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INTERNATIONAL MARITIME ARBITRATION BETWEEN INDIA AND ITS NEIGHBOURING COASTAL COUNTRIES

Authored By – Nakul Rajpurohit

INTRODUCTION

Although with clearly defined boundaries, maritime disputes are very common in which many coastal states have a tough competition among themselves over certain situations like boundaries disputes as well as jurisdictional disputes, etc. The acquisition of international legislation especially the laws of the seas focus on the disputes related to international borders and jurisdictional issues. The research work deals with the overview of the maritime international arbitration laws with the arbitration of international maritime disputes between India and its adjacent nations along with the issues and the cases in the Indian Ocean region including the dispute with focus on what are the loopholes in international legislation and the loopholes in the arbitration processes and jurisdictional issues while dealing the cases in the international courts and tribunals. finally, the paper deal with the conclusion along with suggestions to resolve the loopholes as well as to improve the relationship of India with its neighboring states in the case of international disputes.

Despite clearly mapped and drawn borders, disputes concerning maritime issues are usually happening among the coastal countries that compete with each other over several issues including borders disputes as well as jurisdictional disputes, etc. Water is being used as a widely accepted and popular means of trade and transport and has played an essential role in growing maritime industry which further led to the economic growth of a particular country. Maritime security has always been considered an important point of tension for countries with coastal borders. The adaptation of international water laws specifically focuses on international boundaries disputes and jurisdictional issues. The research work deals with the newly arising events in the number of incidents of disputes regarding the jurisdictions along with other international disputes between nations regarding their control, their maritime boundaries, and

also other international dispute situations near the Indian Ocean and its neighboring states. The research work also looks at the situations which have exposed India to maritime disputes and arbitration with its neighboring countries and along with that also raises a query on the position of India while handling these situations and disputes in the international waters especially referring to the International maritime arbitration. Although India being signatory to UNCLOS, there is a need to have some more proper legislations in the national level so as to deal with the coastal and maritime disputes, this research work specifically deals whether or not there is a requirement for a proper and stricter law to deal with such kinds of issues in the sea such as international maritime arbitration in the context of India and its neighboring states. Also, while dealing with the issues, it revolves around the conditions in which Maritime security has always been an important concern for the countries with coastal borders of India and its neighboring regions.

MARITIME DISPUTE BETWEEN INDIA AND BANGLADESH

(a). Background

The dispute started with an event where the discovery of a tiny island in Bay of Bengal near the land boundary between India and Bangladesh in 1974 was a major one. There was an all-out war for possession of New Moore Island among India and Bangladesh. It looked like there was no end in sight to this weird disagreement for 30 years until one day the island just vanished.

What caused this to occur and does this question necessitate a time travel back to November 1970 to get the answer where the western and eastern shores of Bangladesh were slammed by a catastrophic cyclone during that period, flooding farms and communities and killing tens of thousands of people. This makes it one of the most devastating natural catastrophes in history. It left behind Devastation and death. However, it had also left behind something else. In 1974, satellites caught their first glimpse of the tiny island. Approximately 2.5 square kilometers in size. The island was being discovered by India and they termed it as New Moore Island.

Island was found just four years later by Bangladesh and renamed it as South Talpatti Island. Now, it may be difficult to comprehend the significance of this little, desolate island to both countries. That was for a good purpose. The Radcliffe Line was established when India got independence from Pakistan in 1947. The Thalweg Principle, which uses the Middle Channel

Flow Principle to determine India's maritime border with East Pakistan, is based on this. Borders between nations that are divided by a river tend to go along the riverbed's deepest sections. The Thalweg is the name given to this dividing line.

The Hariabhanga River divides Bangladesh from India. In the Sundarbans, this is a deep natural border. For as long as this new island remained in existence, each country claimed it as their own property at its most remote point. Both nations saw the need to maintain control over it because it would expand their respective boundaries and because the area appeared to be rich in natural resources like gas and oil. Things began to shift as diplomatic negotiations progressed.

The Indian Navy's INS Sandhayak arrived on the island at that time with a research vessel. Three Bangladeshi gunboats halted India's advance after they raised the flag and established a line of huts and tents. Until the matter could be settled peacefully, India had no choice but to refer to the island as "no man's land".

