A COMPARATIVE STUDY OF EUROPEAN AND ASIAN CONFIDENCE-BUILDING MEASURES (CBMs): LESSONS FOR INDIA-PAKISTAN CONFIDENCE-BUILDING

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CERTIFICATE

This is to certify that the dissertation entitled **"A Comparative Study of European and Asian Confidence-Building Measures (CBMs) : Lessons for India-Pakistan Confidence-Building"** submitted by **Preeti Singh** in partial fulfillment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY,** is her own work and has not been submitted for the award of any degree of this university or any other University

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CONTENTS

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INTRODUCTION

The collapse of the twin towers of the World Trade Center on September 11, 2001, following a terrorist attack in the heart of the world's strongest nation symbolized more than just the demolition of the myth of the USA's invincibility. They also brought down with them established notions of "security". The shock and disbelief that found an echo across the globe, finally brought home the much-debated fact that the twenty-first century's wars are not going to be fought across borders but within them, and that political clout, economic miracles and large arsenals cannot overpower the legacies of suspicion and discontent that exist between nations and their people.

Within a world being fast divided across new fault-lines, an acute crisis of confidence exists between nations despite long-standing treaties, all-inclusive international organizations, detailed arms control regimes, national guarantees and sweeping political assurances. It is here that the role of Confidence Building Measures (CBMs) can be re-defined; and confidence-building, trouble-shooting "tool-kits" be devised to suit the nature of problems facing a nation, a set of nations or a region.

After an investigation into the definitions, scope, utility and limitations of Confidence Building Measures (CBMs), this study tries to compare two such tool-kits: one which was successfully evolved and implemented in Europe during the Cold War; and the evolution of similar efforts in selective regions of the Asian continent. Using the benchmarks provided by an analysis of these two varied experiences, it looks into efforts

at building confidence between two nuclear neighbours within South Asia – India and Pakistan. Finally, it makes certain suggestions aimed at revitalizing existing efforts in this direction between the two neighbours and analyzes viable options for the future using the European and Asian models.

Chapter I

Confidence Building Measures: White Flags or Red Herrings?

In international politics, an incumbent power often finds that there is no safer way of dealing with its rival than checking his power by intensified armament efforts of its own. Since one nation's arms build-up creates insecurity for others, the arms race then becomes a test of national will and strength, in a sense - a functional equivalent of war aimed at establishing military leads, in the hope of achieving political advantages. As long as big and growing investments in armed forces continue, there will also be efforts to turn those investments into political advantage even though, normally, the scope for political gains by military means appears very restricted.[1] There is a growing trend among states to enhance dialogue on political and security cooperation at the regional, as well as international levels, both bilaterally and at various multilateral fora. The focus had shifted from the confrontational approach adopted to security threats in the Cold War era, to an emphasis on cooperative security arrangements that do not see international security as a "zero-sum" game.

Defining CBMs:

Confidence Building Measures (CBMs) can be defined as instruments for de-escalating tension and resolving conflict in a cooperative manner. Confidence Building Measures are measures that build trust and confidence in regions of

[1] Lodgaard, Steve & Birnbaum, Karl (eds.), *Overcoming Threats to Europe: A New Deal for Confidence and Security*, (OUP: Oxford, 1987), pp. 16-18.

tension. CBMs constitute a process that intends to transform not only senior decision makers' beliefs about the nature of threat posed by other states, but also sets out to reassure the populations of the state parties involved. This process primarily entails a "shift from a basic assumption of hostile intentions to one of non-hostile intentions."[2] CBMs have a goal- confidence or mutual trust, and the entire confidence building process is geared towards one final goal – peace. Thus, CBMs are not stop-gap measures for peace, but a process in themselves. If this "process" is sustained in a politically conducive environment, it can bring about long-lasting positive results.

It is sometimes believed that any action, any development, any measure, any arrangement, any understanding, any agreement or any treaty that generates confidence between adversaries should be interpreted as a CBM, but this sweeping description has been widely rejected in favor of more precise definitions dealing with the scope, utility and limitations of these measures. This is even more essential in light of the fact that it has become imperative to avoid the use of CBMs for false propaganda. Besides, in an era of increasing insecurity, years spent constructing peace structures are often easily lost in a single moment of violence or aggression. This is the biggest challenge faced by the exponents of CBMs, as well as by those few in power who try to implement them.

[2] James Macintosh, quoted in Samina Ahmed, "Potential, Possibilities and Limitations" in Dipankar Banerjee (ed.) *CBMs in South Asia: Potential and Possibilities* (Colombo: Regional Centre for Security Studies, 2000), p. 14

Famously defined by the Norwegian statesman Johan Jorgen Holst, CBMs are 'arrangements designed to enhance.....assurance of mind and belief in the trustworthiness of states and the facts they create' as also instruments to convey 'credible evidence of the absence of feared threats.'[3]

Confidence Building Measures can also be described as collective or unilateral actions of states aimed at increasing transparency and predictability of another states behaviour, with a fore-swearing of uncoordinated actions that could do damage to inter-state relations. This can be done through the implementation of provisions in international agreements.

Confidence building is a 'distinctive activity entailing the three associated processes of exploring, negotiating, and implementing relevant measures dealing with specific concern' and these measures along with the behavioural practices associated with their development and implementation, and under supportive conditions, this process can 'facilitate, focus, amplify, and structure the potential transformation in relations.' [4]

Three elements of the definition of CBMs deserve some elaboration. *First*, the introduction of confidence-building measures should be approached not as a

[3] Johan Jorgen Holst, "Confidence Building Measures: A Conceptual Framework" Survival, Vol. 25, # 1, Jan-Feb, 1983, p.2-3.
[4] Rene Unger, CSBMs in Europe in Dipankar Banerjee (ed.) *Confidence Building Measures in South Asia,* (Regional Centre for Security Studies: Colombo, 1999), pp. 57-58.

one-shot affair but as a continuing effort, a *process* of confidence-building. Once established, the set of CBMs should be continuously improved upon and its applicability expanded. This dynamic feature of the system of confidence-building is rather important: apart from making the system more effective, it prevents CBMs from becoming a military-technical routine and transforms the overall undertaking into an enduring, cooperative political action. This evolutionary character of the CBM system is clearly implied in the 1975 Final Act of the Helsinki Conference, which ushered in CBMs in Europe and gave the world a new terminology.. It was reflected in the proposals submitted by the neutral and non-aligned countries at the Helsinki Conference, the Belgrade Meeting and the Madrid Meeting of the CSCE. [5]

Second, CBMs, by the very logic inherent in them, belong to and form an integral part of the efforts at arms restraint. Therefore, they should not be dealt with in isolation from arms control and disarmament measures, although they are no substitutes to arms control and disarmament. In fact, they are supposed to be designed and implemented in such a way so as to make arms control and disarmament measures easier to agree upon and apply.

Third, they should not be considered just as palliative means for paving the way for arms control and disarmament but also as security-improving instruments on their own merit. The role of CBMs, then, is not only auxiliary but

[5] For details of the CSCE process, see Rolf Berg and Adam-Daniel Rotfeld, *Building Security in Europe: CBMs and the CSCE* (New York: Institute for East-West Security Studies, 1986).

also supplementary in relation to arms control and disarmament. Consequently, once disarmament measures are agreed upon, the CBM effort should not stop. The system of CBMs must continue not only to be implemented, but further developed and expanded. Moreover, 'unlike during the Cold War (years), when such measures were seen in a bipolar context, today, confidence building has to be seen as an exercise in creating a pluralistic security order'.[6]

Although confidence building has been practiced, in principle, for many years, the term 'confidence building measure' (CBM) entered the vocabulary of international relations only in the early 1970s. Since the CBMs subsequently discussed and agreed upon have come to accentuate security aspects, they have also come to be commonly referred to as 'confidence and security building measures' (CSBMs), a term that had its origins in the second phase of confidence-building in Europe. CBM terminology is also sometimes split into Confidence Avoidance Measures (CAMs), Confidence and Security Building Measures (CSBMs) and, in a nuclear-specific context, as Nuclear Risk Reduction Measures (NRRMs).

The process of confidence building often evolves in stages with three primary ones being conflict avoidance, confidence building and strengthening of the peace. It is best to have Conflict Avoidance Measures in place, as the first stage, before CBMs *per se*. e.g. the 1992 Indo-Pak agreement to give prior

[6] Statement made by I.K. Gujral, http://www.indianembassy.org/policy/Foreign_Policy/coldwar(gujral).htm.

notification of troop exercises involving 10,000 troops or more; and the establishment of no-fly zones along their border. The most important pre-requisite for this stage is political will, with national leaders willing and able to take politically risky initiatives toward reconciliation. E.g. the Lahore Bus Diplomacy of Indian and Pakistani prime ministers Atal Behari Vajpayee and Nawaz Sharif, in February 1999.

The second stage, that of confidence-building, is the most complicated of the three. The initial impetus of conflict avoidance having worn down, this is the phase of consolidating early gains and institutionalizing certain agreed upon measures to build enough confidence between adversaries to sustain peace. It requires traversing the critical passage from stage one to stage three, and is especially treacherous when states have deep-seated grievances or "core", seemingly intractable issues (e.g. Kashmir between India and Pakistan). Breakthroughs are often held hostage to these "core issues".

The third stage, or the strengthening of the peace, occurs when there is an opening of the channels of communication. Through providing modest transparency, the first two stages might also lay the groundwork for more substantive measures later on, if political leaders remain amenable. Peace can only be sustained, however, if the progress made in the first two crucial stages is sustained even (and especially) during the absence of conflict or tensions.

Main Themes in confidence-building

Two strands of thought or themes can be identified far as CBMs are concerned. These are *security by confidence*, and *confidence by security*. The first perception is based on insights from psychology, but it fails to take in the fact that states do not always behave along the same lines as individuals do. The main contentions in this definition are that the effectiveness of CBMs would be guaranteed by unilateral steps promoting a mutual process. This would not require a formal treaty as such, and would continue naturally once it is in motion. The main function of CBMs, thus, would be to improve the general climate and to reduce tension. The assumption is that in a climate of confidence, arms control and disarmament soon lead to concrete results. CBMs aim at the abolition of the current security system founded on worst-case thinking. It is also assumed here that the strategic thinking of nations would have to adapt to a new system of relationships between states based on confidence. This appears to be over-simplistic.

Confidence by security, underlines the necessity to improve the conditions of security in order to enhance stability. Here it can be said that CBMs deal first with stability and military security and second, with confidence between states. Inadequate information about (seemingly) hostile activities could lead to misperceptions, mistrust and tension between (potential) adversaries. It is the task of CBMs to reduce such risks. Even the readiness to implement CBMs can be regarded as an indicator of interest in better relations. Thus, CBMs may meet the

minimal requirements of not worsening any state's security and not increasing existing levels of hostility. This appears to be a more realistic approach to confidence building where the building of confidence goes hand in hand with an improvement in the security environment.

Threat perceptions mostly result from the interaction of three factors which are all filtered through the interpretive screen of policy-making elites: (a) perceived capabilities and intentions of political opponents; (b) fundamental goals and sensed vulnerabilities of one's own; and (c) circumstances affecting the international system as a whole. [7] While it is primarily the interaction between (a) and (b) that accounts for the rise and persistence of threat perceptions, they are also affected, directly and indirectly, by the third factor. The interpretive filter of policy makers and their bureaucratic staff, finally, can be viewed as an independent factor in itself, determining the nature and intensity of perceived threats.

Any political programme serving the purpose of enhancing stability will have to incorporate the following essential measures/elements corresponding to the threat perceptions listed above: measures that can reduce one's own vulnerability to external challenges; measures that can reassure potential opponents that their vulnerabilities will not be exploited; measures that can stabilize the international security environment in which the main actors

[7] Steve Lodgaard and Karl Birnbaum, *Overcoming Threats to Europe: A New Deal for Confidence and Security*, (Oxford: Oxford University Press, 1987) pp. 56-60

operate; and measures that can reduce one's own vulnerability without incurring the same risks of crisis instability.[8]

In Europe, efforts were made to bring about a modification in, and softening of, mutually challenging political and military postures through negotiated agreements and explicitly or tacitly coordinated actions. Significant progress in terms of an overall stabilization of political East-West relations in Europe was achieved through these means in the course of the 1970s, e.g. the qualitative improvement in the relations between the two German states after the second World War.

Functions & Objectives of CBMs

The primary aim of CBMs is to make dangerous military structures and activities more transparent. It is also to reduce the coercive power of large military arsenals by creating openness and transparency, and by putting constraints on certain threatening military activities. Another function is to help verify arms control and disarmament measures. This function is usually performed through a compromise between the non-interference with national technical means and by active inspections and rigorous verification. Some broad objectives of CBMs are: to translate the general principles of international law into positive action so as to provide credibility of states' affirmations of their peaceful intentions; to reassure (potential) adversaries of a state's non-aggressive intentions; to reduce the possibility of misinterpretation of certain activities; to

[8] Same as n. 7

narrow the scope of political intimidation by the forces of the stronger powers; to minimize the likelihood of inadvertent escalation of hostile acts in a crisis situation; and to make less likely the use of force for settling disputes. Thus the primary purpose of CBMs is to reduce the risk of armed conflicts among states.

