

PREVENTING ESCALATION AT SEA

Towards an India-Pakistan Naval Agreement



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ABOUT THIS REPORT

This report examines the need for an Incidents at Sea Agreement between India and Pakistan amid increasing naval modernization and nuclear capabilities. Despite minimal diplomatic engagement, growing maritime competition and nuclear arsenals heighten escalation risks during encounters. While bilateral agreements remain unlikely in the current political climate, multilateral forums like the Indian Ocean Naval Symposium offer potential pathways. The paper outlines essential elements for a future agreement, emphasizing both general maritime safety protocols and specific provisions for managing hostile interactions.

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Executive Summary

- The Indian and Pakistani Navies have had no major engagements since 1971, but maintain adversarial postures with frequent accusations of provocative behavior during encounters.
- Despite India's strategic focus shifting toward China, Pakistan remains a significant maritime concern, particularly as part of a perceived joint Sino-Pakistani naval threat.
- Both navies are undergoing rapid modernization—India aims to expand from 150 to 170 ships by 2027; Pakistan from 31 to 50 by 2030.
- India increasingly sources naval assets from Western manufacturers (French, American, German), while Pakistan relies primarily on Chinese and Turkish platforms.
- Multiple incidents at sea have occurred between the two navies, including during anti-piracy operations (2011) and routine patrols (2016), with each side blaming the other for aggressive maneuvers.
- The naval nuclear dimension significantly increases escalation risks—India operates SSBNs while Pakistan is developing submarine-launched cruise missiles and ship-launched ballistic missiles.
- During the 2019 Pulwama-Balakot crisis, India deployed approximately 60 ships near Pakistani waters, including its first SSBN, indicating the potential for nuclear signaling during future crises.
- Both nations have historically committed to nuclear risk reduction mechanisms after their 1998 tests, with several agreements still in effect despite deteriorated political relations.
- The 1991 Agreement on advance notification of military exercises includes provisions for naval interactions (maintaining 3 nautical miles distance in international waters).
- The 1999 Lahore Memorandum of Understanding explicitly called for developing an incidents at sea agreement, though this has never materialized.
- Current India-Pakistan relations are minimal, with no diplomatic or economic engagement, making a bilateral naval agreement unlikely without broader reconciliation.
- Multilateral forums offer the most viable pathway—both navies have collaborated during anti-piracy operations and participate in the Indian Ocean Naval Symposium (IONS).
- The Western Pacific Naval Symposium's Code for Unplanned Encounters at Sea (CUES) provides a potential model that could be adapted for the Indian Ocean region.
- Any future agreement would need to combine generally applicable safety protocols with specific provisions addressing the unique risk of hostile interactions between Indian and Pakistani naval forces.
- Such an agreement should focus on nuclear risk reduction rather than confidence-building to increase its political acceptability in the current environment.
- In sum, India and Pakistan are parties to multiple international arrangements governing the safety of civilian and military vessels at sea. However, given both rapid naval modernizations, an existing political and military dispute, and the mutual hostility characterizing the relationship, both states need:
 - an agreement that is dedicated to the maritime domain (unlike their 1991 agreement) and establishes norms to prevent unplanned encounters at sea.
 - an agreement that clearly outlines specific standard operating procedures during or after incidents at sea as this is where the potential for inadvertent escalation is high.

Introduction

The Indian and Pakistani Navies have not experienced any significant engagements in over 50 years. However, the Pakistan Navy (PN) frequently appears in India's official military discussions, with successive Indian Navy (IN) Chiefs stressing the importance of maintaining India's maritime vigilance. For instance, IN Chief Admiral Dinesh Tripathi remarked that the PN's growth was "surprising," stating, "They aim to become a 50-ship force by the next decade. Given their economy, it is unexpected that they are constructing so many ships and submarines."^[1]

Similarly, various branches of Pakistan's security establishment rationalize their modernization efforts by portraying them as a response to India's dominance in the Indian Ocean. Less than a month before the IN Chief's comments, PN Chief Admiral Naveed Ashraf claimed that India was "disturbing regional peace by blatantly provoking its neighbors" in the Indian Ocean.^[2]

