

Confidence and Cooperation in South Asian Waters
7th Symposium
Bangkok, Thailand, April 2010

Introduction

The seventh symposium to foster confidence and cooperation in South Asian Waters was held in Bangkok between 13 and 15 April, 2010. The symposium was sponsored by the Near East and South Asia (NESA) Center for Strategic Studies at the National Defense University in Washington, D.C.

The Symposium was attended by retired senior officers from the navies of India and Pakistan, including (in alphabetical order): Rear Admiral Hasan Ansari, Vice Admiral SCS Bangara, Admiral T.K. Khan, Admiral J.G. Nadkarni, Commodore P.C.B. Nair, Rear Admiral I.H. Naqvi, Captain Naeem Sarfraz (MM), Admiral V.S. Shekhawat, and Rear-Admiral Ravi Vohra. Other participants from NESA and Canada were (in alphabetical order) David Griffiths, Peter Jones, Zachary Meyer, Rear Admiral John Sigler, and Nicole Waintraub.

This was the first meeting after a three year hiatus, caused by lack of funding. The underlying themes of the meeting were therefore to review and update the achievements of this process to date, and to consider how this group might go forward. Discussions were wide ranging and included: the agreement for the prevention of incidents at sea; Sir Creek, maritime boundary, and continental shelf issues; the plight of detained fishermen; the law of armed conflict and rules of engagement at sea; maritime emergency management including the development of a search and rescue initiative and maritime environmental protection; facilitating maritime trade; project history; anti-piracy efforts; safety and security of offshore oil activity in the Arabian Sea; and the way forward.

Context

There was general acceptance of the fact that recent developments have adversely affected the progress of meaningful dialogue between India and Pakistan. With regard to the work of this group, it was noted that our progress in past was, in part, due to the propitious political atmosphere which prevailed when we were meeting regularly. It may be some time before it will be possible to replicate the previous scope and pace of accomplishments. However, most were of the view that this is no reason not to have the process go forward. Indeed, it makes this process even more important, although we must be cognizant of the fact that progress will be slower than before and will take a more sustained effort by all concerned.

Review of Ongoing Agenda Items

INCSEA

It is believed that an Agreement has largely been worked out between the two sides and is awaiting signature.

There was a widespread view that group members should make the argument to their respective authorities that this agreement could be signed at the earliest. This would be a tangible sign that the official process is working once again. Both sides agreed that they will brief their respective authorities and will keep in touch with each other as to their progress.

It was noted that there are fewer incidents today than in past, but the INCSEA remains important, both in itself, and because it would serve as a mechanism to generate wider Navy-to-Navy consultations on a regular basis. It was also noted, that, just because there seem to be fewer incidents today than in past, this might not always be the case. Signing the agreement would be an investment in the future.

It was reported that another agreement covering tri-service military-to-military CBMs had been signed in past which has some relevance to the principles of INCSEA. It was agreed that the two sides will locate a copy of this agreement and study it for possible linkages. However, it was agreed that, even if this other agreement does exist, it does not contain the annual consultations feature and also does not seem to be widely known or widely implemented today.

The two sides noted that when the INCSEA is signed, implementation will be key to success. While implementation is an official activity, they agreed to remain abreast of the situation.

Maritime Boundary and Continental Shelf Extension

There was a wide-ranging and complex discussion of these related items. It was noted that the joint survey of the Sir Creek has been accomplished and both sides have agreed on the results and have exchanged charts. However, the basic political difference over where the land boundary exists remains, and affects other dimensions of these issues. The group recommended that efforts be made at the highest political level to resolve this issue.

Turning to the Continental Shelf issue, both sides have submitted their claims and the group believes they are in good order. It was agreed that, technically, it should be possible for the two countries to demarcate their boundary from seaward to 120-90 nautical miles from shore, however, it was noted that the lack of agreement on the land boundary makes this difficult.