CBMs also have three corollary functions. These are the exchange of information; the constraint of certain military activities; and verification of arms control measures. In their threat reducing role, CBMs are seen as political instruments of the period of détente during the Cold War era. They were an instrument to revive détente and arms control, which were clearly in danger of being undermined at the beginning of the 1980s. Thus accords need not only be products of battlefield victory, but may also emerge as a result of a sustained period of détente.

CBMs are introduced in order to 'promote a pattern of military behaviour demonstrating non-aggressive and co-operative postures and intentions of the participating states'. In their capacity to further confidence, they should be '(a) be carried out in a continuing way, that is, as a process; at the same time, they should (b) pave the way for arms control and disarmament measures; and (c) the process should continue even in the face of disarmament, that is, CBMs should not only facilitate the adoption of disarmament measures but be supplementary to them."[9]

[9] Ljubivoje Acimovic, CBMs and the CDE - Appendix I, in Steve Lodgaard & Karl Birnbaum, *Overcoming Threats to Europe: A New Deal for Confidence and Security*, Stockholm International Peace Research Institute (Oxford: Oxford University Press, 1987) p. 212

They must also have clear objectives for confidence-building in the region in which they are to be introduced.

CBMs also have an important role to play in the prevention of surprise attacks, by providing the participants of confidence-building with early warning, and, in this capacity, they may also help prevent accidental war by miscalculation or misunderstanding. However, their essential function is not that. They are not established just to prevent surprise attack or accidental war, but to enhance confidence among states through various rules of conduct related to the military aspects of security. What matters here is not transparency *per se*, but political will and readiness to make military postures and activities transparent. It is, similarly, not constraints as such, but the will of states to accept and implement these measures that produces the main security-improving effects.

Thus, CBMs increase confidence by diminishing the fears of surprise attack through greater transparency. Greater transparency cannot solve the problem of surprise attack, or any attack, but it can contribute to reducing uncertainties and anxieties about it and thus heighten confidence. The effect that constraint-related CBMs have is not primarily, or directly, of a military nature; it lies in the political-psychological sphere- that is confidence, which is liable to have a beneficial impact on the security of states concerned. In an international climate of confidence the risk of war is lesser, security is greater and peace is more stable.

Nevertheless, planning, negotiating, implementing and evaluating CBMs, aimed at seeking primarily direct military security effects could be rather misguided. If CBMs were seen only/primarily from the military-technical angle, their role would appear less significant and not complementary to arms control and disarmament. However, the military-technical aspect of CBMs is important: the more militarily significant these measures are, the stronger their confidence-building effect will be. That is why one could even say that force reductions and disarmament are, by their very nature, supposed to be most effective confidence-building measures.

Application of CBMs

Any attempt to transport existing CBMs into new political and military environments may encounter difficulties. This is because there is an inherent uncertainty that clouds the causal relation between the pursuit and adoption of confidence – building measures on the one hand and the transformation of the political (and military) environment on the other. Variations and incompatibilities that exist due to differences in political, culture can only compound these uncertainties.

Each region has important 'idiosyncratic regional and international actors, unique histories, widely varying geographic conditions, and vastly different military realities and security concerns, which are reflected in its response to old

and new challenges as also in the political behaviour of the key players. Thus, different measures and actions are required to suit the specific geopolitical and cultural contexts of a region.

It is important to remember that while discussing the role of CBMs in a regional context, we need to make a list of the threat elements that exist within that region, or between two or more adversaries. Threat analysis will help devise appropriate CBMs that create transparency or introduce constraints. There should be more frequent resort to peaceful settlement of disputes, and it is vital not to overload sub-regional institutional structures with controversial political subjects and bilateral problems. Often introductory measures do not require codification or formalization, and may be reciprocally applied on both sides. However, as the process gets under way, it becomes crucial to institutionalize agreements to avoid sliding back into the quagmire of suspicion. CBMs could either precede or follow a cooperative political relationship, although the importance of cordiality in inter-personal relationships or the so-called "chemistry" between negotiating leaders is definitely an added advantage as far as generating, building and the application of confidence is concerned.

It seems pertinent to mention the different scenarios that operate within rival states in which CBMs may be proposed. The choice to pursue CBMs and their consequent application may depend largely on whether the parties 'can and want to come to an agreement; can but do not want to come to an agreement; want

but cannot come to an agreement; or do not want and cannot come to an agreement.' In the first case, the parties often succeed in working out certain obligations, and they express readiness to fulfill them. In the last case, the circumstances far outweigh the aspirations of the parties, so this area is excluded or remains beyond the scope of negotiations. The second and third cases present a more conclusive scenario where CBMs can be evolved. Timing, too, is crucial. We can neither apply too CBMs prematurely nor as a mere afterthought.

Often, to resolve an outstanding, historic or convoluted dispute, it may be rewarding to look at the circumstances and backdrop which may help lay the groundwork for a peaceful and mutually acceptable solution. Often, if "peripheral" issues are resolved, it may become easier to resolve the "central" problem. To begin with even informal confidence building can play a key role in laying the foundation for detailed negotiations. Also, a building block approach may be more conducive in case of regions where tensions are high and where there exists an atmosphere of mutual distrust. This will prevent implementation problems as well as act as a safety net against failure. Also, the constant "testing of the waters" is crucial, to gauge the progress made and to avoid the pitfalls of infrequent communication. One of the lessons to be learnt from confidence-building between the US and erstwhile USSR is the fact that even during their worst crises, the two never broke communication links between them, and also kept upgrading instruments of communication like the "hotline".

There need not exist grounds for common motivations or even equivalent or balanced military capabilities for CBMs to be initiated. All that is required is that the parties share a common desire for peace and are looking for solutions seriously. They have to be seeing separate value for the particular steps chosen to build confidence, and for those steps not to intensify existing levels of hostility. What is required is a multi-layered process to consider complex security policy problems and to find ways to reduce inter –state and domestic tensions.

Types of CBMs:

Since their primary function is to reduce the risk of armed conflict, they are predominantly military in nature, a fact evidenced by the military character of most successful CBMs in force across the world today. However, security cannot be obtained by promoting measures solely in the field of military affairs; it embraces economic and social factors as well. The military factor has undeniable priority, the absence of war being a pre-requisite for non-military CBMs. Some of the CBMs with near-universal applicability are: (1) CBMs that promote transparency and openness among the parties; (2) CBMs that impose constraints on the behavior of the parties; and (3) CBMs that strengthen the security of the parties through political and economic cooperation.

CBMs can be grouped, according to their content, into *two basic categories*: information-type measures and constraint-type measures or just constraints. The so-called declaratory or political measures, such as non-use of

force, do not, belong to CBMs in the strict sense. This does not mean, however, that this principle cannot find a place in a document on CBMs: on the contrary, as it is reflected in the mandate of the Stockholm Conference, an agreement on CBMs is supposed to be put in the context of the principle of non-use of force, since CBMs are in effect an implementation of this principle.

The information-type CBMs include prior notification of various military activities; exchange of information on peace-time location of forces and their activities; invitation of observers to military manoeuvres; openness of military budgets and so on. Some of them are contained in the Helsinki Final Act of 1975; others were considered at the Stockholm Conference.

Constraint-type measures pertain to both military activities and deployment of forces. Military activities can be constrained as to the area in which they take place (e.g. border zones), their scope and time-frame frequency. Deployment of armed forces and weapons can be constrained with regard to their location (e.g. thinning-out zones) and size, as well as to the kind of weapons (e.g. nuclear weapons; deep- or rapid-penetration weapons). Constraints may mean placing a ceiling on, freezing or decreasing the levels of forces, armaments or military activities in agreed areas. Thus, the nature of constraints clearly indicates how important these measures are both for confidence-building and for arms control and disarmament.

Some specific CBMs can be listed as:

- Prior notification of military exercises.
- Limitation on size, area, and composition of military exercises.
- Third party insurance/assurance. (It could be an organization, a state or non-state actor.)
- Establishment of "hotlines" between military commanders to discuss security concerns, especially during times of crises.
- Co-operative security arrangements. (bilateral or multilateral)
- Regular dialogue on issues like the utility of non-offensive, or non-provocative defence postures.
- Emplacement of electronic devices along borders to provide for warning of surprise attack.
- Mutual declaration of non-aggression and non- first- use of force.
- High-level talks, institutionalising summit meetings on a regular basis.
- Institution/ restoration of informal contacts.
- Free travel with easing of visa restrictions.
- Exchange of sports and cultural groups (These can only be relevant if they are institutionalised)
- Co-operation in scientific research, specifically in defence- related issues.
- Establishment of a centre of risk-reduction in the military field.
- Renewal/upkeep of road and rail links.
- Exchange of news and information between business communities, and to take steps to hasten trade links between the two.
- Gradual decrease in tariffs to ease transition from closed markets to free trade.

CBMs can be: (1) Tacit and informal: as general understandings, like the one that exists between India and Pakistan on non – attack on each other's civilian populations during war; (2) Quite specific but unpublished and unacknowledged, such as the existing agreements between India and Pakistan, establishing ground rules for military exercises and aerial operations along their border; (3) Formal but private CBMs, like those in place in the Middle East; or (4) Often a matter of record, like the India–China CBMs, as also those between Brazil and Argentina regarding the inspection of their nuclear facilities.

There also exist what may be called "Track–Two" processes, a term often used to describe 'non–official' dialogues or those that take place between government officials in their un–official capacity. Examples of these can be found in initiatives like the "Neemrana Group", consisting of prominent Indians and Pakistanis, which have been meeting regularly since 1991. However, apart from isolated examples, such processes have been few and far between, though the concept is gaining currency in the Indo–Pak context. CBMs can be implemented in the military, economic, cultural, social and political spheres.

Main measures involved in the implementation of confidence-building are: a) Communication measures; b) Transparency measures; c) Consultation measures; d) Goodwill measures; e) Information exchange; f) Those related to access; g) Notification Measures; h) Constraint Measures; h) Declaratory Measures; i) Rules-of-Conduct; and j) Observation Measures.

Limitations of CBMs:

Threats exist in the minds of the threatened and are mostly based on the possibility or probability, rather than the certainty, of aggression. They may come from across the land border of the state, from beyond the immediate borders and even from within the boundaries of a nation. The resultant "enemy imaging" often blinds rivals to the prospects for, and benefits accruing from, co-operation. Mutual hostility and the resort to arms as the first, rather than the last, course of action can severely undermine efforts to build confidence and establish trust for the normalization of relations, between potential or real adversaries.

If the parties view the CBMs in a zero sum game, then the process/ negotiations are bound to fail. Besides, CBMs are not value neutral, but are guided by the differing political motivations of the political leadership (regarding the end-results) and by their varying perceptions. Fears arise about a Trojan horse situation, when CBMs come to be viewed as a cover up for the renewal of conflict (or maybe as an extension of the strategic competition by other means.) Such a perception may slow down considerably or even halt the process. Thus the process of negotiating and implementing CBMs is a self-regulating one. If initial steps are not of proven worth, they may even prove to be stumbling blocks to the entire process. Care, therefore, must be taken against over-expectation, over-

ambition and the misuse of CBMs as instruments of false propaganda or as coercive measures used by one country to threaten another.[10]

[10] This could prove to be a common problem in the case of prior notification of military exercises which could be used as instruments of intimidation. An example of such intimidation is the threatening of Poland by the Soviet Union in the 1980s when it conducted threatening military manoeuvres close to the Polish border.

Chapter II

CBMs: The European Experience

For much of the modern times, Europe has been at the centre of conflict- either within the continent or in terms of European involvement in wars outside. Two world wars as well as the Cold War had Europe as the epicenter throughout the twentieth century. Accordingly, Europe has also been the continent where most innovations have been made/undertaken in the art of peacemaking. For most countries in regions of the world where international crisis and conflict loom as distinct possibilities, the range of security problems, Europe represents examples that stretch from models for preserving peace, at one extreme, to terminating a war that might break out, at the opposite end of the spectrum. In between lie a variety of other objectives, such as inhibiting the threatened use of military force for political intimidation and controlling escalation so that flare-ups do not lead to unwanted wars.

Successful crisis management is another important security objective for states, no matter where they are located. At a minimum, such management would imply an ability to control the escalation of a crisis so as to preclude any unintended effects. A further objective might be to avoid the outbreak of war by creating "firebreaks" that attempt to guarantee at least a pause before hostilities begin. Confidence-building measures (CBMs) were negotiated and implemented in Europe with these diverse objectives in mind. This was generated by a strong

community of interest that came to the forefront among most European states, and which looked at the management of political change by peaceful means, i.e. political change that occurred within the framework of a détente. Arms control came to be at the centre of détente, fast-becoming the best way of influencing East-West relations. Conversely, to get to the stage that effective arms control could be negotiated and implemented, a large measure of confidence among the negotiating states was required. Even though no direct correlation can be established between confidence building measures and arms control in Europe, it would be safe to assume that 15 years of multi-party consultations, and the consequent implementation of CBMs, paved the way for the eventually successful negotiation of arms control measures between the two superpowers (USA and the erstwhile USSR), even during the height of the Cold War in Europe.

