

**The Lahore Declaration and Beyond:
Maritime Confidence-Building Measures in South Asia**

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Occasional Paper No. 51

February 2003

Executive Summary

Through their respective nuclear tests in May 1998, both India and Pakistan declared themselves to be nuclear weapon states. Having achieved this capability, however, neither country should assume that it has acquired the ultimate tool for achieving security—deterrence may not work, and it certainly will not *always* work. The events since the tests draw a dismal picture. The two countries have been at war once—Kargil in 1999—and on high alert status twice thereafter. On the second occasion, in particular, the crisis nearly turned into a full-scale war from where, for the first time perhaps, escalation to a nuclear exchange was a distinct possibility. This situation is a classic example of the stability-instability paradox occurring between adversarial nuclear weapon states. Rather than ensuring security, the nuclear weapons capabilities of Pakistan and India have instilled a false sense of security on the subcontinent. As a result, both are tempted to engage in destabilizing, low intensity conflict that destroys the security that nuclear weapons were meant to create.

Although there are inherent differences between the South Asian situation and that of the superpowers during the Cold War, lessons might be learned from the Cold War experience. Despite mutually opposed ideologies, the United States and the Soviet Union were able to create prolonged, successful processes of confidence-building. The same is possible between India and Pakistan. Such a process could not only prove to be an effective crisis prevention tool but also serve as an escalation control mechanism. Unfortunately, the will to engage in serious confidence-building processes appears to be lacking in South Asia. Indo-Pakistani CBMs, more often than not, have been regularly interspersed with confidence-*breaking* measures. Other avenues of bilateral engagement have been held hostage to the Kashmir issue.

The realm of CBMs from which to draw ranges from humanitarian measures on one end, to a conflict resolution process on the other, with socio-cultural, economic and military measures forming the middle. *Prima facie*, it would appear that any confidence-building process should start from the path of least resistance, which in this case would mean humanitarian and socio-cultural avenues. But the radically divergent policies of both countries make it virtually impossible to decide on a single starting point. Neither does the region have time on its side. Given the diminishing windows of opportunity, it would perhaps be advisable to pursue incremental measures simultaneously on all fronts—including in the military arena and conflict resolution. This paper argues that, in the present context of Indo-Pakistani relations, maritime CBMs could prove to be the path-breakers for overall military CBMs and conflict resolution in the region. Maritime CBMs may succeed where other forms of CBMs have failed for the following reasons:

- (a) Since the maritime realm has been the least contentious of the three dimensions of military conflict, it may be easier to engage in meaningful CBMs.
- (b) The Indo-Pakistani obligation to the international community to ensure the safety of neutral trade through the region could be seen as an opportunity to cooperate.
- (c) There is a wide scope of non-contentious issues upon which maritime cooperation may be achieved, such as search and rescue operations (SAR) maritime disaster management,

protection of the marine environment, prevention of arms trading, and the interdiction of smuggling and the narcotics trade. International conventions, in fact, make maritime cooperation in these areas mandatory.

- (d) The character of the naval forces themselves makes it possible to cooperate in a manner detached from political wrangling between the two states.

The Lahore Declaration of 1998 sought to bring about, among other things, a maritime engagement process between the two countries. They agreed to “conclude an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides.” The underlying thrust of the declaration is the acknowledgment of such a maritime agreement’s potential for confidence-building. This statement is clearly based on the success of the 1972 Incidents at Sea (INCSEA) agreement between the U.S. and Soviet navies. The agreement stood the test of time through over two decades of Cold War crises, including the Arab-Israeli war of 1973, the Soviet invasion of Afghanistan in 1979, and the downing of the Korean airliner in 1983. The success of the INCSEA can be attributed mainly to the fact that it was kept de-linked from the ups and downs of political relationships. Neither were the annual consultative talks allowed to be held hostage to political whims. A strictly navy to navy forum made it easier for both sides to mutually commit themselves and believe in the continued engagement process.

Both bilateral and multilateral forums offer particular strengths and weaknesses in building maritime cooperation. This study therefore proposes a two-pronged approach to maritime confidence-building in the region:

- (a) A multilateral framework built around a search and rescue (SAR) agreement and regional maritime security management between the coastal states of the Arabian Sea. Through participation in a multilateral forum in which international precedents have already been codified, Indian and Pakistani navies should be able to break the ice and build enough confidence to proceed to a bilateral framework.
- (b) A bilateral framework built around an incidents at sea agreement to establish a continued engagement mechanism. Such an agreement could lead to regular consultative talks and the creation of Maritime Risk Reduction Centers (MRRCs) for exchange of notifications and incident related information intended to prevent escalation during crises. The agreement could also pave the way for establishing a Joint Activity Zone along the disputed maritime boundary wherein fishermen of both sides could operate free from fear of apprehension and without being drawn into political battles. Both sides could also undertake joint scientific explorations to ascertain the true quality and quantity of mineral resources in which the sea bed of the disputed zone is believed by some to be rich. Such a measure would not only provide an impetus for cooperation, but the results of the joint exploration would to bring facts, rather than beliefs, to the conflict resolution team.

