

# Confidence and Cooperation in South Asian Waters

## 10th Symposium

### *Bangkok, Thailand, August 2013*

#### **Introduction**

The tenth symposium on Confidence and Cooperation in South Asian Waters was held in Bangkok between 19 and 21 August, 2013. The symposium was hosted jointly by the University of Ottawa and Dalhousie University, sponsored by the Near East and South Asia (NESAs) Center for Strategic Studies at the National Defense University in Washington, D.C.

The meeting was attended by retired senior officers from the navies of India and Pakistan, including (in alphabetical order): Rear Admiral Hasan Ansari, Rear Admiral Javed Iftikhar, Admiral T.K. Khan, Admiral J.G. Nadkarni, Commodore P.C.B. Nair, Rear Admiral I.H. Naqvi, Vice Admiral B.R. Rao, Captain Naeem Sarfraz, Admiral V.S. Shekhawat, and Rear-Admiral Ravi Vohra. Other participants were (in alphabetical order) Mr. David Griffiths (Dalhousie University), Dr. Peter Jones (University of Ottawa), and Dr. Ken Lee (Commonwealth Scientific and Industrial Research Organization, Wealth from Oceans National Research Flagship).

#### **Marine Pollution**

Dr. Lee provided a comprehensive overview of scientific and governance issues regarding marine pollution. Subsequent discussion focused on specific challenges in the Indian Ocean regarding pollution from shipping, offshore hydrocarbon extraction and sources ashore. Recognizing the serious mutual concern that this represents for both countries, the group explored the current situation and shortfalls. It became clear that many instruments and mechanisms are already in place, but implementation is inadequate. Effective prevention, mitigation, response and recovery from marine pollution require not only national commitment to making the existing mechanisms work, but also greater public awareness of the fundamental importance of the health of the ocean.

The South Asia Cooperative Environment Programme (SACEP) based in Colombo is the Secretariat for implementation of the South Asian Seas Programme (SASP) element of the wider UNEP Regional Seas Programme.<sup>1</sup> In association with the International Maritime Organization (IMO), SACEP has developed a *Regional Oil and Chemical Pollution Spill Contingency Plan* and associated MoU for the South Asian Seas region, but adoption has been pending since the year 2000. Similarly it is pursuing other marine pollution issues such as a *Framework for Marine Litter Management* and a *Regional Strategy and Action Plan on Ballast Water Management and Control*. These, too, have yet to be implemented. Members of the group undertook to increase awareness of the potential value of this initiative and advocate active contribution to its work.

Members of the group also undertook to identify and encourage public awareness of the impact that marine pollution has on national health and economic prosperity.

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<sup>1</sup> South Asia Co-operative Environment Programme. South Asia Seas Program. <http://www.sacep.org/html/sas.htm> See also the UNEP Regional Seas Programme at <http://www.unep.org/regionalseas/programmes/nonunep/southasian/>

Finally, the group explored prospects for bringing together stakeholders (e.g., coast guards, navies, industry, regulatory agencies, the oceanographic research community, etc.) in a regional workshop to achieve a better understanding of the technical and governance issues involved with marine oil spill risk reduction and to “brainstorm” how best to address them. Dr Lee offered to pursue the prospect of a regional workshop with the Commonwealth Scientific and Industrial Research Organization (CSIRO).

### **Detained Fishermen**

Progress on this issue continues but much remains to be done. The numbers being detained have decreased, the period of detention has been reduced significantly and treatment of detainees has improved. Nonetheless, this issue not only remains a humanitarian problem for both countries but also has other ramifications. Aside from being a continuing diplomatic irritant it creates such practical problems as impounded boats sinking in respective harbours.

The group is encouraged by the level of cooperation between Pakistan’s Maritime Security Agency (MSA) and the Indian Coast Guard (ICG) but notes that more still needs to be done, particularly faithful adherence to the provisions of UNCLOS Article 73 regarding the treatment and repatriation of fishermen. The scale of the problem would be much reduced if all but the most egregious offenders were simply turned back instead of being detained. Another easily achievable step would be to expedite diplomatic access to detainees by their respective consular authorities. In any case, the group suggests that this remains a sufficiently serious issue that it should be included on agendas for future bilateral meetings.

### **Marine Piracy**

The Proceedings of the 2012 conference in Karachi on *The Human Face of Marine Piracy*, for which this group was a catalyst, have been published and are available as a bound volume or downloadable as an e-book from the Fazaldad Human Rights Institute.<sup>2</sup> Follow-up activities to conference outcomes (reported at the group’s 2012 symposium) are continuing. Psychological support mechanisms for seafarers and their families is being provided, and at least some Protection and Indemnity (P&I) clubs have been advised to pay reimbursement directly to affected seafarers rather than channeling it through shipowners. Representatives of the group who participated in the Dalhousie Marine Piracy Project international intersectoral workshop in Halifax, Canada in June 2013 tabled the summary report of that event.<sup>3</sup>

### **Incidents at Sea**

A draft agreement has been discussed between the two countries, most recently at the *Sixth Round of Expert Level Talks on Conventional CBMs between India and Pakistan*, held on December 27, 2012 in New Delhi. Several issues remain to be resolved but the group noted that none are insoluble and there are precedents elsewhere for implementing an Agreement while “agreeing to disagree” initially on certain details.