Fishermen

The group received a briefing from Rear Admiral Vohra. It was noted that, while progress has been made since the group began its work, fishermen are still being arrested and detained today. Indeed, the situation has regressed somewhat in recent years. Group members agreed that their best course of action is to encourage their respective governments strongly to abide by Article 73 of UNCLOS concerning the repatriation of individuals and to encourage their governments to investigate ways in which the conditions of incarceration can be made less harsh. Finally, the group agreed that both sides should invest in the required technologies to make identification of detained fishermen and notification of their capture a more rapid and less bureaucratic process. They will encourage their governments in this regard. There was some discussion of placing transponders and other technological measures on fishing vessels to more accurately establish positioning.

Law of Armed Conflict and Rules of Engagement

Group members noted with satisfaction that the contents of the San Remo manual are being taught at their respective institutions. The group felt that its potential to make further contributions on this issue was limited.

Maritime Emergency Management

This agenda issue contains three sub-issues.

Search and Rescue

The group continues to see this as a logical area for cooperation between the two sides and believes that progress is being made at the operational level. One area for future work is in the realm of the education and training on both sides to make sure that officials are aware of how they could and should cooperate. Group members will investigate how this might be done and will keep in touch with each other between meetings.

Disaster Management

The group believes that this remains an area where further work and cooperation is required to realize potential. It was noted that there are SAARC mechanisms devoted to this subject, but they are little used or understood. The group also called for regular meetings between the respective emergency management authorities in the two countries to further consider means of effective cooperation.

However, these authorities are unfamiliar with maritime issues and there is a need for more concerted consideration of the maritime and coastal aspects of this issue. The group therefore believes that the MSA and the ICG should hold more frequent and

intensive discussions about these issues. Group members will suggest this to their respective authorities and will keep in touch with each other between meetings to monitor progress in this area.

Environmental Protection

At its last meeting the group agreed that unchecked bilge pumping and de-ballasting are seriously damaging local eco-systems. In response, the group had agreed to encourage the generation of a more systematic deterrent by local authorities through regular patrols – which could perhaps enjoy some level of coordination. Another component of response would be the development of a reporting mechanism between countries. Finally, the group had suggested that work be done to develop and share SOPs concerning this issue.

At this meeting the group agreed to revive and revisit these ideas with their respective authorities and to continue to push for progress. Group members will remain in touch between meetings to exchange information on progress.

Facilitating Maritime Trade

This agenda item has two sub-items.

Shipping Protocol

The group noted with satisfaction that its work on this agenda item is completed. There is work to be done in future to lay a framework which will encourage regular ferry service. However, current visa regulations impede the establishment of this type of operation. Group members will monitor the situation.

Port Security

Evolving technological developments in this field were discussed by the group. The group agreed that it would continue to push for the implementation of the CSI at major ports.

Project History

At its previous meeting the group had discussed the advisability of a paper outlining its achievements and methods. It remains the view of the group that this would be useful, both to inform the present work, and also to inform other “Track Two” efforts as to how this particularly successful process has worked. Peter Jones and Nicole Waintraub are prepared to write such a paper as part of their academic work on Track Two generally. Group members will be advised as the paper is developed.

Anti-Piracy Efforts

The group heard a report from Admiral Nadkarni on cooperation between navies in dealing the problem of piracy off the coast of Somalia. It was noted that both India and Pakistan have contributed ships to this effort on an on-going basis. It was suggested that this experience could form the basis for a small seminar or workshop to discuss lessons learned between the two navies. There was a general view that this could be useful; however, it was cautioned that the invitation should come from a third party, preferably in the Gulf. The NESAC Center will investigate this possibility.

Safety and Security of Deep Drilling and Oil and Gas Production in the Arabian Sea

The group heard a briefing from Commodore Nair on the fast growing field of deep-sea oil and gas exploration. Several group members were impressed by the dramatic pace of technological development in recent years. Concerning the potential for deep sea exploration and exploitation off the coast of India and Pakistan, it was noted that serious commercial exploration and exploitation would benefit from the resolution of the Maritime Boundary issue. Companies are unlikely to invest the resources required unless they know what the ground rules will be. This could, therefore, represent an area of mutual interest in the future. Group members agreed to discuss this issue on an ongoing basis.

The Way Forward

The group regretted that there is still no official navy-to-navy contact. While the current political situation makes this difficult, the group believes that the two sides should remain vigilant to any opportunities at whatever level to begin such contacts.

The group requested that future meetings span at least three working days to allow for a full exploration of discussion themes.