There is no doubt that India and Pakistan need to engage each other in a sustained confidence-building process. Militarily, the maritime dimension is the least contentious space between the two states in which to accomplish this. The first step in the right direction was taken at Lahore. However, India and Pakistan have a long way to go before significant maritime cooperation can be achieved. Yet, as this report argues, it is a goal worth pursuing. The logical next step would be for professionals in the field to start a dialogue on the subject.

The Lahore Declaration and Beyond: Maritime Confidence-Building Measures in South Asia

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INTRODUCTION

India and Pakistan declared their nuclear weapons capability by conducting tests in May 1998. Both countries used security concerns to justify choosing this path, believing that nuclear weapons would deter the other from both nuclear and conventional attacks.² It is most unlikely, therefore, that they will reverse or even halt their nuclear programs. Having this capability does not mean, however, that either country should assume that the ultimate security tool has been acquired—that deterrence works, or worse still, that deterrence will always work. In fact, nuclear weapons may even encourage the conflict that they were intended to prevent.

Events since the 1998 nuclear tests demonstrate that security concerns remain paramount even in the presence of nuclear deterrence. In the last three years, the two countries have gone to war once in Kargil in 1999, and have been on high alert status twice thereafter. On the second occasion particularly, the crisis nearly turned into a full-scale war in which, for the first time perhaps, escalation to a nuclear exchange was a distinct possibility. That neither of the situations escalated into a full-scale nuclear war was largely due to the profound self-restraint exercised by India, which was helped by the increased international pressure on Pakistan to stop exporting terrorism across its borders. Even as this paper is being written, tensions have not fully subsided, although a slow de-escalation process has begun.

This situation is a classic example of the stability-instability paradox that applies to adversarial nuclear weapon states.³ Does the presence of nuclear weapons truly ensure stability or does it lure states into a false sense of security that could tempt them into igniting low-intensity conflict that actually reduces stability and risks security? The evidence indicates that the latter holds true in South Asia.

According to Michael Krepon, low intensity conflicts are bound to occur in the early stages of nuclear competition, when command, control, communications, and intelligence (C³I) organization and verification mechanisms are in their nascent stages.⁴ This was true during the initial stages of the Cold

¹ The views conveyed by the author in this paper are his own and are not, in any way, indicative of the opinion and views of the Indian Navy or the Government of India.

² Pakistan's President Pervez Musharraf as quoted on www.ndtv.com, 18 June 2002, and India's President Dr. APJ Abdul Kalam as quoted on www.ndtv.com on 19 June 2002.

³ See T.C. Schelling, "Comment," in Knorr and Read, eds., *Limited Strategic War* (New York: Praeger, 1962); Glenn H. Snyder, "The Balance of Power and the Balance of Terror," in Paul Seabury, ed., *The Balance of Power* (San Francisco: Chandler, 1965); and Robert Jervis, *The Illogic of American Nuclear Strategy* (Ithaca, NY: Cornell University Press, 1984). As applicable to South Asia, see Michael Krepon and Chris Gagne, eds., *The Stability-Instability Paradox: Nuclear Weapons and Brinkmanship in South Asia*, Occasional Paper 38 (Washington, DC: The Henry L. Stimson Center, 2001).

⁴ See Krepon and Gagne, eds.

War, and South Asia appears to be treading the same path. The question is: does South Asia really need to relearn the lessons of the Cold War through its own experience, or can it begin implementing the lessons now?

Even though the conflict of communist and capitalist ideologies continued throughout the Cold War, the superpowers were still able to create a lasting confidence-building process. While the South Asian situation is not wholly comparable to that between the superpowers, there is however, an important lesson for the region: despite core differences, a sustained engagement process is possible. Such a process cannot only prove to be an effective crisis prevention tool, but also serve as an escalation control mechanism.