Until 2003, when Media in Bangladesh claimed that India's BSF has established a naval station on New Moore Island, causing tensions to rise. To put it another way, climate change has had a significant impact on this conflicted island, and although no one from either of the warring groups noticed it until 2011, satellite imaging indicates that where there used to be a lake, there now isn't. The existence of the island was established by more exact observations and eyewitness statements. The issues faced by neighboring islands much transcend any territorial disputes they may have.

(c). Political and diplomatic aspect-In this Declaration in the Bangladesh vs. Myanmar case, Judge Rudiger Wolfrum, referring to the fact that the UNCLOS did not specify a delimitation method for the exclusive economic zone and the continental shelf, argued that a court or tribunal's rulings on delimitation have a 'law-making function'.¹ "The *acquis Communautaire*, a source of international law within the meaning of Article 38(1)(d)(ii) of the Statute of the International Court of Justice and should be read in connection with Articles 73 and 84 of the UNCLOS," are the prior decisions on delimitation. The ruling on the 7th of July, 2014, was the

¹ Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar) Declaration of Wolfrum, 2
<www.itlos.org/fileadmin/itlos/documents/cases/case_no_16/C16.decl.Wolfrum.rev.E.pdf>.

first time the continental shelf is being explained beyond the area of 200 nautical miles by a court. To resolve and clarify legal concerns connecting it to the demarcation of continental shelf region beyond 200 nautical miles, opportunity was offered. However, this option was not fully utilized by the arbitral panel.

When it came time to determine how far the parties' rights extended beyond 200 nautical miles, there was no clear answer. The arbitral panel failed to enforce the legislation of each coastal state before a court might discover an overlap. A continental shelf that extends beyond 200 nautical miles has a different ownership basis than a continental shelf which is closer to 200 nautical miles. A large continental shelf can only be able to be claimed by coastal nations that have a geologically diverse bottom and subsoil, as stated in Article 76(4). As far as the CLCS is concerned, a coastal state must be able to establish or prove decisively that its external boundaries extend beyond 200 nautical miles before drawing or drawing external borders that extend beyond 200 nautical miles.² As a result, the CLCS refers to this as a "examination of the issue" and requires a coastal state to identify the base of the embankment using one as well as both of paragraphs 4 (a) I of Article 76 UNCLOS and paragraph 4 (a) (ii) to assess the sedimentary rock thickness. Both states had already provided their remarks on this issue for the CLCS, therefore requiring proof of the parties' rights would have been unnecessary. Arbitrators did not compel parties to present proof for claims exceeding 200 nautical miles under Article 76 (4), but instead rely on the parties' assertion that each was being entitled so as to get area of continental shelf in excess of this distance based on their claims.³ Article 76 UNCLOS is the only provision that may be relied upon to assess whether or not a claimant has the legal right to sue in the first place.⁴

Because of this, the majority must prove that continental shelf above 200 nautical miles has a separate legal foundation from distance-based maritime zones, which requires investigation of problems that differ from those underlying demarcation of zones under 200 nautical miles. Continental complaints are based on Article 76's geological and geomorphological norms for continental plates beyond 200 nautical miles, as opposed to maritime complaints, which are based on the length of the voyage. During the definition of continental shelf after 200 nautical

² CLCS, Scientific and Technical Guidelines, adopted 13 May 1999, CLCS/11, s 2.2.1
<www.un.org/Depts/los/clcs_new/documents/Guidelines/CLCS_11.htm> accessed 8 November 2015.

³ Bay of Bengal Maritime Boundary Arbitration (n 3) 131 [438].

⁴ Kunoy B, A Geometric Variable Scope of Delimitations: The Impact of Geological and Geomorphological Title to the Outer Continental Shelf (Austrian Rev Intl & Eur L 2006)

miles, arbitrators emphasized this particular conceptual difference. Additionally, Article 76 (4) of the United Nations Convention on the Law of the Sea controls. Beyond the 200-nautical-mile limit, the limits of the continental shelf are determined using calculations outlined in Article 76. (4). For continental margins that are more than 200 nautical miles from baselines used to measure territorial sea's breadth, either a mark being drawn as per paragraph 7 using the outermost fixed points, or a line drawn in accordance with paragraph 8 using the same fixed points but using different thicknesses of the sedimentary rock, must be used to define the coastal state's outer edge.