The Cuban Missiles Crisis (1962) was a watershed in East- West relations, and the resultant standoff brought the need to build confidence sharply into focus. The increasing parity between the two powers, and the fact that they had arrived at Mutually Assured Destruction (MAD), was another reason that the need for CBMs was sharply felt. Arms control came into focus, with large arsenals and the increasing precision and sophistication of (nuclear) weapons technology complicating the simpler dynamics of a conventional standoff. It was the heightened Cold War environment which prompted the first generation CBMs during the early 1970s. and Soviet belligerence in the 1980s that prompted the

second.[11] Consequently, it was the virtual disappearance of détente in East-West relations, as well as the fear of nuclear war and the existence of a balance of terror that pushed Europe towards third generation CBMs. Thus, it was strong threat perceptions, coupled with an equally strong political will that existed among the nations of Europe that led to the institutionalization of specific CBMs in the European region.

The Evolution of European CBMs (1975-1999)

The context in which European CBMs were evolved had essentially three components. *Firstly*, there existed a need for the adoption of a group of measures which would increase information about the armed forces and reduce the main factors of instability. *Secondly*, although the problem of nuclear weapons was to be kept on the European agenda as a top priority, removing the imbalance in conventional forces came to be considered as the most urgent task. The imbalanced and excessive accumulation of conventional armaments was seen to be fuelling a nuclear arms race in the region. *Thirdly*, European moves regarding plans for disarmament were also to be seen in the context of the confidence building regime that was negotiated. It is important to remember here that the first priority of the Europeans at this stage was arms control and *not* CBMs, and the negotiations on the CBM regime in Europe were perceived to be a mere "sideshow". The Conference on Security and Cooperation in Europe (CSCE) acted as an all-European backdrop for significant progress on

[11] See n. 10.

matters relating to arms reduction on the continent and with regard to superpower arsenals.

There was also a "confluence of factors" that were probably *sui generis* to Europe. These were: the devastation caused by the second world war (specifically the bombing of Hiroshima and Nagasaki), and its impact on European public consciousness and opinion; the role played by an external actor (the United States), in facilitating the process of integration; and the presence of a common enemy (the Soviet Union), which helped the states of Western Europe get closer to each other. Although the Cold War was far from over, the Cuban Missiles crisis had by then brought it to a head both militarily and politically. By forcing the opposing sides to confront the reality of how close they had actually come to nuclear war, the crisis gave rise to a political climate in which new approaches to East-West superpower relationships were encouraged.

Stages of Confidence Building in Europe

The first set of CBMs, as an operative multilateral system of measures, was adopted in 1975 as an integral part of the Helsinki Final Act. It was not the result of a pre-planned initiative or a clear-cut concept; it emerged in a rather pragmatic way in the process of working out preliminary politico-military compromise solutions within the agenda of the Helsinki Conference. Furthermore, it was the outcome of a negative selection by the two power-blocs, the applied

criterion being to let the CSCE deal in the military field only with something *outside* the purview of the arms control negotiations under the Vienna talks.[12] However, CBMs later proved to be quite an appropriate choice that fitted very well into both the concept and the actual process of the CSCE. The Final Act approach to CBMs was a rather narrow one - no constraints, just information-type measures confined basically to prior notification of major military manoeuvres, within a very limited scope - thanks to the highly restrictive attitude of the two alliances.

Only some innocent measures of a non-restrictive nature were included in the CSCE agenda under the title of Confidence Building Measures (CBMs). At the Helsinki Conference, the basic CBM philosophy of the alliances was that these measures should imply absolutely no restrictions or constraints, and that was supposed to be the main line of distinction between CBMs and arms control and disarmament measures. Due to the strong opposition of the power-blocs to this broader approach to CBMs, the narrower approach prevailed in the end. Thus, CBMs were to be mere corollaries to formal arms control agreements.

The conceptual elaboration of CBMs as well as a certain evolution in the respective attitudes of the two blocs came only after the Helsinki Conference. The evolution went along the line of accepting the element of constraints as part of the CBM concept. In order to clearly indicate this change, the word 'security' was

[12] See Steve Lodgaard & Karl Birnbaum (eds.), *Overcoming Threats to Europe: A New Deal for Confidence and Security*, (OUP: Oxford, 1987)

inserted into the name of these measures, and they came to be known as Confidence and Security Building Measures (CSBMs). Confidence- and Security-Building Measures (CSBMs) are 'provisions for the exchange and verification of information regarding the participating States' armed forces and military activities, as well as certain mechanisms promoting co-operation among participating States in regard to military matters. The aim of these measures is to promote mutual trust and dispel concern about military activities by encouraging openness and transparency.'[13]

One of the most important preconditions for establishing a system of CBMs is the existence of a certain (minimum) level of normal relations in the given area, as a platform from which to promote the security interests of the states concerned. In Europe, this was possible only when the basic East-West questions (the so-called German complex) were settled in a more satisfactory manner. The European experience also seems to suggest that an effective system of CBMs presupposes a broader political framework with an appropriate code of conduct, CBMs being *de facto* components of it. In the case of Europe, the CSCE provides such a framework. It is quite clear that without the CSCE, CBMs would, at best, be rather different as a security promoting instrument in Europe.

[13] Definition taken from the Organization for Security and Cooperation in Europe documents, available at www.osce.org.

Indeed, within the historical stretch of European CBMs, a diverse range of different types of CBMs can be identified. These may include[14]:

- *Information measures*, which include information exchange requirements about the size of military forces, their equipment holdings, and their locations;
- *Communication measures*, which are represented by the American – Soviet hotline and its various offshoots and upgrades, as well as by consultative arrangements of the kind embodied in the Center for the Prevention of Conflict;
- *Access measures*, which have included provisions, progressively improved since the 1975 Helsinki accords, for observers at notified military activities and on-site inspection measures of the kind agreed upon in Stockholm;
- *Notification measures*, which permit military activities to occur but attach conditions to them, such as enjoining participants to refrain from undertaking activities that have not been notified in advance; and
- *Constraint measures*, which seek to discourage certain activities, if not ban them outright- in contrast to notification measures, which are essentially permissive, provided the specified activities are notified properly.

The "Helsinki Process" (1975-1986)

The process of the evolution of CBMs in the European context, from the Helsinki Final Act in 1975 to the 1986 Stockholm Regime has often been termed as the "Helsinki Process", and from 1986 onwards till the 1999 Vienna document, may be called the "Vienna Process".

[14] Richard E. Darilek, "East –West Confidence- Building: Defusing the Cold War in Europe", in Michael Krepon, Khurshid Khoja, Michael Newbill & Jenny S. Drezin (Eds.), *A Handbook of Confidence-Building Measures for Regional Security-3rd Edition*, Handbook # 1 (Henry L. Stimson Center: Washington, 1998), p.257.

It was only after the Helsinki Final Act of 1975, which initiated a 'steady though halting process at CBMs in Europe that it became apparent that reducing the intensity of conflict was not enough and that an attempt had to be made to prevent its possible outbreak and bring about reduced spending on defense and it is in this that CBMs score over arms control'. [15] The Helsinki and Stockholm regimes helped pave the way for later conventional force reductions among NATO and Warsaw Pact members, since a long period of CBM negotiations preceded actual force reductions in Europe. Still, no clear connection can be established between the CBM agreements and the CFE (Conventional Forces in Europe) Treaty that was signed among the European nations in 1990, succeeding the Vienna negotiations.

European CBMs undoubtedly had certain inherent advantages. For example, they were initiated in a more stable atmosphere, where post-war borders were inviolable, and certain crucial precursors like the "Hotline" agreement were present, which made the negotiations easier. Beginning with "precursor CBMs", military liaisons between the US, the USSR, Great Britain, and France were established, ostensibly to improve relations between the victors occupying Germany. However, with the onset of the Cold War, these missions turned into military intelligence gathering devices for all parties involved. The European (or Western) style of confidence building invariably proceeded with specific issues, with "transparency" as the initial point of reference in the first

[15] Gen. Dipankar Banerjee, http://www.kuird.org/html/workshop_abstract-gen_bannerje.html

phase, moving on to "access" as the central theme of the second phase, and then on to "constraint" and "prohibition", along with stricter verification procedures, as was the main focus of the final leg of European CBM negotiations.

First Generation CBMs:(The Helsinki Final Act and the "Helsinki Process", 1975-1986)

The Helsinki Final Act, 1975 was primarily designed for dealing with certain transparency measures regarding conventional armed forces in Europe. The logic for adopting the Helsinki CBM Document was formulated as: 'to contribute to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation when the participating states lack clear and timely information about the nature of such activities.'[16] The salient features of this document, which were enshrined in its different articles were sovereign equality, respect for the rights inherent in sovereignty; refraining from the threat or use of force; the inviolability of frontiers; territorial integrity of states; the peaceful settlement of disputes; non-intervention in the internal affairs of other states; respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; equal rights and self-determination of peoples; cooperation among states; and the fulfillment in good faith of obligations under international law.

[16] Jozef Goldblat, Arms Control: A Guide to Negotiations and Agreements (Sage: London, 1994), p159.

That document contained a variety of CBMs, including notification in advance (21 days) of major military movements (undefined), a new undertaking for European states; and the invitation of observers to major military maneuvers (beyond 25,000 troops), other maneuvers (below 25,000 troops), major military movements (undefined); and the invitation of observers was made entirely discretionary on the part of the state conducting the manoeuvers.

The following information was to be provided for each major maneuver: designation (code name), if any: general; purpose; the states involved; the types and numerical strength of the forces engaged; and the area and estimated relating to the components of the forces engaged and the period of involvement, and could invite observers to attend the maneuvers. States could also give additional information, particularly relating to the components of the forces engaged and the period of troop involvement. Otherwise, given the predominance of notification provisions in the document, this package of CBMs was heavily weighted toward producing various exchanges of information in advance of planned military activities.

The purpose of these CBMs was not to limit the capabilities or otherwise control the military forces that states had in being, much less reduce their numbers. Nor was there any verification provisions attached to these measures. Instead, as indicated in the Helsinki Final Act and elsewhere, CBMs were aimed at increasing 'openness'- which was to be their immediate objective, reducing the

secrecy with which military matters were traditionally surrounded (particularly in Eastern Europe), and improving the predictability of military activities in general.

Promoting greater 'transparency' with regard to military affairs in Europe was to be the main purpose of the initial CBMs. Greater transparency, in turn, was expected to reduce the mutual suspicion that secrecy tends to breed as well as reflect. In theory, this would lessen the chances that war might come about as a result of misunderstanding or miscalculation. According to this theory, increasing the transparency or openness of military activities in Europe might even lessen fears that a surprise attack could occur or that military exercises could be used successfully for political intimidation. The increase in transparency would, in turn, support even higher level objectives, such as preventing war and preserving peace.

Thus, the cornerstone of the European CBM regime that eventually evolved was laid in basket I of the Helsinki Final Act (1975), where the participating States agreed to certain measures designed "to contribute to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the participating States lack clear and timely information".[17]

Second Generation CBMs (The Stockholm Document Regime, 1986-1990).

The Stockholm Document - adopted on 19 September 1986 - provided for lower force thresholds and a longer time-frame for prior notification of certain

[17]Taken from www.osce.org.

military activities, invitation of observers, and an exchange of annual calendars of planned military activities. Most importantly, for the first time ever in the history of modern arms control, it provided for *compulsory* inspections as a means of verification. Challenge inspections and the consequent risk of random detection worked as an effective deterrent. Due to certain improvements and a wider scope, these measures were seen as the "second generation" of CBMs within the Helsinki Process. "*Seeing is believing*" emerged as the motto of the Stockholm regime. Some of its salient features (all obligatory) were pre-notification of maneuvers with 17,000 + troops or 5000 amphibious or airborne paratroopers; information exchange on notifiable military activities; invitation to send observers; exchange of annual calendars of military activities; and active verification through on-site (and intrusive) inspections.

Third Generation CBMs: The Vienna Document Regime, 1990 TO 1999).

The third follow-up meeting in Vienna (1986-1989) called for further negotiations on CBMs, which were held in parallel with the negotiations on Conventional Armed Forces in Europe, and yielded the 1990 *Vienna Document of the Negotiations on Confidence and Security Building Measures (CSBMs)*. This document, updated in 1992, broadened the scope of information exchange and verification, and introduced new communication and consultation measures including: (a) points of contact for hazardous incidents of a military nature; (b) a communications network able to transmit computerized information and; (c) emergency meetings to clarify unusual military activities. Finally, the

participating States agreed to hold Annual Implementation Assessment Meetings to discuss implementation of CBMs. The main features of the 1990 Vienna Document were- annual exchange of information on military forces, major weapon deployments, and military budgets; consultation mechanisms on unusual military activities; visits to air bases, military contacts; obligatory pre-notification of certain military activities concerning 17,000+ troops or 5000 amphibious or airborne paratroopers; obligatory invitations to observers for notifiable military activities; exchange of annual calendars; the verification through on-site inspections; creation of communications network; and an annual implementation assessment meeting at Conflict Prevention Center.