Although there is a fair history of confidence building measures (CBMs) between India and Pakistan, the will to ensure their continued implementation appears to be lacking. The Lahore Declaration is the latest among many efforts at confidence-building between the two countries. Yet, the Lahore Declaration was immediately followed by Pakistan's Kargil misadventure. Coupled with the continued support to cross-border terrorism, actions like these serve more as confidence-breaking measures, and have marred efforts at peaceful co-existence between the two peoples. To regain the lost confidence will be a slow process that will involve, in the initial stages, working together on the issues that are less contentious and, subsequently, moving up the confidence-building ladder towards conflict resolution.

The realm of possible CBMs extends from basic humanitarian aid measures on one end to an institutionalized conflict resolution mechanism on the other. The intermediate range includes socio-cultural, economic, and military measures. *Prima facie*, it would appear that any confidence-building process should start with the path of least resistance: humanitarian and socio-cultural measures. Yet, Pakistan insists that any engagement process cannot begin before the Kashmir issue is addressed. But given the diminishing windows of opportunity, it would perhaps be advisable to simultaneously pursue incremental measures on all fronts, including military and conflict resolution. Within the military dimension, the maritime realm offers a balanced mix of all the broad categories of CBMs highlighted above. Furthermore, the maritime realm of confidence-building offers opportunities to remain engaged even during times of crises.

This paper examines the inherent advantages of pursuing CBMs on the maritime front and goes on to propose a maritime confidence-building model that could serve as an "ice-breaker" for other forms of military CBMs and conflict resolution as a whole.

A CASE FOR MARITIME CBMs

Given the Kashmir-dominated 55-year history of conflict between India and Pakistan, the armies and the air forces of both have been the primary participants in all battles. Navy to navy conflicts have not occurred with the same frequency or intensity as those between the land and air forces, despite the Navy's significant role during the 1971 war and the Kargil war. There have been no prolonged battles

fought at sea for two reasons: (1) Pakistan does not boast a naval Order of Battle (ORBAT) comparable to India's; and (2) Indo-Pakistani wars have been largely continental in nature. Even during the Kargil War, the navies never reached wholly confrontational positions. The maritime arena is the least volatile of the three dimensions of South Asian war fighting, and thus offers the greatest prospects for building upon previous trust that may not be present in other arenas.

Cooperation on certain maritime issues is obligatory under various conventions negotiated through the United Nations and the International Maritime Organization (IMO). These include search and rescue (SAR), maritime disaster management, and the prevention of piracy, smuggling, narcotics, and the illegal arms trade. They also provide a mutual understanding of the law of the sea as laid down in the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Divergent policies and viewpoints on any of these could seriously hamper the safety and security of shipping. The UN and IMO conventions therefore make it mandatory for maritime nations to cooperate on these issues. SAR at sea is yet another field that requires states to work together to tackle this humanitarian obligation. The existence of these enduring issues makes it possible—and recommendable—for the two navies to remain constructively engaged even during a political impasse.

The case for maritime CBMs is further strengthened by the utility of naval forces as an instrument of state policy. Traditionally, sea power has been used to project the will and power of a nation in areas of interest or conflict. However, warships also enjoy symbolic value as legal extensions of their parent state. They also can easily cooperate with other states' vessels in a manner and area detached from the core conflict issues between states. Individual units have the capability to quickly change roles from war fighting to disaster relief or search and rescue. This feature of maritime power needs to be used as an initial step in a lasting CBM process between India and Pakistan.

Although the sea has been the site of the least conflict between India and Pakistan in the past, this equation could quickly change in the event of an outbreak of hostilities now. Given that the economies of both countries have become increasingly dependent on sea-borne trade, particularly for energy imports, disruption of the other's sea lines of communication and trade is most likely to be one of the major war aims of both countries. Thus, any future war on land or air between these two countries would most certainly spill over to the sea.

Moreover, maritime conflict could have global implications. Unlike land and air war maritime conflict need not remain confined to a specific "war zone." There are no boundaries on the high seas similar to those on land. Belligerent navies can take the battle to any part of the seas in their vicinity or beyond as long as they do not cross into the territorial waters of a neutral state. This brings about the possibility of neutral ships using the sea-lanes in the "war zone," being targeted by either of the belligerents, possibly due to misidentification. In addition, conflict in the Arabian Sea is particularly critical from a global perspective.

Virtually the entire world is dependent on the unrestricted flow of oil from the Persian Gulf, a large percentage of which travels through the Arabian Sea. A bitter conflict in South Asia could result in the disruption of the flow of energy resources of not only the belligerent nations, but also that of countries using the sea-lanes in the Arabian Sea. Exactly that occurred during the Iran-Iraq war between 1980 and

1988. Western navies had to be extensively deployed to ensure the freedom of the sea-lanes in the Gulf during that period. India and Pakistan cannot ignore the possibility of external powers being drawn into their conflict, especially if one extends to the sea. For these reasons, it is all the more imperative that both sides implement maritime CBMs quickly and efficiently.

