

Mohammed Badrul Alam

**BETWEEN OFFENCE AND DEFENSE: ANALYZING
PAKISTAN'S NUCLEAR DOCTRINE**

=====

Abstract

In a post-Cold War unipolar world, the overt nuclearisation of India and Pakistan in the South Asia region has added urgency to the ongoing debate on nuclear proliferation and its ramifications for the region itself as well as on the rest of the world. Pakistan, like its arch rival, India, has opted for the path of nuclear weaponisation in 1998 and since then has taken tangible steps to devise policy formulations related to nuclear strategy. The conceptualization of nuclear deterrence for two South Asian rival countries with deep rooted historical animosities and regional ambitions might be an uphill task unlike the case of the United States and former Soviet Union during the Cold War years when both the countries stayed broadly within the perimeter of deterrence. The paper surmised that with the shaping of nuclear doctrines of Pakistan and India in place, it was hoped that a peace constituency could hopefully take firm hold in South Asia in making sure the proactive

Mohammed Badrul Alam, Ph.D., is Professor of Political Science, Jamia Millia Islamia, New Delhi, India. An earlier version of the paper was presented at the 2nd Congress of the Asian Political and International Studies Association, Hong Kong, November 14-17, 2005. His E-mail is: jhunualam@yahoo.com

© Bangladesh Institute of International and Strategic Studies (BISS), 2006

peace process currently underway between India and Pakistan was irreversible.

In a post-Cold War unipolar world, the overt nuclearisation of India and Pakistan in South Asia region has added urgency to the ongoing debate on nuclear proliferation and its ramifications for the region itself as well as on the rest of the world. Pakistan, like its arch rival, India, has opted for the path of nuclear weaponisation in 1998 and since then has taken tangible steps to devise policy formulations related to nuclear strategy.

The paper analyzes, evaluates and investigates Pakistan's nuclear doctrine by critically examining the following aspects: (a) Nuclear First Strike Option versus No First Use; (b) Institutional arrangements related to setting up of nuclear command; (c) delineating the notion of nuclear threshold; and (d) the viability of Limited War. Specific proposals floated by Pakistan toward strategic restraint regime will also be analyzed. Finally, the paper will address the current peace dialogue between India and Pakistan and how that could affect latter's strategic perspective in the long term.

Contextualising the Concept of Deterrence

Concept of deterrence assumes significance in military strategic discourse when one or the other state in the same neighborhood acquires nuclear weapons. Within the deterrence literature, deterrence by denial, according to Glenn Snyder, is premised on the failure of deterrence and the preparedness by the other party to this eventuality.¹ The other version of the deterrence by denial is by denying the adversary the specific military advantage it might want to respond through an overwhelming force of its own. Michael Howard has defined deterrence as a policy that seeks to persuade an adversary, through the actual threat of military retaliation, that the costs of using military force to resolve political conflict will outweigh the benefits derived from it.² Deterrence theory assumes that there is a certain

¹ Snyder, Glenn, *Deterrence and Defense: Towards a Theory of National Security*, Princeton, Princeton University Press, 1961.

² Howard, Michael, "Reassurance and Deterrence: Western Doctrine in the 1980s", *Foreign Affairs*, Vol. 61, No. 1, 1982/83, p.315; also, see, Rajain,

measure of transparency of interests and capability inherent in a state's action and in its response in a given strategic situation that are of supreme national importance. In contrast, the theory of deterrence by punishment seeks to prevent aggression by threat of punitive retaliation. US strategic policy in the 1950s with its emphasis on massive retaliation and assured destruction are examples of deterrence by punishment.³

In the context of South Asia, Pakistan's nuclear doctrine relies in part on both: deterrence by denial as well as deterrence by punishment. What makes Pakistan's strategic policy bit ambiguous is neither of these concepts been articulated or explored fully to its operational limits *vis-a-vis* India's nuclear strategy.

Genesis of India's Nuclear Doctrine

Way back in 1974, India conducted a nuclear test that it termed a 'peaceful nuclear explosion'. However, in 1998, India conducted a full scale nuclear test and claimed to attain nuclear capability which was followed soon by its neighbor, Pakistan, also opting for the same nuclear route. A year later, in August 1999, the draft on nuclear doctrine was presented to the Indian Prime Minister and the Cabinet. Later, the same was released for public debate by the National Security Advisory Board.

The nuclear doctrine of India was perhaps the first of its kind among the known nuclear weapon states of the world, and India prepared the expansive draft nuclear doctrine document before obtaining capability mentioned in it. This draft, with minor alternations, became India's nuclear doctrine on January 4, 2003 when the Cabinet Committee on Security Affairs (CSA) reviewed and approved the operationalisation of India's nuclear doctrine. The

Arpit, *Nuclear Deterrence in Southern Asia*, London: Sage Publishers, 2005, p.63

³ Dulles, John Foster, "Challenge and Response in US Policy", *Foreign Affairs*, Vol. 36, No. 1, 1968, pp. 62-64; also, see, McNamara, Robert S., *The Essence of Security: Reflections in Office*, London: Hodder and Stoughton, 1968, p. 52.

following are the salient points of India's and Pakistan's nuclear doctrine put in a comparative perspective.⁴

- India's strategic perspective for its nuclear doctrine encompasses a wider latitude than South Asia in keeping with its strategic potential. Pakistan's perspective as presently evident seems to be India-specific.
- India proclaims 'no-first-use' as a matter of principle. Pakistan is averse to this. It would not give any such guarantees, feeling that a bland 'no-first use' policy invalidates its deterrence against India.
- India's nuclear weapons system will be "TRIAD" based (land based ballistic missiles, sea based assets and air borne platforms). Pakistan currently possesses land based and aircraft delivery systems.
- Both, Indian and Pakistani nuclear doctrines emphasize a 'credible minimum deterrent'. However, Pakistani capabilities, in this regard, may be questionable.
- India's nuclear arsenal will be under civil political control at all times. Pakistan's nuclear arsenal will be under *de-facto* control of the Army Chief.
- India will not resort to use or threat of use of nuclear weapons against non-nuclear weapons state or those not aligned with nuclear weapon powers. Pakistan has not made any such explicit pledge in its nuclear policy.

Evolution of Pakistan's Nuclear Program and Z.A. Bhutto

The key decision whether Pakistan should embark on a 'coherent nuclear program' was discussed for the first time in 1963, though its deterrence value was emphasized by Zulfikar Ali Bhutto publicly for

⁴ Kapila, Subhash, "India and Pakistan Nuclear Doctrine: A Comparative Analysis", Article No. 260, New Delhi: Institute of Peace and Conflict Studies, September 15, 1999; also, available at <http://www.ipcs.org/newKashmirLevel2.jsp?action=showView&kValue=573&subCatID=null&mod=null>

the first time in 1965.⁵ To quote him, “All wars of our age have become total wars and it will have to be assumed that a war waged against Pakistan is capable of becoming a total war...and our plan should, therefore, include the nuclear deterrent.”⁶ After the Chinese nuclear tests in 1964, Pakistan was apprehensive that India would go nuclear. Bhutto, who was then a member in Ayub Khan’s cabinet stated, “If India developed an atomic bomb, we too will develop one ‘even if we have to eat grass or leaves or to remain hungry’ because there is no conventional alternative to the atomic bomb.”⁷ Two aspects of his statement are noteworthy. First is its linkage to India and the second is his emphasis on atomic bomb as the ultimate weapon.

The independence of Bangladesh (former East Pakistan) in 1971 and the subsequent 1974 nuclear tests by India led to a serious rethinking among Pakistan’s strategic elites that ultimately paved the way for paradigm shift in South Asian security environment.

Pakistan’s Nuclear Command

With Pakistan opting for the nuclear weaponisation in the summer of 1998, it also established the Nuclear Command Authority (NCA) in February 2000 with three components: an Employment Control Committee, the Development Control Committee and the Strategic Plans Division. Pakistan also set up a nuclear regulatory authority to bring proper coordination in its nuclear program. NCA is responsible for policy formulation, employment and development control over all strategic nuclear forces and strategic organizations. Besides President Musharraf, the NCA includes foreign affairs, defense and interior ministers, chiefs of all military services and heads of strategic

⁵ Z. A. Bhutto’s statement in the National Assembly of Pakistan, see, *The National Assembly of Pakistan Debates*, 3 (1-13), May 30, 1974, third session of 1974, p.304.

⁶ Bhutto, Z. A., *Myth or Realities*, Karachi: Oxford University Press, 1969, p.153.

⁷ Cited in Cheema, Pervez Iqbal, “Nuclear Development in Pakistan: Future Directions”, in P.R.Chari *et al. Nuclear Non-Proliferation in India and Pakistan*, Manohar; Delhi, 1996, p.105; also, see, Smruti S. Pattnaik, “Pakistan’s Nuclear Strategy”, *Strategic Analysis*, New Delhi, January-March 2003, Vol. 27, No. 1, pp. 94-114.

organizations. At a review session in November 27, 2000, the NCA reviewed the strategic and security environment facing Pakistan and took important decisions on nuclear policy matters that included, amongst others, strategic threat perception, restructuring of the strategic organizations and export control mechanisms.⁸

Pakistan’s Thinking on No First Use

Pakistan has, so far, shown little interest in the idea of No First Use (NFU). Perhaps the closest Pakistan has officially come to accepting the language of no first use was in the summer of 2002, when India and Pakistan confronted each other in the wake of the Kaluchak massacre in Jammu and Kashmir. In response to Indian threats to retaliate conventionally to the massacre, Pakistan stated that it would respond forcefully in turn, hinting that it was prepared to use nuclear weapons as a first choice. Shortly, thereafter, Islamabad publicly clarified, apparently under US pressure, that responding to an Indian attack did not mean nuclear use, presumably first use, against India.

Among non-officials, those who oppose weaponization as well as those who support a minimum deterrent would probably support NFU, the former as an interim confidence-building measure in the transition to nuclear disarmament and the latter in order to keep the nuclear arsenal small and to signal moderation and restraint. Most prominently, Pervez Hoodbhoy has suggested that India and Pakistan should, as part of a bilateral nuclear treaty, agree to no first use. Hoodbhoy argues that NFU would actually benefit Pakistan. NFU would be an investment in stability and survival. In case of nuclear war, Pakistan would lose much more than India since New Delhi can inflict much greater nuclear damage (and presumably absorb much greater loss).⁹

⁸ See, www.stratfor.com, December 7, 2000; also, see, “Pakistan Sets up N-arms Command”, *The Times of India*, New Delhi, November 28, 2000; also, “Musharraf to Head Pak Nuclear Command”, *The Statesman*, Kolkata, February 4, 2000. “India’s Nuclear Command to be in Place”, *The Times of India*, New Delhi, May 23, 2002.

⁹ Pugwash Meeting No. 279; Kanti Bajpai, “No First Use of Nuclear Weapons” available at www.pugwash.org/reports/nw.bajpai.htm

Pakistani skepticism or opposition to NFU seems to arise from the following concerns. In contrast to India, Pakistan's thinking on a no first use/first use policy is almost completely military-strategic and country specific (India). First of all, there are some in Pakistan, as in India and elsewhere in the world, who doubt the efficacy and practicality of an NFU. Can Pakistan rely on India's leadership to abide by a no first use commitment? Is there any way of verifying in absolute sense that an adversary is committed to no first use?

Secondly, even if NFU was credible, acceptance of it would mean permanent Pakistani strategic inferiority and opening up wider window of vulnerability. Given Pakistan's inferiority in conventional forces *vis-a-vis* India, the threat of first use is vital to its deterrence against India, while the actual use of nuclear weapons first may be vital to defense if and when deterrence fails.

Thirdly, there is a line of more offensive-minded Pakistani thinking that vehemently opposes an NFU. According to this view, first use is intrinsic to Pakistan's exploitation of the 'stability-instability' situation in South Asia. Protected by nuclear weapons, Pakistan is free to choose sub-conventional conflict with India, as in Kashmir: fearing Pakistani first use, India cannot cross the line of control in Kashmir or the international boundary further south as a way of punishing Pakistan for its interference in Kashmir. These Pakistani strategists regard Pakistan's support of cross-border terrorism in Kashmir since the late 1980s, the Kargil war in 1999, and the crisis of May-June 2002 as validating the correctness of their analysis. In spite of Pakistani provocations, India chose not to retaliate across the line of control or the international boundary.

Pakistan's First Strike Option

In order to maintain 'strategic balance' Pakistan taking note of India's overwhelming superiority in conventional arms and manpower may be tempted to go in for escalation with a first strike option. Pakistan is very likely to exercise this option to counter India should the latter pose a serious threat to Pakistan's territorial integrity leading

to its dismemberment and further fragmentation.¹⁰ Pakistan's President Pervez Musharraf while proclaiming to be in full control of his nation's strategic assets did not hesitate to threaten India to use nuclear weapons in the event of latter violating the "line of control or the international border."¹¹ In this context, it is worth mentioning the comments made by General Khalid Kidwai, Head of the Strategic Plan Division of the Pakistan's Army:

Nuclear weapons are aimed solely at India. In case, deterrence fails, they will be used, if,

- a. India attacks Pakistan and conquer a large part of its territory(space threshold);
- b. India destroys a large part of its land or air forces (military threshold);
- c. India proceeds to the economic strangling of Pakistan (economic threshold);
- d. India pushes Pakistan into political destabilization or creates a large internal subversion in Pakistan (domestic destabilization).¹²

Pakistan, however, is acutely aware of asymmetry in military balance in South Asia. Even Pakistan resorting to a limited war with salami slicing tactics have the potential of backfire. In the words of General Jehangir Karamat, a former Chief of Army of Pakistan, "Pakistan accepts the imbalance inherent in the equation with India and will not seek to match capabilities. Pakistan, will, therefore, modernise and upgrade its military power in carefully selected areas so

¹⁰ "India's Nuclear Command to be in place", *The Times of India*, May 23, 2002.

¹¹ "Pakistan's Nuclear Gamble: A Deadly Ploy", Institute of Peace and Conflict Studies, January 17, 2003, New Delhi, available at www.ipcs.org

¹² Lieutenant General Sardar Lodhi, F.S; (Retd). "Pakistan's Nuclear Doctrine", *Pakistan Defense Journal*, 1999; also, see, Brigadier Ismat, Saeed (Retd.), "Strategy for Total Defense: A Conceptual Nuclear Doctrine", *Pakistan Defense Journal*, March 2000; Zafar Iqbal Cheema, "Pakistan's Nuclear Use Doctrine and Command and Control" in Peter R. Lavoy, Scott D. Sagan, and James J. Wirtz (eds.), *Planning the Unthinkable: How New Powers will Use Nuclear, Biological and Chemical Weapons*, London: Cornell University Press, 2000.

that its deterrent and defense capabilities are not degraded and it never faces a scenario of overwhelming strategic superiority from India. This deterrence is the best guarantee of stability because an unacceptable imbalance can have serious implications.”¹³

Pakistan’s interest in first use may in part be supported by a calculation that if there are first uses of nuclear weapons against India that would not necessarily invite nuclear retaliation. Stephen P. Cohen, an internationally renowned security analyst, suggests that the Pakistani army has conceived of a five-rung escalation ladder.¹⁴ Four of these involve the threat of first use or actual first use:

- Private and public warnings to India not to move its forces threateningly
- A demonstration explosion on Pakistani territory to deter India from a conventional attack
- The use of a ‘few’ nuclear weapons on Pakistani territory against intruding Indian forces
- Nuclear strikes against ‘critical’ Indian military targets, preferably in areas with low population and without much by way of infrastructure.

Of these four, according to Cohen, the first two could well avoid Indian retaliation altogether since they would be carried out in Pakistan and would not target Indian assets. The second two, Pakistani planners might calculate, would be more provocative but might still not cause India to unleash a full retaliatory strike.

Viability of Limited War

Some analysts have raised specter of limited war in the context of India and Pakistan going nuclear due to miscalculation and misperception. Even limited war, in conventional sense, between India and Pakistan can escalate into nuclear conflict. Traditionally, a limited war is likely to have the following key features:

¹³ Jehangir Karamat, “South Asian Stability – A Pakistan Perspective”, Pugwash Meeting No.277, Pugwash Group on South Asian Security, Geneva, November 1-3, 2002.

¹⁴ Cohen, Stephen P, *The Pakistan Army*, Karachi: Oxford University Press, 1998, pp.177-79.

1. It is likely to be limited in a geographical sense, although in terms of numbers of personnel involved, types of weapons used and duration of conflict it might be unlimited in scope and actual use.
2. It is also likely to be limited in terms of its objectives within a strategic space using calibrated use of force, i.e., between initiating an armed conflict and an all-out war.
3. It may be limited from the perspectives of the initiator of the conflict, though this may not necessarily be the case with the defender.

However, four factors can turn any conventional conflict, however, ‘limited’ in nature, into acquiring a nuclear dimension.¹⁵

- a. The politico-military objectives which India considers limited, might be considered unlimited and unacceptable by Pakistan. Islamabad plans to use nuclear weapons in the event of a deep military offensive by India. How ‘deep’ would be deep enough for India to obtain its objective, and how ‘deep’ would be too much for Pakistan, is unclear and will always remain so. Issue of extent of loss of territory, image and legitimacy are important.
- b. Pakistan’s military has shown a greater inclination towards a possible use of nuclear weapon. In Pakistan, nuclear command and control are exclusively in the hands of the military. Faced with significant conventional asymmetry and seeming evidence of a conventional attack by India, the Pakistani decision makers may be tempted to threaten the first use of nuclear weapons.
- c. In the case of India and Pakistan, inadequate command and control structures, deficient early warning arrangements and perceptions about a doubtful capacity to launch a retaliatory ‘second strike’ send mixed signals which enhance the risk of a nuclear exchange.

¹⁵ See, Albright, David; “Securing Pakistan’s Nuclear Weapons Complex”, October 2001, www.isis-online/publications/terrorism/stanleypaper.html; also, see, Landau Network. <http://www.mi.infn.it/~landnet>; cotta@mi.infn.it; Sumit Ganguly and Kent Biringer; "Nuclear Crisis-Stability in South Asia", in Lowell Dittmer (ed.), *South Asia's Nuclear Security Dilemma: India, Pakistan, and China*, New York, M.E.Sharpe, 2005, p.32; Rajain Arpit, *op. cit.*, p.90.

- d. A possible reappraisal of India's operational doctrine can further encourage Pakistan to take recourse to atomic weapons even in conventional warfare.

Issue of Hot Line

Another aspect related to Pakistan's nuclear doctrine is the issue of 'hot line' that was restarted among the leaders at the highest level in both Islamabad and New Delhi following a 20-year gap in 1997 is in disuse now. Although some movement has been made in this regard during the June 19-20, 2004 meeting at the foreign secretaries level, yet no firm time table has been set as to when the Hot Lines might be activated and operational. According to Dr. Pervez Hoodbhoy, Professor of Physics at the Quaid-e-Azam University in Islamabad, Pakistan,

Should a nuclear war occur, it may well be that the order is not given by the Chief Executive or the Prime Minister or whoever. That decision may be taken by a Brigadier, who will decide whether you and I live or die. Any missiles fired by India or Pakistan would take four to eight minutes to hit its target. This means both countries are prepared to launch a nuclear strike on the basis of a warning. In a few hundred seconds, the credibility of the warning must be gauged. Is it the blip on the radar screen really a missile? If so, is it, likely to be carrying a nuclear warhead? An alert must then be flashed to the strategic command center. And, if necessary, a launch order transmitted to the missile site.¹⁶

It is hoped that in the coming months, a decision to activate hot line at the highest level be taken as has been done already at the area commander level along the entire India-Pakistan border.

Possibility of Theft or Diversion of Fissile materials

Like in any nuclear weapon state, multiple vulnerabilities exist in a nuclear weapons complex.¹⁷ In case of Pakistan, it is possible that

¹⁶ Quoted by M. V. Ramana and C. Rammanohar Reddy (ed.), *Prisoners of the Nuclear Dream*, London, Orient Longman, 2003, p.21.

¹⁷ Albright, *op. cit.*, p.15. "The Day After in India, Pak:12 million dead", *Indian Express*, New Delhi, May 28, 2002.

groups or individuals may violate security rules for a variety of reasons, including profit making, settling a vendetta, or religious or ideological motives. Rogue elements may try to gain control over sensitive items for their own use or to transfer these items to another state or to other non-state actors for financial or ideological reasons.