Such discourse has been indicative of two things:

- While the India-Pakistan relationship remains minimal, with no diplomatic or economic ties,^[3] India's strategic discourse has shifted to emphasize China more. However, in the maritime domain, Pakistan is still considered a significant threat, particularly as part of the maritime threat posed by China.^[4]
- The Indian and Pakistani Navies are more influenced by their counterparts' activities and operations than the Armies and Air Forces of both countries. This is particularly true as the Indian and Pakistani Armies have remained disengaged at the Line of Control (LoC) since the February 2021 ceasefire, despite occasional violations.^[5]

Despite India's 'de-hyphenation' from Pakistan and its avoidance of any positive or negative engagement with Pakistan,^[6] the triggers for crisis continue to exist across various arenas. However, given the unique nature of the maritime domain, the chances of both naval forces encountering each other are higher than those of their sister services, increasing the rationale for a new agreement to better manage their potential interactions, especially on the high seas. This paper addresses three questions: Why is such an agreement necessary? What is the likelihood of such an agreement being concluded? What are the alternatives?

Strategic Imperatives

Modernization – Both the Indian and Pakistani Navies are modernizing rapidly, with the Indian Navy aiming to increase its fleet from 150 to 170 ships by 2027 and the Pakistan Navy from 31 to 50 by 2030.^[7]

Doctrinally, while the Indian Navy officially expanded its primary area of responsibility to the Red Sea in 2015,^[8] the Pakistan Navy has shifted from a defensive posture to a more aggressive area denial strategy to counter India's maritime dominance in the Arabian Sea.^[9] The PN's ongoing acquisitions – including new Type 54A/P frigates and Yuan-class AIP-enabled submarines from China, along with a new class of corvettes jointly produced with Turkey – have sparked debates in India regarding its Navy's qualitative edge against new risks, even as its quantitative superiority remains unchallenged. As a result, the Indian Navy's own acquisitions have progressed with the aim of addressing immediate gaps (such as the lack of an AIP-equipped diesel-electric attack submarine) and securing long-term capabilities through investments in a new class of nuclear attack submarines (SSNs), a third aircraft carrier, uncrewed underwater vehicles, enhanced maritime surveillance capabilities, and a new class of stealth-guided missile destroyers,^[10] among other initiatives.

Note that while the Indian Navy has refocused on acquiring from Western (French, American, German) original equipment manufacturers, the Pakistan Navy is set to operate a fleet primarily consisting of Chinese and Turkish platforms; even the French Agosta 90Bs, currently the backbone of its underwater capabilities, are being upgraded by Turkey rather than France.[11] For India, this fuels the ‘joint Sino-Pak threat’ narrative. Indeed, since at least 2023, parliamentary briefings from India’s security leadership have explicitly connected the need for the Indian Navy’s expansion to this threat.[12] The outcome has been a steady naval arms race between India and Pakistan, while an additional extra-regional power (China) gradually increases its presence in the Indian Ocean – benefiting Pakistan and perceived as detrimental to India.[13] The net effect is an escalation of maritime assets hostile to one another in a contested maritime domain.

Incidents at Sea – The inherent hostility between India and Pakistan, despite their disengagement, continues to incite competitive actions among their naval forces. Although both navies have not engaged in direct fleet-on-fleet armed conflict since 1971, their historical consciousness endures in shaping their perceptions of one another. The Pakistan Navy, in particular, remains wary of the Indian Navy’s intentions to blockade Pakistani ports along the Makran Coast, recalling its successful bombardment and blockade of Karachi in 1971. Such perceptions intensified during significant crises, such as the Kargil conflict, when the Indian Navy stationed at least 30 ships close to Pakistan’s territorial waters, while the Pakistan Navy held back from engagement.[14] The Kargil War is notorious in Pakistan for being an Army-led operation executed without consultation with naval counterparts. More recently, the two navies have accused each other of provocative behaviour during various incidents. For instance, in 2011, the INS Godavari and PNS Babur encountered one another during anti-piracy operations, with both forces blaming the other for aggressive manoeuvres.[15] Similarly, in 2016, Indian and Pakistani warships pursued each other at sea after both sides charged the other with disrupting their respective routine patrols and exercises.