The evidence in support of maritime CBMs as an “ice-breaker” for other military CBMs can thus be summed up as follows:

- (a) The maritime realm has been the least volatile of the three dimensions of war fighting. The resulting low tension makes it an ideal location for enhanced CBMs. Yet, maritime tensions are certain to heat up during future crises, with terrible consequences for all, unless effective CBMs are implemented and function during crises.
- (b) The obligation to the international community of ensuring safety of neutral trade through the region offers a unique opportunity to cooperate.
- (c) The maritime dimension offers a wide scope of non-contentious issues on which cooperation is possible, since many of these issues can be de-linked from the political process.
- (d) The intrinsic character of navies makes it possible for cooperation to occur in a manner and area detached from the political wrangles of the states.

History of Maritime CBMs between India and Pakistan

The maritime CBM process between the two countries can be traced back to the arbitration of the Sir Creek boundary dispute between 1965 and 1968. The resultant Indo-Pakistani Western Boundary Case Tribunal's Award on February 19, 1968, delimited a line of 403 km that was later demarcated by joint survey teams.⁵

The next reference to maritime CBMs is found in the “Agreement Between Pakistan and India on Advance Notice of Military Exercises, Maneuvers and Troop Movements” signed on April 6, 1991. This agreement provides for giving advance notices on exercises, maneuvers, and troop movements “in order to prevent any crisis situation arising due to misreading of each others’ intentions.” The maritime dimension of this agreement calls upon both sides to:

- (a) Avoid holding major maneuvers or exercises in close proximity of each other. If so held, the strategic direction of the main force should not be towards the other side, nor should any logistics build-up carried out close to it.
- (b) Transmit the schedule of such exercises to the other side through diplomatic channels thirty days in advance specifying the type, level, duration and area of the exercise.
- (c) Limit their ships and submarines from closing to less than 3 nm from the other’s units.

⁵ Of its original claim of some 9,100 square kilometers, Pakistan was awarded only about 780 square kilometers. Beyond the Western Terminus of the tribunal's award, the final stretch of the border is about 60 miles long, running west and southwest through the Sir Creek that remains disputed and a cause for conflict.

- (d) Restrict their aircraft from buzzing the other's surface units and platforms in international waters.⁶

This agreement has generally been followed with respect to notification about major exercises. Even though the stipulations in (c) and (d) appear to be obvious guidelines for preventing incidents at sea, they have not been followed and dangerous incidents have occurred. For example, in August 1995, Pakistan Navy (PN) Allouettes flew dangerously low over an Indian Navy (IN) ship participating in the International Fleet Review in the port of Tanjung Priok, Indonesia. In 1996, there was a near collision between a PN Allouette helicopter and an IN Sea King helicopter shadowing the PN's annual Sea Spark exercise in the Arabian Sea.⁷ The downing of the Pakistani Naval Atlantique by the Indian Air Force on August 12, 1999, is perhaps the latest and most disastrous of these incidents. The incident prompted some reaction from Pakistan, though in its final wisdom, its leadership chose to exercise restraint over the matter.⁸ Even so, one could expect to see an increase in the frequency and intensity of incidents at sea hereafter, particularly whenever the Indian Navy conducts exercises in the Northern Arabian Sea. In times of crises, a misperception of the other's intentions during any such incident could push the two countries closer to conflict and, in some cases, could inadvertently lead to war.

The latest mention of maritime CBMs in South Asia was in the Lahore Declaration of September 1998, which sought to "conclude an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides."⁹ The conclusion of such an agreement between India and Pakistan would be facilitated by learning from the Incidents at Sea (INCSEA) agreement between the United States and the Soviet Union during the Cold War.¹⁰

Incidents at Sea – A Historical Perspective

The 1972 INCSEA agreement between the United States and the Soviet Union attempted to reduce the number of potentially dangerous interactions between their respective navies.¹¹ Motivation for INCSEA came from a series of incidents involving U.S. and Soviet warships and aircraft in the 1960s. Vessels from both sides engaged in dangerous maneuvers in which ships violated the letter and spirit of the International Regulations for Prevention of Collisions at Sea (commonly referred to as Rules of the Road, or simply ROR) and aircraft paid scant attention to mutual safety. According to Admiral Elmo R.