The majority should have also elaborated that the continental shelf beyond 200 nm has a different legal basis of title than that of maritime zones based on distance, thereby warranting consideration of the issues that differ from the principles applied to the delimitation of areas within 200 nm. Title to maritime areas within 200 nm is based on distance, whereas title to the continental shelf beyond 200 nm rests on geological and geomorphological requirements in accordance with Article 76. The Arbitral Tribunal was actually aware of this conceptual difference and indeed stated that in the delimitation of the continental shelf beyond 200 nm, in addition to Article 83, Article 76(4) UNCLOS also applied.¹⁰⁴ Article 76(4) refers to the formulas that coastal States must apply in delineating the outer limits of the continental shelf beyond 200 nm.⁵

MARITIME DISPUTE BETWEEN INDIA AND PAKISTAN

(a). Overview

The boundary between India and Pakistan is the most contentious in the globe along their western boundaries. Several wars have been sparked by Sir Cyril Radcliffe's legacy on this border. Gujarat and Sindh are divided by Sir Creek, which is a contentious boundary in southwest India. Pakistani jets violating Indian airspace were discovered in this region barely one month after the Kargil War, and Indian Air Force Mig 21s shot down a Pakistani plane in the Rann of Kutch, killing 16 Pakistani soldiers and inflaming tensions between the two

⁵ Colson D, The Delimitation of the Outer Continental Shelf between Neighboring States (2003); kunov bjorn, The Rise of the Sun: Legal Arguments in Outer Continental Margin Delimitation (Netherlands international law review 2006)

countries even more in 1999.

Negotiators and political officials from both countries spend much of their time focusing on settling the Kashmir conflict and Siachen Glacier confrontations, which have also triggered other problems between the two countries (such as the Sir Creek in Gujarat). In the Indus Delta's deserted marsh, there is an unnamed stream that appears like a river but is shallower. This stream is called a "mountain stream." India and Pakistan are at conflict for control of this area.

Kutch and Sindh provinces are separated by Sir Creek on the western side of the Rann of Kutch, which runs into the Arabian Sea, also known as Ban Ganga. Geographically speaking, Sir Creek on the Indian side is one of six creeks in the area, the others being Vian Wari Creek (16 kilometers southeast of Sir Creek), Pir Savai Creek (4 kilometers east), Pabevari Creek (34.5 kilometers east), Padala Creek (16 kilometers southeast of Sir Creek), and Kori Creek (34 kilometers east). Immediately to the south of Sir Creek, in what is unquestionably Indian land is a marshy wetland in the far west with no physical limits or fences, is the most contentious among the other creeks.

There has been a long-lasting dispute among Pakistan and India about a maritime boundary in Sir Creek region, that dates back to pre-independence times. In 1908, ruler of Sindh and Rao Maharaja of Kutch had their first boundary conflicts. The Bombay Presidency used to rule over the whole province of Bombay, hence this conflict only reached the Bombay Presidency for resolving the dispute. The Bombay Presidency conducted an inquiry in 1911, and a Dispute Settlement Decree was issued in 1914 to resolve the issue.

For the next 40-50 years, everything stayed loose. Now Sindh was a part of Pakistan in 1947, while Gujarat was already a part of Indian Union through reorganization of the states. When the two countries went to war in 1960, the conflict resurfaced. Half of the Rann is claimed by Pakistan, while India claims the border traverses just a portion of the Rann's northerly boundary. With Harold Wilson's suggestion, both parties reached a settlement after the conflict through the Indo-Pakistani western boundary case tribunal.

The parts of Rann were awarded to India and Pakistan on February 19, 1968, by the Tribunal. Pakistan was not pleased with this decision Sir Creek's eastern bank is now part of Sindh Province, according to Pakistani claims. Because Pakistan has claimed these items based on a

1914 Sindh Government Decree with inconsistent assertions in paragraphs 9 and 10, this debate is at its core.

As per Paragraph 9 and According to Pakistani claims, the boundary between Kutch and Sindh runs east of Sir Creek. Most of the year, Sir Creek is navigable, according to paragraph 10. The Thalweg principle is used in India.