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<sup>2</sup> Griffiths, David (ed.) *The Human Face of Marine Piracy: Consequences and Policy Options*. Karachi: Fazaldad Human Rights Institute, 2012. (ISBN 978-969-9805-00-4)

<sup>3</sup> Dalhousie University Marine Piracy Project. *Intersectoral Working Group Workshop. Summary Report. 27-27 July, 2012.* <http://marineaffairsprogram.dal.ca/Files/ISWG-summary-report.pdf>

*Link disabled as of January 2014 but see*

[http://www.dal.ca/content/dam/dalhousie/images/faculty/science/marine-affairs-program/Technical\\_series/MAP%20Technical%20Report%20%234.pdf](http://www.dal.ca/content/dam/dalhousie/images/faculty/science/marine-affairs-program/Technical_series/MAP%20Technical%20Report%20%234.pdf)

These can be addressed during the frank, technical annual consultations which such an Agreement would mandate.

The group noted that there has been an agreement in place since 1991 covering the limited circumstance of naval exercises “involving six or more ships of destroyer/frigate size and above, exercising in company and crossing into the other's Exclusive Economic Zone (EEZ)” during which “Naval ships and submarines belonging to the other country are not to close less than three Nautical Miles (NMs) from each other so as to avoid any accident while operating in international waters.”<sup>4</sup> Nonetheless, the proposed agreement for prevention of incidents at sea would cover a much broader scope, as the draft which the group proposed in 2003 suggests, “to all maritime regimes relevant to UNCLOS 1982 and to disputed maritime territories.”

Members of the group will continue to offer their expertise in the worldwide experience and practice of these issues to the appropriate authorities.

### **Sir Creek and the Maritime Boundary**

The situation has not changed since the group met last year. Although the joint survey recommended by this group at its 2005 meeting was completed satisfactorily in 2007, ongoing differences still leave the maritime boundary issue unresolved. The group notes again that resolution of the maritime boundary dispute is both a political and a technical issue. The group undertook to continue to monitor the issue and to offer assistance if and when appropriate.

### **Extension of Continental Shelf Jurisdiction**

With the respective claims of both governments submitted to the Commission on the Limits of the Continental Shelf (CLCS) the group continues to monitor progress.

### **Communication**

The group continues to note the value of direct communication links between the respective naval headquarters. Such a “hotline” now exists between the Indian Coast Guard and Pakistan’s Maritime Security Agency and the group undertakes to continue advocating the establishment of a similar arrangement between the navies.

### **Confidence Building Steps**

The group continues to believe that reciprocal visits by sail training ships (PNS *Rahnaward* and INS *Tarangini* or *Sudarshini*) would be a productive step in developing relations between the two navies. Members of the group will continue to discuss this with appropriate authorities

### **Maritime Safety**

The *International Convention on Maritime Search and Rescue (SAR)* requires Parties “to co-ordinate search and rescue organizations, and, where necessary, search and rescue operations with those of neighbouring States.” Although international procedures for marine SAR are well established and, as lead agencies for SAR, the ICG and MSA already cooperate, the group felt that bilateral coordination between the two navies could

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<sup>4</sup> *Agreement on advance notice on military exercises, manoeuvres and troop movements*. Signed at New Delhi on 6 April 1991.

be enhanced. That could be facilitated by an initial exchange of documentation such as national SAR Manuals and naval policies and procedures, followed by direct meetings between representatives of the two Services. In the long term, joint exercises would be a constructive step. The group considered that the MSA and ICG would be the appropriate initiators of such suggestions to their respective navies.

### **Disaster Risk Reduction**

The catastrophic break-up of the tanker *Tasman Spirit* in August 2003 in Karachi harbour highlighted the potential value of having standing arrangements in place for cooperation between the countries in the event of an emergency in coastal communities. To date, no progress has been made in that regard. The group will continue to look for opportunities for enhanced cooperation in reducing risk and responding to disasters, both at sea and in coastal communities.

### **Acknowledgement**

The group acknowledged with thanks the generous ongoing sponsorship by the Near East and South Asia (NESAs) Center. It also expressed its gratitude to the Australian Resources Research Centre's Commonwealth Scientific and Industrial Research Organization (CSIRO) for making Dr. Lee's invaluable contribution possible. The group also thanked Dr Jones and Mr. Griffiths and their respective institutions.

### **Next Meeting**

The next meeting will be planned for the summer/autumn of 2014 at a venue to be determined.