⁶ Summary of the provisions of the "Agreement Between Pakistan and India on Advance Notice of Military Exercises, Maneuvers, and Troop Movements," signed on 6 April 1991.

⁷ "Buzzing Fleets in the High Seas," *Asian Defence Journal*, October 1999, p. 34.

⁸ Lt. Gen. Sardar FS Lodi, "Kargil to Kutch – India's Shame," Internet, <http://www.defencejournal.com/sept99/kargil-kutch.htm>

⁹ Summary of the provisions of the Memorandum of Understanding signed by the Foreign Secretaries of India and Pakistan at Lahore on 23 September 1998.

¹⁰ The acronym INCSEA is derived from the 'Incidents at Sea' agreement signed between USA and the Soviet Union in 1972.

¹¹ The formal name of the agreement is "The Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents on and over the High Seas." A copy of the agreement may be found at <http://dosfan.lib.uic.edu/acda/treaties/sea1.htm>. For more on this accord, see David Winkler, *Cold War at Sea: High-Seas Confrontation between the United States and the Soviet Union* (Annapolis, MD: Naval Institute Press, 2000).

Zumwalt, former Chief of Naval Operations of the U.S. Navy, both sides engaged in “an extremely dangerous but exhilarating game of chicken.”¹²

The agreement stood the test of time of over two decades of the Cold War, despite crisis situations like the Arab-Israeli War of 1973, the Soviet occupation of Afghanistan in 1979 and the downing of Korean airliner KAL 007 on September 1, 1983.¹³ The INCSEA became a successful model for maritime engagement because CBMs involving communication, constraint, transparency, and verification measures were built into it.¹⁴ Due to its relative success, the agreement offers practical lessons that could be applied in South Asia. The most important reasons for its success were:

- (a) **Insulation from Political Influence.** Both navies de-linked the INCSEA process from political and diplomatic fluctuations. For example, even after the death of a U.S. Army major at the hands of a Soviet sentry in East Europe, the meetings were held as scheduled (though they were somewhat shortened).¹⁵
- (b) **Accommodated Passive Intelligence Objectives.** Both sides recognized that neither could be expected to give up on intelligence gathering efforts. By reiterating the need to adhere to the Rules Of the Road and UNCLOS, the INCSEA served two vital purposes. First, it acknowledged that intelligence gathering was acceptable as long as the intelligence vessel did not interfere (physically or through electronic means) in the operations of the units or formation being tagged. Second, it reinforced the freedom of the navies to operate in waters beyond the territorial seas of another state.
- (c) **Avoiding Visibility.** The incidents and annual meetings were deliberately kept out of the public eye and largely shielded from media glare, which can often prevent meaningful, frank dialogue.¹⁶
- (d) **Commitment to Naval Channels of Consultation.** The agreement sought to resolve incidents through naval channels. In doing so, it established a navy to navy communication link to address mutual issues that proved to be more effective than communication on other levels.
- (e) **Naval Character.** Commitment to the sea served as a common bond between two professional navies. This bond enabled honest discussions that may not have been possible in other arenas.¹⁷
- (f) **Simplicity.** The Agreement was kept simple. It reiterated the need to adhere to the letter and spirit of international conventions.

¹² See Elmo Zumwalt, Jr., *On Watch* (New York: Quandrangle, 1976), p. 391.

¹³ David F. Winkler, “Soviet Motivations to Negotiate an Incidents at Sea Agreement,” Internet, <http://members.salts.navy.mil/vtu0615/vtu615cch10.htm#Incsea>

¹⁴ “Confidence-building Measures in South Asia,” Internet, <http://www.stimson.org/southasia/?sn=sa2001112047>

¹⁵ Winkler, p. 153.

¹⁶ Winkler, “US–Soviet Maritime Confidence-Building Measures” in *Maritime Confidence-Building in Regions of Tension*, Jill Junnola ed., Occasional Paper 2 (Washington, DC: The Henry L. Stimson Center, 1996), p. 18.

¹⁷ *Ibid.*, p. 18.

- (g) **Transparency and Verification.** Verification was done across the table with records of communication at sea, track-charts, photographs and videos. It was simple and verifiable by either side. Assessments and conclusions were instant.

An incidents at sea agreement is the ideal practical mechanism for ensuring a continued form of bilateral engagement free from politicization and media sensationalism. Continued dialogue or activity that engages adversaries in working together is a powerful catalyst for confidence.¹⁸ Unfortunately, however, commitment to long term CBMs is lacking.