International institutions also supported India's view on the matter. Pakistan would be the sole country to suffer from this principle's shift of a few kilometers and the subsequent encroachment of Indian jurisdiction into Pakistan's EEZ by thousands of kilometers. The map was released in 1925 with the positioning of central sewer chimneys based on the Thalweg principle. A tidal estuary is defined as one where the tides come in and go out; Pakistan does not contest the 1925 map. On the other hand, India claims that Sir Creek is passable at high tide and that the Thalweg principle applies to tidal water.

Sir Creek's path altered dramatically throughout time. Between 1997 and 2012, the two nations held 12 rounds of negotiations to try to resolve their differences, but no deal was ever achieved. They resolved to resolve their differences by issuing an investigation-based common map during the fourth round of discussions in 2008. Although efforts to find a solution to the problem were put on hold in 2008 due to the Mumbai terrorist attacks.

India's point of view was that, the marine border should be established first. As a result of Pakistan's vehement opposition, the idea of a border was never really considered. India also opposed Pakistan's attempt to incorporate the subject under the international arbitration agreement, which was rejected. Without the assistance of outside parties, the issue was resolved bilaterally. The region's fisheries are more important than its strategic or military relevance. It is common for boats from India and Pakistan to violate each other's waters, but the United Nations recommends that boats be freed after a minimal term for such infractions, but the fisherman end up in jail on both sides, which also serves as a cause of disagreement between the two countries.

The area's potential economic worth is also a crucial factor. A country's Exclusive Economic Zone (EEZ) has rich shale gas and hydrocarbons, which can be accessed under UNCLOS. There are other areas like Harami Nala in this region where illegal drug trade and terrorist

attacks might take place.

(b). Resolution 1192 of 1914 -Kutch's Maharao (ruler) claimed in 1907-1908 that Sindh was at east of "Green Line", and so portion of Sindh belonged to Kutch. Logging in Sindh, which was British territory in 1907, used Kutch loggers. The Maharao of Kutch was summoned by the Sindh Commissioner and given an opportunity to explain himself by the Bombay administration. Responding to this, the Maharao of Kutch claimed that the eastern bank of Sir Creek was one of his region's territories. he asserted. The Bombay administration (Sindh is its administrative arm) issued a request or a proposal to Maharao of Kutch suggesting that Bombay presidency which was willing to accept border along eastern bank of Sir Creek from starting to point. Similarly, the delegates recommended that borders follow the east-west line from the top of Sir Creek until it reaches the Sindh-Pakistan border. This suggestion was approved by the Maharao of Kutch at the time. Letter was sent by the Secretary of the Bombay presidency with this proposition. This was done so as to certify Maharao of Kutch's commitment to have the boundary between Kutch and Sindh rectified.⁶

"The government then concluded that the boundary between Kutch and Sindh should be the green line on the attached map drawn from the Sir Creek mouth to the head of Sir Creek, where it joins the blue dotted line; from there it should follow the blue dotted line east until it reaches the Sindh border shown in purple on the resolution map, and His Highness the Rao's son has now expressed his willingness to accept this compromise." A letter from Bombay presidency recommending that boundary be redrawn has been approved by the Indian government.⁷ The agreement was then ratified by the Bombay government on February 24, 1914, through Resolution 1192, which referred to Letter No. 5543 and Map B-44, respectively.

(c). Rann of Kutch Arbitration- After India and Pakistan got independence and their self-ruled government from the British in 1947, a territorial dispute erupted over the Rann of Kutch Along the 24th parallel.⁸ For almost a decade and a half, the two countries engaged in a

⁶ Secretary of the Bombay Government Letter #5543 dated September 20, 1913

⁷ Foreign Department Government of India Letter #3583-I. A dated November 11, 1913. The letter was quoted in the arbitration awards:

"I am directed to acknowledge the receipt of your Letter #5543, dated the 20th September 1913, regarding the proposed rectification of the boundary between Sindh and Kutch State."

"The Government of India observed with satisfaction that the dispute between the Sindh authorities and the Kutch Darbar has been settled by a compromise agreeable to both parties, and are pleased to accord their sanction to the rectification of the boundary line proposed in para 9 and 10 of your letter."

⁸Copeland Carla S, The Use of Arbitration to Settle Territorial Dispute, vol 67 (Fordham law review 1999).

contentious conversation. India accused Pakistani forces of crossing the 24th Parallel Line without permission early in 1965. In April 1965, Pakistani soldiers attacked Indian outposts and withdrew them. As a result of these engagements, the two countries sent a large number of troops to Rann. On June 30, 1965, the two countries agreed to a truce, ending the war that had raged for over two years.

