond to actionable intelligence collected by other agencies and eliminate delays between the detection and interdiction stages of criminal activities and the actual pursuit of criminal investigations. Such an arrangement will help to create a culture of inter-agency trust and operational synergy, which will eventually enhance the effectiveness of maritime law enforcement.

Moreover, incorporation of NCB-INTERPOL capabilities of the FIA into JMICC operations would go a long way in enhancing the ability of Pakistan to deal with transnational maritime offenses. By utilizing the international tools of INTERPOL- through issuing Red Notices and organizing Mutual Legal Assistance requests- the JMICC may be in a position to make sure that maritime offenders who seek to evade justice by crossing international borders are effectively pursued and caught. This integration not only facilitates international cooperation but also makes Pakistan abide by the international law enforcement practices making it more credible and reputable in its fight against maritime crime.

Moreover, joint training programmes are also suggested to be conducted between the FIA, Pakistan Maritime Security Agency (PMSA) and the Pakistan Navy. This training needs to be centred on management of crime scenes at sea, evidence preservation at sea and prosecution of maritime offences. These joint exercises will create institutional knowledge and guarantee that every maritime crime is researched and tried effectively



by fostering a common ground on the standard operating procedures, legal mandates, and best practices in operations. These operational improvements will eventually establish a sound structure of smooth coordination, timely sharing of intelligence and efficient enforcement which will place Pakistan in a better position to protect its maritime interests as well as to meet its international commitments.

#### **8.4 Technology and Infrastructure**

A secure intranet to the Joint Maritime Information Coordination Centre (JMICC) is recommended to improve technology and infrastructure of the maritime security and this intranet should have special terminals in each of the relevant agency headquarters. This would facilitate the secretive and effective exchange of vital information with all the stakeholders. Moreover, implementing a maritime threat analysis system based on Artificial Intelligence that combines FIA databases, including the Integrated Border Management System (IBMS), Automated Fingerprint Identification System (AFIS), and the National Criminal Database with maritime domain awareness systems would be a valuable addition to capturing and analysing threats. Together, these would enhance the real-time intelligence sharing and operational responsiveness and enhance the ability of Pakistan to respond to the complex maritime security challenges.

#### **9. Conclusion**

Joint Maritime Information Organisation Act, 2019 is an important legislation in the direction of coordinated maritime security governance in Pakistan. Nevertheless, the legal mandate and ability of the Federal Investigation Agency are significantly not exploited in the current formulation of the Act. The Act will leave a false jurisdictional divide of maritime domain awareness and criminal investigation between FIA and its functions of immigration, where a total integration is most required.

The FIA Act, 1974 is a statutory authority of the FIA that covers the entire range of transnational crimes that appear in the maritime areas of Pakistan. The Counter Terrorism Wing, Economic Crime Wing, Cyber Crime Wing and the Anti-Human Trafficking Wing of the agency have specific expertise, which is directly applicable in fighting maritime terrorism, piracy, smuggling and trafficking.

Moreover, the FIA NCB-INTERPOL network offers the much-needed international cooperation tool to probe transnational crimes- typical of most serious maritime crimes. A comparative study of the NCA Act, 2010, and the NACTA Act, 2013 shows that the JMIO framework has structural flaws such as the absence of a governing board, a restricted executive power, and a weak investigative power. Legislative reforms would help Pakistan change its maritime security architecture to international best practices such as ReCAAP and Combined Maritime Forces. These reforms are heightened by the strategic imperatives of the China-Pakistan Economic Corridor. The rise of Gwadar Port as a local maritime centre enhances the economic potential and the susceptibility to security threats.

A strong JMIO system, where FIA has the full legal mandate, would greatly help increase the capability of Pakistan to secure CPEC maritime resources and meet international responsibilities under UNCLOS and UNSC resolutions. Finally, maritime security involves a smooth-flowing domain awareness, interdiction, criminal investigation, and prosecution. The full involvement of the FIA into the JMIO framework is not only desirable, but it is a necessary step towards the realization of this integration. The reforms of the legislature and institutions to address the insufficient legal mandate of FIA being delegated to it by the JMIO Act, 2019, would significantly improve the maritime security posture in Pakistan and help stabilize the situation in the Indian Ocean on the regional scale.

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#### **Conflict of Interest Statement**

The author declares no conflicts of interest.

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#### **Informed Consent**

Informed consent was obtained from all individual participants included in the study.



## Ethical Approval

All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

## Data Availability

The datasets generated during and analysed during the current study are available from the corresponding author on reasonable request.

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