Obstacles to Maritime Confidence-Building in South Asia

The largest obstacle that the maritime CBM process must overcome is the political standpoint of both countries. Pakistan continues to see any conflict resolution process—however unrelated it may be—through the narrow lens of Kashmir.¹⁹ For example, the Sir Creek and maritime boundary issue gains importance in view of the continental shelf claims, to be submitted to the United Nations by India by 2005 and Pakistan by 2007. Pakistan's unmoving stance is seen as an attempt perhaps to stall the resolution process until 2005, and force India to accept international mediation on the issue—a stance drawn from the Kashmir issue, which Pakistan wants to submit to international arbitration.²⁰ Nor has India acted in good faith. It is also believed that the Indian Ministry of External Affairs blocked the participation of the Pakistan Navy in the International Fleet Review held in Mumbai in February 2001.²¹ The gradual withdrawal of war clouds and the possibility of a thawing in the political relationship after the forthcoming elections in both countries offer at least some hope for overcoming this political obstacle.

Moreover, the two sides endlessly contend the mutual maritime boundary. The area around the disputed maritime boundary is believed by some to be rich in oil, natural gas, and fish. Fishermen of either nation venturing into this area are routinely rounded up by the other side and left to languish in jails until they become useful instruments for political one-upmanship. Presently, these incidents are limited to capture of fishermen, but disputes may escalate to clashes between the air and surface units of the two navies and coast guards.

Some western analysts think that the asymmetric naval balance of power between India and Pakistan will be another challenge for the maritime CBM process.²² India's development of a sea-based nuclear deterrent would tilt this balance further in India's favor. It could add to Pakistan's feeling of insecurity vis-à-vis India and cause it either to adopt a similar plan by itself or increase military

¹⁸ David N. Griffiths, "Maritime Aspects of Arms Control and Security Improvement in the Middle East," Internet, <http://www.ciaonet.org/pbei/igcc/grd01.html>, December 2000.

¹⁹ Siddiqua-Agha, "Maritime Co-operation Between India and Pakistan: Building Confidence."

²⁰ D. Suba Chandran, "Delhi Round of Indo-Pak Talks III – Sir Creek," Internet, <http://www.ipcs.org/issues/articles/154-ip-suba.htm>

²¹ Siddiqua-Agha.

²² James Sigler, Rear Admiral, U.S. Navy (retired), Director of the South Asia Project at the NESAC Center, Washington D.C., interview with author.

cooperation with China. However, for the present, India's sea-based deterrent is still beyond the horizon and a sustained engagement process could perhaps lead to solutions to this obstacle whenever it arises.

The current political impasse notwithstanding, the key to initiating the CBM process is to utilize the opportunities for engagement provided by the international maritime obligations of both states. After these "break the ice," an incidents at sea dialogue could be started bilaterally and could be de-linked from the political process.

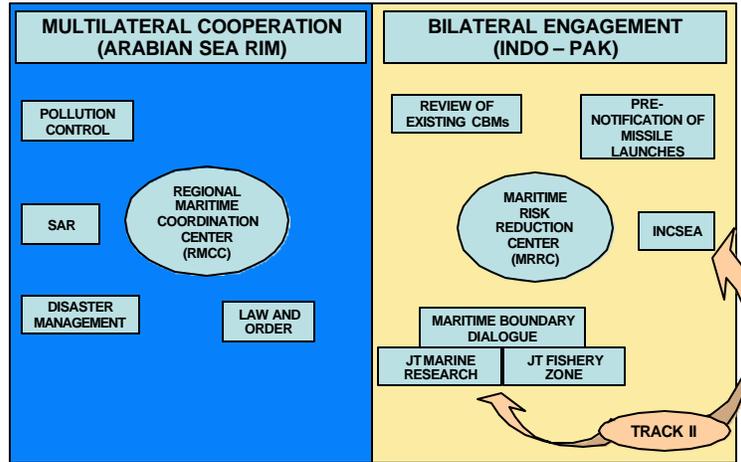
THE MARITIME ENGAGEMENT PROCESS

The current maritime CBM process has been for the most part limited to Track II initiatives, such as encouraging public debate, exchanging ideas, and attempting to build support for navy to navy contact among policymakers. But if conflict resolution is to be the ultimate goal, Track II initiatives by themselves will not be adequate. Political leaders start conflicts, and so they in the end are the final arbiters of conflict resolution. Thus, conflict resolution would require a Track I process to achieve its goals. The first few steps have already been taken in the form of Track II initiatives. The process now needs to be elevated to the Track I level with formal navy to navy engagements.