An arbitration agreement has been reached as well. The tribunal was established as a result of the agreement. Secretary-General Ban Ki-moon selected Gunner Lagergren (a Swedish judge) to serve as the tribunal's chairman and another non-state member was nominated by both India and Pakistan.⁹ As per this connection, a delegation from Delhi visited Islamabad so as to check maps and other associated papers.¹⁰ On February 19, 1968, the international tribunal granted India and, Pakistan the parts of the disputed region of Rann of Kutch, following thorough analysis of the statements and point of views given by both nations into the dispute.¹¹ Even though Pakistan had not made a formal claim to the Nagar Parker region, the court determined that Pakistani territory encircled it. Besides this, Pakistan has been given responsibility over Dhara Banni and Chhad Bet also. Tribunal granted India the remaining 90% of Rann of Kutch's territory based on India's proof that Britain had given up Rann's rights.¹² By virtue of this settlement, Kutch's territorial issue over the Rann of Kutch has been resolved.

(d). Legal aspects-

Case Study 1: Maritime Boundary Dispute between Suriname and Guyana

Corentyne River, which flows north into the Atlantic Ocean and divides Suriname and Guyana, is one of several rivers. These nations are located on the northeaster coast of South America. As a boundary between the two states, which share a coastline, the Corentyne River is used.¹³ The Corentyne was a point of controversy when it came to river and maritime boundaries. As with Sir Creek, the conclusion of this problem has major consequences.

British colonization occurred in both Suriname and Guyana. Suriname became independent from the Netherlands in 1975, whereas Guyana became independent from the United Kingdom in 1966. As far back as 1936, when both the Netherlands and the United Kingdom set up a

⁹ Khan Rashid Ahmad, Sir Creek

¹⁰ Copeland Carla S, The Use of Arbitration to Settle Territorial Dispute, vol 67 (Fordham law review 1999).

¹¹ Shah Sikander Ahmad, River Boundary Delimitation

¹² Copeland Carla S, The Use of Arbitration to Settle Territorial Dispute, vol 67 (Fordham law review 1999).

¹³ Arbitration (Guyana. V. Suriname), Award of the Arbitral Tribunal, In the Matter of an Arbitration between: Guyana- and -Suriname," (The Hague, 17 September 2007), 27.

commission to determine their respective maritime boundaries, the Dutch-British maritime border dispute has been raging. It was agreed that the river's water was under Dutch control, and the west bank was considered a boundary. However, the Dutch government recognized the thalweg principle to be used for the southern boundary of the Corentyne River in 1962.¹⁴ Upon obtaining independence, Suriname and Guyana each maintained that the Corentyne River's thalweg should serve as the border between their respective countries. As of September 17th, 2007, dispute was finally settled in 1982. Since the land boundary ceased on the western side of the river, it was determined that the thalweg concept did not apply towards Guyana.¹⁵ The panel ruled that the maritime boundary between Suriname and the Guyana must be redrawn in order for the country to reach the river by boat.¹⁶ Furthermore, both Guyana and Suriname ratified the United Nations Convention on the Law of the Sea (UNCLOS) on July 31, 1996, and on July 9, 1998, respectively. As a result, they are obligated to adhere to the agreement's stipulations as well as¹⁷ The Convention on International Trade in Endangered Species' (CITES) Exclusive economic zones and Continental Shelf borders, as well as other relevant restrictions. Sir Creek's dispute might be handled by drawing on the Guyana-Suriname disagreement as a model. Both Pakistan and India have signed the UN Convention on the Law of the Sea (UNCLOS), much like Guyana and Suriname have. Since Pakistan and India are disputing the ownership of Sir Creek, where the involvement of the international tribunal was considered to be necessary. Because Pakistan and India appear to be in agreement on the western land terminus, a tribunal may simply decide its status as was done in the case study of Suriname and Guyana. It will be easier for the tribunal to show that Pakistan and India's claims are valid with this information. The Sir Creek dispute between Pakistan and India, which involves the nations of Guyana and Suriname, is a useful example to examine while addressing

¹⁴ Sikander, "River Boundary Delimitation," 390

¹⁵ Delimitation of the territorial sea between States with opposite or adjacent coasts: "Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith."