The threat of theft or diversion of fissile material or nuclear weapons falls into three general areas:

- **Outsider Threat**--The possibility that armed individuals or groups from outside a facility gain access and steal nuclear weapons, weapons components or fissile material.
- **Insider Threat**--The possibility that individuals who work inside the facility will remove fissile material, nuclear weapons, or weapons components without proper authorization.
- **Insider/Outsider Threat**--The possibility that insiders and outsiders conspire together in connivance to obtain fissile materials, weapons, or weapon components.

If Pakistan suffers extreme instability or civil war, additional threats to its strategic nuclear assets are also possible:

- **Loss of Central Control of Storage Facilities**--Clear lines of communication code and control over weapons, weapons components, and fissile material may be broken or lost entirely.
- **Coup**--In the most extreme case, a coup takes place and the new regime attempts to gain control of the entire nuclear complex. It is also possible that foreign government(s) may intervene to prevent hostile entity from seizing the strategic nuclear assets.

In the current situation, Pakistan must also increasingly worry that experts from the nuclear complex could steal sensitive information or assist nuclear weapons programs of other countries or terrorist groups. The information could include highly classified nuclear weapons data, exact storage locations of weapons or fissile material, access control

arrangements, or other sensitive, operational details about these weapons.

Issue of Disaster Management

There is no reference in Pakistan's nuclear doctrine as to the appropriate disaster control system in case of a potential accident. Pakistan, at the present time, does not have anything even close to the capabilities of managing a nuclear disaster, should it occur either from a nuclear first strike or from a retaliatory strike by the adversary.

In a chilling report published by Britain based *NEW SCIENTISTS*, it was reported that a massive loss of men and materials would occur should a nuclear exchange take place between India and Pakistan. As per this report, at least 2.9 million people would be killed and another 1.4 million severely injured. The calculation is based on the possible use of 10 Hiroshima type bombs, 5 in India (Bangalore, Mumbai, Kolkata, New Delhi, Chennai) and 5 in Pakistan (Karachi, Lahore, Faisalabad, Islamabad, Rawalpindi). In comparative terms, Indian side will suffer 1.5 million dead and 900,000 injured, while Pakistan side 1.2 million dead and 600,000 injured. If the bomb explodes on the ground instead of in the air, resulting radioactive dust could kill more people. Due to prevailing winds from west to east, India would incur more casualties than Pakistan. This is just ten bombs, which is 1/10th of estimated nuclear bomb both the countries are believed to have possessed.¹⁸

Another report provided even a more frightening picture. "Nuclear exchange could kill up to 12 million people at one stroke plus injury up to 7 million. Even a so-called 'limited war' would have cataclysmic effect overhauling hospitals across South Asia and requiring vast foreign assistance to battle radioactive contamination, famine and disease. More deaths would occur later caused by urban firestones, ignited by the heat of a nuclear exchange, deaths from longer term radiation, or the disease and starvation expected to spread."¹⁹

¹⁸ "The Day After in India, Pak: 12 million dead", *Indian Express*, New Delhi, India, May 28, 2002.

¹⁹ Ibid.

In this regard, India's Home Ministry is currently raising eight battalions to tackle natural disasters and combat nuclear, biological and chemical warfare. In all likelihood, Pakistan is expected to follow India's path in having a National Emergency Response Force to be deployed in strategic locations under the supervision of the director-general of civil defense should such contingencies arise.

Pakistan's Current Missile Capability and India's Cold Start Strategy

Jane Intelligence Review's report published in March 26, 2001, has stated that Pakistan, India's traditional adversary, has nearly completed development of a solid fuel missile that could strike key Indian cities from deep within Pakistan territory through Ghauri-series of liquid propelled missiles in an offensive operation and Shaheen-series weapons as defensive measures.

On May 24, 2002, Pakistan also tested a Ghauri missile that has a range of 1,500 kilometers (1,000 miles) that can hit most populous cities of Northern, Central and Western India. The father of the Pakistan bomb, Dr. A. Q. Khan, in a declaration has asserted that Ghauri missiles could "wipe out thrice, all the big cities of India."²⁰ On June 4, 2004, Pakistan also successfully tested Hatf-V and Ghauri-1. India, on the other hand, on June 13, 2004, has successfully tested Brahmos, the supersonic cruise missile that can travel at Mach 2.823 and which has been configured to be launched from land, ship, submarine and aircraft using liquid ramjet technology. Furthermore, India has developed capability to test Agni-III missile which can hit objects within the range of 3000 miles and, thus, the entire territorial space of Pakistan can be within India's missile range. In addition, India's Armed Forces have formulated joint war doctrine to ensure that individual combat capabilities of Army, Navy and Air Force can come together in the event of war. It remains to be seen whether and when

²⁰ See, URL: www.rediff.com accessed October 5, 2001; also, see, *The Times of India*, New Delhi, November 10, 2003.

Pakistan will match India's cruise missile and related capabilities so as not to provide its rival a strategic edge.

Similarly, India's new Cold Start Strategy that became operational with major military exercise VAJRA SHAKTI in May 2005 has been of concern to Pakistan's nuclear establishment. Under the Cold Start Strategy, India could retaliate with nuclear weapons if its armed forces were subjected to nuclear, chemical or biological strikes, and this could have profound strategic impact on Pakistan's nuclear doctrine. Although Cold Start Strategy was in place under the North Atlantic alliance, a similar replication in the South Asian context might have serious implications thus further endangering the strategic environment of the region.

Towards a Strategic Restraint Regime

Perhaps, what is needed is a level of transparency and credible approach. To Pakistan's credit, at the October 1998 talks at the foreign minister level, Pakistan proposed a framework for what was called a strategic restraint regime.²¹ The framework included:

- a non-aggression pact;
- the prevention of a nuclear weapons and ballistic missile race;
- risk reduction mechanisms such as nuclear risk reduction centers;
- avoidance of nuclear conflict;
- formalizing moratoria on nuclear testing;
- non-induction of anti-ballistic missile systems and submarine-launched ballistic missiles; and
- formal nuclear doctrines of minimum deterrent capability.

Pakistan also proposed mutual and balanced reduction of forces in the conventional field. India matched these proposals by offering a framework consisting of:

- no-first-use pledges;
- agreement on preventing nuclear war, including accidental or unauthorized use of nuclear weapons;

²¹ Farah Zahra, "Pakistan's Road to a Minimum Nuclear Deterrent", *Arms Control Today*, Washington, DC, July/August 1999, also, available at http://www.armscontrol.org/act/1999_07-08/fzja99.asp?print

- extension of agreements prohibiting attack against nuclear installations;
- advance notification of ballistic missile tests; and
- verification of nuclear related data exchange.

In this context, Michael Krepon, South Asia strategist at the Washington DC based Henry Stimson Center has outlined a viable ten key commandments to reduce the risks of nuclear escalation:²²

- Don't change or alter the territorial status quo in sensitive areas by use of force
- Avoid nuclear brinkmanship on both sides
- Avoid dangerous and threatening military practice
- Put in place special reassurance measures for ballistic missiles and other nuclear forces
- Implement properly mutual and international treaty obligations, risk-reduction, and confidence-building measures
- Agree on verification arrangements, including intrusive and comprehensive monitoring
- Establish reliable lines of communication, between political leaders and between military leaders
- Establish conventional and reliable command and control arrangements as well as intelligence-gathering capabilities to know what the other side is up to, especially in a crisis
- Keep working hard on these arrangements. Improve them. Don't take anything for granted
- Hope for plan dumb luck or divine intervention

Conclusion

In the shadow of Pakistan's nuclear doctrine lies the perennial issue of Kashmir which is the bone of contention between India and Pakistan since 1947. Since volatility over Kashmir may yet provide a flash point, that possibility may induce both countries to come to a negotiating table and to opt for nuclear deterrence and quick implementation of 'enforceable and verifiable' confidence-building measures which may include simultaneous signing of CTBT and other international safeguards. The statement made by Gen. Pervez

²² For more details on Ten Commandments, see, Michael Krepon, 'The Stability-Instability Paradox, Misperception, and Escalation Control in South Asia,' *The Henry L. Stimson Center*, May 2003, p.8.

Musharraf on December 18, 2003 to be flexible on Kashmir issue and be ready to bend on his UN Kashmir baggage by keeping aside UN Security Council Resolution is a welcome sign and should be explored further. Elaborating his vision for the resolution of the long tangled Kashmir problem, Musharraf outlined a four-step approach. It involves recognition of the centrality of Kashmir for the settlement of all disputes between India and Pakistan, commencement of a dialogue on that basis, elimination of solutions not acceptable to India, Pakistan and Kashmiris, and initiating the process for finding a solution acceptable to all parties.²³

Along with it, the following confidence-building measures (CBMs) at the non-military level could be pursued in right earnest.

- Unofficial dialogue through Track-II level should be encouraged by the two governments to assist official-level talks between India and Pakistan
- Measures to develop commerce and trade such as, having a Free Trade Agreement (FTA), Granting Most Favored Nations (MFN) status, Evolving a common currency, etc
- Bus service between Srinagar and Muzafarabad linking both Indian and Pakistan sides of the Line of Control (LoC) across the Kashmir valley that began in April 2005 to continue for the foreseeable future.

Similarly, on Siachen glacier along the Kashmir front, the world's highest battlefield, CBM talks could be initiated geared toward demilitarization and firm commitment made by both India and Pakistan to stop aggressive maneuvers, avoid lateral movement of troops on the glacier and declare Siachen as a mountain of peace.

Second, India's former foreign minister, K. Natwar Singh's proposal to evolve and study the feasibility of a common nuclear doctrine between India, China and Pakistan in order to bring peace and stability to the region could be explored further. Third, CBMs and related negotiations including the feasibility of common pipeline between Iran, Pakistan and India for enhanced energy cooperation that

²³ See, *Indian Express*, New Delhi, December 19, 2003; Also, see, *The Hindu*, Chennai, December 19, 2003.

was agreed upon by Prime Minister Manmohan Singh and President Pervez Musharraf in New Delhi on April 16-18, 2005, could be pursued more aggressively.

Another measure that could be tried is the concerted efforts on the part of the permanent members of the UN Security Council to act as honest facilitators "to help in ushering a common, strategic dialogue and language on arms control in South Asia"²⁴ and foster open communication among the parties concerned. But then, the concept of nuclear deterrence for two South Asian rival countries with deep rooted historical animosities and regional ambitions might be an uphill task unlike the case of the United States and former Soviet Union during the Cold War years when both the countries stayed broadly within the perimeter of deterrence. With the shaping of nuclear doctrines of Pakistan and India, it was hoped that a peace constituency could hopefully take firm hold in South Asia. Similarly, it was also hoped that the proactive peace process currently underway between India and Pakistan would turn into an irreversible one.

Six elements are of critical importance in sustaining the process of ongoing dialogue between India and Pakistan.²⁵ The first one is the preservation of agreements and CBMs (military and non-military) instituted so far between India and Pakistan. Second one is the promotion of the resolution of disputes so that peace process gains momentum and transforms into a conflict resolution mode. Third one is a problem-solving proactive approach applied by both sides. Fourth one is the principle of reciprocity and goodwill guiding the dialogue process. Fifth one is regular political contacts at all levels including the highest level that is needed to discuss issues critically and keep the engagement process moving. Sixth one is evolving a convergent vision for peace and cooperation in the entire South Asia region. In this regard, an important point is the articulation of a common regional perception of shared risk regarding a possible nuclear war that is capable of generating collective awareness and cultivating collective

²⁴ Statement by Ambassador Akram, Munir; Pakistan in the Conference on Disarmament, August 19, 1999, available at <http://www3.itu.int/pakistan/CD-Indian%20Nuclear%20Doctrine-19%20August%201999.htm>

²⁵ See, Maleeha Lodhi, "Nuclear Cloud over South Asia", *The Times of India*, New Delhi, My 1, 2006.

efforts aimed at avoiding a possible nuclear catastrophe.²⁶ There is also a compelling need to recalibrate other national strategic priorities – national defense, Kashmir, etc. It would be a complicated task. Pakistan is obsessed with India in its security thinking due to the prevailing asymmetry of power, particularly in the nuclear field, between the two countries, while India focuses on a wide range of security imperatives of which Pakistan is just one.

²⁶ See, Shaun Gregory, “A Formidable Challenge: Nuclear Command and Control in South Asia”, *Disarmament Diplomacy*, The Acronym Institute, Issue No.54, February 2001.

M. Emdadul Haq

INDO-US NUCLEAR AGREEMENT: REGIONAL CONCERNS

Abstract

The signing of Indo-US nuclear agreement, in March 2006, has been a major breakthrough in the bilateral relationship between India and the United States with far reaching security implications for South Asia and beyond. After long years of cost benefit analyses and a complex process of negotiations, India and the US have forged a strategic partnership that includes exchange of nuclear technology, which even in the recent past has been almost unthinkable. Indo-US strategic partnership is deeper in substance and wider in scope than the Pak-US relationship. India's decision to remain nuclear and *de facto* US recognition to New Delhi's nuclear status generated significant concern among the countries of the region and beyond. The Indo-US nuclear deal increases the risk of proliferation in South Asia and, thus, became a cause of great concern for the countries like Bangladesh, Pakistan, Nepal and others. It would be a major backward step for global nonproliferation efforts. Before approval, the US Congress should take the risk factors into account and should either recommend major changes in the agreement or reject it altogether.

1. Introduction

The signing of indo-US nuclear agreement, in March 2006, has been a major breakthrough in the bilateral relationship between india and the United States with far reaching security implications for South Asia and beyond. After long years of cost benefit analyses and a complex process of negotiations, india and the US have forged a strategic

M. Emdadul Haq, Ph.D., is a Professor and Chair, Department of International Relations, University of Chittagong. His E-mail is: mehaq@spctnet.com

partnership that includes exchange of nuclear technology, which even in the recent past has been almost unthinkable. Recently concluded indo-US strategic partnership has drawn wider international attention as the two countries are apparently moving towards developing significant convergence of mutual interest on a very sensitive issue. There are divergent opinions among the experts and analysts regarding implications of indo-US nuclear deal. India's decision to remain nuclear and *de facto* US recognition to New Delhi's nuclear status coupled with the rapid growth of indian economy generated significant concern among the countries of the region and beyond. Central to this is the fact that the newly formed Indo-US security ties are likely to have remarkable impact on the emerging balance of power not only within South Asia but also beyond. It is in this light that the current paper will address primarily but, not exclusively, the following questions:

- How did the two countries reach the nuclear deal and what is the nature of the deal?
- What are the likely impacts of the indo-US nuclear deal on the security predicaments of the regional countries?
- Why both the countries are apprehensive about the ultimate outcomes of the partnership?

2. Indo-US Nuclear Deal: Background and Nature

India's nuclear ambitions are long-standing. The country virtually entered the nuclear club as early as in 1974 with its 'peaceful' nuclear test. However, the US and its allies like, Canada and the UK could not recognize New Delhi's nuclear test of 1974 as being peaceful. As a consequence, India's cooperation in the nuclear field with these countries, from where it had acquired, as early as in mid-1950s, a nuclear reactor and heavy water for peaceful purposes, came to an end.¹ Then, after the second nuclear test in 1998, the country faced US sanctions. Nevertheless, President Bill Clinton initiated the breakthrough in bilateral relations during his visit to South Asia in March 2000, when he spent only three hours in Islamabad as

¹ George Perkovich, *India's Nuclear Bomb* (Berkeley: University of California Press, 1999), p. 30.

compared to five days in India. Clinton administration laid the foundation for what followed afterwards by recognizing 'India as an important country'.² President George W. Bush quickly lifted sanctions against India in the aftermath of suicide attacks in the US heartland in September 2001.

In recognition to the potentials of India at a critical juncture, President Bush designed a comprehensive policy that covered economic, technological, political and even military aspects in building strategic relationship with New Delhi. *The US National Security Strategy Report of 2002* underscored the need for a transformation in its bilateral relationship with India 'based on a conviction that US interests require a strong relationship with India'.³ At this stage, the Indo-US military ties were evolving through joint military exercises along Chinese borders, high level visits and some armament purchases.⁴ In the context of emerging Indo-US security cooperation, the US Under Secretary of Commerce stated in Mumbai in November 2003 that a 'strong and vibrant India will be most effective' in advancing the shared objectives of promoting peace and stability in Asia. Eventually, the Bush administration came up with a strategic plan to build India as a 'Global Power' for combating global terrorism and halting the proliferation of weapons of mass destruction (WMD) in the Middle East.

Root causes behind the US enthusiasm in advancing the latest strategic partnership with India were as follows:

- Ideologically, the Bush administration lauded Indian democracy⁵ for its commitment to 'political freedom' and representative

² Stephen Phillip Cohen, "A Deal Too Far?", *The Observer Research Foundation*, 28 February 2006, p. 2.

³ *The National Security Strategy of the United States of America*, The White House, September 2002.

⁴ Christopher S. Raj and Chintamani Mahapatra, "US Strategic Response to Emerging Problems in Asia", *International Studies*, Volume 41, Number 3, July-September 2004, p.286.

⁵ Sharon Squassoni, "US Nuclear Cooperation with India: Issues for Congress", Updated 12 January 2005, *CRS Report for Congress*, URL: <http://www.nunnturnerinitiative.org/>

character and considered it as a 'natural partner' in strategic issues of regional and global significance.

- Economically, India adopted economic liberalization policies in 1991 and showed signs of moving toward 'greater economic freedom' with an ultimate objective of establishing corporate business with the US.
- Strategically, the Bush administration probably contended that unless dealt favorably India could form alliance with 'alternative super power china',⁶ and become a threat to the American strategic interests. This also included the free flow of commerce through the 'vital sea-lanes' of the Indian Ocean.⁷ Through a strong strategic partnership, the US intended to 'best address' her options with India and shapeup a mutually favorable future against the rising Tiger China,⁸ as well as Iran and North Korea.
- Militarily, the Bush administration perceived that India could be an effective partner in its "War on Terror",⁹ because they face common enemies. India is combating *Jihadis* in Kashmir, while the US is facing a similar force in Iraq and Afghanistan. In view of the situation, both the countries can fight together against the potential threat of *Al-Qaeda* and create 'a strategically stable asia'.¹⁰
- Diplomatically, forging closer ties in the explicit areas of civilian nuclear cooperation and civilian space programs, the Bush administration has been interested in bringing India into the

⁶ Jabin T Jacob, "Indo-US Nuclear Deal: The China Factor", *Institute Of Peace and Conflict*, IPC Studies Report, 14 March 2006.

⁷ K.R. Singh, "India, Indian Ocean and Regional Maritime Cooperation", *International Studies*, Volume 41, Number 2, April-June 2004, pp.196-97.

⁸ George Perkovich, "Faulty promises: The US-India Nuclear Deal", *Policy Outlook*, September 2005, pp. 1-2, URL: www.CarnegieEndowment.org

⁹ Steve Smith, "The End of the Unipolar Moment? September 11 and the Future of the World Order", *International Relations*, Sage Publications, 2002, Volume 16 (2), p. 173.

¹⁰ Anand K. Sahay, "Changing Parameters of Cross-Border Terrorism in Kashmir", *International Studies*, Volume 41, Number 2, April-June 2004, pp. 190-91.

nonproliferation system to prevent the further spread of nuclear weapons.

It is in this backdrop that the US began to woo India. The process began even when the country was under a government headed by Atal Behari Vajpayee of Hindu nationalist Bharatiya Janata Party (BJP). Vajpayee as well clearly realized the importance of a closer relationship with Washington and responded positively to the US gestures. Thus, the Indo-US strategic partnership began to take shape under Vajpayee. On becoming the Prime Minister, Manmohan Singh, slated the economic prospect of nuclear energy that he had gathered as Finance Minister in the early 1990s. He could visualize the need for an affordable and reliable source of energy in order to step up sustained economic growth and recognize that how wasteful the civil nuclear program has been over the decades since 1960s, contributing only 3% to India's total energy needs.¹¹ Indian leaders perceived that the rate was inadequate to help achieve country's target of becoming technological power by 2035, and seizing third position in the global economy after China and the US.