Establishing Contact

- (a) Initiating military to military engagement requires both navies to actively convince their respective governments of the need to establish such a process. The emphasis of argument in its favor would undoubtedly have to be laid on the need for cooperation in SAR, disaster management, and marine environment protection—an obligation on both states under IMO conventions on safety of life at sea and prevention of marine pollution. Terrorism, piracy, narcotics trade and gun running have added further possibilities for cooperation. Establishing contact between the navies would be a significant first step.
- (b) Direct bilateral maritime engagement on cooperation and conflict resolution would be the ideal approach. But given the current state of bilateral relations, such an option would be a political non-starter. Interaction in a multilateral arena is likely to be more agreeable and should be pursued as a means to initiate engagement that could be developed into a bilateral process over a period of time. Thus the road map to maritime confidence-building essentially includes both multilateral and bilateral engagement. The engagement process could be broadly depicted as shown in the figure below.

**OVERALL FRAMEWORK FOR MARITIME ENGAGEMENT PROCESS
IN SOUTH ASIA**



Multi-Lateral Forums

Regional Cooperation

A forum for regional cooperation should seek to include all Arabian Sea coastal states. The responsibility of furthering this multilateral engagement process should be given to every member country in rotation, possibly on an annual basis. Such an arrangement could seek greater involvement of all member states by apportioning responsibility and could also help to dispel any doubts that a particular state was seeking to establish regional hegemony. The opportunity to steer regional cooperation could encourage states to become involved. The choice of participating or not participating in the forum, of course, would remain that of the sovereign coastal states. A framework for regional cooperation could be built by conducting of seminars, conferences, and/or workshops to exchange ideas on how to establish such an engagement. These initial interactions could also serve to express mutual commitment to maritime security in the region. Since there is some overlap in responsibilities between the navies and coast guards of coastal states, the discussion forums should include the respective coast guards when possible.

At Home at Sea

Seamen are likely to interact more freely at sea than in conference rooms. It is therefore important that the seminar and workshop phase be completed quickly to prevent the initial momentum from faltering. Efforts must be made to work out a time-bound agenda for moving the process to sea in the form of multilateral SAR exercises in the beginning. For example, India already spearheads such an exercise on its eastern seaboard once every two years. Its aim is to foster goodwill and enhance interoperability between the Indian and other navies in the region. A similar effort at regional multilateral participation is also underway on India’s western seaboard. Pakistan needs to be included in these exercises if the regional forum is to be complete and bilateral navy to navy interaction is to be consolidated. The scope of

these exercises could be gradually expanded to include disaster management and control of law and order at sea. This would require the navies to work closely together to establish a common code of standard operating and communication procedures to be followed at sea. The scope and charter of the existing SAR centers could be gradually enhanced to include the other areas of maritime cooperation. As its scope broadens, the SAR center could be renamed the “Regional Maritime Coordination Center (RMCC).”

Ship Visits

Ship visits to member countries of the regional forum are an essential part of the regional cooperation process. If Indian and Pakistani ships visit each other’s ports, care needs to be taken not to hold their treatment hostage to the bilateral political dialogue process. Doing so would severely undermine the credibility of regional maritime cooperation.

Bilateral Thrust Areas

The multilateral forum is meant to break the ice between the two navies so that there would be considerably less opposition to initiating a Track I bilateral engagement process. Among the various maritime CBMs that could be considered, one on advance notification of major exercises already exists. Other issues that could be addressed in the bilateral maritime CBM process include:

- (a) Entering into an incidents at sea agreement as mentioned in the Lahore Declaration.
- (b) Setting up a consultative maritime dialogue process.
- (c) Establishing Maritime Risk Reduction Centers (MRRC) as a formal channel of communication between the navies.
- (d) Establishing a joint maritime activity zone around the disputed maritime boundary as a precursor to the conflict resolution dialogue.
- (e) Reviewing existing maritime CBMs.

Each of these issues is discussed in the subsequent sections.

Incidents at Sea Agreement

All an incidents at sea agreement would require from India and Pakistan is a belief in its potential to build understanding and a commitment to using it as a basis for continued communication. Neither side would lose anything by entering into an agreement that merely endorses the need to adhere to previously agreed international conventions. An incidents at sea agreement offers the least controversial platform for initiating a bilateral maritime dialogue.