The Pakistan Navy has consistently accused the Indian Navy of covertly patrolling too near Pakistani waters.[16] This claim was reiterated in 2019, when Pakistan asserted that it had thwarted an Indian submarine from entering its waters. This accusation surfaced again in 2024, when Pakistan’s DGPR (Navy) alleged that the Indian Navy was employing its surface and sub-surface assets to “covertly observe” the PN’s operations and “interpret naval war plans” during the PN’s biennial Exercise Sea Spark.[17] Clearly, owing to their overlapping operational areas, even in the absence of political crises, both navies accuse each other of interfering in their activities. Indian naval veterans suggest that this tendency is more pronounced on the Pakistani side, based on their experiences since 1971, while PN officials defend their actions as responses to Indian provocations. Nonetheless, beyond these overt incidents, which are relatively straightforward to understand, the true risk in the subcontinent’s maritime domain arises from the nuclearization of the Indian Ocean.

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Nuclear Risks – India and Pakistan are both 27-year-old declared nuclear weapon states. However, they are still developing into naval nuclear powers; the Indian Ocean has yet to see both nations' fully operational sea legs of their nuclear triads in the same waters. Currently, this possibility is becoming more imminent. The Indian Navy is ahead of its Pakistani counterpart in operating nuclear-armed platforms, with at least two SSBNs in service, although their current range and capacity to provide (semi) continuous at-sea deterrence remain questionable. Full CASD capabilities are technically achievable with a minimum of four SSBNs for any naval nuclear power.[18]

On the other hand, the Pakistan Navy has concentrated on developing submarine-launched cruise missiles and ship-launched ballistic missiles, even without a nuclear-powered sub-surface platform for deploying these weapons. However, with Pakistan's acquisition of the Yuan-class submarines from China, its recent SLBM tests[19] raise (but do not confirm) the possibility of Pakistan attempting to mount nuclear weapons on its conventional assets. In any event, Pakistan has the potential to equip its surface assets with nuclear-capable missiles, similar to India's now-decommissioned Dhanush ship-based nuclear-capable ballistic missile system from its INS Sukanya-class offshore patrol vessels.[20]

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For two navies with a history of low-intensity hostile interactions at sea, operating in increasingly contested waters, the risk to strategic stability from inadvertent escalation is arguably proportional to the advancements in nuclearizing their naval assets. A glimpse of the naval nuclear risk was evident during the Pulwama-Balakot crisis in 2019 when India deployed at least 60 ships near Pakistani waters, including its first SSBN – INS Arihant, possibly escorted by or alongside the INS Chakra – India's then sole nuclear attack submarine (SSN), leased from Russia.[21] As Pakistan moves forward with operationalizing its own sea-based nuclear capabilities, the overall nuclear risk in the subcontinent continues to rise.

Diplomatic Feasibility

The history and postures of the Indian and Pakistani Navies outlined above necessitate a better understanding between both Navies, particularly regarding how to respond in the event of hostile 'incidents at sea.' This term draws inspiration from the 1972 INCSEA agreement between the United States and the former USSR, aimed at preventing inadvertent escalation due to incidents at sea and aggressive behavior by local commanders.[22] In the context of India-Pakistan relations, 'INCSEA' refers to a loosely defined term for any potential agreement that could govern the interactions of naval forces in peacetime to reduce the risk of unintended escalation. The prospect of such an agreement between India and Pakistan is based on two pillars.

First, both India and Pakistan exhibited a strong tendency to collaboratively develop mechanisms to reduce nuclear risk and manage potential crises, immediately following their nuclearization in 1998. Drawing on the 1999 Lahore Memorandum of Understanding, both nations reached a number of agreements that have served as both risk reduction mechanisms and (at the time) confidence-building measures. Both nations continue to adhere to these agreements to this day. This broad commitment to nuclear risk reduction has persisted, despite the political relationship experiencing crises or entering a deep freeze.