The idea about forging strategic partnership with the US on nuclear issue became politically viable after the two countries had engaged in wide-ranging military and strategic cooperation during 2001-02. By mid January 2004, the two countries declared a Next Step in Strategic Partnership (NSSP) agreement to expand Indo-US cooperation in the areas of civilian nuclear activities, civilian space programs and high technology trade. India perceived US willingness to cooperate in some of the 'sensitive areas' as an indication towards improved Indo-US bond. In an attempt to facilitate the nuclear deal, Indian Defense Minister, Pranab Mukherjee, successfully concluded the Indo-US defense agreement in Washington on 28 June 2005. The important areas of the agreement were as follows:

- I. Two parties would mutually exchange information over missile defense activities;
- II. They would form a group for collecting and producing defense materials;

¹¹ Stephen Phillip Cohen, *op.cit.*, 2.

- III. Military scientists from both sides would continue defense research and experiment in order to achieve further development; and
- IV. The agreement would facilitate the creation of a framework for exchange of classified research data on security and defense issues.¹²

The agreement was an outcome of the process that had been set in motion by the two countries after 9/11 and corroboration of a decision taken by the US to develop special strategic ties with India in pursuance of its global and regional objectives. At their summit meeting in Washington, on 18 July 2005, both President Bush and Prime Minister Singh announced potentially major departures in Indo-US nuclear policies. The July 2005 initiative ultimately enabled them to sign on 3 March 2006 a number of strategic agreements in New Delhi. President Bush and Prime Minister Singh were persistently trying to translate these agreements into reality. The agreements, among others, included the following provisions:

- I. India agreed to allow inspection from the International Atomic Energy Agency (IAEA) to its civilian nuclear program, but would decide which of its many nuclear facilities to classify as civilian;
- II. The civilian category will include domestically built plants, which India was reluctant to safeguard before. Military facilities and stockpiles of nuclear fuel that India has produced until now will be exempted from inspections or safeguards;
- III. India agreed to continue its moratorium on nuclear weapons testing;
- IV. India committed itself to strengthening the security of its nuclear arsenals;

¹² Tarek Samsur Rahman, "Bharot-Joktarastra Shamorik Shamporko", *Jugantor*, 05 July 2005.

- V. India agreed to prevent the spread of enrichment and reprocessing technologies to states that do not possess them and to support international nonproliferation efforts;
- VI. US Companies will be allowed to build nuclear reactors in india and provide nuclear fuel for its civilian energy program.¹³

Many analysts believe that the latest deal has figured India's stature manifold, from a *de facto* nuclear weapon state¹⁴ to a *de jure* nuclear status.¹⁵ According to the details of the deal, the nuclear issue holds the paramount part. If the US Congress finally enacts the agreement, India would be eligible under the treaty provisions to buy US materials and equipments that could be used to enrich uranium or reprocess plutonium for nuclear bombs.¹⁶ It would also receive imported fuel for its nuclear reactors and would purchase five billion dollar worth of conventional weapons from the US. Upon Presidential certification the prospect of Indo-US strategic partnership would be consolidated at least for a 10-year period.

3. Matters of Regional Concerns

The signing of the Indo-US deal coupled with the declaration by President George Bush to assist India to become a 'major world power in the 21st century', generated deep concern in the region. Expert view suggests that the accord will result in a 'three-way nuclear arms race in Asia'. It would augment the political influence of nuclear weapons that would set bad example for the existing nonproliferation regime

¹³ Esther Pan, "The US-India Nuclear Deal", *Council on Foreign Relations*, 24 February 2006, URL: www.cfr.org/publication/9663/usindia-nuclear-deal.html

¹⁴ Five countries: the US, UK, Russia, France and China have signed the Non-Proliferation Treaty (NPT) of 1968 and are regarded as *de jure* nuclear powers; while countries like India, Pakistan and Israel are regarded as *de facto* (non-declared) nuclear weapon states.

¹⁵ Dana R. Dillon and Baker Spring, "Nuclear India and the Non-Proliferation Treaty", *Backgrounder*, No. 1935, 18 May 2006, p. 4. URL: www.heritage.org/research/abm/missiledefense/bg1935.cfm

¹⁶ Henry Sokolski, "The US-India Nuclear Deal: The Right Approach?", *CFR Online Debate*, 25 May 2006, URL: <http://www.cfr.org/publication/10731/>

and increase India's strategic capability including the numbers of nuclear warheads. Even though the deal is subject to congressional approval, it has already sent alarming signals to other regional powers, especially Pakistan and China. What follows is an attempt at probing into the regional concerns generated by the Indo-US nuclear deal.

3.1. The deal undermines the NPT and the nonproliferation regime

Decades of nonproliferation works and international agreements endorsed by most nations have been ignored by the deal. The Indo-US pact undermines the Non-Proliferation Treaty (NPT) of 1968, which is the world's most important diplomatic instrument for controlling the spread of nuclear weapons and technology. The United Nations had endorsed the treaty and, by now, 188 nations have signed it, but India refused to do so arguing that it was discriminatory. The NPT bans export of nuclear technology to countries that don't agree to international inspections of their nuclear programs. However, the Bush administration has decided to provide India with nuclear technology and fuel in exchange for bringing part of India's nuclear facilities under international safeguards. Currently, India possesses about 100 nuclear warheads,¹⁷ and had conducted latest nuclear tests in 1998 defying international regulations¹⁸ freshly imposed by the Comprehensive Test Ban Treaty (CTBT) of 1996.

Nonetheless, under treaty obligations, India has agreed to unbolt 14 civilian reactors for international inspections, but reserved its seclusion on eight military nuclear reactors. This agreement tacitly encourages other countries to make bilateral nuclear agreements with non-NPT members in violation of the spirit of that treaty.¹⁹ Russia had tried to provide India with similar nuclear technology in the past, but the US turned down it. Applying double standards, the US dictates Iran that it cannot develop its nuclear technology for civilian energy,

¹⁷ FCNL, "The U.S. – India Nuclear Deal: Reasons for Concern", *Friends Committee on National Legislation*, March 2006, URL: www.fcnl.org

¹⁸ Sidney Drell and James Goodby, *The Gravest Danger: Nuclear Weapons*, (Stanford: Hoover Press, 2003), p. 88, URL: www.hoover.org

¹⁹ Thomas Graham Jr., *et. al.*, "Think Again: US-India Nuclear Deal", *Foreign Policy Magazine*, Posted July 2006.

but at the same time approaching to provide India with similar technology. The practice is self-contradictory and any exception in regard to India would complicate ongoing negotiations with Iran and North Korea, and would undermine the global rules designed to prevent proliferation and acts of nuclear terrorism.²⁰ The Chinese and Russian defense of civilian nuclear program in North Korea and Iran is a part of this larger scenario. Being apprehensive about the deal, Pakistan may look for similar cooperation with China in the near future.

3.2. Pakistan may reach a nuclear deal with China

The Indo-US strategic partnership might push Pakistan, a long-term US strategic ally, to seek similar agreement with the 'other Super Power' China. Pakistan had joined the US-sponsored military pacts and alliances, CENTO and SEATO, as early as in the 1950s and received superior military hardware to contain Soviet influence in South Asia. In line with the US strategic interests, Pakistan played a crucial role in ousting Soviet invaders from Afghanistan during the 1980s.²¹ Pakistan was virtually abandoned by the US after the Cold War, but was threatened after the event of 9/11 'to go back to stone age'²² unless it joined the "War on Terror" in Afghanistan. The forging of Indo-US strategic partnership, however, made Pakistan a 'tactical ally' this time. Having designed the Indo-US high-level cooperation in defense-related areas, President George Bush pursued strategic differences²³ that persist between India and Pakistan in their needs and aspirations. As a result of this differential treatment,

²⁰ Michel Krepon, "The US-India Nuclear Deal: Another Wrong Turn in the War on Terror", *The Henry L. Stimson Center*, South Asian Project, Washington, 29 March 2006.

²¹ M. Emdadul Haq, *Drugs in South Asia: From the Opium Trade to the Present Day*, (Houndmills: Macmillan Press Ltd., & New York: St. Martin's Press, 2000), pp. 184-90.

²² Gen Pervez Musharraf told "60 Minutes" on CNN, *The Daily Star*, 23 September 2006.

²³ Quoted by Shehzad Nadeem, "The Regional Implications of the US-India Nuclear Agreement", *Foreign Policy in Focus*, 28 April 2006. URL: <http://www.fpif.org/fpiftxt/3248>

Pakistan assumed inferior status as compared to India's spanking partnership. Commenting on this, a Bangladeshi columnist wrote that it is an irony for Pakistan. The US major non-NATO ally has become the 'first victim of Indo-US strategic partnership'.²⁴ Thus, Pakistan had to face the stark reality: India that often opposed the US throughout the Cold War era became a 'strategic partner of the US' in the post-9/11 world to the detriment of Pakistan, a close Cold War ally.

The recent espousal of Indo-US strategic partnership, defying Pakistani concerns and interests, frustrated Islamabad. The leading Pakistani newspaper, *Dawn*, maintained that what 'bothering Pakistan about the deal' is that although India, like Pakistan and Israel, has refused to join the NPT, the deal amounts to *de facto* acceptance of India as a legitimate nuclear power state.²⁵ Pakistan's Foreign Minister, Khurshid Kasuri, argued that the refusal by Bush administration to offer Pakistan similar status was 'discriminatory' and 'unacceptable'. He also pointed out that in order to counteract the situation, Pakistan might forge similar relationship with China, the alternative Super Power. China has already assisted Pakistan's civilian program at Chashma-2 in the past and was the principal supplier to Pakistani nuclear weapons program.²⁶ Pakistan would not have acquired nuclear weapons without significant assistance from China and the partnership might persist in her future endeavors.

Following the Bush-Singh deal, Pakistan made some high profile announcements about purchasing nuclear reactors from China. In an anticipation of Singh's high profile visit to the US, Sino-Pakistani delegates met in July 2005 to consult on matters relating to arms control, disarmament and nuclear non-proliferation. Simultaneously, the Pakistan Atomic Energy Commission (PAEC) announced plans for building 13 new nuclear power plants in the next 25 years largely with the Chinese assistance.²⁷ Sino-Pak cooperation in the civilian nuclear sector could be a sign of how the Chinese response might lead to a revision in the nuclear order. A Pakistani non-proliferation expert at

²⁴ M. Abdul Hafiz, "The Aftermath of Bush's South Asian Jaunt", *The Daily Star*, 17 April 2006.

²⁵ Quoted by Nadeem, *op.cit.*

²⁶ Jacob, *op. cit.*, p. 5.

²⁷ *Ibid.*

the International Crisis Group, Samina Ahmed, observed that her country would catch-up with India 'not only through expanded nuclear ties with China, but also by a more aggressive pursuit of nuclear technology from the global nuclear bazaar'. Also, there is a leeway of Pakistani attachment with Shanghai Cooperation Organization (SCO), where Russia and Central Asian countries are active members.

3.3. The deal poses a threat to fragile Indo-Pak relations

The Indo-US strategic partnership emerged as a cut-off point to the Indo-Pak bilateral relationship. After having three wars, two being on Kashmir in 1947 and 1965 and one over the liberation of Bangladesh in 1971, both Pakistan and India came closer through the Lahore Declaration of 21 February 1999. Prime Minister Vajpayee's second visit to Pakistan in January 2004 made some significant progress after the latest near war situation over Kashmir in 2002.²⁸ In order to transform the military option into an amicable solution to the conflict, President Pervez Musharraf paid a return visit to Delhi in mid-April 2005. In his latest move, Musharraf declared peace in Kashmir 'irreversible'.²⁹ To pacify the dispute, Musharraf promised several times to India and the US not to send *Jihadis*, whom India and the US would brand as 'cross-border terrorists'. Signs of changing attitude were also evident within the Indian leadership and media when both came to consider that the line of control (LoC) was 'not drawn in stone but on sand'.³⁰ The new setting of power relationship in South Asia has indeed created an uncertainty in the ongoing peace process between the region's two archrivals.

The Indo-US strategic partnership posed a threat to the relatively improved relations that have been achieved between India and Pakistan in recent years. Pakistan could interpret this as an aggressive move by India and feel it has to increase its nuclear deterrence,

²⁸ Shahedul Anam Khan, "Winds of Change or a False Dawn Over Kashmir?", *The Daily Star*, 25 Novemebr 2004.

²⁹ M B Naqvi, "The Success and Failures of Pakistan's Nukes", *The Daily Star*, 28 May 2005.

³⁰ Harun Ur Rashid, "Cricket Diplomacy Ushers in a New Hope in the Region", *The Daily Star*, 20 April 2005.

potentially leading to a nuclear arms race in the region.³¹ Moreover, the Indo-US nexus, coupled with Israeli engagement in India's defense projects, appeared to be serious concerns to the policy planners in Pakistan.³² The growing Indian might naturally undermine Pakistan's prospects for bargaining a suitable negotiated solution to the Kashmir issue. With the Kashmir dispute unresolved, Pakistan remains quite sensitive to any change in the power equilibrium in South Asia that favors India. The more assistance it gets from the US and Israel in the area of military technology, the more thorny it becomes for Pakistan to achieve a decent and respectable breakthrough with regard to her problems with India. The situation might hearten the *Jihadis* to target the US citizens and Hindu Holy shrines for bomb blasts and suicide attacks similar to ones that had taken place in Karachi and Varanasi immediately after the deal.³³ Recurrence of similar incidents might trigger the traditional hostility and torn apart the process of normalization between India and Pakistan.

3.4. Future Indian reactors might evade IAEA inspections.

If the deal proceeds as per plan, long-term regional peace and security will be greatly affected. Under the proposed agreement, India will be able to develop future reactors and decide whether to classify them as civilian or military. It will have no compulsion to classify future reactors as civilian unless the deal dictates for the same. Moreover, India's fast breeder reactors, which are capable of producing large quantities of bomb-making materials,³⁴ can evade IAEA inspections. The proposal does not account for accumulated plutonium in spent fuel from India's reactors. Ambiguity also persists in some of the sensitive areas: whether India will reprocess its spent fuel or return spent fuel to the U.S.? The US analysts suggest that Congress should incorporate all these provisions, if the legislation is enacted. Otherwise, there is a possibility of the diversion of nuclear

³¹ Sharon Squassoni of CRS reported this in the 6th briefing in the Russel Building in March 2006. See also, *Friends Committee on National Legislation*, Washington DC 20002, URL: www.fcnl.org

³² Hafiz, *op. cit.*

³³ Krepon, *op. cit.*

³⁴ Dillon and Spring, *op. cit.*, p. 5.

raw materials from civilian reactors to military ones or even to the smugglers. It is particularly in view of the fact that, over the recent past, there has been diversion of illicit opium³⁵ and precursor chemicals³⁶ to the heroin market in India.

Questioning India's integrity, many of the anti-deal analysts argued that democratic states have been a source of nuclear proliferation in the past. Executive Director of the US Arms Control Association, Daryl Kimball, maintained that the Bush Administration should be cautious not to hamper the NPT with the proliferation of nuclear technology, even to democracies like India.³⁷ *Friends Committee on National Legislation* in its recent report argued that Congress should not be lowering the threshold on nonproliferation by weakening the Atomic Energy Act of 1954.³⁸ To assist the energy needs of the world's largest democratic country, the U.S. could provide alternative energy sources or technology to improve India's coal-burning power plants, instead of proliferation of the nuclear technology.

3.5. Chinese response to the deal

The Indo-US nuclear nexus has drawn a guarded response from China that perceived the move as 'an official stamp' for containing her mounting economic and military power. Some statistics suggest that China will emerge, by 2035, as the world's largest economy. Although, neither the Bush administration nor the Indian authorities has directly pronounced any words to tackle China, some US analysts speculated that increased US-India security ties would provide

³⁵ For details see, M. Emdadul Haq, "From Opium to Heroin: Indian Acetic Anhydride and the Drug Trade", *The Asia-Pacific Magazine*, No. 13, December 1998, pp. 8-12.

³⁶ M. Emdadul Haque, "The Politics of Medicinal Opium: Resurgence of Indian International Drug Trafficking in the 1980s", *South Asia*, Volume XXI, No. 2, 1998, pp. 121-143.

³⁷ *Jai Jai Din*, 14 September 2006.

³⁸ FCNL, *op. cit.*

potential counterbalance to growing Chinese influence in the region.³⁹ As a result of the deal, some sorts of mistrust have grown in the Chinese mind regarding the changing nature of Sino-India and Sino-US relations. In late October 2005, the first major Chinese response appeared in the *People's Daily*, which criticized the US role for 'making an exception' to India that would bring about a series of negative impacts,' especially on the Iranian and North Korean issues.⁴⁰ China also raised objections for America playing 'double standard'. The article, also invited India to sign the NPT and dismantle its nuclear weapons and, thus, contribute to the strengthening of the international non-proliferation regime. Analyzing the Chinese viewpoints one might make a case that the 'other nuclear powers' could now step up nuclear cooperation with their partners.

In order to achieve alternative strategic objectives both China and Russia, in the meantime, reduced their differences and forged a defense alliance. The hidden US agenda of preparing India for the containment of China,⁴¹ has pushed the later to form a regional grouping named Shanghai Cooperation Organization (SCO) with Russia and Central Asian States: Kazakhstan, Turkmanistan, Tajikistan, Uzbekistan and Kirgystan.⁴² In a parallel move to the Indo-US deal, the Chinese President Hu Jintao signed, on 1 July 2005, a military agreement with his Russian counterpart President Vladimir Putin that is designed to help preserve security in Asia.⁴³ The Shanghai Cooperation Organization (SCO), in its May 2006 meeting, initiated an alternative 'New World Order.' As yet, Pakistan has observatory status in SCO regional grouping, but the participation of President Pervez Musharraf in the latest meeting is particularly revealing. Moreover, because of militant activities gas and oil enriched Central Asian states are politically volatile. In an extreme situation the Sino-Russia alliance, coupled with Pakistan and Iran, might try to establish

³⁹ Jacob, *op. cit.*

⁴⁰ *Ibid.*

⁴¹ Ikram Sehgal, "Changin Geo-political Equation", *The Daily Star*, 06 April 2006; Sokolski, *op.cit.*

⁴² Moonis Ahmar, "New Equations in South Asia", *Probe*, August 5-11, 2005, p.15.

⁴³ Rahman, *op.cit.*

their command over the region's natural resources as well as *Jihadis*, and seize strategic dominance in West Asia.

4. Dilemmas within the Partners

Analysts have scrutinized the Indo-US nuclear cooperation initiated by President Bush and Prime Minister Singh from different perspectives. The most worrying element in the latest strategic partnership is the fact that the agreement is tantamount to recognizing India as a *de jure* or legitimate nuclear power state although India, like Pakistan and Israel, has refused to join the NPT. The following discussion demonstrates the way analysts, both in the US and India, have expressed their apprehension about the deal.

4.1. The proposed deal contradicts the expert opinion on nuclear issue

Expert opinion suggests that under the proposed agreement the US will provide India with nuclear material and technology that would allow the country to use its uranium for nuclear weapons. Currently, India has a falling stockpile of uranium and does not produce enough fissile material to maintain both of its nuclear programs: nuclear power and weapons programs.⁴⁴ A former top Indian intelligence official, in his recent work, maintained that the assurance of fuel supply from the agreement would permit India to use its current stockpile to produce uranium and plutonium for nuclear weapons program.⁴⁵ Joseph Cirincione of the *Center for American Progress* asserted that if the US Congress enacts the deal, in November 2006, India will have the capacity to produce about 50 nuclear weapons a year, instead of its present capacity to produce six to 10 nuclear warheads annually.⁴⁶ Many other reports by major university based research institutions as well suggested the same. The deal has disappointed the US nuclear

⁴⁴ Thomas Graham Jr., et. al., "Think Again: US-India Nuclear Deal", *Foreign Policy Magazine*, Posted July 2006.

⁴⁵ FCNL, *op. cit.*

⁴⁶ Quoted in Ashley J. Tellis, *Atoms for War? US-Indian Civilian Nuclear Cooperation and India's Nuclear Arsenal* (Washington: Carnegie Endowment for International Peace, 2006), p.5. URL: www.CarnegieEndowment.org

specialists who wanted it to limit India's nuclear weapons potential and place all of its nuclear power reactors under safeguards. In the same vein, former officials of the Bhabha Atomic Research Centre (BARC) in India have also expressed concern that safeguards would hamper ongoing research on India's fast breeder reactor program and compromise India's long-term energy security.⁴⁷ Indian nuclear scientists are in great dilemma about the 'strategic enclave' that the US would ultimately try to impose on their military nuclear arsenal.