Negotiations on CBMs were continued in the Forum for Security Co-operation (FSC), and resulted in the Vienna Document 1994, which expanded the previous CBMs regime by introducing additional thresholds for notification and observation, and provisions regarding defence planning and military contacts. At the Istanbul Summit in November 1999, participating States agreed on a new Vienna Document 1999, which collated many of the existing CBMs and added a new chapter on regional measures. In order to facilitate the implementation of the provisions of the Vienna Document, the participating States have established a network of direct communication between their capitals for the transmission of messages relating to CBMs.

Most measures in the process of European confidence building fall into one of the following categories: consultation; information exchange; access;

notification; constraint; communication; declaratory; rules-of-Conduct; and observation.

The Organization for Security and Co-operation in Europe (OSCE):

The most elaborate regional arms control mechanism today is the Organization for Security and Co-operation in Europe (OSCE). The first phase of the OSCE concluded on August 1, 1975 at Helsinki with the adoption of a Final Act. The OSCE was established in 1972 as the Conference on Security and Cooperation in Europe (CSCE), providing a multilateral forum for dialogue and negotiation. It introduced the Helsinki Final Act of 1975 on East-West relations. The areas of competence of the CSCE were expanded by the Charter of Paris for a New Europe (1990), which transformed the CSCE from an *ad hoc* forum to an organization with permanent institutions, and the Helsinki Document 1992 in December 1994 the summit conference adopted the new name of OSCE, in order to reflect the organization's changing political role and strengthened secretariat. The OSCE has 55 participating states and comprises all the recognized countries of Europe, and Canada, the USA and all the former republics of the USSR. In March 1992 CSCE participating states reached agreement on a number of confidence building measures, including commitments to exchange technical data on new weapons systems; to report activity of military units; and to prohibit military activity involving very large numbers of troops or tanks.

Upon the conclusion of the 1990 CFE Treaty reducing and limiting the size of conventional armed forces in Europe, the CSCE established a Forum for Security Co-operation (FSC) open to all participating states. The FSC, comprising representatives of delegations of member states, meets weekly in Vienna to negotiate and consult on measures aimed at strengthening security and stability throughout Europe. The Forum was inaugurated in Vienna in September 1992. The programme of the FSC includes:

- Harmonization of the obligations contracted in the fields of arms control and confidence and security building, and their implementation;
- Negotiations on arms control and disarmament;
- Regular consultations and intensive cooperation on matters related to security and holding of annual implementation assessment meetings;
- The further reduction of risks of conflict;
- Development of the 1992 CSBM Vienna Document;
- Further enhancement of stability through measures of military constraint;
- Exchange of military information;
- Cooperation in respect of non-proliferation of armaments;
- Regional security measures;
- Armed force planning;
- Cooperation in defence conversion;
- Development of military contacts;
- Preparation of seminars on military doctrine, and the provision of a forum for the discussion and clarification of information exchanged under agreed CSBMs;
- Establishment of a code of conduct to govern relations among states in the field of security; and

- Cooperation in the field of verification. [18]

The OSCE may request the use of the military resources of the North Atlantic Treaty Organization (NATO) and the Western European Union (WEU), the European Union (EU), the Commonwealth of Independent States (CIS) or other international bodies. NATO and WEU have changed their constitutions to permit the use of their forced for OSCE purposes. The Helsinki Document declared the CSCE a "regional arrangement" in the sense of Chapter VIII of the UN's charter, which states that such a regional grouping should attempt to resolve a conflict in the region before referring it to the Security Council.

Conclusion:

Thus the East-West conflict in Europe can be viewed in a broader framework of conflict prevention and resolution mechanisms that permits comparison to other regional conflicts. Since in all conflicts, there are certain lasting traits that have universal application, several lessons might be learned form the European experience in negotiating these measures under the purview of CBMs and CSBMs. While the spectrum of CBM possibilities is quite broad, Europe's experience suggests that the subset of measures is likely to prove useful or negotiable between adversaries is rather limited, at least at the outset of the negotiating process.

[18] List taken partially from Jozef Goldblat, Arms Control: A Guide to Negotiations and Agreements (Sage: London, 1994)

A full menu of CBMs and CSBMs was available in East-West negotiations, but relatively few items were chosen. Although transparency and access measures were adopted, constraint measures were particularly difficult to negotiate. If the European experience is any guide, therefore, its teaching may be that the development of arms control and CBM, initiatives is inevitably a highly selective, evolutionary process.

Because of the underlying conflict of interests between rivals, successful CBM negotiations can be a protracted process. Confidence takes along time to build; security, even longer. Tangible results do not come readily or in great number. And dramatic results may require political breakthroughs rather than evolutionary steps in CBM negotiations.

In conclusion, apart from the most visible factor of nuclear deterrence, and the resulting détente, that is believed to have maintained stability in this sensitive theatre since World War II, the evolution and institutionalization of CBMs emerged as another crucial factor for promoting peace during the ups and downs of the Cold War years. The roots of the Cold War, as well as the factors that first prompted the European states to risk limited forms of cooperation, can hold useful lessons for others regarding the preconditions for confidence building and the contribution of these tools to conflict prevention or peace building processes. Given its success in the European theatre, the European

experience can prove to be an important point of departure for assessing the prerequisites of confidence-building.

Chapter III

Confidence Building in Asia*

The Asian region is remarkably diverse where big and small countries co-exist, differing significantly in levels of development, culture, ethnicity, religion and historical experiences. Periods of rapid economic growth alternate with significant shifts in power relations, and the region is rife with various conflicts arising out of a residue of unresolved territorial and other differences, mostly dregs of a colonial past. Most states within the region are nascent nation states, still coming to terms with various degrees of instability- be it political, economic or social.

There is, consequently, a shifting influence of volatile domestic politics on their relations with each other as well as on vital security issues. The area under discussion is rife with inter-state and intra-state violence. The nature of warfare is undergoing a distinct shift, with new forms of 'sub-conventional' and 'sub-national' conflicts which are increasingly relying on unconventional methods of warfare.[19] The unforeseen complications that may arise as a direct consequence of new technologies, like nuclear weapons their delivery systems have further

* The "Asia" under discussion in this chapter does not include the entire continent, and the examples of confidence-building have been selected randomly, keeping in mind the end-result of this work- that of finding lessons for Indo-Pak confidence-building.

[19] Asia is home to four nuclear powers with high defense budgets, and the continent has some of the largest standing armies in the world along with a number of missile producing and exporting countries.

complicated the notions of security within this region. Current trends in arms modernization necessitate transparency in force structures and strategic policies.

Thus, while studying Asian CBMs it is important to keep in mind that the infrastructure that made the success of CBMs in Europe possible, is missing from most regions of the Asian continent. Important precursors and prerequisites like inviolable boundaries, vital communication links like those established by the hotline agreement in Europe, as well as crucial habits like preventive diplomacy, dialogue, and ideas of cooperative security have taken longer to develop within the Asian region- all of which were of the essence during CBM negotiations in Cold War Europe. If currently present, they have only been in existence for an extremely short period of time and are not as frequently used as was true in the case of Europe.

There are other important socio-economic and political indicators that set the two continents apart. For example, socio-political culture varies remarkably in the two continents. Within most of Asia, there exist a variety of socio-economic and political cultures/systems, lacking the homogeneity of a Christian, nation-state based Europe. Thus, there is a distinct dissimilarity in the way that confidence-building has been approached within the West and Asia. This difference in approach is visible in most attempts at confidence–building in Asia, when compared to similar such efforts in Cold War Europe. There is a tendency in the Asian countries to place more emphasis on the *processes* rather than on the

procedural details of inter-state relations. Also, there is a tendency to look at problems, and their solutions, in a rather broad sense, as compared to the specificity of the Western approach. No established "value-sharing" process of the kind that existed in Europe, and which facilitated the Helsinki and Stockholm processes, can be seen in any regional attempts at confidence-building within Asia.

Another major difference in circumstances is the ambiguity of borders in Asia. By the time that the Europeans instituted CBMs, most major border disputes had already been settled. This scenario is especially far removed from the context in which Indo-Pak CBMs are to be negotiated. Also, European confidence building took place in a world divided into two power blocs, and Asian confidence building must take place within a single power block and between independent, sovereign nations, albeit under threats fresh divisions.

Even though the principle of nuclear deterrence is much the same in post-Cold War (South) Asia as it was in Europe during the Cold War, ever since the end of British rule in 1947, nothing like a sustained period of détente has ever come about on the subcontinent. In Europe, on the other hand, it was a sustained period of détente, to a large extent, that made it possible for states to come to terms with the changing realities of the post-war era. From one perspective, the South Asian nuclear situation is a first-ever situation. The closest the world came to this during the Cold War era was with regard to the 'two Germanys'. However,

there was no ongoing "live" conflict and the control of these weapons lay with powers far removed in both time and distance which, given a certain amount of objectivity, made for a somewhat uneasy peace and a feeling of security. Also, no clear cut concept of "security" exists in Asia.

Thus, given these vastly different backdrops to confidence-building in the two regions under discussion, it is true that we cannot apply Western models directly to Asia as a whole and to the Southern Asian context in particular. It is also true that it was the Europe of the 1970's that gave the world a terminology for a "process" that can said to have already begun in Asia with the setting up of the Joint Defence Council (JDC) for the partition of military stores between India and Pakistan in 1946. Thus, CBMs and the very practice of confidence – building are not new to the continent. If not in letter, then definitely in spirit the confidence-building process can be seen to have originated in this region. The post – Partition exercises between India and Pakistan concerning the division of stores, evacuee property and settlements, etc., can be construed as broad–based CBMs. Also, the 1954 'Panchashila Agreement', between India and China has provided the blueprint for countless other confidence–building exercises that succeeded it in various parts of the world - once again, if not in letter then in spirit.

Prominent Attempts at Confidence-Building in Asia:

Bandung Conference (1955)

It was a meeting of Asian and African states, organized by Indonesia, Myanmar (Burma), Ceylon (Sri Lanka), India, and Pakistan, which met from April 18-24, 1955, in Bandung (Indonesia). In all, 29 countries representing more than half the world's population sent their delegates, and it was dominated by Nehru of India, Gamal Abdel Nasser of Egypt, and Sukarno of Indonesia.

In theory the delegates met to celebrate neutrality and to put an end to "the old age of the white man. Asian independence from colonial rule had not only expanded the arena of the Cold War but it went on to spawn the third path of nonalignment. The conference reflected the five sponsors' dissatisfaction with what they regarded as reluctance by the Western powers to consult with them on crucial decisions affecting Asia.

A consensus was reached in which "colonialism in all of its manifestations" was condemned. A 10-point "declaration on the promotion of world peace and cooperation," incorporating the principles of the United Nations charter and the five principles of India's Prime Minister Jawaharlal Nehru, was adopted unanimously. During the following decade, as decolonization progressed and friction among the conference's members increased, the concept of Asian-African solidarity became less and less meaningful. Major schisms among the

sponsors of the original conference emerged in 1961 and again in 1964-65, when China and Indonesia pressed for a second Asian-African conference. In both instances India, together with Yugoslavia and the United Arab Republic (Egypt), succeeded in organizing rival conferences of nonaligned states that refused to take the strong anti-Western positions urged by China and, in 1964-65, by Indonesia. In November 1965 the second Asian-African conference (to have been held in Algiers, Algeria.) was indefinitely postponed, and it appeared unlikely that the Bandung Conference would ever have a successor.

However, the fact that prominent leaders of Asia could put their political differences aside and form a front (however short-lived) against a common enemy: colonialism was the unique feature of the Conference. That it gave birth to the famous "third option"- the Non-Aligned Movement, was a corollary to this show of foresight.

Baghdad Pact (1955) / Central Treaty Organization (CENTO):

CENTO, initially known as the Middle East Treaty Organization or the Baghdad Pact Organization until March 1959, was a mutual security organization (from 1955 to 1979), which composed of Turkey, Iran, Pakistan, and the United Kingdom, and also included Iraq, with its headquarters in Baghdad. Formed at the urging of Britain and the United States, the Central Treaty Organization was intended to counter the threat of Soviet expansion into vital Middle East oil-producing regions. However, it was never very effective.

Iraq withdrew from the alliance in 1959 after its anti-Soviet monarchy was overthrown. That same year the United States became an associate member, and the name of the organization was changed to the Central Treaty Organization (CENTO), and its headquarters were moved to Ankara (Turkey). Following the fall of the Shah in 1979, Iran withdrew its membership and CENTO was dissolved.

South East Asian Treaty Organization (SEATO):

It was set up as a regional-defense organization from 1955 to 1977, created by the Southeast Asia Collective Defence Treaty, signed at Manila on Sept. 8, 1954, by the representatives of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States.