Annual Consultative Meetings

The next step in the bilateral dialogue process would be to establish a framework for regular meetings. The communication mechanism incorporated in the incidents at sea agreement would be the ideal channel for such a process. A specific incident at sea need not be the only cause of such a dialogue. Instead, the agreement to prevent incidents should be used as a tool to have regular dialogue. Such meetings could initially be held at sea, insulated from political manipulations and avoidable media intrusions. Subsequently, as the atmosphere becomes more congenial, such meetings could be held ashore with cultural and social items included on the agenda. Ship visits—separate from those required by the multilateral cooperative exercises described above—could also be scheduled for such a purpose.

Maritime Risk Reduction Centers.

- (a) A quick and reliable communication channel is a vital component of an escalation control mechanism. To prevent an incident at sea from escalating, there needs to be a channel of communication between the operational control authorities of the units involved in an incident at sea. On ground, it would translate into a link (hotline or another similar concept) between the Indian Western Naval Command and Pakistan's counterpart in Karachi. Presently, no such channel of communication exists between the two authorities. Setting up a Maritime Risk Reduction Center (MRRC) for exchange of "incident" related information as well as notifications would go a long way in helping to avoid undue escalation of crisis situations.
- (b) The MRRC could also serve as the channel of communication between the Indian Coast Guard and Pakistan's Maritime Security Agency over the issue of maritime boundary violations.
- (c) The broad charter of the MRRC could include:
 - (i) Exchanging notifications on conduct of major naval exercises as required by the agreement of 1991 and any agreements that follow in future.
 - (ii) Exchanging notifications as required by the incidents at sea agreement once formalized.
 - (iii) Exchanging urgent information related to a recent incident at sea.
 - (iv) Exchanging information on maritime boundary violations.
 - (v) Exchanging notification of ballistic missile firing tests at sea.
 - (vi) The MRRC could be incorporated into the national Nuclear Risk Reduction Center (NRRC), whenever such a center is established.

Joint Marine Exploration and Fishery Zone

Along their 60 nm disputed boundary in the Sir Creek, India and Pakistan could create a joint marine exploration and fishery zone. This zone would allow naval vessels from both sides to operate side by side in what could be transformed into a relatively peaceful area. In this zone, both sides could undertake joint survey missions to ascertain the status of the creek as a navigable waterway and determine the availability of hydrocarbons in which the area is believed to be rich. Unless the research confirms a substantial find, neither side would lose much by agreeing to the other's interpretation of the maritime boundary delimitation. In any event, the result of the Sir Creek research could resolve the issue in a manner acceptable to both states. But more importantly, what the Joint Activity Zone could achieve is to reduce the pressure on either side to maintain effective surveillance and instead offer a much greater opportunity for cooperation.

Pre-Notification of Sea-Based Ballistic Missile Launches

Ballistic missiles have become increasingly important in the eyes of India and Pakistan for providing for their security; yet, large numbers of them, especially when placed in a non-detectable location like a submarine, could prove to be horribly destabilizing. Consequently, the Lahore Declaration sought to conclude an agreement between the two countries for prior notification of ballistic missile flight tests. Though India has tested this type of missile, Pakistan does not have any current program of putting ballistic missiles to sea.²³ As a unilateral declaratory and transparency measure, the Indian Navy could commit to providing advance notification of sea-based ballistic missile tests.

Review of Existing Maritime CBMs

The incidents at sea dialogue process could also serve as a channel for reviewing the existing maritime CBMs. For example, the minimum distance of 3 nm to be maintained between IN and PN units and the requirement of avoiding buzzing of each other's vessels, codified in existing international conventions, could form part of the incidents at sea agreement. Reviewing these measures and restating both countries' acceptance of them might build trust.

CONCLUSION

India and Pakistan need to engage each other in a sustained confidence-building process. Unfortunately, the current state of relations between the two countries does not present a very conducive atmosphere for initiating any new CBM process. However, it is exceedingly important that a plan for beginning the dialogue be ready should a window of opportunity arise. Militarily, the maritime

²³ "Dhanush Test-Fired," *The Hindu*, 22 September 2001, Internet, <http://www.hinduonnet.com/thehindu/2001/09/22/stories/0122000a.htm>

dimension is the least contentious between the two states. Moreover, the inherent nature of navies makes it possible to engage with an adversary without getting drawn into the whirlpool of political standpoints. A regional maritime cooperation agenda incorporating multilateral naval participation could strengthen the foundation for a bilateral maritime dialogue laid by the Track II process that is already in place. A bilateral dialogue to compose an incidents at sea agreement could be the ideal launching pad for a sustained bilateral maritime engagement process. The first step was taken in the right direction at Lahore wherein, among others, the need for an agreement to promote safety at sea was identified. The logical next step would be for the professionals in the field to start a dialogue on the subject.