4.2. Encounters from the political quarters

Apart from the danger that the deal will shake up the global nuclear order, political opponents both in India and the US are apprehensive about the outcomes of the deal. In the US, Democrats have their target on Congressional mid-term elections due in November 2006 and they wouldn't let an easy foreign policy victory to President Bush ahead of the elections. Consequently, a special legislation introduced by the Bush administration to facilitate the resumption of nuclear commerce with India faced vehement opposition. In the Congress, top-ranking democrats have interpreted the deal with reservations and would try to set some more treaty obligations for India. Prime Minister Singh responded, however, that any such move would jeopardize the whole initiative.⁴⁸ Inside India, there has been also a lot of criticism against the deal by BJP and the left-wing allies of the ruling Congress. These parties have criticized Singh for agreeing to open nuclear reactors for inspection by the IAEA. To them, it would be an interference to India's sovereignty.⁴⁹ The former Prime Minister, Atal Behari Vajpayee, and officials of the Indian Department of Atomic Energy have questioned the decision to separate Indian civilian and military facilities and argued that it would be a fairly difficult task as well as costly to implement the policy.⁵⁰ True to their policy of resisting perceived American hegemonism, the

⁴⁷ Cohen, *op. cit.*, p. 6.

⁴⁸ *JaiJaiDin*, 14 September 2006.

⁴⁹ Ahmar, *op. cit.* p. 13.

⁵⁰ Fred McGoldrick *et. al.*, "Back to Normal The U.S.-India Nuclear Deal: Taking Stock", *Arms Control Today*, October 2005.

Marxists as well expressed their disapproval of the Indo-US nuclear deal.

4.3. Media is apprehensive about the eventual outcomes of the partnership

Whereas media in the US has been dubious about the eventual outcomes of the deal, in India it was aspirant. The US media has scrutinized Bush's finalization of the deal without consulting his foreign-affairs bureaucracy, influential Congressmen, White House staff or government nuclear specialists. In early April 2006, *The Washington Post* criticized the way President Bush and Foreign Secretary Condoleezza Rice revolutionized US nuclear policy towards and relations with India, disregarding key decision makers.⁵¹ The US media generally perceive that the Indo-US nuclear deal contravenes the Bush administrations own assessments that nuclear proliferation is the greatest threat to international community and the US. By contrast, the Indian press has been watching very closely the US legislative process. It also intensely discussed prospective benefits from the deal as well as its possible drawbacks. Most of the debate has been focused on the portion of the bills that touches upon India's interest, while also keeping in mind that 'the process is far from over'.⁵² The Indian reports lay out generally guidelines and focus on sections of the US bills that would be relevant to their strategic interests, and parts of the legislative process that would matter most. In an apprehensive tone, some of the leading Indian newspapers maintained that the inaction of the nuclear deal might have to wait perhaps a longer period than it was originally anticipated.

4.4. Defiance in the Nuclear Suppliers Group

It is generally perceived that even if the Congress ratifies the deal on time, it will face obstacles in the 45-state Nuclear Suppliers' Group (NSG). As a member of the NSG, the US is obliged to maintain complete safeguard regarding export of nuclear materials, equipments,

⁵¹ *The Washington Post*, 3-4 April 2006.

⁵² Alex Stolar, "Indo-US Nuclear Deal Stumbling Blocks or Stepping Stones? A Status Report", *Institute of Peace and Conflict Studies* (IPCS), Report 29, July 2006, URL: www.ipcs.org

components, and related technology to non-nuclear weapon states. Since the NSG makes its decisions on a consensus basis, the US will have to persuade all other members to amend or reinterpret the guidelines to permit nuclear cooperation with India without requiring New Delhi to accept full-scope safeguards.⁵³ Washington's recent informal consultation with the NSG didn't produce desired results. Japan vocally criticized the deal, while China and the Scandinavian countries expressed their reservations. Some NSG members may strongly argue that it would be unfair to give India all the peaceful benefits of nuclear energy specified in the treaty without requiring New Delhi to accept the corresponding obligations to implement full-scope safeguards. The US would risk throwing the nuclear export control regime into dismay if it continues to move forward in defiance of serious protests by other NSG members.

4.5. Compulsions set by the zionist lobby

The US zionist lobby is suspicious about India's traditional foreign policy and wants to make the deal conditional upon tangible changes in India's position on Iran, Palestine and nonalignment. The zionists would like India to have no contact with *Hamas* dominated government in Palestine. India is reluctant to become a reliable counterweight to China,⁵⁴ Iran and the movement for Palestinian nationhood, because that would weaken India's nonaligned foreign policy option. Seemingly, India has no future contingency plan to use nuclear weapons against China, and perhaps, against Iran or some other new nuclear weapons states what the US or the *Zionist* lobby would be interested in.

4.6. 'To be or not to be'!

In view of the dilemmas within the strategic partners on the enactment of the deal, a vital Shakespearean question has reappeared 'to be or not to be that is the question'. It is more likely, however, that there could be a major split between the US and India over this

⁵³ Fred McGoldrick et.al., "Back to Normal The U.S.-India Nuclear Deal: Taking Stock", *Arms Control Today*, October 2005.

⁵⁴ Cohen, *op. cit.*, p. 12.

agreement, and the negotiations might end up awfully, with mutual accusation and finger pointing on each other. In the circumstances, the deal's collapse will frustrate the Indian government and create bitter anti-US resentment among the Indian public. The failure of the deal would place India in the previous status, where it didn't have any global non-proliferation treaty obligations. At this point, thus, the Indian government is faced with a host of difficult predicaments and concerned about the fate of the deal.

5. Conclusion

As evident from the preceding discussions, the Indo-US strategic partnership is deeper in substance and wider in scope than the Pak-US relationship. However, the emerging partnership is unlikely to become a Cold War type alliance system. Since these countries did not have close relations in the security field for decades, recent improvements in their relations and new areas of collaboration made the initiative to appear intriguing.

From regional perspective, the Indo-US nuclear deal increases the risk of proliferation in South Asia and, thus, became a cause of great concern for the countries like Bangladesh, Pakistan, Nepal and others. It would be a major backward step for global nonproliferation efforts. Before approval, the US Congress should take the risk factors into account and should either recommend major changes in the agreement or reject it altogether. If handled carefully, both India and Pakistan would remain partners in anti-terrorist activities and would become co-workers of the US in an anti-proliferation campaign. It wouldn't be too late a move for that at this point. The South Asian arch rivals, India and Pakistan, have not yet deployed ballistic missiles with nuclear warheads targeting each other or their nuclear weapons have not been completely in place. There are still ample opportunities for recasting their nuclear forces in a way that would contribute to the rollback policy supported in this paper.

Given the complex nature of the situation that has steamed from the deal, India and Pakistan could be offered to join in regional stability arrangements with China. This would include transparency and confidence-building measures, cooperation in early warning, measures to avoid hair-trigger launch status for ballistic missiles, and,

perhaps, agreements regarding ceilings on nuclear force levels. Moreover, as long as Pakistan remains relevant to US war on terrorism, Washington should be cautious in its defense related cooperative ventures with India in order to remove any impression that Indo-US cooperation is undermining Pakistan's military potentials.

Moonis Ahmar

PAKISTAN-JAPAN RELATIONS: SECURITY, ECONOMIC AND POLITICAL DIMENSIONS

Abstract

Pakistan is a major strategic partner of Japan in South Asia. Pakistan-Japan relations possess wide prospects particularly in economic, trade, commerce, security, political and strategic areas. These relations are not linked with Tokyo's relations with New Delhi as both Japan and Pakistan share common perceptions on sustaining the Indo-Pak peace process. There is also a need on the part of Pakistan to learn lessons from the Japanese model of development, particularly in the spheres of education, infrastructure, science and technology. Pakistan can learn a lot from Japan but in order to seek more assistance from Tokyo, Islamabad needs to dispel Japan's concerns as far as the issue of nuclear proliferation is concerned. Stable Pakistan-Japan relations may help the process of Indo-Pak normalization of relations on the one hand and Tokyo's meaningful role in SAARC, on the other.

Introduction

Pakistan is a major strategic partner of Japan in South Asia. The world after September 11, 2001 witnessed the formulation of a kind of convergence of perceptions and interests between Tokyo and Islamabad on issues that remain considerably responsible for the insecurity and instability in the contemporary international order. Issues like terrorism, religious extremism, proliferation of nuclear weapons and other weapons of mass destruction form the basis of

Moonis Ahmar, Ph.D, is a Professor, Department of International Relations and Director, Program on Peace Studies and Conflict Resolution, University of Karachi, Pakistan. His E-mail is: amoonis@hotmail.com The author is thankful to the Japan Study Center, University of Dhaka for enabling him to conduct preliminary research on the theme of his paper.

© Bangladesh Institute of International and Strategic Studies (BISS), 2006

Pakistan-Japan strategic and security dialogue being held by the two countries over the last two years.

An analytical study of Pakistan-Japan relations in contemporary era will bring into light not only smoothness and stability in their bilateral ties established since April 28, 1952, but the widening of their interaction particularly in the areas of disarmament, nuclear non-proliferation, security and combating terrorism. With Japan granted an observer status in the South Asian Association for Regional Cooperation (SAARC) and Tokyo's close economic and trade relations with all the SAARC countries, the dynamics of relations between Pakistan and Japan have underwent a qualitative change. Pakistan's unique geo-political location provides a compelling rationale for growing Japanese interest in Pakistan. In this regard, Pakistan's position in South Asia at the crossroads of Central and West Asia as well as within the close proximity of oil producing Persian Gulf region is of considerable importance to Japan.

This paper attempts to examine the dynamics of Pakistan-Japan relations particularly in the context of post-9/11 scenario. Japan is an important trading partner of Pakistan and is also a major source of aid and investments since the formative phase of Pakistan-Japan relations. After the nuclear tests by Pakistan in May 1998, Japan expressed its displeasure by suspending economic aid but a qualitative change in Tokyo's perception and stance vis-à-vis Islamabad occurred after the terrorist attacks of September 11, 2001 on New York and Washington DC. Recognizing Pakistan's pivotal role in war against terrorism, Japan provided substantial economic relief to Pakistan including rescheduling of 4.5 billions dollars of debt. Japan also helped Pakistan through the World Bank (WB) and the Asian Development Bank (ADB) in providing loans and other forms of assistance.

There is a history of cordial relations between Japan and Pakistan amidst brief phases of displeasure. On several critical international issues, the two countries share common perceptions and both are also involved in the UN peacekeeping operations. Apart from economic ties, which Pakistan and Japan possess since long, the relations between the two countries need to be analyzed in six important areas. These are:

1. *Nuclear non-proliferation*
2. *Terrorism and extremism*
3. *Democracy and human rights*
4. *Regional and international security*
5. *Indo-Pak peace process*
6. *Reforms in the United Nations*

In April 2005, former Prime Minister of Japan, Junichiro Koizumi, visited Islamabad and held fruitful talks with Pakistani leaders including President General Pervez Musharraf and Prime Minister Shaukat Aziz on issues ranging from disarmament and nuclear non-proliferation, alleged role of Pakistan in nuclear collaboration with North Korea, war against terrorism, including security measures to liquidate terrorist organizations, Indo-Pak peace process, including Kashmir and Japan's interest to seek Islamabad's support for a permanent membership in the UN Security Council. It was on the occasion of his visit to Pakistan, that the Japanese Prime Minister announced the resumption of yen loan facility to Pakistan, which was discontinued after the nuclear tests of May 1998.

Japan's role in developing the industrial, agricultural and urban infrastructure of Pakistan is substantial. On the question of supporting Afghan refugees in Pakistan, Japan has been very forthcoming by providing generous material and logistical assistance for the Afghan nationals who were rendered homeless first as a result of the Soviet military intervention and then because of deadly civil war in their country. Japan is also very much active in the process of rebuilding Afghanistan by providing enormous economic assistance to that war torn country.

The purpose of this paper is two fold: first, to briefly examine the background of Pakistan-Japan relations and second, to ponder the prospects of relations between the two countries in the light of their interactions in six areas mentioned above. For Pakistan, learning from the Japanese experience of progress and development is essential. The manner in which the people of Japan follow the principles of work ethics in theory and in practice should also be a source of inspiration, admiration and learning for Pakistan. As it seems, Japan's involvement will grow in South Asia on account of changing geo-political setting of the region. With the emergence of China as a major

economic power, Japan's interest in South Asia is to encourage regional cooperation, particularly stable relations between India and Pakistan and to de-escalate tension as far as the Kashmir dispute is concerned. In late 2001 and during 2002 when India and Pakistan were on the brink of a war, Japan along with the United States and European Union played a major role in war avoidance between the two nuclear states of South Asia. Japan also encouraged Pakistan to resume the normalization process under the framework of composite dialogue and seek a plausible resolution of Kashmir and other contentious issues between the two countries.

Historical background

The first interaction between Pakistan and Japan occurred when Japan's trade delegation made a visit to Pakistan in September 1948. Japan's first overseas liaison agency was established in Karachi, which looked after its diplomatic activities in Pakistan. Pakistan was one of the first countries that ratified the Peace Treaty even without waiting for American ratification and established formal diplomatic relations with Japan within ten days of the ratification of the treaty. Japan's first post-war trade agreement was also signed with Pakistan in May 1948. It needs to be noted that since 1954 Japan has been providing technical and financial assistance to Pakistan. For instance, Pakistan received around 18 percent of accumulated Japanese Official Development Assistant (ODA) offered to Asian countries during 1961-70. Japan also provided assistance for the completion of 18 mega projects for the development of natural resources and setting up of industrial plants in Pakistan.¹

In the formative phase of Pakistan-Japan relations, around sixty Japanese transnational companies (Zaibatsu) established their branch office in Karachi in the 1950s. Bank of Tokyo (earlier called as Yokohama Special Bank) set up its fourth overseas branch in Karachi in 1953 after New York, London and Calcutta. During the 1950s Pakistan became a vast market for Japanese products mainly textiles

¹ For further information see, Dr. Ahmad Rashid Malik, *Pakistan's Vision East Asia: Pursuing Economic Diplomacy in the age of Globalization in East Asia and Beyond*, IPRI Paper 11, (Islamabad), July 2006, p.18.

marked 'Made in Occupied Japan'. Pakistan became one of the largest suppliers of raw cotton and jute to Japan. Moreover, Karachi became the most favorite destination and hub for Japanese business activities in Asia.²

Yet, the smooth and stable history of Pakistan-Japan relations should not be termed as 'ideal' because on several occasions frictions occurred between the two countries on account of political reasons. For instance, Japan cut off its economic assistance to Pakistan during the 1965 and 1971 Indo-Pak wars. Japan also expressed its displeasure over the nuclear tests conducted by Pakistan in May 1998 by cutting off economic aid to Islamabad.³ Barring from brief spells of friction in Pakistan-Japan relations as indicated, the relations between the two countries witnessed a process wherein the scope of bilateral ties has been ever-widening. More importantly, the process of co-operation between the two countries also has been deepening constantly. Japan since the early days of its diplomatic relations with Pakistan has been a source of substantial aid and assistance in various projects. Tokyo has funded projects like Indus Highway project, various power projects, rural road completion project, Kohat tunnel project and Ghazi Barotha dam project. Japan was also forthcoming to provide assistance to the October 8, 2005 earthquake victims in Pakistan by providing US\$200 million for the reconstruction of affected areas.

After the terrorist attacks of September 11, 2001 in the United States and Pakistan's critical role in the war against terrorism, Japan announced to provide US\$ 300 million grant assistance to Islamabad and also rescheduled Pakistan's debt amounting to US\$4.5 billion. Japan also urged various international lending agencies like the World Bank and the Asian Development Bank to provide aid and assistance to Pakistan. Change in Japan's policy vis-à-vis Pakistan was an indication of its readiness to resume its normal relations with Islamabad, particularly in the realm of economic aid and assistance.

² *Pakistan's Growing Interaction with East Asia*, IPRI Fact File (Islamabad), Vol.VIII, No.7, July 2006, p.1.

³ Dr. Ahmad Rashid Malik, "Koizumi's visit to Pakistan" *The Nation* (Lahore), May 1, 2005.

During his meeting with Pakistan's Prime Minister Shaukat Aziz in April 2005, visiting Japanese Prime Minister Koizumi stated that his country would continue to provide assistance to Pakistan and that it would resume the provision of yen loans as a part of such efforts. Prime Minister Aziz stated that the people and government of Pakistan greatly appreciated the technical and financial cooperation provided by Japan Prime Minister Koizumi also presented Prime Minister Koizumi with a stamp issued by the government of Pakistan commemorating the 50th anniversary of Japanese Overseas Development Assistant (ODA) to Pakistan. Prime Minister Aziz also requested the expansion of technical cooperation provided by Japan.⁴

President Musharraf's four-day visit to Japan during March 12-15, 2002 focused on security issues and cooperation in other areas of mutual interest. During his visit, Pakistan and Japan agreed on the establishment of security dialogue on regional situation, besides policy dialogue on economic cooperation.⁵ During his talks with President General Pervez Musharraf and Prime Minister Shaukat Aziz, the Japanese Prime Minister also announced the resumption of yen package loans to Islamabad. These loans were suspended by Japan following the nuclear tests of May 1998. In a press conference in Karachi on September 14, 2005, the Japanese Ambassador to Pakistan Nobuaki Tanaka said that, "his country had restored its economic assistance program to Pakistan, including the yen loans".⁶ In essence, Pakistan-Japan relations are indicative of a process of fruitful and mutually beneficial cooperation. Economic, trade and commercial ties, along with investments form the core of Pakistan-Japan relations followed by their interaction in security, strategic and political areas.

Disarmament and nuclear non-proliferation

Disarmament and nuclear non-proliferation are key elements of Japanese foreign policy. Japan, which is the only country to experience an atomic holocaust, is genuinely worried about

⁴ See, URL: www.mofa.go.jp/region/asia-pacific/india

⁵ Dr. Ahmad Rashid Malik, "Pakistan-Japan Economic Relations during and after the Sanctions: 1998-2005," *IPRI Journal* (Islamabad), Vol.VI, No.1, Winter 2006, p.64.

⁶ "Pakistan-Japan trade below potential," *Dawn*, September 15, 2005.

proliferation not only at the horizontal but also at the vertical level. At various international forums, Japan has been campaigning for nuclear arms control and disarmament. As mentioned in, *Japan's Disarmament and Non-Proliferation Policy*, Japan's mission, as the only nation that has suffered the atomic bombs, is to strongly appeal to the world that the devastation of the nuclear weapons should not be repeated and nuclear weapons should be completely eliminated. Japan exerts strenuous efforts to promote disarmament and non-proliferation, which is one of the important pillars of its foreign policy, because Japan aspires to bring about peace and stability in the world.

At the same time, there is also an aspect of dissemination of the Japanese model in the area of disarmament and non-proliferation to the rest of the world.⁷ Furthermore, Japan ratified the Nuclear Non-Proliferation Treaty (NPT) in June 1976. Upon depositing the instrument of ratification, Japan explicitly stated, "Japan, as the only nation to have suffered atomic bombs, declares anew to the world its fundamental policy of forsaking nuclear armament." At the same time, Japan hoped, "as many states as possible will become parties to this Treaty in order to make it truly effective."⁸ Situated in North East Asia, which is the most militarized region of Asia, Japan is quite sensitive to the threat of nuclear proliferation and other means of mass destruction. North Korea's nuclear test of May 10, 2006 has resulted into the imposition of tough sanctions by Tokyo on Pyongyang.

As far as Pakistan-Japan relations are concerned, the two concepts i.e. disarmament and nuclear non-proliferation are also essential features. Since long, Japan was urging Pakistan to sign the NPT so as to express its commitment to the cause of nuclear non-proliferation. But when Pakistan refused to adhere to Tokyo's insistence because of security reasons, Japan refused to consider providing a loan package of US\$465 million. Only in February 1993, when Pakistan made clear its stance of not signing the NPT without India also adhering to that

⁷ *Japan's Disarmament and Non-Proliferation Policy*, edited by Directorate General, Arms Control and Scientific Affairs, Ministry of Foreign Affairs, Japan in collaboration with the Center for Promotion of Disarmament and Non-Proliferation, Japan Institute of International Affairs, Tokyo, April 2005, p. 24.