The treaty came into force on Feb. 19, 1955. Pakistan withdrew in 1968, and France suspended financial support in 1975. The organization held its final exercise on Feb. 20, 1976, and formally ended on June 30, 1977. The formation of SEATO was a response to the demand that the Southeast Asian area be protected against communist expansionism, especially as manifested through military aggression in Korea and Indochina and through subversion backed by organized armed forces in Malaysia and the Philippines. Most other nations of South and Southeast Asia preferred to retain their foreign policies of nonalignment. The treaty defined its purposes as defensive only and included provisions for self-help and mutual aid in preventing and countering subversive activities from without

and cooperation in promoting economic and social progress. SEATO had no standing forces but relied on the mobile striking power of its member states, which engaged in combined military exercises.

Declaration of ASEAN Concord (1976):

It endorsed an earlier commitment by the ASEAN states in November 1971 to make South-east Asia a Zone of Peace, Freedom and Neutrality (ZOPFAN), free from any form or manner by outside powers. This dream remains to be realized since this region is heavily embroiled in superpower politics with powers like the US, Russia, China and Japan all having interests n the region.

Treaty of Amity and Cooperation for South-east Asia, (1976):

This treaty codified norms like respect for national sovereignty, non-interference in another state's affairs and renouncing the threat or use of force in settling disputes. It can be said that an Asian precedent to this already existed in the form of the bilateral Indo-Pak Simla Agreement of 1972, which had talked of similar norms. However, both attempts have been failures in so far as the norms mentioned have been repeatedly ignored, often blatantly flouted by the signatories.

Treaty of Bangkok:

It is also referred to as the Treaty on the South-East Asia Nuclear-Weapon-Free Zone. It is a multilateral treaty establishing a nuclear-weapon-free

zone (NWFZ) in South-East Asia, and has developed out of a working group established by the Association of South-East Asian Nations (ASEAN) as part of its 1971 Declaration on the Zone of Peace, Freedom and Neutrality. It was signed in Bangkok on December 15 1995, and entered into force in March 1997 when Cambodia deposited the seventh instrument of ratification.

It is of unlimited duration and withdrawal requires 12 months prior notification. A Review Conference is to be held ten years following its entry into force (EIF), and any time thereafter pending consensus among the states party to it. The Treaty of Bangkok prohibits member states from developing, manufacturing, testing, acquiring, possessing, or controlling nuclear weapons, and from allowing the use of their territories by other States for any one of these purposes. Member states are also required to conclude individual agreements with the International Atomic Energy Agency (IAEA) concerning the application of full-scope safeguards.

A Protocol to the Treaty open for accession to the nuclear-weapon States (NWS) obliges signatories to respect the terms of the Treaty. To date, no NWS has signed the Protocol. The Treaty's area of application includes the territory and airspace of the ten members of the ASEAN as well as their internal, territorial, and archipelagic waters, and exclusive economic zones (EEZs). Verification of compliance is to be carried out by IAEA, the report, exchange and clarification of information, and possibly fact-finding missions. To help with the implementation

of the Treaty, the Commission for the South-East Asia Nuclear Weapon Free Zone has been established. Disputes regarding implementation may be referred to the International Court of Justice (ICJ), and non-compliance may ultimately be referred to the United Nations.[20]

ASEAN Regional Forum (ARF):

The formation of the ASEAN Regional Forum was the result of a growing realization among the states in the Asia-Pacific region to enhance dialogue on political and security cooperation, the region having experienced some of the most catastrophic wars of the twentieth century. The ARF was set up primarily to provide 'an institutional framework for intra-regional reconciliation and to establish a trust among former adversaries' by taking over the primary role in managing regional order.[21]

The ARF provides a forum for inter-related confidence-building and preventive diplomacy, but it makes a distinction with regard to CBMs and Preventive Diplomacy, with the two being treated as separate areas of discussion/ negotiations. The ARF has also set up the Inter-sessional Support Group (ISG) on Confidence Building Measures (CBMs). The ISG on CBMs is believed to have provided a forum for open and substantive dialogue on the regional security environment, for the exchange of information on security-related developments in

[20] Although India respects this treaty, it has repeatedly shot down similar proposals by Pakistan to develop in South Asia a similar NWFZ. Scholars in both countries, however, have been debating the merits of the possibility of establishing such a NWFZ.

[21] Michael Liefer, *The ASEAN Regional Forum*, Adelphi Paper # 302, (London: Oxford University Press, 1996), p.11

individual countries, and for the development of practical CBMs, and has helped create habits of dialogue and cooperation within a regional framework.[22]

Over time, the ARF has carved a distinctive yet limited security role for itself. This is based exclusively on political dialogue, but it is definitely a step in the right direction in so far as it provides a forum for frank discussion, in its minimum capacity. This was probably the only approach that would work in the Asian context where there are still many unresolved conflicts and given the vast asymmetry of power that exists within this region, any formalized efforts at providing security would not be acceptable.

In the light of the potential for new and dangerous uncertainties/ambiguities arising out of the new crises in the sub-continent, some of the important lessons to be learnt form the ARF experience are increased defence participation; an increase and strengthening of the process of regional security dialogue and cooperation under a regional forum, in accordance with generally accepted international norms and principles (including the UN Charter);bilateral understandings between individual countries; an exchange of views on prominent subjects and near-future developments concerning pertinent issues like Theatre Missile Defence (TMD) and its implications for both India and Pakistan, their immediate neighborhood and for the region as a whole. Another subject could be the fast-changing regional scenario in the light of the increased

[22] See the *Co-Chairmen's Summary Report of the Meetings of the ARF Inter-sessional Support Group on Confidence Building Measures, ASEAN Regional Forum Document Series, 1994-2000* (Indonesia: ASEAN Secretariat, 2001)

importance of concerns like internal and "human" security in the aftermath of the terrorist attacks on the US. This could include discussions regarding the increasing attention that is converging upon the region by the major international powers; a timetable of sorts could be chalked out with regard to prospective CBMs- both in the near-future and over the medium/ long term. There could also be the formulation of a regional Code of Conduct, an adaptation that could contribute to long lasting regional peace and stability; and to realize that there also exists a need to open effective conduits for information-sharing to meet common threats and challenges.

The Conference on Interaction and Confidence Building Measures in Asia (CICA): June, 2002

The recently concluded Conference in Almaty had the task of identifying various challenges to security and was to try and demarcate areas of cooperation, dealing with CBMs to be implemented in the future. It sprang from an urgent necessity to form a common and indivisible area of security within Asia, where all states can peacefully co-exist, given the knowledge that peace, security and development complement, sustain and reinforce each other. It was to consider all aspects of comprehensive security in Asia, including its political and military aspects, confidence-building measures, economic and environmental issues, humanitarian and cultural co-operation, and to ensure that since these are interdependent and interrelated, they should be pursued actively.

The main objective and thrust of the CICA was to enhance co-operation through elaborating multilateral approaches towards promoting peace, security and stability in Asia. However, it was the two leaders of India and Pakistan that stole the limelight at yet another conference clearly not meant for airing bilateral differences. Whatever may be its limitations, the strength of the CICA lies in the fact that the Asian nations are at least willing to accord a certain priority to CBMs in an era that needs them the most. If the momentum can be sustained and the CICA be made into an annual affair, with backroom discussions among other level of officials, then it could emerge as an important confidence-building forum within Asia.

An example of Regional Confidence Building Initiative in Asia

The Korean Peninsula:

Since the armistice ending the Korean War in 1953 was signed between Democratic People's Republic of Korea (DPRK), the Republic Of Korea (ROK), the People's Republic of China PRC and the United States of America (USA), it is these four major countries that have to be constructively involved in any confidence-building activities on the Korean Peninsula.

Although two ambitious CBM agreements were initiated in 1991, their implementation and any further attempts have been hindered by the fact that the two Koreas are still far from reconciliation, with the world's most heavily militarized border between them, North Korea's clandestine nuclear programme,

and competing visions of reunification. The Agreement on Reconciliation, Nonaggression, and Exchange and Cooperation is an ambitious document committing the two Koreas to 'build confidence and improve relations in political, security, trade, and other areas. The document, signed in December 1991, stipulated that several consultation and communication bodies were to be established within a specified period of time from the agreement's date of activation.'[23]

This agreement between the two Koreas may be considered as over-ambitious given the fact that the two share the most heavily militarized border in the world and are no less estranged than India and Pakistan, suspecting every confidence-building move. Also, the agreement has set forth a huge task without making provisions for "baby-steps" towards confidence-building, along with the involvement of two countries that have vested interests in the region (China and the US).[24]

However, the Korean case is as close as we get to finding parallels with the case of India and Pakistan. It represents similarly insurmountable problems as those faced by India and Pakistan. A heavily militarized and oft-mobilized border, displaced populations, the downward spiral into economic ruin (especially North Korea and Pakistan) due to an unhealthy emphasis on armaments, and a long and

[23] For details, see Kate Walsh, Lisa Owens, and Matthew C.J. Rudolph, "Key Developments in the Korean Peninsula CBM Process", in Michael Krepon, Dominique Mc Coy, Matthew C.J. Rudolph (eds.) *A Handbook of Confidence Building Measures*, Handbook # 1 (Washington D.C : Henry L. Stimson Center, 1993), p. 41

[24] It may be noted here that the US has listed North Korea as one of the nuclear "rogue states" and the latter forms a core focus of the US's non-proliferation policy.

bitter history of mutual suspicions, aggression and mistrust. Another startling similarity is the utter inability of the two parties in both cases to sustain a fruitful dialogue.

Thus, even though Asia provides us with ample examples of confidence-building, there are none that can be cited as duplicating the success exhibited by similar efforts in Europe. To be able to choose and apply CBMs with regard to India and Pakistan, therefore, we have to analyze existing CBMs in that region, as well as possible formats, scenarios and alternatives that exist in the given circumstances.

Chapter IV

Locating Confidence Building Between India and Pakistan

Within the Asian context, relations between India and Pakistan represent a unique case study, with the Indo-Pak dispute over Kashmir bearing responsibility for the subcontinent being repeatedly dubbed as a probable "nuclear flashpoint". Such a potentially volatile situation calls for the institutionalization, strengthening and implementation of new/existing Confidence Building Measures (CBMs). However, the special challenge facing Indian and Pakistani policy makers is not just reducing the conflict, but finding new and innovative ways to cooperate.

Due to a highly asymmetrical conflict between the two, Indo Pak relations have been a roller coaster ride, with few highs, even though the desire for peace exists within both nations. Various confrontations and skirmishes, crises and incidents along the border, as well as low-level inter-state violence have separated four full-fledged wars between the two nuclear neighbours in the last fifty-five years. The causes for violence in this region run deep, and on certain issues (such as the highly emotional one of Kashmir) there appears to be no middle ground. There is, to mention but a few, a sense of "unfulfilled nationalism", a consistent history of one-upmanship, and above all, a culture of mistrust and hostility, all cultivated carefully over generations by disgruntled groups within the two

nations, namely, certain government officials and military personnel, vested political interests, dominant opinion makers, religious fundamentalists, apart from certain sections of the print and electronic media.

Ignorance due to the acute lack of direct people-to-people contacts, traditional, "textbook" mindsets, and selective media reportage has reinforced fear, fuelled hatred, and has exacerbated the atmosphere of mutual hostility prevailing in the subcontinent. Add to this the domination of official perceptions that determine Indo-Pak relations, and altogether these have hardened attitudes within the two countries (of policymakers and the common people alike) and have severely undermined the building of trust between the two populations. Political opposition at home, as well as fear of being branded as "appeasers" by their domestic constituencies have been key inhibitors, as far as both Indian and Pakistani policymakers are concerned.

Especially now, with the advent of nuclear weapons and their deliver systems, which know no geographical boundaries, the region has absolutely lost whatever "geographical exclusivity" was left of it in terms of being South of the Himalayas. The unpredictable consequences of new technologies, like nuclear weapons and missiles, have further complicated the security issues within this region.

Despite such a backdrop, for those who follow the course of events in the subcontinent, it is striking to note "its utter immunity to the winds of change".[25] Indo-Pak relations have proved to be highly 'accident-prone', and "handle with care" is the message to be kept in mind by all those who are involved in dealing with Indo-Pak relations, be it scholars, policy makers or the media.[26] Readily acceptable formulae for resolving the thorny question of boundaries have not presented themselves, and opportunities to resolve them have been few and far between. There have been repeated incidents of each side accusing the other of undermining discussions and progress. The road towards establishing confidence between these two South Asian adversaries is rather rocky with a track record of various levels of hostility and four major inter-state wars. However, there is reason for hope because, from 1971 onwards (notwithstanding the sub-conventional conflict in Kashmir and the near flare-ups at the border) up until the 1999 Kargil conflict, there was relative peace at least at the conventional level of conflict. This in itself gives us hope for the future which may help create the conditions for the institutionalization of confidence building norms that might go on to develop into at least a rudimentary confidence-building regime.