Second, the maritime domain is less visible to the public and, as a result, less susceptible to political sensitivities. This arguably enhances the potential for positive interactions between both forces, especially if these interactions take place within a broader normative framework of good behavior. Both states adhere to a 1991 agreement (at least on paper) to provide each other with advance notice of military exercises, maneuvers, and troop movements. This agreement mandates that the surface and subsurface assets of both states maintain a distance of at least three nautical miles apart while operating in “international waters,” and it further prohibits the aerial assets of either state from “buzzing surface units and platforms of the other country in international waters.”[23]

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The provisions of the agreement are outdated and lack future-proofing, especially considering the significant advancements in naval assets that challenge the three nautical mile safety margin. Nevertheless, the existence and ongoing implementation of this agreement indicate the willingness of both states and their naval forces to engage in regulatory mechanisms to prevent “accidents” at sea. In any case, the Lahore Memorandum of Understanding (concluded eight years after the 1991 agreement on advance notice for military exercises) explicitly recognized the need for an INCSEA. Clause 5 of the MoU states that, “The two sides shall conclude an agreement on the prevention of incidents at sea to ensure the safety of navigation by naval vessels and aircraft belonging to the two sides.”[24]

The purpose of an INCSEA is not solely to build confidence between the two states but is rather an end in itself. In any case, both states agree to Confidence-Building Measures (CBMs) either as part of comprehensive engagement (such as dialogue for dispute resolution) or in response to specific crises (like the 1990 military stand-off [25] which led to the 1991 agreement on advance notice of military exercises).

However, more recent evidence shows that even unprecedented accidents do not reach the threshold of necessity required for both states to engage in new agreements. For example, India’s accidental misfire of a BrahMos cruise missile into Pakistani territory in March 2022 did not produce the political capital needed for a new bilateral mechanism to regulate accidental missile launches.[26] Nor did it create new concerns for both states regarding future incidents. This was due to the mature management by Pakistani authorities at the official level (such as through the DG-ISPR’s comprehensive press conference, which refrained from alleging any malicious Indian intentions) as well as India’s robust internal investigative processes (evident in the Defence Minister’s parliamentary acknowledgment[27] of the accident and the Indian Air Force’s

termination of three officers).[28] Even the continued commitment by both states to agreements like the pre-notification of ballistic missile tests has failed to generate a downstream effect, pushing both states to address new gaps in the larger risk reduction framework of the subcontinent, particularly in the maritime domain.

Multilateral Pathways

Given the reasoning above, India and Pakistan are unlikely to proactively pursue an INCSEA-like agreement at the bilateral level without broader political and diplomatic reconciliation that would facilitate discussions on such issues. The Expert Committee on Conventional and Nuclear Confidence Building Measures between India and Pakistan has not convened for deliberations in over 12 years, and there are no signs that this will change in the near future.[29] However, the necessity for such an agreement, considering the naval history of both countries and its potential—stemming from a fundamental desire for nuclear risk reduction—suggests that both countries may not oppose such an agreement in the distant future, particularly when the naval nuclear arsenals of both nations have evolved further.

Until the necessary political incentives for such engagement are created – even if the technical necessity is established – the only option for both states to discuss these issues lies in multilateral forums. Indeed, both the Indian and Pakistani Navies have a history of collaboration during multilateral naval missions, such as search and rescue operations and anti-piracy efforts off the Horn of Africa.[30] India’s recent voluntary participation in the US-led Combined Maritime Forces, where the Pakistan Navy has a longer-standing presence, along with leadership experience in specific task forces,[31] has the potential to further enhance mutual operational goodwill.

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However, arguably, the best forum for both states to indirectly address such issues remains the Indian Ocean Naval Symposium (IONS), which both states are members of and whose chairmanship India currently holds. The Pacific counterpart of this grouping – the Western Pacific Naval Symposium – successfully established a non-binding Code for Unplanned Encounters at Sea (CUES) in 2014.[32] This code was specifically designed to prevent adverse incidents at sea “to avoid extreme behaviours that may endanger regional security and stability,” according to then PLAN Chief Admiral Wu Shengli. Despite its creation during a time of increasing hostile interactions between the PLA Navy and neighboring naval forces (as well as American naval assets), the Code has faced criticism for its non-binding nature, lack of applicability to territorial waters, voluntary nature of state participation, and the general rules of application being contingent on bilateral discussions between the concerned states.[33]