⁸ *Ibid.*, pp.34-35.

document, the Japanese assistance was resumed. When Pakistan conducted nuclear tests in May 1998 in response to the Indian nuclear tests, Japan immediately took steps to punish Pakistan. According to Dr. Ahmad Rashid Malik, a Pakistani expert on East Asia, "The decision of Pakistan to detonate nuclear devices led Japan and other donors to cut off economic assistance to Pakistan at once. This also ultimately resulted in the deterioration of bilateral trade, and the declining of much needed foreign investment in the country. Nevertheless, the event of 11 September 2001 and global war on terrorism, once again brought Pakistan and Japan into a common platform to combat common menace of global terrorism with the norms and values set forth by leading security players such as the U.S. and its Western allies and others. This in turn helped the promotion of economic relations between Pakistan and Japan after 9/11".⁹

Japan was mindful of serious implications of suspending its economic assistance to Pakistan because such a step aggravated Islamabad's economic crisis, but Tokyo seemed helpless because of its consistent policy of discouraging nuclear proliferation. At a news conference in Islamabad, the Japanese Ambassador Tanaka said, "Nuclear non-proliferation was an important issue which could not be ignored by the Japanese government and its people. We hope to have more information about A. Q. Khan and his alleged cooperation with North Korea. We have good reasons to get worried about alleged Pakistan-North Korean cooperation. North Korea had been involved in kidnapping of Japanese citizens and it continued to be a threat for the existence of Japan."¹⁰

⁹ Dr. Ahmad Rashid Malik, *op. cit.* p.47. Japanese reaction to Pakistan's nuclear explosion came in the form of economic sanctions that badly affected the flow of trade between the two countries, suspension of economic assistance to Pakistan, lessening of investment, and an overall downfall in bilateral economic and diplomatic relations. Japan also suspended grant aid for new projects, except emergency and humanitarian assistance, new yen loan was also shelved." See, *Ibid.*, pp.47-48.

¹⁰ For further information see, "Japan to raise N-issue, says envoy," *Dawn*, April 28, 2005. However, the Japanese Ambassador expressed his satisfaction with Pakistan's nuclear export control regime, came up for discussion with the team of Japanese experts in Islamabad.

However, despite persistent disagreement on the nuclear issue, a channel of communication between the two countries on the issue was maintained. Similarly, Pakistan and Japan continued to hold regular talks on disarmament and arms control issues. Both countries are in agreement to work as partners in struggle against nuclear proliferation and to augment cooperation in this area. It was during the visit of Japanese Prime Minister to Pakistan in April 2005 that both sides had agreed to hold regular bilateral consultations on disarmament and non-proliferation areas in the context of Japan-Pakistan security dialogue. These talks are divided into two senior level expert meeting groups: first, on counter terrorism and the other on disarmament, non-proliferation, dual use of nuclear energy, nuclear safety and space technology.

On September 14, 2006, second round of Pakistan-Japan security dialogue was held in Islamabad in which exchange of ideas on recent bilateral relations as well as a host of issues of mutual concern took place. The list of issues included, security environment and security policies of the two countries, counter-terrorism, disarmament, non-proliferation issues, regional cooperation in the context of ASEAN regional forum and SAARC.¹¹

In course of the talks at the highest level, the President of Pakistan explained to the Japanese Prime Minister that the proliferation incident involving Dr. Abdul Qadeer Khan was an individual act in which neither the army nor the government of Pakistan was involved. He also emphasized that Pakistan would continue its efforts aimed at developing a system to prevent similar incidents.¹²

A leap forward in Pakistan-Japan understanding on nuclear non-proliferation took place in a joint declaration issued after the visit of Japanese Prime Minister to Pakistan in April 2005. The declaration was titled as, "Japan-Pakistan at a New Frontier: Towards a Renewed, Enhanced and Robust Relationship". According to that declaration, "the two governments share the serious concerns regarding

¹¹ "Pak-Japan security dialogue" *The News International*, September 15, 2006.

¹² URL: www.mofa.go.jp/region/asia-pacific/india

international black market networks for the proliferation of technologies and equipment related to weapons of mass destruction and underscored the need for all countries to identify and dismantle such networks through cooperative efforts. The two countries reaffirmed their commitment to strengthen international disarmament and non-proliferation framework.

In this context, Japan reiterated its position regarding NPT and CTBT, and took note of Pakistan's position in this regard as well as Pakistan's decision to observe unilateral moratorium on nuclear testing.¹³ The Government of Japan reiterated its position on North Korea, which attaches overarching importance to bringing about comprehensive solution to the issues relating to North Korea including the issue of nuclear programs, missile development and abduction. The Government of Pakistan supports the six-party talks on the issues of North Korea's nuclear program and other issues and hopes all issues will be resolved through peaceful means. The Government of Pakistan supports a nuclear weapon's free Korean Peninsula.¹⁴ The two countries also agreed to continue their consultation and to expand practical cooperation in areas such as export controls.¹⁵

In an interview given to an English-language newspaper of Pakistan, the Japanese Ambassador Tanaka discussed in detail about his country's commitment regarding the issue of nuclear proliferation. In that interview, he clearly stated that, "in recent times, non-proliferation has been the most sensitive issue, which Pakistan has significantly marginalized. Pakistan's decision to introduce the export control regime also seems to be doing well. The better handling of the nuclear issue by President Musharraf has given Japan a lot of assurances and it is a major feat that Pakistan has achieved. The war against terrorism is the second important issue on the political agenda, and here too, Pakistan is doing a sound job."¹⁶

¹³ "Pakistan-Japan robust ties," *Dawn*, May 2, 2005.

¹⁴ URL: www.mofa.go.jp/region/asia-pacific/india, Pakistan advocated the concept of Nuclear Free Korean Peninsula.

¹⁵ "Pakistan-Japan see robust ties," *Dawn*, May 2, 2005.

¹⁶ Ihtasham ul Haque, "In aid of friendship," *Dawn*, February 27, 2005.

Japan's sensitivity to missile and nuclear proliferation in South Asia could be gauged from the fact that each time, when India or Pakistan tests their missiles, an expression of concern is addressed by Tokyo. On the issue of Comprehensive Test Ban Treaty (CTBT), Japan urged on India and Pakistan to sign that document. However, the failure of the United States' Senate to ratify CTBT caused a setback to Japan's drive for that treaty and the moral basis on the part of Tokyo urging New Delhi and Islamabad to sign CTBT became less convincing. Although Japan, like other major powers, has reconciled to the reality of nuclear India and Pakistan, it is consistently urging both the countries to express nuclear restraint and pursue nuclear confidence-building measures so as to avoid the threats of nuclear accidents and ensure the safety of their nuclear arsenal.

Terrorism

Terrorism is an issue, which has been crucial and critical to Japan's foreign policy and a fundamental component in Pakistan-Japan relations. Since September 11, 2001, global changes including the involvement of non-state actors in a series of terrorist acts, impacted on state policies and terrorism emerged as a high priority area in Japanese foreign policy. For instance, in his meeting with President General Pervez Musharraf and Prime Minister Shawkat Aziz, the visiting Japanese Prime Minister Koizumi stated unequivocally, "Japan would continue to provide assistance to Pakistan, which is striving to establish a moderate and modern Islamic State while playing a vital role in the fight against terrorism." He also expressed his support for President Musharraf's resolute stance in fight against terrorism. President Musharraf stated his readiness to continue his efforts in fight against terrorism. He also emphasized the need to deal with the root causes of terrorism through such means as poverty reduction and expressed his expectations from Japan to provide assistance in areas such as promotion of employment and expansion of investments.¹⁷ Likewise, when in February 2005, Pakistan's Foreign Minister Khurshid Mahmud Kasuri visited Tokyo and held talks with the Japanese Foreign Minister and Prime Minister,

¹⁷ URL: www.mofa.go.jp/region/asia-pacific/india

he briefed them of his country's indispensability to global war on terrorism.¹⁸

Following Pakistan's critical role in the war against terror in the post 9/11 scenario, Japan announced various concessions to Pakistan. These are:

1. Lifting of economic sanctions
2. Debt reduction (later changed into debt rescheduling).
3. Resumption of budgetary support to Pakistan
4. Access of Pakistani goods to Japanese market.¹⁹

Pakistan's critical role in the war against terrorism, particularly its efforts against the *Al-Qaeda* elements along the Pak-Afghan border, is of significant interest to Japan. In this regard, Pakistan's capacity-building to deal with the challenge of terrorism has been a major Japanese concern. As a matter of fact, Japan rendered remarkable assistance in strengthening Pakistan's counter-terrorism capability. Apart from the exchange of information on terrorism, Japan's Maritime Self-Defense Force is helping Pakistan's naval vessels participating in the Operation Enduring Freedom Maritime Interdiction Operation (OEF-MIO) in the Indian Ocean.

Other issues

In addition to the issues already discussed, a host of other issues as well influence Pakistan-Japan relations. These include democracy, human rights, regional and international security, Indo-Pak peace process and UN reforms. On all these issues, there is a certain degree of convergence of interests and views. In a joint declaration issued on the occasion of the visit of Japanese Prime Minister to Pakistan, it was clearly stated that the two countries share certain common perceptions regarding the future of Asia with special focus on economic cooperation, propagation of democratic values, human rights, rule of

¹⁸ "Pakistan backs Japan bid for UN Security Council seat," *The Frontier Post* (Peshawar), February 23, 2005. Also see, "President assures non-proliferation," *The Frontier Post* (Peshawar), May 1, 2005.

¹⁹ Dr. Ahmad Rashid Malik, *op. cit.* p.63.

law and market economy.²⁰ Like the United States, Japan also has pursued a policy of supporting the political process, political pluralism and the strengthening of democratic institutions in Pakistan.

Regional and international security concerns figure high in Japanese foreign policy particularly if viewed in the context of disarmament, arms control and war against terrorism unleashed after the events of September 11, 2001. As stated by the Japanese ambassador in his press conference in Pakistan that, Japan desires democracy flourishing all over the world. Pakistan does not stand exempted from this.²¹ The issue of UN reforms and Japan's quest for a permanent seat in the UN Security Council also figured during talks between the officials of the two countries.²²

In a joint declaration issued on the occasion of Japan's Prime Minister Junichiro Koizumi's visit to Pakistan in April 2005, the two countries underlined the importance of reforms in the UN. The declaration stated that, "the Government of Pakistan and Japan underline the need for comprehensive reform of the UN to enable it to effectively respond to the challenges of the 21st century. Since reform of the Security Council is an important component of the overall reform agenda and is of vital importance to the entire UN membership, the Security Council must be made more effective, credible and representative. The two governments further noted the importance of promoting the reform of the UN with the aims of strengthening multilateralism, reinforcing the role of the UN in maintaining and promoting international peace, security and sustainable development, as well as ensuring greater participation for all member states including the Asian countries in its decision-making process. The Government of Japan expresses its view that the Security Council should be made more effective, credible and representative through the expansion of its membership in both permanent and non-permanent

²⁰ URL: www.mofa.go.jp/region/asia-pacific/india

²¹ "Japan offers incentives on non-proliferation issues," *The Nation* (Lahore), January 5, 2006.

²² See "Pakistan backs Japan's bid for UN Security Council seat," *The Frontier Post* (Peshawar), February 23, 2005.

categories.²³ Japan supported Pakistan's membership on the ASEAN-Regional Forum, which eventually helped Pakistan to join that vital regional forum.

Moreover, on the occasion of Japanese Prime Minister Koizumi's visit to Islamabad, a Pakistani official said in Islamabad that, Koizumi's talks with Pakistani leadership would be on UN reforms and he would seek Pakistan's support for Japan's bid to get the permanent UN Security Council seat. The official said that Pakistan was unlikely to announce its support for Tokyo's permanent seat in UN Security Council in response to the Japanese request because Islamabad is against the increase in permanent UN Security Council members as it does not want more centers of privileges in the UN²⁴ Yet, in principle, Pakistan is not opposed to Japan's claim to have a permanent seat at the UN Security Council but is only advocating a fair handling of that matter so that more imbalances in the structure of Security Council is not created.

On the issue of Indo-Pak peace process, Tokyo fully supports de-escalation of tension between New Delhi and Islamabad and sustaining dialogue for peace and stability in South Asia. In a joint declaration issued on the occasion of Japan's Prime Minister Junichiro Koizumi's visit to Pakistan in April 2005, Japan welcomed Composite Dialogue process, which includes Confidence-Building Measures, Jammu and Kashmir, and other bilateral issues between Pakistan and India aimed at peacefully resolving Pakistan-India differences, and hoped for its success. In that joint declaration, the Governments of Pakistan and Japan reiterated their acknowledgement of the potential of SAARC in bringing stability and prosperity to the South Asian region, and earnestly hoped that the situation surrounding SAARC would be normalized.²⁵

Pakistan's Prime Minister Shawkat Aziz during his visit to Japan in August 2005 addressed the Japan Institute of International Affairs,

²³ *The Pakistan Times*, April 30, 2005, cited in *Pakistan's Growing Interaction with East Asia*, IPRI Fact File (Islamabad), Vol.VIII, No.7, July 2006, p.48.

²⁴ "Japan to seek Pak support for UN Security Council seat," *The Nation* (Lahore), April 30, 2005.

²⁵ *Pakistan Times* (Islamabad), April 30, 2005, cited in *Pakistan's Growing Interaction with East Asia*, IPRI Fact File, *op. cit.*, p.46.

Tokyo in which he stated that, “progress on other issues was not possible without resolving the core issue of Kashmir. Pakistan, India and Kashmiris, the three stakeholders had to sit across the table to arrive at a solution”.²⁶ Japan views strategic stability in South Asia essential for an effective arms control in the region. In this regard, India and Pakistan, the two nuclear states of the region, are required not only to continue the process of peace but also undertake effective steps towards nuclear arms control.

Conclusion

In its essence, Pakistan-Japan relations possess wide prospects particularly in economic, trade, commerce, security, political and strategic areas. These relations are not linked with Tokyo’s relations with New Delhi as both Japan and Pakistan share common perceptions on sustaining the Indo-Pak peace process. Yet, there is a need on the part of Pakistan to learn lessons from the Japanese model of development, particularly in the spheres of education, infrastructure, science and technology. Pakistan can learn a lot from Japan but in order to seek more assistance from Tokyo, Islamabad needs to dispel Japan’s concerns as far as the issue of nuclear proliferation is concerned.

Aside from critical issues which shape Pakistan-Japan relations, there are also areas like tourism, environment, science and technology, education and culture where a lot of activities have been going on so as to bring the two countries closer. Prime Minister Koizumi, during his last visit to Pakistan rightly said that “the advancement of science and technology was vital in striking a balance between economic development and environmental issues.”²⁷ The northern areas of Pakistan are a source of enormous attraction for Japanese tourists who not only visit Bhuddist archeological sites but also famous mountain peaks. However, for ensuring smooth investment of Japan in Pakistan, the prime concern is the law and order situation and security.

²⁶ Editorial, *The Nation* (Lahore), August 11, 2005 cited in, *Pakistan’s Growing Interaction with East Asia*, IPRI Fact File, p. 89.

²⁷ URL: www.mofa.go.jp/region/asia-pacific/india Japan has also extended cooperation to Pakistan for the international natural gas pipeline so that Islamabad can meet its energy needs.

Not only law and order problem but poor governance, including corruption in Pakistan tends to discourage proper investments from Japan and other countries. In an interview Mr. Masahiro Sawauchi, Director General of Japan External Trade Organization responding to a question on these issues said that, “in Pakistan, the investment environment is quite uncertain and probably that is why the foreign investors are hesitant to come here. The problems like security, inconsistent economic policies and infrastructure make it difficult for the foreigners to reside in Pakistan.”²⁸ In a nutshell, investments, aid and technical assistance, which Pakistan gets from Japan, are a major stabilizing factor in relations between the two Asian countries.

For a bright future of Pakistan-Japan relations, not only security consultations should continue between the two countries but institutional arrangements like cooperation between the educational and research centers of Pakistan and Japan, linkages for trade, investments, travel, tourism and sharing of expertise to deal with the issues of environment and disaster management must be given a preference. Nevertheless, the future direction of Pakistan’s relations with Japan largely depends on viable trade ties with Tokyo.

Stable Pakistan-Japan relations may help the process of Indo-Pak normalization of relations on the one hand and Tokyo’s meaningful role in SAARC. Although, Japan has not formally offered mediation to resolve Indo-Pak conflict, Tokyo has been supportive to back channel negotiations between India and Pakistan and also other processes like Track II and Track III level interaction between India and Pakistan. Japan remains aware of the fact that peace and stability in South Asia can help foster a more meaningful trade, commercial and economic involvement of Japan in the region.

²⁸ See, Sheher Bano and Gul Nasreen’s interview with Masahiro Sawauchi in “Japan: A Nation With Strong Cultural Integrity”, Special Report on Japan, *The News International* (Karachi), December 28, 1998.

Abul Kalam Azad

**DEGRADATION OF MARINE ENVIRONMENT IN
SOUTHEAST ASIA: A STUDY OF CONFLICT AND
COOPERATION AND LESSONS FOR SOUTH ASIA**

=====

Abstract

Southeast Asia, a region remarkably maritime in nature, consists of marine and coastal areas that are among the world's most productive in terms of marine resources – both renewable and non-renewable. Because of economic benefits that can be derived from the rich and diverse ecosystems of the region, the coastal zones of Southeast Asia are densely populated accounting for nearly 60% of the region's population. While the sea is a source of prosperity for all the coastal countries in the region, it is, at the same time, the source of a variety of dangers, unknown in any other part of the globe with the same intensity. These dangers include conflict over marine resources, marine environmental degradation, maritime disputes, non-state political violence and transnational crimes. As a result, in the contemporary world, concern for maritime security is more at the forefront of Southeast Asia than in any other part of the world. While successful response to various forms of danger in the maritime environment entails cooperation at the levels, national, regional and inter-regional, Southeast Asian

Abul Kalam Azad, Ph.D., is a Senior Research Fellow, BIISS. An earlier version of the paper was presented at the International Conference on "Natural Resources Related Conflict Management in Southeast Asia" organized by the Institute for Dispute Resolution, Khon Kaen University, Thailand, during 6-8 September 2005. His e-mail is: azad@biiss.org

© Bangladesh Institute of International and Strategic Studies (BIISS), 2006

cooperative endeavours at the mentioned levels are currently inadequate in terms of facing the dangers posed to its marine environment. However, in recent years, a host of structural, economic and normative factors are leading to greater cooperation among the Southeast Asian littorals in order to keep the marine environment of the region a safe and stable one. The paper tries to probe into the scenario of conflict and cooperation as prevalent in the present day marine environment of Southeast Asia and then examine whether a similar situation is discernible in case of South Asian marine environment too. In this respect, the paper argues that the lessons drawn from the current cooperative efforts of Southeast Asian states can be relevant for the littorals of South Asia as well.

1. Introduction

Southeast and South Asia are two distinct geographical entities with their respective marine environments. A marine environment includes the oceans and all seas and adjacent coastal areas, all of which form an integrated whole, and is an essential component of the global life support system.¹ It also provides the littoral states with nature gifted oceanic bounties and opportunities in several ways. Needless to mention, both Southeast and South Asia share marine environments that are recognized as the global centres of diversity for the flora and fauna of coral reefs and related ecosystems. These ecosystems and the bio-diversity they support are of significant social, economic and ecological importance. They provide support for important commercial and subsistence fisheries which in turn provide critical sources of food and income for a vast majority of the local communities. For many littoral countries, tourism activities based on coral reefs and related ecosystems are also important sources of employment and foreign exchange earnings. Within such

¹ Mario Soares, *The Ocean: Our Future*, The Report of the Independent World Commissions on the Oceans, Cambridge University Press, Cambridge, 1998, p.34.

environments, marine and coastal inter-related ecosystems, mangroves, sea-grass beds and coral reefs in particular, are the location of spawning grounds and recruitment of many marine species that are exported to fishing grounds. Finally, it is the trade and commerce of the littoral states of the region among themselves and with the outside world that are assuming increasing importance for the regional countries and beyond. Hence, there is a rapid development of sea communication and navigation to meet the increasing demands of oceanic traffic in the current age of globalization.