The very fact that Indo-Pak CBMs have progressed more slowly than those that exist in the rest of the Southern Asian region, goes to show the troubled

[25] A.G.Noorani, *Easing the Indo-Pakistani Dialogue on Kashmir: Confidence-Building Measures for the Siachen Glacier, Sir Creek and the Wular Barrage Disputes*, Occasional Paper # 16, (Washington: The Henry L. Stimson Center,1994) p 1.
[26] K. Natwar Singh, "What Will the Summit Bring?" *The Asian Age*, New Delhi, June 15, 2001.

relationship that has prevailed between the two neighbours.[27] Even where the two sides have agreed on a number of CBMs, which included withdrawal of troops to peacetime positions, demarcating their line of control (LoC) as also the Tashkent and Simla Agreements, it is their violent past that has continued to undermine most positive initiatives. To further complicate issues, existing agreements have been susceptible to varying interpretations by the two sides, accompanied by delay in ratification and complacency in implementation.[28]

There exist major stumbling blocks to the process of confidence-building, the major one being an acute crisis of confidence. Most obstacles are essentially related to the different approaches adopted by the governments of the two states, as also due to long-standing disputes that have defied solutions. The basic difference between Indian and Pakistani approaches on the Kashmir dispute and the nuclear weapons issue is a case in point. While Pakistan wants a bilateral or regional solution to the nuclear issue, it is seeking third party intervention in Kashmir. India, on the other hand, wishes to discuss the nuclear issue only globally while keeping Kashmir purely bilateral. Also, on the basis of the same logic that nuclear weapons cannot be viewed in any region-specific framework, the Indians have repeatedly shot down Pakistan's proposal for a Nuclear Weapons Free Zone (NWFZ).

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[27] Although India's relations with its smaller Southern Asian neighbours are by no means on solid ground, it has been easier for India to establish norms governing contentious issues with neighbours like Bangladesh and Nepal. The Mahakali Treaty with Nepal and the Farrakka Barrage issue with regard to Bangladesh can be cited here.

[28] Maps used on the ground being different in scale than those that have been exchanged at the official level. These discrepancies and inaccuracies have further complicated border demarcation between India and Pakistan (as also between India and China).

Notwithstanding the general aims, objectives and characteristics of CBMs, different measures and actions are, therefore, required to suit the specific geopolitical and cultural contexts of the subcontinent. CBMs within the Indo-Pak. context are to be seen within the broader dynamics that are in play in the subcontinent. A broad outline of the "special" conditions that prevail in this region can be attempted. India and Pakistan have a notorious track record of multi-faceted conflict and four major wars, interspersed with numerous skirmishes, crises, border incidents and mounting civil and military casualties. All these, coupled with rigid mindsets in both countries and unyielding political leaderships—have hindered the development of better relations between the two nations, constantly undercutting prospects for confidence building and/or cooperation. Given this backdrop, care must be taken against over-ambition, keeping in mind that an incremental building – block approach is more conducive to success, especially in the case of India and Pakistan. Ambitious schemes to build confidence may create unforeseen pressures that could lead to political and bureaucratic inflexibility and popular over-expectations, which tend to overlook smaller achievements in the hope of major breakthroughs.

Major Roadblocks to Indo-Pak Confidence Building

Broadly some of these are: sustained Pakistani efforts to internationalize the Kashmir issue; Pakistani support to terrorism directed against India, including diplomatic, political and material assistance, as also the proxy war in Kashmir;

and intransigence on the resumption of bilateral dialogue with India. Long-standing perceptions of "historic hostility", fuelled by paranoid "enemy-imaging" by both India and Pakistan, have held the peoples of these two nations hostages to a troubled past. Enduring post-Partition problems, as also the addition of more unsettled post-war(s) issues especially those concerning disputed borders, have defied solutions as they have been allowed to exist in limbo for too long. Specifically, however, the following main irritants in the Indo-Pak relationship can be identified.

The legacy of colonialism and post-partition problems:

Since the end of British rule in 1947, nothing like a sustained period of détente has ever come about on the subcontinent. Despite the fact that there was relative peace between India and Pakistan for a period of 28 years (1971-1999), India and Pakistan have displayed utter disregard to the winds of change that injected a certain dynamism in post-Cold War politics. Two opposite strands of popular thinking exist. The first is that this region, having remained largely aloof from Cold War politics, has been mostly unaffected by its end. On the other hand is the view that the focus on Kashmir has increased in the post-Cold War scenario, just as the end of the Cold War has also witnessed a marked change in the relationships of both India and Pakistan vis-à-vis the US and Russia. However, despite the shifting sands of super-power politics, which are a direct consequence of changing power equations at the international and regional levels, it can be said that the competition and show of one-upmanship between India and

Pakistan has gradually grown far more autonomous and self-controlled, with a blatant refusal to be part of international regimes like the Nuclear non-Proliferation Treaty (NPT), and the Comprehensive Test Ban Treaty (CTBT), as also for the Missile Technology Control Regime (MTCR).

The China Factor:

China is both actively and indirectly involved in the Kashmir dispute – the first by way of its close military and nuclear links to Pakistan; and following the 1963 Sino-Pakistan Boundary Agreement under which Pakistan transferred to China a third of Kashmir (the Aksai Chin area) it had forcibly occupied from India.[29] China has built a military highway on this territory and is unlikely to vacate the region. Although China has repeatedly called on both sides to abjure conflict and to find a peaceful settlement to the present military stand-off, Beijing does not want to be involved in brokering peace between India and Pakistan, and unlike other major powers (e.g. USA and Russia) with strategic interests in the region, has never revealed any inclination to do so. Through the 1990s Beijing provided Islamabad with M-11 missiles and it has played a crucial role in developing Pakistan's nuclear weapons capability. In 1984, Pakistan received its first nuclear weapon design from Beijing, and Islamabad 'cold tested' a nuclear device in China's Lop Nor desert region the following year. China also helped

[29] This was to be subject to a settlement of the dispute between rival claimants-India and Pakistan. Since no such settlement has been negotiated, this problem, like many before it, has been allowed to fester for too long. China now seems to have become a silent third party in the dispute.

Pakistan establish the Khushab plutonium reactor in northern Punjab province. However, given the fallout of the terrorist strikes in the US on September 11, 2001, and regarding the consequent US campaign against terrorism and the war in Afghanistan, Beijing has become deeply concerned about the US presence on its doorstep.

The Chinese are believed to be 'highly uncomfortable' with the extended US military presence in four Pakistani bases, where they are there ostensibly to execute the Afghan campaign. China feels that the USA, which had no presence in the region, is now being "hemmed in by it". This insecurity might result in closer links between China and India, even though it is believed in certain circles that India has long been wooed by Washington as a long-term ally against China.[30] The coming months may see many changes in the relationship between the US and China, but China and Pakistan continue to be what some have called "all-weather" friends, and Indian concerns regarding the "third factor" in Indo-Pak relations i.e. China, seem to be warranted.

Terrorism:

The Indian Prime Minister Atal Behari Vajpayee, speaking of the threat of terrorism to international peace an security referred to terror as respecting 'neither boundaries nor lines of self-control'.[31] It is this utter disregard for all conventions

[30] Rahul Bedi "Will the US find a foothold in Kashmir?" Jane's Intelligence Review , February, 2002, p. 34
[31] Prime Minister Strategic Digest, Vol. 32, # 5, p.

and borders that makes it one of the twenty-first century's most difficult challenges.

Accusations have been exchanged on both sides with India accusing Pakistan of promoting sub-conventional conflict in its various states, including the proxy war in Kashmir, aid to Sikh separatists in the Indian state of Punjab, as well as the abetting of violence in India's North-east. Pakistan on the other hand has, in the past, accused India of encouraging dissent in its Sindh province during the imposition of a nation- wide martial law in that country and has also alleged Indian involvement in the Movement for the Restoration of Democracy in Pakistan. India has also been criticized by Pakistan for its alleged involvement with Pakistani terrorist organizations. Accusations apart, India's contention that Pakistan is providing economic and ideological support to the "proxy" war in Kashmir has been supported by reports based on the findings of various international agencies, with convincing proof in the form of large arms caches that have been repeatedly seized at the border with Pakistan with the past decade having witnessed mounting civilian and military casualties.

Oddly though, given the changed circumstances in the post-September 11 era, the persistence of terrorism points to one reason why India and Pakistan may not fight. *Firstly*, Pakistan's president, Gen. Pervez Musharraf seems to have limited control over it. *Secondly*, the American war on terror seems also to have shaken, albeit not broken, the links between the Pakistani government and the

Inter Services Intelligence (ISI), which is credited for being the main mover behind Pakistan's state-sponsored terrorism. However, president Musharraf has re-iterated Pakistan's commitment to providing moral and political support to the cause of the Kashmiri "struggle for independence". Here, again, serious Kashmir talks might make it easier for Gen. Musharraf to curb insurgency. CBMs, used in such a context, might prove to be useful. An important CBM here would be the implementation of the United Nations Security Council Resolution 1373, which requires all states to 'prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other countries and their citizens.'[32]

Thus it is imperative that despite the high level of mistrust, the leadership in both countries must engage in dialogue to resolve outstanding issues between the two countries, starting with modest yet sincere confidence building, rather than any sweeping notions of a "permanent" resolution of the Kashmir dispute. In the present atmosphere of mistrust, a re-engagement along the lines of the Lahore Agreement might not work. A special effort has to be made to initiate a limited agenda *outside the glare of publicity*. The Agra summit meeting between Musharraf and Vajpayee in July 2001 is a classic example of how too much hype and over-expectation under harsh media speculation can result in failure.

[32] Chris Patten quoted in "Pushed into Peace?" Mariana Baabar, Outlook, June 3, 2002, p. 46

The Kashmir Question: Who will blink first?

The future of Kashmir remains as the most critical issue in Indo-Pakistani relations, with its accession to India undermining the very foundation of the two-nation theory that was the basis for the creation of Pakistan. Since the signing of the Simla Agreement, little progress has been made toward a final settlement on Kashmir and its boundaries due to a lack of follow-ups, despite repeated commitments by the heads of the two governments. The basic lack of progress in addressing the Kashmir question has held Indo-Pak confidence building hostage to its eventual resolution. Pakistan will never agree to put the issue on the backburner for that would mean compromising on five decades of its foreign policy. This in turn has trapped any progress in this area within the vicious cycle of one-upmanship and saber-rattling. The most likely scenario is that neither country will wish to blink first for fear of backing down from an issue that forms the hub of their internal and foreign policies. The Kashmir tangle has come to be viewed by the two sides as a "zero sum game", in which any relaxation in their stated stances is seen as tantamount to a "sell-out". Also, in changing their stance on the LoC, 'the Pakistani leadership would be left rudderless if the Kashmir issue was so easily resolved, with Pakistan being left with what it already holds!'[33] Pakistanis seem to have been forced by circumstances to 'expose to risk the part of Jammu and Kashmir now in their possession in order to safeguard their claim to the part that isn't.[34] The cause of Kashmir is very close to the collective Pakistani heart.

[33] Maroof Raza, "False Hopes" *The Hindustan Times*, June 18, 2001.
[34] Robert G. Wirsing, *India, Pakistan and the Kashmir dispute*, pp.65.

Kashmir is often cited as the "core issue", the "unfinished agenda "of Partition", or the "unvacated aggression", and it has even been suggested by some that the "k" in the very name "Pakistan", stands for Kashmir![35] Pakistani insistence on making the resolution of the Kashmir question as the basis for any talks with India has led to the stalling of all other initiatives. Admittedly, there are constraints on the two sides and there is disagreement even on whether Kashmir is the "cause" or the "symbol" of the adversarial relationship, given the constant bandying about of accusations and counter-accusations regarding acts of terrorism and the "proxy" war in Kashmir. The two countries have also blamed each other for the killing of innocent civilians in Kashmir.

From 1994 onwards, the self-assertion of the Kashmiri people has also emerged as a key factor, with organizations like the All Parties' Hurriyat Conference (APHC) claiming to speak for the Kashmiri people. There exists a deep sense of alienation from the Indian Union within pockets in the valley, due to accusations of human rights violations by the Indian security forces. The Indian government's reticence to address these allegations has played right into the hands of those who wish to undermine the peace process in Kashmir. This situation has been inflamed by Pakistan mounting a covert military operation, a "proxy war", to exploit this alienation by instigating and aiding acts of terrorism. It is here that CBMs can play an active role in re-establishing the credibility of the Indian political system and help to truly integrate the people of Kashmir into the

[35] "India and Pakistan: On the brink", *The Economist*, Vol. 362, #8254, January 5-11, 2002, p.13

Indian Union. Opening channels of communication not just to the various political groups in the valley (no matter how insignificant) as well as devising policies conducive to providing socio-economic benefits to the Kashmiri people can go a long way in achieving this goal.