¹⁶ Arbitration (Guyana. V. Suriname), 97

¹⁷ Article 74 (1) states, "Delimitation of the exclusive economic zone between States with opposite or adjacent coasts: The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be affected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution."

Article 83 (1) states, "Delimitation of the continental shelf between States with opposite or adjacent coasts: The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution."

sea boundary problems.¹⁸

DEVELOPING RELATIONS BETWEEN INDIA AND BANGLADESH

The India-Bangladesh maritime connectivity has been given a huge boost with the successful trial of the trans-shipment of products to India's north-eastern States via the Chittagong port. The move is intended to boost the bilateral as well as the economic connections between the two countries.

The beginning of this trans-shipment facility is a telling example of the cooperative mentality that characterizes the bilateral relationship. The step corresponds the two nations' ambition to improve the bilateral connectivity and establish a mutually-beneficial partnership for the shared good of the people living across the border.

Access to Chittagong and Mongla ports has been a great move as it will not only allow the region to be relieved of its land-locked state but it will also add an additional connection route. Besides these, the expectation is that it will also enhance development and boost trade since the facility is projected to reduce time and distance greatly, making trade viable.

Bangladesh is expected to reap some benefit. Observers consider that the facility will contribute to increasing corporate services and revenue generating in the country. It is intended to aid Bangladesh in job-creation and investment in the logistical sector since Bangladeshi vessels and trucks would be utilized to convey the Indian goods. Indian freight also has to pay appropriate taxes to use the facility in Bangladesh.

In 2015, India and Bangladesh have struck a coastal shipping agreement. Also, attempts have been undertaken to expand the use of rivers for trade and connection. India is helping Bangladesh in strengthening the navigability of the rivers by assisting in the dredging of its waterways in specified lengths. There is already a Protocol on Inland Water Trade and Transit and a new port of call and routes has been added.

¹⁸ Kaieteur News, Enhanced Guyana/Suriname relations fuelled by common goals – Luncheon, (February 25, 2012), Accessed May 15, 2012, <http://www.kaieteurnews.com/2012/02/25/enhancedguyanasuriname-relations-fuelled-by-common-goals-luncheon/>

The India-Bangladesh connectivity is not only focused at increasing the movement of products and people bilaterally but also has a vision for deepening sub-regional collaboration, primarily Bangladesh, Bhutan, India and Nepal (BBIN) quadrilateral cooperation. The recently built port at Jogikhopa is designed to promote inland water access to Bhutan.

In this complicated sub-regional geo-politics, India and Bangladesh give a unique paradigm of good-neighbourly relationship, grounded in the idea of peaceful co-existence and sharing a thriving neighborhood by growing together hand-in-hand.

DEVELOPING RELATIONS BETWEEN INDIA AND PAKISTAN

UNCLOS, adopted in 1982, intends to broaden maritime governments' authority over waters contiguous to their own. EEZ and continental shelf delineation is described in UNCLOS Articles 74 and 83. Suriname-Guyana maritime dispute settlement is an example that might be used to replicate the Sir Creek boundary issue. Signatories to the UN Convention on the Law of the Sea, Pakistan and India should have a tribunal established up to look into their claims to Sir Creek. Once the status of Guyana and Suriname's land terminal is established, the court must then determine whether it is Thalweg (India's claim) or Sir Creek (Pakistan's claim), as was done in that case. By delineating the EEZ and continental shelf of both nations through this procedure, the maritime boundaries of the two countries will also be specified, thereby settling the Sir Creek boundary issue.

Pakistan and India's perceptions on the Agha's delimitation of the maritime border must be taken into account before submitting the third proposal. Approaching the water from a legal and technological perspective settle the maritime border problem between nearby nations in a different way. Pakistan and India's coasts are highlighted with two uncontested spots. The EEZ limit is set at a point 200 nautical miles away from the previously recorded shore locations of the continent in question. The mouth of Sir Creek should then be demarcated with a location equidistant from India's (Point-1) and Pakistan's (Point-K) claims, as a solution that does not exclude future claims. Pakistan and India's maritime boundary will be represented on the map by a line connecting these two sites.