Yet, counterintuitively, these perceived shortcomings of such a document could actually create more space for a similar agreement among IONS member states, given its flexibility. While the multilateral framework of such an INCSEA agreement would reduce the political risk of India and Pakistan engaging bilaterally, the

involvement of other Indian Ocean states would also provide a stronger normative check on the behavior of various naval forces, should the agreement be followed in good faith. In any case, despite its effort to isolate Pakistan internationally, India has shown a willingness to engage in multilateral institutions alongside Pakistan.

A recent example of this was Indian External Affairs Minister S. Jaishankar, who became the first Indian EAM to visit Pakistan in nearly a decade during the October Summit of the Shanghai Cooperation Organization in Islamabad.[34] Despite modest expectations, this visit did not result in any bilateral thaw. However, it underscored India's commitment to its multilateral obligations, even when Pakistan was the venue for dialogue and discussion. Extending this rationale to the IONS, despite India's earlier exclusion of Pakistan from the forum, could arguably be the most viable step toward an INCSEA in the Indian Ocean that includes both India and Pakistan.

Conclusion and Recommendations

The net amount of risk in the Indian Ocean due to growing naval competition and contestation is growing at an evidently fast pace. However, any bilateral or multilateral arrangement featuring India and Pakistan, is most likely a “day-after-tomorrow” objective which requires strong advocacy and ideation until political willingness is generated. Regardless of when such willingness becomes evident, a potential arrangement between both states to prevent incidents that can trigger inadvertent escalation will need to address some essential aspects.

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First, the agreement will need to comprise clear definitions of naval ships, naval auxiliary vessels, naval aircraft, and what constitutes an ‘incident at sea’, as well as outline the agreement’s scope (applicability) and character (status in law). Should it be a legally binding framework, it will need to account for Indian and Pakistani preferences for a mutually agreeable dispute resolution mechanism (especially given the vagaries agreements such as the Indus Waters Treaty). India and Pakistan will also have to align/reconcile their interpretations of existing multilateral arrangements that both states are party to, including the 1972 Convention on the International Regulations for Preventing Collisions at Sea and the International Code of Signals which provide the overarching norms for all vessels at sea.

Second, the agreement will need to marry the standard requirements of such a generally applicable code (provisions on safety procedures and communication) with the nature and chances of hostile interactions between two specific navies in the Indian Ocean. Here, agreements such as the 2014 CUES are instructive as a general non-binding framework of governing naval behaviour at sea, with a focus on preventing incidents at sea and better manoeuvring and communication. However, an INCSEA in the Indian Ocean will need to combine such a framework with the type of provisions in the US-USSR INCSEA (with the necessary qualifiers) which was geared at the concerns of two hostile states specifically. For example, both CUES 2014 and the 1972 US-USSR INCSEA defer to the International Code of Signals to warn of the presence of

submarines in a given area. However, while the CUES does not specifically address weapons systems, the US-USSR INCSEA (given its nature), focuses on specific prohibitions on aiming guns, missile launchers, torpedo tubes, and other weapons as well as other objects, searchlights, powerful illumination devices, etc.[i] [35] Both such provisions are imperative in the India-Pakistan case – broader norms that are generally applicable for safer navigation at sea as well as specific norms that are necessitated by the potential for armed confrontation between the Indian and Pakistani Navies.

These are two essential aspects in a much longer list that a potential India-Pakistan INCSEA must address. However, such a mutually acceptable agreement can only come into being after negotiations through a sustained mechanism – whether bilaterally through a rejuvenated Expert Committee or an avenue within the IONS framework.

[i] US-USSR INCSEA, Clause 6 – “Ships of the Parties shall not simulate attacks by aiming guns, missile launchers, torpedo tubes, and other weapons in the direction of a passing ship of the other Party, not launch any object in the direction of passing ships of the other Party, and not use searchlights or other powerful illumination devices to illuminate the navigation bridges of passing ships of the other Party.”

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