While the benefits accrued from the Southeast and South Asian marine resources are enormous, the future of marine environments in the two regions looks murky due to their increasing degradation. In this connection, it is relevant to mention that in contemporary ocean management, the term marine degradation is used in a much wider and comprehensive sense to imply not only mere contamination of ocean waters by various pollutants, but also by a few other factors. These are:

- i. depletion of marine resources, both renewable and non-renewable, due to over exploitation;
- ii. damage to marine ecology and habitat by natural disasters;
- iii. presence of various dangers due to maritime boundary disputes, piracy, non-state political violence, transnational crimes etc;
- iv. dumping of toxic and hazardous materials in the oceans by clandestine agents; and finally,
- v. encroachment over the resources of the others for economic and profit motives by the powerful ones.

The comprehensive nature of marine degradation has propelled many ocean experts, strategists, scientists, environmentalists and the like to bring the concept under the rubric of marine security. Since security is related to perception of threats and conflicts, whether real or imaginary, there is no doubt that the issues mentioned above have the potentials for either generating conflicts in the oceans or for posing threats to the littoral states of the regions in one way or the other.

Judged in above light, the current marine environments of Southeast Asia and South Asia do not depict a healthy picture respectively. All the indicators of marine degradation as understood in a broader sense are now present in the regions with increasing

possibilities for conflict in the future in many ocean areas. In particular, the situation is more ominous in case of Southeast Asia where the sea dominates the region covering 80% of the area. While the sea is a source of prosperity for all the coastal countries in the region, it is at the same time the source of a variety of dangers, unknown in any other part of the globe with the same intensity, to menace not only the prosperity of local populations but as well to directly threaten the security of states. These dangers include conflict over marine resources, marine environmental degradation, maritime disputes, non-state political violence and trans-national crimes. As a result, in contemporary world, concern for maritime security is more at the forefront of Southeast Asia than in other parts of the world. This provides a rationale for studying the dynamics of conflict and cooperation as prevalent in Southeast Asian maritime environment and as well for drawing lessons from it for South Asian marine environment.

Towards this end, the paper seeks to study the following questions:

- i. What are the factors that contribute to the rapid degradation of marine environment in present day Southeast Asia? Where does the marine environment of South Asia stand at present compared to the one in the previous case?
- ii. What are the effects of such degradation on the littoral states of both the regions that depend on marine resources for their food, revenue and foreign exchange?
- iii. Does degradation affect the marine resource base in a manner so as to precipitate conflicts either between the states at the macro level or between the various stakeholders at the micro-level? and finally,
- iv. What are the possible avenues through which such degradation can be averted? In other words, what are the measures that the regional states are expected to take at their respective bilateral, regional and inter-regional levels?

These and other related questions would be addressed in the paper.

While the ongoing introduction constitutes Part 1 of the paper, Part 2 would be devoted to a comparative analysis of the degradation of marine environment in Southeast and South Asia. Part 3 is designed to assess the consequences of marine degradation in Southeast Asia with a focus on the probable conflicts in a comparative perspective with South Asia. Part 4 would deal with the management of Southeast

and South Asian marine environment highlighting the viable strategies for cooperation. Finally, an attempt would be made to visualize an outlook for the future.

2. The Degradation of Marine Environment in Southeast and South Asia: A Comparative Analysis

Before going into a discussion on the degradation of Southeast Asian marine environment, it is relevant to throw some light on oceanic matrix of the region. Southeast Asia as a geographic unit consists of highly fragmented land, interspersed among wide stretches of sea, and has an extremely long coastline. Physically, the region is divided into the continental part of mainland Asia, which consists of Myanmar, Thailand, and the Indo-Chinese states of Laos, Cambodia and Vietnam. The rest of the region is regarded as the archipelago of Southeast Asia that includes Peninsular Malaysia, Brunei, Singapore, Indonesia and the Philippines. These countries' combined coastlines total more than 100,100 km along different regional seas like South China Sea, Gulf of Thailand, Java Sea, Strait of Malacca, Indian Ocean, Banda Sea, Timor Sea, Arafura Sea, Celebes Sea, North Pacific Ocean, Sulu Sea, Luzon Strait, Philippines Sea, Johore Strait, Singapore Strait, Main Strait, Andaman Sea and Gulf of Tonkin. In essence, thus, Southeast Asia is more a maritime region and the whole body of water in the region covers 8.9 million square kilometres, representing about 2.5 of the world's ocean surface.

The marine and coastal areas of the region are among the world's most productive ones. The region's warm, humid tropical climate and high rainfall allow extensive coral reefs and dense mangrove ecosystems to flourish along the coastlines. It may be mentioned that over 30% of the world's coral reefs are found in Southeast Asia, especially around the archipelagos of Indonesia and the Philippines.² These coral reefs provide a habitat for the highest biological diversity in the world. Because of economic benefits that can be derived from these rich and diverse ecosystems, the coastal zones of Southeast Asia

² 'Coral Reef Pollution in the South China Sea', compiled and edited by David Rosenberg and Miranda Hillyard, available online <http://community.middlebury.edu/~scs/miranda>, accessed 27 August 2005.

are densely populated. In fact, more than 60% of the Southeast Asians today live in or rely economically on the maritime zones.³ About 60% of the regions animal protein comes from the sea.⁴

The economic activities of the people inhabiting the region are vigorous in nature, both at land and seas. The oceanic activities of the region include maritime trade, shipping, oil exploration and refinery, fishing, tourism and related industries. While the seas of Southeast Asia play an important role in the respective economies of the littoral states, the region's constantly expanding coastal population and development has made great demands on marine resources, with growing evidence seen in the further degradation of the marine environment and continued exploitation of living as well as non-living resources.⁵ Currently, various land and marine based pollutants are compounding the degradation problem in the area in an unfettered manner. Among the land based sources, sewage discharged into the sea without treatment causes the maximum stress on the region's marine environment, threatening economically vital coastal areas including fishing industries. Sewage consists of various organic and inorganic wastes, agricultural and industrial wastes, wasters from run-off containing oil, hydrocarbons and heavy metals.⁶ In addition, other land-based activities like agriculture, forestry, coastal construction, urban development and tourism are posing threats to Southeast Asian marine environment in several ways. All such land based human activities cause sedimentation – a major source of reef degradation in the area. Increased sedimentation also leads to a change in the composition of marine fauna, favouring more resilient species. Sedimentation also comes from soil erosion caused by mismanagement of watersheds, exploitation of mangroves, oil drilling and the dumping of terrestrial and marine mine tailing. Among the marine based sources of pollution, extremely destructive methods of

³ Lieutenant John F Bradford (US Navy), "The Growing Prospects for Maritime Security Cooperation in Southeast Asia", *Naval War College Review*, Summer 2005, Vo. 58., No.3., p.63.

⁴ 'Coral Reef Pollution in the South China Sea', *op. cit.*

⁵ L M Chou, "Marine Environmental Issues of Southeast Asia: State and Development", *Hydrobiologia*, Volume 285, No. 1-3, June 1994.

⁶ 'Coral Reef Pollution in the South China Sea', *op. cit.*

fishing, especially in the Philippines, Indonesia and Malaysia, are the most serious ones. These methods include dynamite blasting and cyanide fishing that threaten both the coral and the fishes in the region. Next is the oil spills in the region that seriously affect marine life and sea birds. These can also have a very negative impact on fisheries stocks and human health. Most spills in the region occur either by collisions or grounding. Ships also deliberately dump wastes of various kinds into the waters of the region causing a heavy toll on the fishes and other marine species.

Aside from the regular land and marine activities that degrade the maritime environment of Southeast Asia, there are the episodic events like sea-born natural disasters, transnational maritime crimes, terrorism and insurgency, all of which not only cause direct harm to land, water and populations but can also precipitate tension or conflict within or between states. Perhaps, the recent memory of the December 2004 Indian Ocean Tsunamis that killed well over hundred thousand people in the region⁷ is still fresh in the minds of many reminding them not only about the unquestionable destructive power of natural disasters but also about the human inability to control them even with the latest technological means. Among the other natural disasters of oceanic origin that hit the region periodically are cyclones, storm surges, marine volcanoes etc. At present, the Southeast Asian waters have become the focal point of many oceanic crimes as well, in particular piracy and robbery at sea that have grown more violent and complex in recent times. Needless to mention, the areas around the Sulu Sea and the Strait of Malacca are the ones most notorious for acts of piracy and this is increasing since 1998. In 2003, out of 445 piracy acts at the global level, 189 took place in Southeast Asian waters.⁸ It is now believed that piracy also has nexus with other transnational

⁷ The Asian Tsunamis that hit two continents and 12 nations caused severe damage in the affected countries in terms of loss of lives, infra-structural damage, individual family loss, environmental degradation, property damage and affected fishing and agriculture. See for details, Segufta Hossain and Mohammad Ashique Rahman, "Asian Tsunami: Economic Impacts and the Politics of Humanitarian Aid", *BIISS Journal*, Volume 26, No. 3, July 2005, pp.455-508.

⁸ Lieutenant John F Bradford, (US Navy), *op. cit.*, p.72.

maritime crimes in the area like smuggling in contraband goods, small arms trafficking, illegal migration, terrorism and insurgency.⁹

Coming to South Asian maritime environment, one would notice that the region is not as maritime a region as Southeast Asia is. Nonetheless, ocean plays an important role in the political, social, economic, cultural and environmental domains of many of the littoral states. There is no gainsaying that the maritime configuration in South Asia is marked by asymmetry. With the exception of Nepal and Bhutan, the two landlocked countries, India, Pakistan and Bangladesh are the principal Indian Ocean littoral countries, while Sri Lanka and Maldives are the island states in the region. Like in the terrestrial domain, India's pre-eminence also resonates in the ocean that bears its name. Its coastline that stretches for 7000 km where it is surrounded by the Bay of Bengal in the east, the Arabian Sea in the west, and the Indian Ocean in the south, significantly roofs the northern portion of the Indian Ocean, thereby endowing the country with a significant maritime status. The only country in the region with a well-defined ocean policy, India's main maritime interests include trade and commerce, exploration and exploitation of ocean resources, and maritime security.

India has pursued an active program of exploration for manganese nodules in the Indian Ocean and has been successful in being designated a pioneer investor with respect to this area by the Preparatory Commission for the International Seabed Authority, and as such is the only Third World nation to achieve this status.¹⁰ Bangladesh and Pakistan, sharing 710 km and 960 km coastlines respectively, do have similar interests in the region. The economies of

⁹ Several Southeast Asian guerrilla and terrorist groups possess substantial maritime capabilities. Since 2000, al-Qa'ida, the Moro Islamic Liberation Front, the Abu Sayyaf group, Jemmah Islamiyah, the Kumpulan Militan Malaysia, the Gerakan Aceh Merdeka, and Laskar Jihad have all been suspected of planning or executing maritime attacks. Other groups have used the sea to transport weapons, move forces and raise funds. Lieutenant John F Bradford, US Navy, *op. cit.*, p. 70

¹⁰ A K H Morshed, "Cooperation in the Maritime Zones Among and Between the SAARC Countries", *BIISS Journal*, Volume 20, No. 1, January 1999, pp.1-11.

Sri Lanka and the Maldives are to a great extent ocean based, with particular emphasis on fishing and coastal tourism. From a geopolitical perspective, the ocean cannot be viewed to be free from tension and conflict in as much as India's powerful navy in the region creates misapprehension and speculation in the littoral countries about India's geopolitical ambitions in the region. The Indo-Pak conflict is also reflected in the ocean domain. Pakistan, which has always opted for a near parity with India in terms of military strength, is unlikely to leave Indian naval supremacy in the Indian Ocean unchallenged in the future.

However, one finds symmetry in so far as oceanographic features, seasonal monsoons (northern portion of the Indian Ocean), flora and fauna, marine ecosystems (estuaries, mangroves and coral reefs), natural disasters, environmental management, and the patterns and spread of diseases are concerned.¹¹ When comparison is made between the marine degradation in Southeast Asia and South Asia, the difference between the two would appear to be one of degree rather than of kind. Like in Southeast Asia, in South Asia too, both land based and coastal activities of the littoral countries contribute to marine pollution for reasons like dumping of solid waste, discharge of chemicals used in agriculture, drainage from port areas, deposit of domestic and industrial effluents, construction along the coast, and tourism activities, among others. Also, discharges through outfalls and various contaminants from ships, sea-based activities, including marine transportation, offshore mineral exploration and production activities and accidental oil spills further exacerbate pollution in the ocean.¹² Of late, oil spills or wrecks of oil tankers at narrow approaches to harbours and choke points in the region have become a matter of concern not only for the environmentalists but also for the mariners and security specialists.¹³ Oil spillage from foreign ships,

¹¹ 'State of the Marine Environment in the South Asian Seas Region', UNEP *Regional Seas Reports and Studies*, Report No. 123, UNEP, 1990, p.7.

¹² Cited in *Global Environment Outlook*, 1997, available online http://www.unep.org/geo/geo1/ch/ch3_14.htm, accessed 29 November 2006.

¹³ Cdr. P K Ghosh, "Maritime Security Challenges in South Asia and the Indian Ocean: Response Strategies", A Paper presented at the Center for Strategic and International Studies – American-Pacific Sea Lanes Security

dumping of hazardous materials, wastes from far distant areas, etc., are few external sources of marine pollution in the region. Because of the open nature of the ocean, and continuous flow of currents, all the countries of the region feel the effects of pollution. Currently, the rich marine environment in the region, like in Southeast Asia, is subjected to great pressures due to over exploitation of marine resources. In this regard, those littorals blessed with technological advantages find the game an easy one. Another noticeable fact in the region is the rampant exploitation of mangroves for timber, fuel wood and other purposes, in particular for using large coastal areas for agricultural activities and shrimp farming.¹⁴

The South Asian marine environment is also disaster prone like that of Southeast Asia. The region is vulnerable to the assault of few disasters of oceanic origin, i.e., cyclones and storm surges. The Bay of Bengal is the breeding place of catastrophic cyclones during pre-monsoon and post-monsoon periods. These events, although episodic in nature, cause immense damage to life and property of the people, in particular those living in the coastal zones. Needless to mention, the loss of lives and properties in catastrophic cyclones is more in Bangladesh than in other South Asian littorals. The recent tsunami also had its devastating effects on the life and property of a large number of population in countries like India, Sri Lanka and Maldives. Widespread damage was done not only to life, property and infrastructures in these countries, but to several marine habitats in the region as well.¹⁵

The South Asian marine environment is also infested with several forms of maritime crimes as in the case of Southeast Asian marine environment. Among these, piracy is the most reported one. While most of the acts of piracy originate from the local waters, recently piracy related incidents seem to have spilled over from Strait of

Institute at a conference entitled 'Maritime Security in Asia', January 18-20, 2004, Honolulu, Hawaii, USA, pp.1-13.

¹⁴ South Asia Cooperative Environment Programme (SACEP), available online <http://www.sacep.org/html/regional-environment.htm>, accessed 11 November 06.

¹⁵ See for details, Segufta Hossain and Mohammad Ashique Rahman, *op. cit.*

Malacca and South China Sea into the Bay of Bengal.¹⁶ As per the 2004 annual piracy report published by the International Maritime Bureau, out of 32 attacks in South Asia, Bangladesh topped the list with 17 attacks. Indian ports witnessed 15 attacks and reportedly there were no piracy related incidents in the waters of Sri Lanka, Pakistan and Maldives.¹⁷ Other activities like trafficking in small arms, drugs, and contraband goods have also entered the list of criminal activities in South Asian marine environment. Still more ominous is the presence of several terrorist organizations in and around the Indian Ocean that are known to possess merchant fleets of various types for engagement in dubious maritime trade.¹⁸

From the above discussion, it is clear that a wide spectrum of problems ranging from regional pollution, international pollution, illegal fishing, piracy, terrorism, mercenary and other activities are now common in the seas of both Southeast Asia and South Asia respectively. All such acts cause instability and disorder in both the seas in varying degrees. While degradation of the oceans continues in an unbridled manner, the fact remains that the oceans are still revealing to mankind great potentials and opportunities. They provide food, energy and water thereby sustaining the livelihoods of hundreds of millions of people. In the process, like in the terrestrial domain, a scramble for acquiring resources finds its place in the ocean medium too. The succeeding section attempts to probe into the conflicts that are likely to be generated out of such races.

3. Marine Degradation in Southeast Asia and Resultant Conflicts: Reflections on the Prospective Threats to South Asia

This section of the paper attempts to focus on the conflicts likely to originate out of competition for grabbing the marine resources in Southeast Asia and then examine if a comparable situation exists in South Asian seas as well. The competition essentially flows from the

¹⁶ Cdr. P K Ghosh, *op. cit.*, p.4.

¹⁷ Dr. Vijay Sakhuja, "Sea Piracy in South Asia", *South Asia Analysis Group*, Paper No. 1259, 18 February 2005.

¹⁸ Cdr. P K Ghosh, *op. cit.*, p.5.

nation-states' old age tendency for acquisition of territory and wealth in the pretext of their survival. The added impetus to such a race is provided somewhat by an illusion that the vast ocean space is an infinite source of food supply, a bottomless pit for waste disposal, and a 'common space' for crimes and wars. However, in view of the shrinking capacity of the world oceans to serve human-beings as and when they please, reality is soon expected to prevail over such illusions. Perhaps, there is no gainsaying that wealth, opportunity and abundance in the oceanic space are now facing scarcity, in some cases at an alarming rate thereby leading to conflicts of various types among the multiple users of ocean resources. A number of factors act as additives to such conflicts, a discussion on which would follow.

With the increase in world population, world economy and world trade, there has been a corresponding increase in the demand for marine and coastal resources. According to the World Resources Institute, at least two thirds of the planet's human population lives close to the coastline, the number is expected to reach three quarters by 2025.¹⁹ Not surprisingly, scramble for coastal and marine space and resources by different stakeholders would, in the future, be a potential cause of conflict and friction not only between the individuals but as well between the littoral States.

With the growth of world population and the resulting pressure on terrestrial resources, there is the speculation that pressure on marine and coastal resources would be mounting in the coming decades, thereby leaving the coastal states in a vicious circle of 'scarcity'. Doubt and suspicion loom large as to what extent the current trends towards globalization, unfettered liberalization, open markets, consumption pattern a *l'occidentale*, etc. would address this problem of true scarcity of resources. Dismaying may be the fact that the current world-wide structure of property rights, taxes and subsidies has encouraged over use of coastal and marine resources thereby placing such resources under intolerable stress.²⁰

¹⁹ John Temple Swing, 'What Future for the Oceans?', *Foreign Affairs*, Volume 82, No. 5, September/October 2003, pp.139-152.

²⁰ Mario Soares, *op. cit.*, p.98.

While as per the United Nations Convention on Law of the Sea (UNCLOS), the maritime jurisdiction is well defined for a coastal state, the fact should be borne in mind that the sovereignty as prescribed for the Exclusive Economic Zone (EEZ) is not absolutist or territorial in nature. It is what as Harold Laski termed, 'shared or pluralistic sovereignty'. Hence the sovereignty in the EEZ moves from a territorial one to a functional one where all states enjoy navigation and over-flight rights plus the adjacent coastal states, landlocked and geographically disadvantaged states enjoying exclusive rights with respect to certain resources and economic activities, such as exploitation of living and non-living resources in the zone.²¹ In the circumstances, conflict over various marine resources would in all likelihood, be an inevitable phenomenon in the future unless the nation-states come out of their pathological obsession with the Westphalian concept of sovereignty (as understood in strict territorial terms) and ownership in classical economic sense.

Maintaining and extending the beneficial uses of oceans on the principle of equity is a goal that enjoys widespread support and is accorded a high priority. The Common Heritage of Mankind as established by UNCLOS is a pointer to the fact.²² However, the possibility of conflict looms large in this segment of the ocean as the rich and the powerful nations with financial, military and technological prowess are likely to exploit the region's resources depriving, thereby, a vast majority of the world's poor coastal states.²³

²¹ The Exclusive Economic Zone is an advanced example of a functional regime. See for details, Elisabeth Mann Borgese, *The Oceanic Circle: Governing the Seas as a Global Resource*, United Nations University Press, New York, 1998, p.119.

²² As embodied in the UN Convention on the Law of the Sea (1982), the concept of common heritage has a few implications like nonappropriability, equity, peace and development. See for details, Elisabeth Mann Borgese, *The Future of the Oceans: A Report to the Club of Rome*, Harvest House, Montreal, 1986, pp.43-44.