The fact cannot be avoided that lasting peace in Kashmir requires the consent of Pakistan, and it also should be remembered, in the face of Pakistani intransigence, that 'positive steps on Kashmir are never completely erased by violent means.'[36] It is here that re-vitalized confidence-building on the parts of both India and Pakistan can help the quest for peace in the subcontinent.[37] Answering positive Indian steps with continued militancy would accelerate Pakistan's spiral into isolation and economic ruin, and India's reticence to talk to a military government in Pakistan could have similarly detrimental effects. The situation in Kashmir seems to be at a stage of 'unusual fluidity, despite the customary political backsliding'.[38]

The Nuclear Issue:

The South Asian nuclear competition is not bipolar like that of the USA and USSR's, but triangular, with India & Pakistan forming one dyad, and India and China forming the second. The distances involved are small since the three share borders, and their small arsenals are not governed by any treaty constraints.

[36] Michael Krepon, "A Ray of Hope", The Washington Quarterly, Spring 2001, p. 178.

[37] Indian officials have re-iterated the fact that there will be no more unilateral concessions from India till Pakistan stops sponsoring terrorism in Indian territories.

[38] Same as n. 36.

There is no territorial *status quo* and no protective alliances under protective nuclear umbrellas, with especially the two countries of India and Pakistan continuing to indulge in brinkmanship along their border. The "biorhythms of nuclear modernization" are different form those that existed in the West and nuclear issues are highly politicized. One glaring similarity, however, between the American-Soviet case and the Indo-Pak one is the absence of trust in the faithful implementation of agreed obligations.

There have been efforts to link the Kashmir problem with the nuclear weapons program, especially by the Pakistani government, on the grounds that till the issue remains unresolved and till armed conflict is likely to be an option, Pakistan needs a nuclear arsenal to match India's conventional weapons superiority. Also, The Pakistani nuclear program has been repeatedly justified as a direct response to the Indian quest for nuclear weapons capability.

India, for its part, has justified the shift from the peaceful use of nuclear technology to the need for nuclear weapons as the direct fallout of Chinese nuclear activism after the first Chinese test in 1964. The justifications for the two governments' stands are beyond the scope of this paper, but it would suffice to say that the inclusion of nuclear warheads and their proposed delivery systems in the arsenals of the two countries has provided a new urgency to the need for building some measure of confidence between the two. Therefore, nuclear risk reduction needs to be prioritized.

There is an oft-expressed opinion regarding the peculiarity in the nuclear equation between India and Pakistan, with a widespread belief that if neither builds the bomb, then neither needs it. It is important to acknowledge that more arms have not brought more security and war is no longer the inevitable extension of politics but rather the failure of civilized political behaviour unthinkable in the nuclear age. Equally important to remember is that the relative absence of war has not, at any time, been meaningfully translated into a basis for peace in the sub-continent. This is one of the reasons why proposals for peace must not be implemented in haste without taking into account the political climate at the time of their initiation. The shift to unconventional methods of warfare is another dimension to be considered, as the same rules that apply to conventional warfare do not apply in these changed circumstances.

Requirements leading to nuclear confidence-building lead directly to political repercussions that are quite negative. Hence the triangular relationship between India, China and Pakistan that seems to be particularly hard to stabilize. Any effort to make a case for triangular confidence building in the nuclear arena is likely to be plagued by "history" and by the lack of symmetry due to their complex three cornered interaction. Triangular or bilateral treaty obligations between India, Pakistan and China would be very difficult to negotiate also because neither equality nor formalized equality is likely to be acceptable to one or more parties. Thus, stand – alone Nuclear Risk Reduction Measures (NRRMs) are essential, though difficult due to the absence of much-needed verifiable treaty

obligations. Any nuclear risk reduction measures that are to be discussed or devised for this region in this study shall be limited to India and Pakistan, and involving China would be out of the scope of this work.

India and Pakistan's armies continue to menace each other and worries of nuclear hostilities persist, but India and Pakistan now confront each other 'more as gamblers than as gladiators'.[39] India's army chief, General Sunderajan Padmanabhan, conceded in a recent interview that the presence of US military personnel inside Pakistan would have a certain "inhibiting effect" but added that when "two wild bulls fight in the jungle they carry on regardless of their surroundings".[40] US Deputy Secretary of State Richard Armitage recently said that constant tension between India and Pakistan over Kashmir made it the "most dangerous place in the world", describing the conflict as one in which "two Third World powers armed with nuclear weapons are shooting, shouting and glaring at each other".[41] Neither country wants, nor needs war, for no sane leader wants inadvertent escalation no matter how serious outstanding grievances are. However, while the glaring lasts, India and Pakistan will manoeuvre for the advantage in their half-century-old dispute over Kashmir. Thus, nuclear weapons cannot be wished away given the security compulsions of the two nations. Hence, nuclear confidence-building must be given top priority.

[39] The Economist, January 5th, 2002.
[40] Rahul Bedi, "Will the US find a foothold in Kashmir?" Jane's Intelligence Review, February 2002, p. 34
[41] Same as n.40.

Major Breakthroughs in Indo-Pak Confidence-Building:

To recall, the Joint Defence Council that was set up, just before partition in 1946, may be cited as an example of one of the earliest confidence-building exercises not just in the sub-continent or in Asia, but in the world at large. In the aftermath of a traumatic and bloody partition, a number of contentious issues were addressed satisfactorily; i.e. the transfer of official assets, prevention of an even larger exodus of refugees, protection of the rights of minorities, property compensation for refugees, maintenance of places of worship, the resolution of some territorial claims, and so on. Similarly, the Indus Waters treaty of 1960 is one of the most important non-military CBMs in place, and the only one that has endured despite four inter-state wars.[42] The Simla Agreement of 1972 is alsoone of the most important landmarks in Indo-Pak relations, being the reference point for most subsequent consultations. The Simla Agreement stipulated that neither party would disturb and cross the existing boundaries.[43] Broad commitments under the Simla Agreement are:

- "To resolve all issues peacefully and bilaterally,
- Not to interfere in internal affairs, and
- Not to indulge in hostile propaganda."[44]
- India asserts having consistently sought to develop friendly and good neighbourly relations with Pakistan in accordance with the Simla agreement..... (and) has constantly indicated that it is ready to discuss all outstanding bilateral issues with Pakistan "without preconditions..... Pakistan's response has been "conditional and negative".[45]

[42] Under the terms of the agreement, both countries agreed to cooperate in the management and sharing of the rivers in basin, including regular data exchanges, routine consultations, arbitration of disagreements, and assurances not to interfer change the agreed distribution of water resources.

[43] Pakistan accuses India of violating it in 1984 with the Indian occupation of Siachen, and India accuses the former of doing the same during the Kargil conflict.

[44] Ministry of External Affairs (MEA) *Annual Report*, 1989-90, p.8

[45] This is the commonly used language in most MEA annual reports, e.g. 1989-90, pp.8 & 1994-95, pp.8

In March 1983, the two countries signed the Indo-Pak Joint Commission Accord, an agreement setting up a joint commission to strengthen good neighborly relations and to promote cooperation in a number of areas- economics, health, science and technology, sports, travel, tourism, and consular matters. Agreements were also signed to ease visa difficulties and police reporting, opening telephone circuits between selected cities, re-opening of the railway route in the Rajasthan/Sind sector, as also for ending of double taxation on each other's airlines.[46]

Thus, examples of enduring agreements between India and Pakistan do exist and their potential in providing pointers for prospective structures must not be underestimated. Hope for the future is provided by unique initiatives like the agreement not to attack one another's nuclear facilities (December 31, 1988) - the only such agreement of its kind in the world - as also the tacit understanding between the two not to attack each other's civilian populations.

India-Pakistan agreement on chemical weapons (Joint Declaration by Pakistan and India on the Complete Prohibition of Chemical Weapons) is yet another example. It is a bilateral agreement between India and Pakistan concluded in New Delhi on August 19, 1992. It obliges the two parties not to develop, produce or acquire, use, or assist, encourage or induce anyone in the development,

[46] See Satish Nambiar, "Existing CBMs in South Asia: India – Pakistan", in Dipankar Banerjee (ed.) *CBMs in South Asia: Potential and Possibilities* (Colombo: RCSS, 2000), p. 36.

acquisition, stockpiling or use of chemical weapons. It also commits both States parties to become parties to the Chemical Weapons Convention (CWC). [47]

The delineation of the 8-point agenda (New York, 1998) by the two countries' foreign secretaries was another important landmark in which India had 'indicated that the Composite Dialogue Process (CDP) for the resolution of outstanding disputes with Pak. offered a readymade framework which could be revived if the proposed summit between Atal Behari Vajpayee and General Pervez Musharraf (had) led to the creation of a suitable climate of political understanding. The CDP was agreed upon between PMs Vajpayee and Nawaz Sharif in New York in September 1998 and the two countries' foreign secretaries hammered out an 8-point agenda'. [48] This included the following issues—

- Peace and security
- J&K
- The Siachen dispute
- Wular Barrage
- Sir Creek
- Terrorism and drugs
- Economic and commercial cooperation
- Exchange at Cultural levels.

The joint statement provided for the setting up of a mechanism to address these subjects in an integrated manner; it provided that the Foreign Secretaries were to address the issues of peace and security including CBMs and J&K, and were to coordinate and monitor discussion on other identified subjects, and it also

[47] Taken from Steve Tulliu and Thomas Schmalberger, *Coming to Terms with Security: A Lexicon for Arms Control, Disarmament and Confidence- Building* , (Geneva: UNIDIR, 2001), p. 66.
[48] Udayan Namboodri, "Eight–point agenda may be revived", *The Hindustan Times,* June 26, 2001.

provided that the two sides would take all possible steps to prevent hostile propaganda and provocative actions against each other.

The Lahore Declaration of 1999 is important another landmark and a common point of reference as far as confidence-building is concerned, which incorporated non-military as well as military measures. The Memorandum of Understanding (MoU) signed in Lahore in February 1999 by the two countries' Foreign Secretaries was an important breakthrough, since it talked about Nuclear Risk Reduction Measures (NRRMs), given the fact that both India and Pakistan had conducted nuclear tests in May 1998.

Prominent landmarks in the area of nuclear risk reduction between India and Pakistan are:

The Lahore Declaration: MoU on NRRMs, February, 1999.

The focus of this MoU can be summed up in the following broad points:

- Advanced notification of missile tests.
- Moratorium on nuclear testing.
- Upgrading existing communication links.
- Measures to reduce the risk of accidental/unauthorized use of nuclear weapons.
- Agreement to prevent incidents at sea.
- Consultative machinery to ensure effective implementation of CBMs.
- Bilateral consultations on security, disarmament, and non-proliferation.

Besides these pioneering initiatives, there exist other critical CBMs like "hotlines" between the leaders of the two countries as well as "coldlines" for regular consultations during peacetime between the Directors - General Military

Operations (DGMOs) and field commanders of the two sides.[49] Also, Track Two interactions (informal, non-governmental people-to-people or institution-to-institution contacts) have gained momentum since the early part of the last decade. They have sought to close the distance between official channels and have served to test the waters for new policy initiatives, even though most Track Two contacts remain uninstitutionalized, which renders them rather ineffectual in real terms.

It becomes important 'to place in perspective the fact that, over the years, despite the depth and strength of antagonistic postures between the two countries, and the fact that they have resorted to war against each other, there have been many initiatives for the maintenance of peace, promotion of better understanding, and a degree of cooperation, both on the official plane, and through non-official channels.'[50] The rise in women's voices and the increasing role played by non-state actors, a relatively free press, the vitality of agriculture and industry despite persistent economic problems, rising GDPs, the gradual economic integration with the world as also the fact that "civil society" is finding a voice within these countries ----all these are encouraging developments, which may aid the future of confidence - building between India and Pakistan. Given the European and Asian experiments with CBMs, it remains to be seen whether any successes can be duplicated/adapted to suit the Indo-Pak case. Also, whether we can use these

[49] The dismal Indo-Pak track record shows that these are rarely used during peacetime, and especially not during crisis situations.

[50] Satish Nambiar, "Existing CBMs in South Asia: India – Pakistan", in Dipankar Banerjee (ed.) *CBMs in South Asia: Potential and Possibilities (Colombo: RCSS, 2000)*, p. 36.

experiences to guard against common roadblocks that confidence-building in Europe and Asia faced.

Chapter V

Indo-Pak CBMs: Some Broad Recommendations

Basic lack of agreement regarding Kashmir has been and will continue to be a major hindrance to CBMs between India and Pakistan. If the obsession with the Kashmir dispute continues to block initiatives in other fields, then no possible breakthrough is possible in the near future. Pakistan can never agree to put the issue on the backburner, since that would mean giving up the entire rationale behind its foreign policy. If the two neighbors are to get out from this impasse, then a basket of confidence building measures must be devised for peripheral albeit vital issues which, upon their success, may pave the way for an acceptable solution to the central challenge of resolving the Kashmir dispute.

Since many of the peripheral issues are ripe for resolution, it would be useful here to apply Kautilya's famous logic regarding the tactics for a successful conquest, that of starting with the periphery and moving into the centre, that centre being the "core" issue/problem of Kashmir. Four pending issues on the Indo-Pakistani agenda are pre-eminently susceptible to a solution in the near future: (1) demilitarization of the Siachen Glacier in northern Kashmir; (2) the barrage to be constructed by the state government of J&K on the Jhelum River below the Wular Lake; (3) the demarcation of the Indo-Pakistani boundaries in the Sir Creek area between Gujarat (India) and Sind (Pakistan); and (4) the conversion of the LoC into the international border.