²³ '...Until recently the economic potential of the oceans was considered only in terms of their biological riches – fish, whales, seaweeds, etc – as well as their importance as a means of communication from one land mass to the others. Now this potential has been extended to other dimensions. See for details, Elisabeth Mann Borgese, *ibid.*, p.xx.

A great divide between the rich and the poor against the ethos of equity is likely to generate conflict in the ocean medium as in the terrestrial domain.

Scramble for strategic resources like oil and gas may in future turn itself into a conflict in the ocean domain alongside the overexploitation of fishes. It may be mentioned that 30% of the world oil and 50% of its natural gas now come from off-shore production. Over the past 20 years, underwater oil production has risen by 37% to 186,000 million barrels a day and that of gas by 27% to 35,900 million cubic feet a day. With improvement in marine science and technology, and more knowledge in oceanography, new fields are constantly being discovered, and with improving recovery methods and an increasing ability to move further from the shore, that growth in production will soon exceed 50%.²⁴ The energy hungry developed, developing and the underdeveloped countries would, therefore, compete for access to such resources creating in the process regional and international conflicts.

The conflict over marine resources may also take a critical turn if maritime boundaries between the coastal states are not properly demarcated or delimited. It may be mentioned that although UNCLOS clearly determines the precise limits of various maritime zones, it fails to agree on any single universal set of principles by which these boundaries are to be delimited. Consequently, the process of delimitation and subsequent demarcation of maritime boundaries continues to remain in dispute.²⁵ If left to fester, these conflicts are likely to further heighten tensions and could even result in military confrontation. Such conflicts are also conceived with the possibility of extra-regional involvement. It needs to be mentioned that dispute over maritime boundary reflects the classic case of a nation-state's penchant for guarding its sovereign rights to the last limit.

From the above discussion, it is evident that the conflict in the ocean medium is essentially over its resources, both living and non-living. The levels at which it occurs are national, regional and inter-

²⁴ John Temple Swing, *op. cit.*, p.145.

²⁵ Rahul Roy-Chadudhury, 'Trends in Delimitation of India's Maritime Boundaries', available online <http://www.ciaonet.org/olj/sa/sa-99ror01.html>, accessed 11 November 2006.

regional. At the national level, the theatre of conflict is the coastal zone and inter-tidal zone. At the regional level, the stage of conflict is in the EEZ and beyond. It is also the zone where inter-regional maritime conflicts manifest themselves in different shapes. These three levels of conflict find their practical manifestation in both Southeast and South Asian marine environments, and the difference between the conflicts in the stated environments is not one of kind, but of degree. Let us take the case of Southeast Asia first.

Looking at the Southeast Asian maritime conflicts, in particular over fishery,²⁶ one would notice that at the national level, it attains a very critical dimension due to widespread practice of aquaculture. Although, aquaculture is often seen as a panacea for diminished stocks, lost access to fisheries, and the resultant loss of food and cheap animal protein, the anticipated benefits have not materialized due to conflict between the stakeholders. At the national level, besides aquaculture, the conflict originates due to conflicting claims over fish resources by the fishermen, both traditional and modern.²⁷ The rapid introduction of sophisticated fishing technology by private or state-controlled companies has seriously disrupted the traditional organization of small-scale fishermen. The construction of small trawlers has intensified the pressure on coastal stocks and small scale fishing has been neglected in development plans which focus on full-time fishermen. Although policy makers in these countries are beginning to become more sensitive to the plight of small scale fishermen, laws prohibiting the use of trawlers close to the coast have not been effectively enforced. The over exploitation of stocks continue

²⁶ Fisheries contribute only a few percent or less of GNP of the ASEAN countries, but about 65% of the animal protein is consumed in Indonesia, Malaysia and the Philippines and more than 2 million persons are employed in fisheries (excluding secondary employment). Further, ASEAN countries export more than US\$1 billion worth of fish and have an annual potential product of over US\$5 billion. More important, rural coastal people in Southeast Asia depend on fish for nutrition, employment and their way of life.

²⁷ Mark J Valencia, "International Conflict over Marine Resources in Southeast Asia: Trends in Politicization and Militarization", available online <http://www.unu.edu/unpress/unubooks/80a04e/80A04E0a.htm>, accessed 01 November 06.

to threaten job opportunities for fishermen. In Southeast Asian seas, the use of destructive means of fishing like explosives, poisons, fine mesh nets etc. not only affects the fish habitat adversely but also pollutes the marine environment causing a threat to several marine species including the coral reefs.

In Southeast Asia, conflict over fishery at the regional level also attains a critical dimension as extended maritime jurisdictional claims overlap. Some of the overlapping areas are between Philippines-Indonesia, Malaysia-Thailand, Malaysia-Indonesia, Malaysia-Philippines, Thailand-Vietnam, Thailand-Vietnam-Kampuchea, etc. The search for fish for export and domestic use by distant-water fishers produces such conflicts among the littoral states. Numerous enforcement actions have resulted in the seizure of fishing vessels, and many of these incidents have been accompanied by gunfire. For example, Thailand's concern is directed towards protecting its own fishing fleet which has been exposed to armed attack and seizure by Kampuchea, Vietnam, Myanmar and now Malaysia. In Southeast Asian seas, poaching by the distant fishing countries is rare in view of the fact that several countries have entered into joint venture agreements with Japan, South Korea and Taiwan. Nonetheless, illegal fishing is sometimes carried out in Southeast Asian seas by South Korea and Taiwan.²⁸

Conflict over oil and gas also marks the maritime environment of Southeast Asia. Extended maritime jurisdiction encompasses many sedimentary basins having hydrocarbon potential. Much of the resources are speculative and not yet proven, yet all the regional countries are looking forward to exploit them to their best advantage. This is because, practically all the Southeast Asian countries are facing increasing energy demands, decreasing energy supplies and a greater reliance on foreign aid for new sources of energy production. Also the expanded use of natural gas and its more realistic pricing as a premium fuel are factors encouraging companies and governments to explore for additional gas reserves. For many countries, the potential is worth several times their annual GNPs.²⁹ Indonesia, Malaysia, Brunei,

²⁸ *Ibid.*

²⁹ *Ibid.*

Thailand and Philippines are the only countries with established offshore hydrocarbon potential. Potential hydrocarbon bearing areas with multiple claimants include the northern Andaman sea (India and Myanmar), the eastern Gulf of Thailand (Vietnam, Thailand and Kampuchea), the south-western Gulf of Thailand (Malaysia, Thailand and Vietnam), the area north, west and east of Natuna (Vietnam, Indonesia, Malaysia and China), offshore Brunei (Brunei, Malaysia, China and Vietnam), the Gulf of Tokin (China and Vietnam), the Dangerous Ground (Malaysia, Vietnam, the Philippines and China), and the north-eastern South China Sea (China and Taiwan). It may be mentioned that the disputed area offshore from Brunei and that in the Arafura Sea may contain up to US\$2.65 trillion and US\$1.5 trillion worth of oil and gas respectively. The disputed basins in the eastern Gulf of Thailand may contain US\$40 billion to US\$400 billion worth of oil and gas. And the Natuna area may contain US\$250 billion worth of gas and oil. In the circumstances, it is no wonder that the various countries would remain adamant about their claims to and interests in the areas, thereby engendering conflicts between them.³⁰

Lastly, a potential trigger for conflicts in the region is territorial disputes between states. As mentioned earlier, the geography of the political entities in Southeast Asia is remarkably maritime, and that with the extension of jurisdiction, this geography presupposes territorial conflicts and possibly explosive resource inequities.³¹ Several countries in the region have gained enormous marine areas with extended jurisdiction. In particular, the largest of these gains were made by Indonesia, the Philippines, China and Vietnam, whereas the shelf-locked Kampuchea, Brunei, Singapore and Thailand and land-locked Laos are the unfortunate ones in this regard. In many instances, the demarcation of maritime boundaries has not been to the satisfaction of the littorals. As a result, 'territorial disputes, most of them maritime in nature and involving conflicting claims to either islands or littoral waters, contribute to interstate tension in Southeast Asia'.³² Among the serious disputes, the Philippine claims to Sabah, overlapping claims to exclusive economic zones, and multilateral

³⁰ *Ibid.*

³¹ *Ibid.*

³² Lieutenant John F Bradford (US Navy), *op. cit.*, p.70.

disputes over islands and waters in the South China Sea draw one's rapt attention.³³ One such issue was seemingly resolved in 2002 when the International Court of Justice (ICJ) ruled in favour of Malaysia with regard to the conflicting claims by Malaysia and Indonesia to the sovereignty over Sipadan and Litigan islands.³⁴ In a similar fashion, Malaysia and Singapore have submitted to the ICJ for arbitration a dispute regarding sovereignty over Pedra Blanca (Pulau Batu Puteh), an island in the Singapore Strait with an important aid to navigation that is passed by about fifty thousand ships every year.³⁵

However, the most serious disputes are those in the South China Sea where Indonesia, Brunei, Philippines, Vietnam, China and Taiwan assert conflicting claims to sea and island territories.³⁶ 'Control of the area has important implications for free passage of shipping and the eventual development of oil and natural gas investments are unlikely to be made until the sovereignty issues are settled'.³⁷ As a result, in recent times, the claimants have clashed violently and the possibility of renewed fighting (short of open warfare) clearly exists. The current situation is 'volatile and could through an unexpected political or military event, deteriorate into open conflict'.

Coming to the conflict scenario in South Asian marine environment over its resources, one would notice a pattern similar to the one as observed in case of Southeast Asia *albeit* with a variation in its intensity. Few reasons explain the fact. *First*, as mentioned above, due to asymmetric maritime configuration of the region, the vigorous maritime activities of India, backed by the country's superior marine technology, are in no way comparable with those of Bangladesh and Pakistan. In the region, two land-locked countries, Nepal and Bhutan, practically remain devoid of maritime activities, whereas the maritime activities of the two insular countries, Sri Lanka and the Maldives,

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ See for details, Baladas Ghosal, "ASEAN and South China Sea Imbroglia: A Fresh Look at its Approach to Conflict Management", in Kamarulzaman Askandar, *Management and Resolution of Inter-State Conflicts in Southeast Asia*, South Asian Conflict Studies Network, Malaysia, 2003, pp.91-109.

remain much below the standard level due to lack of marine technology in harnessing the ocean resources. *Second*, the oceanic location of the littorals is such that the water bodies separating them are not congested as in the case of Southeast Asia. Their separation from each other by the vast expanse of water somehow provides them with sufficient oceanic space to carry out their respective maritime activities without much obstacles. *Third*, disputes over demarcation of maritime boundaries in South Asian marine environment are not that pronounced as in the case of Southeast Asia. Perhaps, the only and the most troublesome dispute that exists in the region is one between Bangladesh and India. The former also shares maritime boundary dispute with Myanmar.

However, despite an apparent calmness in South Asian marine environment, the ocean does not fail to breed conflict in the region. Like in case of Southeast Asia, such conflicts too manifest themselves at three levels – national, regional and inter-regional. At the national level, it is perhaps in the realm of marine fisheries that conflict seems to be more apparent, and this is essentially an outcome of technological polarization. That technological polarization leads to conflict between the fishermen of a coastal state is now a well known fact. As one analyst remarks, “this is indeed the most visible aspect of marine conflict which at the moment seems to be the one which engages the concerns of the policy makers and the energies of the fishermen”.³⁸ Conflicts between fishermen using different levels of technology can be analyzed with respect to conflict over space and conflict over produce or both.³⁹

Another dimension of conflict over marine fishing is the violation of national jurisdiction in pursuit of fishes. It is often said that fish tend not to respect the maritime boundaries fixed by nation states, and fishermen in pursuit of fish seem to follow the suit. Thus, a long known conflict in the domain of marine fisheries is that between contiguous coastal states. The difficulty in demarcating national boundaries in the territorial seas is the primary cause for this conflict.

³⁸ Fisheries and Conflicts at Sea, available online <http://www.unu.edu/unupress/unubooks/80a03e/80A03EO0.htm>, accessed 08 August 05

³⁹ *Ibid.*

An equally important factor in the South Asian seas is the lack of navigational devices on fishing vessels which can forewarn fishermen of such trespass. While cases of trespass into another nation's waters may be unintentional, they often lead to rather adverse situations sometimes necessitating the use of naval forces. In South Asian context, the Indo-Pak conflict, the Tamil crisis in Sri Lanka involving India, the un-demarcated maritime boundaries between India and Bangladesh, and between Bangladesh and Myanmar, conflicting claims of India and Bangladesh over few newly formed islands in the Bay of Bengal, all have adverse effects on fishermen fishing near the maritime boundaries of their nations.⁴⁰ It should be mentioned that illegal fishing and poaching in the Bangladesh coastal waters is almost a regular phenomenon due to intrusion of foreign fishermen into Bangladesh territorial waters mostly from countries like India, Myanmar and Sri Lanka to catch fish with mechanized trawlers and boats.⁴¹

The South Asian coastal states have also been the victims of poaching in their maritime waters due to the illegal entry of distant water fleets from Japan, Thailand, South Korea and Taiwan. While the frequency of such incidents was more prior to the extension of EEZ to 200 nm by countries of the region,⁴² the possibility of poaching from distant countries still exists. This is because many operations have entered into license agreements, among which a large number take undue advantage of the lack of legal measures and policing facilities at the disposal of the countries of the region. Illegal fishing, therefore, continues unabated and the major culprits have been apprehended by the coast guards of all the countries. So intense has been the menace that Pakistan government had to enact a law that would confiscate any poaching vessel with a fine of US\$720,000 and a five year jail sentence for the captain.⁴³

⁴⁰ *Ibid.*

⁴¹ National News – News from Bangladesh, available online <http://bangladesh-web.com/news/jan/01/n01012003.htm>, accessed 02 April 2003

⁴² The declaration of EEZ by Bangladesh was made in 1974, by Pakistan in 1976, by India in 1977 and by Sri Lanka in 1977.

⁴³ Fisheries and Conflicts at Sea, *op. cit.*

Scramble for off-shore oil and gas, a non-renewable marine resource, also bears potentialities for conflicts in the South Asian seas. In particular, the aggressive manner in which India is pursuing its oil policy unnerves its neighbours to a great extent. It may be mentioned that India with its one billion inhabitants and limited energy resources is now desperately looking for exploration of off-shore oils in the Bay of Bengal. Meanwhile, a plan to go for a joint Indo-Myanmar oil venture in the Bay of Bengal is underway. Encouraged by gas discoveries in the Bay of Bengal basin by India and Myanmar, Bangladesh is also planning to offer offshore blocks to some multinational oil companies. Recently, media in Bangladesh has reported that India's attempts at maritime oil and gas exploration overlap with two of Bangladesh's oil blocks.⁴⁴ The Government of the Democratic Republic of Sri Lanka has equally decided to renew the search for oil and gas prospects in its offshore areas bordering India. Competition for oil and gas is imminent in the region with the potentialities for conflicts in particular between Bangladesh and Myanmar, India and Bangladesh. This is because Bangladesh's maritime boundaries with both India and Myanmar are not yet demarcated.

The above discussion brings home the point that the marine environments of both Southeast Asia and South Asia are now degraded to such an extent that environmental damage, resource depletion and traditional threats arising out of it may threaten peace, stability and order in both the regions with serious consequences for the littorals. While such threats are more pronounced in case of Southeast Asia due to the region's predominant maritime nature, intensive oceanic activities, numerous maritime disputes, etc., the replication of a similar scenario in South Asian marine environment is a possibility that can not be ruled out altogether. As a theatre of various low intensity maritime conflicts, Southeast Asia now remains under direct threat to oceanic peace and stability, and hence to the national security of the region's coastal states. A conspectus of such threats is presented below before going to the succeeding section that deals with the region's multifarious efforts to address them.

⁴⁴ See for details, Dr. Anand Kumar, "Oil Poaching Controversy in Bay of Bengal", *South Asia Analysis Group*, Paper No. 1877, 14 July 2006.

Firstly, land-based activities like dumping of sewage, toxins, pesticides, extremely hazardous wastes, heavy metal and radioactive residues, discarded plastics, etc. are leading to the destruction and alternation of marine habitats, loss of fisheries, health hazards, increasing eutrophication and changes to hydrology and the flow of sediments. All such activities are now being considered as falling within the category of 'eco-terrorism' and are considered not only as crimes against ecology but also against humanity. While environmental degradation is unlikely to be the cause of direct military confrontation in the region, it nonetheless poses a threat by undermining international relationships, economic development and social welfare. For example, the destruction of coral reefs and over exploitation of fishing groups are contributing to Indonesian poverty and exacerbating domestic violence.⁴⁵

Secondly, decrease in fish stocks due to overexploitation and conflicting claims over maritime fishing zones has made illegal fishing a regular phenomenon in Southeast Asian waters. This is ominous enough to disturb order and peace in the area. It is now widely known how at the interstate level, rapid depletion of fisheries has contributed to tension between Thailand and Malaysia, and between Thailand and Myanmar. Huge hydrocarbon resources would also be a central factor in the strategic calculus of the regional countries. In this respect, those who possess the biggest and best technologies will try to extract not only fish, seal, whales but also to exploit oil, energy and other mineral resources. Such pillage which is euphemistically termed as 'modern piracy' has far reaching implications for political security, and hence for the national security of the coastal states.

Thirdly, following globalization, the opening of trade frontiers among and between the nations in the terrestrial domain multinationalized the shipping world and the complexity of the sea-lane eventually arose due to borderless nature of economic activities across seas and oceans. In the process, the increasing economic activities across the seas and waters of Southeast Asia coupled with sophisticated communication technology has resulted in certain new kinds of threats in the ocean medium. While the region, as mentioned

⁴⁵ Lieutenant John F Bradford, (US Navy), *op. cit.*, p.73.

earlier, is notorious for various kinds of piracy acts, other activities like illegal trade in arms, prohibited drugs, protected animals and plant species, toxic materials and nuclear wastes, movement of terrorist groups⁴⁶, etc., are regular in Southeast Asian waters. These events, both regular and episodic in nature, have the potentialities to destabilize oceanic peace and order in the region. This is corroborated by events like the insurgency movements in the Filipino island of Mindanao where the separatist movement under the aegis of Moro Islamic Liberation Front (MILF), Autonomous Region of Muslim Mindanao (ARMM) and the Abu Sayyaf are being continually armed from sources, presumably the Middle East, to fight the regular army of the government.⁴⁷

Fourthly, as mentioned earlier, all the coastal countries in Southeast Asia, thanks to UNCLOS, have extended their maritime jurisdiction, leaving area winners and losers, and many claims to maritime areas overlap. This problem of overlapping claim can only be overcome if maritime boundaries are properly demarcated. This, however, is a complex and multi-faceted issue involving political, technical and legal aspects. It is calculated that currently the overlapping maritime zones of states give rise to the need for delimiting nearly 400 disputed boundaries in the world of which only a little over one-third have so far been agreed.⁴⁸ The coastal states of Southeast Asia are becoming increasingly aware about the gains likely to be accrued from marine resources and as a result, they are now engaged in efforts to identify and pursue their national development

⁴⁶ The following terrorist groups in Southeast Asia have the ability to maneuver at sea: (i) Indonesia-based Free Aceh Movement/Gerakan Aceh Merdeka (GAM/Aceh Sumatra National Liberation Front (ASNLF); (ii) Indonesia-based Free Papua Movement/Organisasi Papua Merdeka (OPM); (iii) Malaysia backed Kumpulan Mujahideen Malaysia (KMM); (iv) Philippine based Moro Islamic Liberation Front (MILF) and (v) Philippine based Abu Sayyaf Group (ASG). Cited in Kazumine Akimoto, "Maritime Terrorism and the Role of the Navy: A Sinister Shadow Lurking in the Sea Lane", *Journal of Indian Ocean Studies*, Vol. 12, No. 3, December 2004, pp.383-389.

⁴⁷ *Asia Times*, Southeast Asia, June 10, 2002.

⁴⁸ See for details, Mr. Habibur Rahman, "The Law of the Sea and Settlement of Maritime Disputes", *BISS Journal*, Volume 15, No. 1, 1984, pp.69-96.

interests in the ocean arena. In such a race for acquiring the marine resources, disputes over maritime boundaries may generate tension and mistrust in the bilateral and intra-regional relations between the littorals of the region. In effect, the current situation in the region is 'volatile and could, through an unexpected political or military event, deteriorate into open conflict'.⁴⁹

Finally, although as per UNCLOS, the world's oceans and seas have been declared as the spaces to be used only for peaceful purposes, the fact remains that power rivalries among the major world powers find its resonance in the ocean medium also. While such rivalry is different from the one as existed during the Cold War time, all extra-regional powers are interested in Southeast Asia's oil resources and protection of the strategic oil routes that traverse the region. The region is also of strategic importance for the future ambitious powers. One in particular must not remain oblivious of the fact that the Southeast Asian region is a nexus of maritime routes used by the navies of the extra-regional great powers. In the region, a few strategic straits abound, and with extension of jurisdiction, many fall within the territorial or arch-pelagic waters of the regional states. Competition and rivalry between the extra-regional great powers for access to these straits will be an integral part of the *realpolitik* here for the foreseeable future. In this connection, any divergence of interests among the interested external powers may aggravate tension in the region leading to conflicts both regional and international in nature. It may be mentioned that extension of jurisdiction in the region has, in effect, opened a Pandora's Box of continued uneven growth, volatile mixture of competition, nationalism and militarization. In a complex situation like this, the countries of Southeast Asia that have increased technological and market dependence on the developed countries would, in all likelihood, oppose any superpower or outside power's involvement in the region for exclusive security reasons.

It is, therefore, obvious that the maritime challenges for Southeast Asia are gargantuan in nature. So much so that most analysts now feel that Southeast Asia creates an environment that would be conducive to addressing their traditional and non-traditional maritime concerns such

⁴⁹ Lieutenant John F Bradford, (US Navy), *op. cit.*, p.70.

as inappropriate management of ocean resources, environmental pollution, increasing maritime crimes, etc. In effect, all such challenges must be addressed on a multi-layered basis. While a unilateral approach to meet the threats arising at the national level can sometimes be effective, more arduous would be the task to confront the threats at the regional and intra-regional levels as sovereign sensitivities are traditionally extremely high among the Southeast Asian states. The relevant question is: what then is the current trajectory of cooperative efforts in the region to address its myriads of oceanic challenges? The succeeding section is an endeavour to address this pertinent question.

4. Management of Marine Environment in Southeast and South Asia: Strategies for Prospective Cooperation

Despite myriads of threats that one observes in case of Southeast Asian marine environment, cooperation among the littorals of the region in mitigating them still remains inadequate. Lieutenant F Bradford has quite keenly discerned few factors behind this, like, sovereignty sensitivities, extra-regional power rivalries and interests, inter-state relations in the region characterized by conflicting interests, contrasting populations, nationalistic tendencies and histories of warfare, and finally lack of resources.⁵⁰

Notwithstanding the above mentioned constraints, some sort of oceanic regionalism is in sight in the region, in particular in the non-controversial domain of marine pollution. Currently, the developing countries in the region have started to provide provisions concerning the control of marine pollution with special emphasis on land-based marine pollution in their respective legislation in either a general or a specific way. In this respect, the Southeast Asian countries are borrowing the appropriate ideas, methods and operational systems worked out by the Baltic states, the US and Japan with suitable modification and adaptation in consonance with local customs, traditions and social-economic peculiarities.⁵¹ A very positive step in

⁵⁰ See for details, Lieutenant John F Bradford (US Navy), *op. cit.*, pp.73-78.

⁵¹ Tong Cai, "Control of Land-based Marine Pollution in Southeast Asia: A Legal Perspective", available online www.library.ubc.ca/law/abstracts/cai.html, accessed 08 November 06.

this direction is that ASEAN, the regional organization of the area, has committed more and more of the resources of its member states to prevent and mitigate environmental degradation, and coastal and marine pollution. The measures taken include pollution control, environmental-impact studies, national and regional legislation to prevent and respond to potential oil spills, and participation in various international conventions on the protection of coastal and marine environments.

To the side of its involvement in controlling marine pollution, ASEAN's other tangible activities are manifested in some of its important marine bodies. The ASEAN Committee on Science and Technology (COST) Subcommittee on Marine Science has explored the possibility of a cooperative approach to extra-regional access to marine scientific research and has approached the European Community (EC) and the US for assistance in funding cooperative marine scientific research.⁵² COST has given birth to an informal committee on pollution and an ASEAN Sub-regional Environment Program. The ASEAN Committee on Petroleum (ASCOPE) has, within its terms of reference, the development of sub-regional contingency plans for oil spills. ASCOPE has also been discussing standardization of environmental and safety regulations concerning offshore oil exploration.⁵³ Also noteworthy is the inclusion of UNEP (United Nations Environment Programme) activities into ASEAN. The UNEP has supported a number of actions related to coastal and marine environment in Southeast Asia, for example, some activities under the Regional Programme on East Asian Seas are concentrated in the ASEAN region. The UNEP implementing counterparts in ASEAN are COBSEA (Coordinating Body of Southeast Asian Seas) and AEGE (ASEAN Expert Group on Environment), which has since been elevated to become ASOEN (ASEAN Senior Officials on Environment).

Given the fact that most of the countries in Southeast Asia are developing, they are eligible for both multilateral and bilateral aid. In

⁵² Mark J. Valencia, "Regional Maritime Regime Building: Prospects in Northeast and Southeast Asia", *Ocean Development and International Law*, 31:223-247, 2000, p.238.

⁵³ *Ibid.*

this respect, the region is presently fortunate enough in getting extra-regional funding to finance many of its maritime projects. As an example, the 'Green Fund' (properly called the Global Environment Facility (GEF), a World Bank/UNDP/UNEP programme is being tapped in the region. There are also several marine relevant international organizations in the region such as the Indo-Pacific Fisheries Commission, the Southeast Asia Fisheries Development Center, the International Center for Living Aquatic Resource Management, the Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas, and the Working Group for the Western Pacific of the Intergovernmental Oceanographic Commission.⁵⁴ It may be mentioned that these organizations are not indigenously derived or funded and that their membership includes extra-ASEAN and Southeast Asian states, however, they may serve as models, platforms, or stimuli for indigenously initiated marine regional arrangements.⁵⁵ Also, several specialized United Nations agencies with relevance to marine problems have their respective offices in the region, all of which support national projects and bilateral assistance programs in the marine sphere. Such activities help to stimulate and support national marine awareness in the region.

Perhaps, a watershed development in Southeast Asia with respect to protection of marine environment is the cooperation between the regional countries, and between them and few extra-regional powers in combating various kinds of non-traditional threats, in particular oceanic crimes of various types. While the list of such cooperative ventures is a long one, mention may be made about few. On a bilateral basis, there is a growing military cooperation among the ASEAN members. The military cooperation between Indonesia and Malaysia, Indonesia and Philippines, Thailand and Malaysia enables the regional countries in patrolling their sea areas and conducting joint naval surveillance. On the other hand, while maritime cooperation in Southeast Asia has been historically limited by extra-regional rivalries,

⁵⁴ J C Marr, "Fishery and Resource Management in Southeast Asia", Paper No. 7, cited in Mark J Valencia, "Regional Maritime Regional Building: Prospects in Northeast and Southeast Asia", *op. cit.*, p.238.

⁵⁵ Mark J Valencia, "Regional Maritime Regime Building: Prospects in Northeast and Southeast Asia", *op. cit.*

at present these powers are showing increasing interests in maritime cooperation with littorals of the region for protecting navigation in strategic sea lanes from transnational threats. Most important among these powers are the US, Japan and China. Australia and India, two large countries with substantial navies and interests in the Indian Ocean have also demonstrated commitment to maritime security cooperation in Southeast Asia. 'This convergence of interests not only removes inhibitors previously at play but also encourages new cooperation'.⁵⁶ In this connection, the joint US-ASEAN workshop on 'Enhancing Maritime Anti-Piracy and Counter Terrorism Cooperation in the ASEAN region', 2004, is a glaring example to demonstrate the American commitment to and enthusiasm for maritime security in the region. The Council for Security Cooperation in the Asia Pacific Maritime Cooperation Working Group (CSCAP-MCWG), the Asia-Pacific Economic Cooperation (APEC) Working Group on Maritime Security, the Western Pacific Naval Symposium (WPNS) and the ASEAN Regional Forum (ARF) Maritime Focus Group Force are few agencies that testify to the blossoming of maritime confidence and security building measures in the region.⁵⁷

In brief, the structural, economic and normative changes in Southeast Asian polity in recent times have given the regional countries unprecedented opportunities for maritime cooperation at the levels, bilateral, regional and global. While at each of these levels, the perceived benefits may not have been to the expectation of the participants, cooperation, despite many constraints, will continue between them and will grow incrementally. The relevant question now is: what lessons can South Asia learn from these developments?

In contrast to oceanic regionalism in Southeast Asia, the same in case of South Asia did not make any headway due to mistrust, tension and hostility between and among the South Asian nations caused by a number of regional disputes. This is explained by the failure of the United Nations Environment Program (UNEP) in establishing any

⁵⁶ Lieutenant John F Bradford, *op. cit.*, p.76.

⁵⁷ *Ibid.*, p.78.

Regional Seas Programme in the region during the 1970s and 1980s,⁵⁸ notwithstanding the fact that the protection of the marine environment was given priority in conjunction with the overall environmental policies of countries like Bangladesh, India, Maldives, Sri Lanka and Pakistan. While it is true that oceanic regionalism in South Asia is reflected in such initiatives as the Bay of Bengal Programme (1979), Indian Ocean Marine Affairs Cooperation (IOMAC, 1990) or the Indian Ocean Rim Initiative (1995), the question remains as to their actual nature and functions as regional organizations. As a fisheries organization under the FAO, the Bay of Bengal Programme with member countries on both sides of the Bay, mostly concentrated on projects, studies and surveys related to coastal fisheries, and towards this end, successes are credited to the organizations as well. However, in the realm of maritime cooperation, fisheries are just one of the sectors in the overall maritime environment. This realization probably has driven the FAO to concentrate on environment and sustainable development in the third phase that began in 1996. At least, for regionalism in the area, the lesson learned from the Bay of Bengal Programme is that the regional states, if backed by political commitment, can act jointly to preserve their common resources. It is, indeed, a paradox that very little is talked or known about the current UNEP sponsored South Asian Regional Seas Programme despite the fact that its functioning is more effective than the one observed in case of SAARC. The Programme works through an Action Plan called the South Asian Seas Action Plan, adopted in 1995 with unqualified support of the region's five countries. Its objective is to protect and manage the marine environment and eco-systems of the region in an environmentally sound and sustainable manner.⁵⁹

The current Regional Seas Programme is somewhat an indication of the South Asian nations' willingness to cooperate in the marine domain and substantial efforts have been rendered to place maritime agenda under the aegis of SAARC. If one recalls, Bangladesh, the

⁵⁸ Report of the Workshop on 'Implementation of GPA for the Protection of the Marine Environment from Land Based Activities in South Asian Seas Region (UNEP, 23 October 1997), p.19.

⁵⁹ *South Asian Regional Seas Programme: Present Status of the Implementation of Actions and Conventions*, UNEP, 01 December 2000.

architect of SAARC, once came out with the proposal to establish a Centre for Maritime Cooperation. In this spirit, efforts can be expanded to explore the possibility of undertaking maritime issues under SAARC at least to deal with the non-controversial and non-political issues like protection of marine environment from pollution. South Asia also presents a bleak picture with respect to joint efforts between the littorals for curbing various maritime crimes that are present in its waters. Once again, mistrust and tension between the regional countries as visible in the land explains the absence of joint venture, joint surveillance and monitoring activities among the states in the region.

While the policies required for effective management of marine environment will vary among countries, contemporary ocean management suggests a common framework that is applicable in all cases of marine management. At the outset, an appropriate study of the threats to the marine environment becomes an indispensable imperative for all those countries that are littorals to oceans and seas. Such threats are best known at the national level. The foremost task, therefore, would be to raise public and political awareness about oceans and bring more transparency in oceanic affairs. Progress in the area, as the Report of the Independent World Commission on the oceans remarks is contingent upon the creation of arrangements which ensure that information and knowledge are freely available for public discussions on the future of the oceans. It is a part of the intergenerational responsibility to transmit this knowledge to children and young people, so as to enable them to appreciate the vital importance of the oceans, the values they represent and the risks they face.

Once the nation's awareness is grown, there is the need to formulate an ocean policy. Needless to mention, in contemporary ocean governance, the ocean policy of a coastal state is deemed necessary for identifying the various issues of ocean governance for the state like marine resource exploitation, management of marine transportation, control of marine pollution control, coastal management etc. An ocean policy, in effect, reflects a country's priority that it accords to its maritime domain. This priority is, however, low in most of the coastal states. As Elisabeth Mann

Borgese, an internationally reputed expert on ocean affairs and laws, remarks, “In the majority of countries, ocean affairs do not represent a central concern but a matter subsidiary to other activities having higher priority. Thus, its political stature is generally low, which translates into the location of the activity at a low level within the governmental hierarchy as well as into certain patterns of resource allocation (limited personnel and low level of spending)”.⁶⁰ Once the ocean policy is formulated, it is expected to generate interests among all about ocean and activities related to it. In this respect, systematic efforts should be made to develop ocean science and technology for translating the potential of the ocean into the satisfaction of national needs. New knowledge of multidisciplinary nature should also be developed in order to deal with all oceanic activities with consideration to social, economic and environmental factors.

After national awareness and a subsequent ocean policy as tangible manifestation of such awareness, there comes the question of management. One should bear in mind that effective management is key to maintaining healthy marine environment which is currently inadequate in Southeast Asia and poorly present in South Asia. Such management should take due cognizance of two essential factors: first, “the problems of the ocean space are closely interrelated and need to be considered as a whole”,⁶¹ and secondly, ocean management is holistic in nature involving activities not only by the bureaucrats but by different sectors, organizations, NGOs, and relevant stakeholders at the local, regional and global levels. Basing on this philosophy, the current ocean management envisages integrated coastal zone management, regional maritime cooperation, intra-regional cooperation and global co-operation. The paper does not intend to go into a detailed discussion of all these concepts except to highlight on regional cooperation in the marine domain. Needless to mention, in contemporary ocean governance, regional cooperation is now considered as an effective means of managing ocean affairs as it (i) allows for a more accurate assessment of trans-boundary problems, as

⁶⁰ Elisabeth Mann Borgese, *Ocean Governance and the United Nations*, Center for Foreign Policy Studies, Dalhousie University, Halifax, Nova Scotia, Canada, 1996, p.152.

⁶¹ UNCLOS (Preamble).

well as for an appropriate identification of priorities for action; (ii) strengthens mechanisms for both regional and national capacity building; and (iii) harmonizes and adjusts measures according to national environmental, institutional and socio-economic conditions.⁶² In effect, the regional approach to ocean governance is now looked upon as an endeavour to bring all the actors – national, regional and global – in the same continuum. Also, it is at the regional level that some of the joint efforts of the regional littorals for protection and preservation of the marine resources and environment, undertaking marine scientific research, ensuring marine safety and enforcement responsibilities between port states are envisaged. For such activities, various articles of UNCLOS such as 74, 83, 122, 123, 191, 200, 207, 208, 210, 212, 276 and 277 deal with regional maritime cooperation in several dimensions.

Once a strong commitment to regional cooperation is made, initiatives like ‘joint management of resources’ and ‘joint enforcement and surveillance’ become easily realizable. This is because disputes in the seas and oceans are not always over space or territory. It is more a question of access to resources for their exploitation, preservation and conservation. As a result, disputes which do not involve territorial claims, but are resource-based appear to have a better chance of being managed. In a similar vein, ‘joint enforcement and surveillance’, in view of the various maritime crimes with trans-boundary implications, is now being initiated in many regional seas and oceans. Considerable stimuli to this move are derived from the desire of many countries to use navies for peaceful purposes. With respect to cooperation at the regional level, it is important to take note of ‘maritime regime building’ which is gaining wide currency in contemporary ocean governance. Essentially, non-oceanic in nature, the concept describes the trend towards sequentially negotiated arrangements involving mostly the same actors over a period of time.⁶³ More specifically, regime building in case of marine region is a set of agreements among

⁶² P Akiwumi and T Melvasalo, ‘UNEP’s Regional Seas Programme: Approach, Experience and Future Actions’, *Marine Policy* 22, No. 3, 1998, pp.229-34.

⁶³ O R Young, cited in Abul Kalam Azad, “Maritime Cooperation in South Asia: Opportunities and Challenges”, *Ocean Yearbook*, University of Chicago, 2004, pp.512-542.

a group of actors specifying: (i) the distribution of power and authority for the marine geographical region; (ii) a system of rights and obligations for the members of the group; and (iii) a body of rules and regulations that are supposed to govern the behaviour of members.⁶⁴ Finally, it needs to be borne in mind that cooperation at the regional level sets the stage for global cooperation in maritime affairs. At the global level, it is UNCLOS that has set the central stage for ocean governance through a system of treaty and few sub-regimes. The most important among these is the International Maritime Organization (IMO) that is taking the lead at the global level in formulating and coordinating the fight against piracy and armed robbery at sea. Besides UNCLOS, the UN Conference on Environment and Development (UNCED) process, in particular Chapter 17 of Agenda 21 provides certain mechanisms for ocean governance.⁶⁵

5. Concluding Remarks

While, at present, marine policy problems are figuring prominently in Southeast Asia's international relations, the fact remains that efforts towards addressing them have not yet fructified to the fullest. While at the national level, integrated coastal management remains in vogue in most of the Southeast Asian nations and it is being catalyzed by ASEAN, cooperation at the regional level remains at best in its incipient stage. However, what is more striking at the moment is the growing consciousness about oceans in Southeast Asia as marine activities have played a significant role in the region's recent economic development. At present, it may be premature to hope for extensive cooperation in a region composed of increasingly nationalistic developing states. Perhaps, necessity will be the mother of cooperation'.⁶⁶

⁶⁴ See for details, Mark J Valencia, "Regional Maritime Regime Building: Prospects in Northeast and Southeast Asia", *op. cit.*, p.231.

⁶⁵ See for details, Abul Kalam Azad, "Maritime Security of Bangladesh" in Mufleh R Osmany and Muzaffer Ahmad (ed.), *Security in the Twenty First Century: A Bangladesh Perspective*, Academic Press and Publishers Limited in association with Bangladesh Institute of International and Strategic Studies, 2003, pp.159-229.

⁶⁶ Mark J Valencia, "National Marine Interests in Southeast Asia" in George Kent and Mark J Valencia (ed), *Marine Policy in South Asia*, University of California Press, Berkeley, 1985, pp.55-57.

In effect, coming out of the present impasse would require tremendous political commitment from the regional governments. Along with this would be the need for a new realization that threats unite, and that lack of cooperation on non-political and non-controversial maritime issues may lead to a rapid destruction and loss of valuable marine resources in the region, and increasing criminalization of the ocean. Such a realization would definitely not be without its political implications. The expected dividends, both economic and political, of cooperation at the regional and international levels in all sectors pertaining to the oceans would be promising for all. At the practical level, there is, therefore, the need to develop the national marine institutions, long-term systematic research and skills, replace narrow expertise by the epistemic communities, conduct high level inter-governmental cooperation through multilateral programs and agreements, recognize the role of the NGOs and garner support for financial aid and assistance.

Finally, if Southeast Asia can prove itself to be a successful laboratory for marine management, then lessons can be drawn from it for South Asia as well. In this respect, the prospect for inter-regional maritime cooperation between the two regions, both littorals to the common Indian Ocean, may not remain a chimera as many would suppose. Needless to mention, despite a host of problems and challenges, both the regions have witnessed cooperation in the marine affairs under the aegis of their respective Regional Seas Programs, the floated idea of Bay of Bengal Community, and in case of Southeast Asia even under the ASEAN forum. What one probably notices, in both the regions, is a number of weaknesses like insufficient capability to prioritize the environmental issues in development activities, lack of adequate financial, institutional and legal arrangements to ensure proper implementation of various environmental protection policies, lack of human and financial resources, and lack of political will and coordination within the concerned governments. All such weaknesses can easily be overcome if mechanisms of maritime cooperation at the three-tier levels, national, regional and international, are strictly adhered to by the littorals whether in Southeast Asian or South Asian seas, in strict conformity with contemporary ocean governance.