Conversion of the LoC into the International Border.

The LOC documents actually repeated the discrepancies of the Karachi agreement, its maps, and their detailed description, defining the northern extremity as "thence along the boundary line to NJ9842," exactly as the description of the 1949 maps had done.

The Kashmir Study Group Report had suggested that the LoC between India and Pakistan be converted into the international border and the state be divided along communal lines. The report was compiled by senior US academicians and policy makers and is generally seen as a reflection of the US government's views on Kashmir. Converting it into the international boundary has been offered, time and again, as the solution. However, both the Indian and the Pakistani sides have rejected it repeatedly. According to Abdul Sattar, the Foreign Minister of Pakistan, the conversion is unacceptable as 'status quo is the problem and cannot be a solution. The BALUSA group, a Track Two initiative of leading opinion-makers from India and Pakistan, (had) suggested (that the) two sides could agree on a formula under which cross-border incursions would be reduced in conjunction with a scaling down of the Indian troop levels in Kashmir.

The Tulbul Navigation Project/ Wular Barrage Dispute.

India and Pakistan even disagree as far as the name of the dispute is concerned. To India it is the Tulbul Navigation Project, and it is the Wular

Barrage dispute as far as Pakistan is concerned. [51] India wishes to construct a barrage on the Jhelum River just below Wular Lake, to solve the problem of navigation over a distance of approximately 20 kilometers between Wular Lake and Baramula allowing easier movement between Sopore and Baramula. Pakistan accuses India of trying to contravene the Indus Waters Treaty of 1960, which does not allow India any storage of the waters of the three Western rivers, including the Jhelum, which allows Pakistan unrestricted use of the waters of these rivers, and India is under obligation to let them flow into Pakistan without any "interference". However, India is permitted "nonconsumptive use" of the western rivers, which includes the Jhelum and its "connecting lake" Wular. The Indians insist that the Tulbul Navigation Project is not intended to add storage capacity as such but to regulate water depletion in order to ensure year-round navigability on the Jhelum. The expression "interference with the waters" is also defined to mean any act of withdrawal therefrom or "any man-made obstruction to their flow which causes a change in the volume..... of the daily flow of waters" unless it is of an insignificant degree.[52]

The central issue of the present dispute arises from the treaty's forbidding India, except within certain defines limits, to store any water of, or construct any

[51] For details of the Wular Barrage dispute, see A.G.Noorani, Easing the Indo-Pakistani Dialogue on Kashmir: Confidence-Building Measures for the SIACHEN Glacier, Sir Creek and the Wular Barrage Disputes, Occasional Paper # 16, April 1994, The Henry L. Stimson Center, Washington DC, pp 21-25.

[52] Article I (11) of the Indus Waters Treaty, 1960 as quoted in A.G.Noorani, Easing the Indo-Pakistani Dialogue on Kashmir: Confidence-Building Measures for the Siachen Glacier, Sir Creek and the Wular Barrage Disputes, Occasional Paper # 16, April 1994,The Henry L. Stimson Center, Washington DC, pp 23.

storage works on, the Western Rivers. Also, any "storage" that is permitted to the Indians must be "storage not resulting from any man made works". Thus, the controversy: Is the Wular Barrage essentially a project for the "control or use of water for navigation," or is it a "storage work"?

The Sir Creek issue.

Sir Creek is a 60-mile estuary in the marshes of the Rann of Kutch, which lies on the border between the Indian state of Gujarat and the Pakistani province of Sind. It has become a bone of contention between the tow neighbors. India asserts that the boundary lies in the middle of the creek. Pakistan claims that the line lies on the creek's eastern bank, the Indian side, and, therefore, that the entire creek is Pakistani. The delineation of the Indo-Pakistani maritime boundary is linked to this determination. Pakistan insists that the boundary in the creek first be delimited in order to establish the point on the land from which a sea boundary may be defined. India's concerns center on the maritime boundary.

It is not difficult to see that a compromise could be worked out in light of the conditions of navigation today. Such a compromise might be reached by itself or, better still, as part of a wider accord on the maritime boundary. As a confidence-building measure, a resolution to the Sir Creek dispute would thus have both a technical and a political basis. International arbitration will be an expensive and lengthy process. A boundary along "the center of the navigable channel" would be in accord with the internationally recognized principle of *thalweg*- the middle

of the river channel. The ideal course of action would be to consider this issue while simultaneously negotiating the Indo-Pakistani maritime boundary. Both should be undertaken soon and in a spirit of give-and-take.[53]

The Siachen, Wular, and Sir Creek issues are all ripe for a settlement. The mechanics are all but agreed. Only a political decision to execute the plans remains to be taken. Decisive leadership now to end these disputes is of the greatest importance. Not only would agreement on these issues have a considerable impact on relations between India and Pakistan, but it would also impart momentum to consideration to other CBMs; most notably, mutual balanced force reductions and reduction of defense budgets in both countries. Finally, resolution of these smaller disputes holds the promise that talks on the larger question of Kashmir could be held in a more relaxed, and more cooperative, atmosphere.[54]

Each of these issues lends itself to an approach that blends legal and political considerations. Although each issue is of limited proportions, the impact of a solution in these areas would be significant for Indo-Pakistani relations, imparting momentum to discussions on other confidence-building measures and on the dispute over Kashmir. The biggest obstacle to such an accord has been an obvious lack of political will.

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[53] A.G.Noorani, Easing the Indo-Pakistani Dialogue on Kashmir: Confidence-Building Measures for the Siachen Glacier, Sir Creek and the Wular Barrage Disputes, Occasional Paper # 16, April 1994, The Henry L. Stimson Center, Washington DC, pp 27.
[54] Ibid, pp.29.

It is no less obvious that the two sides will not be able to tackle old and vicious issues unless a basic level of normalization through accords has already been achieved. One way of dealing with the problem could be by devising baskets of exchange - through which concerns of both countries can be satisfactorily dealt with. In other words, a measure of confidence needs to be developed through accords on other issues. Such agreements would serve to persuade each side of the other's bona fide intentions without in any way compromising either's stand on Kashmir. Integrated approaches that combine initiatives in the economic, political, humanitarian, cultural and military realms are an ideal approach. Separate baskets may facilitate trade-offs within the wider process, but this can only be possible where there is consistent and sustained interaction between two states, whether it is in the economic, political or any other spheres. In the Indo-Pak case, no such trade off as such exists except perhaps the 1962 Indus Waters Treaty, brokered by the World Bank.

Track II initiatives

We should not downplay the role played by Track II initiatives like the Neemrana and Balusa groups, and think tanks can play an important role in bridging the gap in mutual perceptions. However, it is essential to institutionalize and regularize these links for them to make a significant contribution to Indo-Pak confidence building.

There have been a number of 'people-to-people' and organization-to-organization' contacts and interaction over the years, which had provided some impetus for better understanding and cooperation between peoples of the two countries. In the process, it was hoped that "the will of the people would over-ride the intransigence of the political leadership."[55]

There have been some significant Track Two processes that had been very encouraging. The Neemrana Group is one that has been active for many years; it has brought together on a regular basis on a non governmental platform, academics, retired bureaucrats and military officers, and others, to discuss CBMs and Indo-Pak relations. This group has some very eminent individuals from both countries who still wield considerable influence.

Another such process is the Shanghai Initiative that deals with nuclear non-proliferation, test ban treaty, ballistic missiles and fissile material issues. In addition to India and Pakistan, the USA and China are also included in his initiative. It has had a few meetings so far at which the positions of each country have been better understood. The BALUSA Group meets on energy and media management issues in the hope that there would be some movement forward on these issues by the governments.

"The activities and meetings of these groups are known to the respective governments, and provide inputs to the official processes. They are therefore most

[55] Satish Nambiar in Dipankar Banerjee (ed.) *CBMs in South Asia: Potential and Possibilities* (Colombo: Regional Centre for Security Studies, 2000), p. 38.

useful and often provide the plank for formulation of negotiating positions."[56] However, the bottom-line is that, to be really effective, these initiatives have to be institutionalized in some form or the other.

Prioritizing Military, Economic and Nuclear CBMs:

Military CBMs:

Military CBMs can be defined as a 'type of arms control employing purposely designed, distinctly cooperative measures intended to help clarify participating states' military intentions, reduce uncertainties about their potentially threatening military activities, and constrain their opportunities for surprise attacks or the coercive use of force', i.e. they are mechanisms aimed at constraining conflict. [57]

Military CBMs include information measures such as exchange of information about military forces, force structures, facilities and activities; communication measures such as hotlines for use during crises and cool lines for a sustained exchange of information; and notification measures including advance notification of troop movements and exercises. Observation measures encompass activities such as on-site verification of military exercises. Deployment constraint measures place limits on threatening military movements on the ground or in the air. Technology constraint measures forbid the introduction of de-stabilizing weapons systems.

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[56] Same as n. 58, p. 39

[57] James Macintosh, quoted in Samina Ahmed, Potential, Possibilities and Limitations, in Dipankar Banerjee (ed.) *CBMs in South Asia: Potential and Possibilities* (Colombo: Regional Centre for Security Studies, 2000), p.13.

The question that needs examining is whether military or arms control agreements are to be seen as precedents to confidence– building, as successive steps to it or as parallel processes. Do they reinforce each other or are they mutually exclusive? Can enhancing military security and enhancing co-operation go hand in hand or is one achieved at the expense of the other? States which do not trust each other but want reassurance about the peaceful nature of a CBM partner (or the absence of a military threat), need comprehensive agreements with strict implementation if the purpose of CBMs is seen as more political than military. However, these requirements may be altered as to avoid making strict demands when the primary purpose is to establish working relationships.

Furthermore, while improving military security and relations between states are not mutually exclusive in that CBMs which enhance security may result in improving relations, attempts to apply the logic in reverse, or only half way, may not result in success. Undoubtedly, if 'military confidence' is not established (i.e. if security is not assured) there is little likelihood that any overall confidence will develop between two rivals. Also, while 'co-operation' between nations may result from discussions, negotiations or implementations, security will not automatically ensue or be enhanced whenever any measures are being discussed or applied. Yet, the current view of CBMs makes no distinction between the two different purposes of applications; on the contrary it sees CBMs as having positive results on both accounts.

The most crucial factor for any cooperative approach, especially in the military field is the development of political will. Lack of political in the past has severely undermined the constructive role of CBMs in reducing tensions. The same is likely to be the case in the future unless the leadership in both countries exercises restraint to provide substance to CBMs. A crucial consideration here is that 'the two countries as a matter of national policy are trying to harm each other to pursue their own ends.'[58]

Economic Confidence Building Measures (ECBMs):

With the globalization of the world economy and the integration of individual national economies, it naturally follows that increased trade and business networking could pave the way for establishing trust and building confidence. There are four distinct areas in which economic confidence building may be attempted successfully, leading to the formulation of economic CBMs: business CBMs; management/professional CBMs; regional economic cooperation; and multilateral agency economic programmes. Further, with regard to trade, certain confidence-building measures may be adopted. These may include the elimination of import tariffs and non-tariff barriers, which may then lead to free trade or preferential treatment (e.g. India and Bhutan, and India and Nepal already have preferential trade agreements) and a general easing of trade restrictions.

[58] Talat Masood, "Military CBMs in South Asia" in Dipankar Banerjee (ed.) *CBMs in South Asia: Potential and Possibilities*, pp. 44-45.

Regional cooperation is an important area of economic confidence building, a fact that is evidenced by the fact that the SAARC (even though it has not achieved all that it had set out to) can boast of marginal achievements, through programmes under its auspices, in a region sorely lacking in success stories. The most important of these is the intra-regional trade cooperation under the 1995 South Asian Preferential Trade Agreement (SAPTA) which has been a strategic instrument in bringing about economic development in the South Asian region. Regional economic cooperation is also being carried by the SAARC Chamber of Commerce and Industry (SCCI), which is a regional chamber of business communities of the seven South Asian members of SAARC. The progress made by this forum in enhancing contacts between the business communities in these countries has been extremely successful; particularly the role SCCI has played in building the mandate for the establishment of a South Asian Free Trade Area (SAFTA). SCCI has also arranged annual SAARC conferences., and established Expert Groups on regional tourism, infrastructure development, human resource development, and the electronic information network- SAARCNET. [59]

On the other hand, some examples of management-oriented or professional CBMs can be cited: networking through forums such as the Association of Management Development Institutes of South Asia (AMDISA),

[59] Poonam Barua, "Economic CBM Scoreboard in South Asia", in Dipankar Banerjee (ed.), *CBMs in South Asia: Potential and Possibilities* (Colombo: RCSS, 2000), pp.89-90.

frequent meetings between the South Asian Association of Chartered Accountants, peace-building workshops conducted by the Institute of Multi-Track Diplomacy in Washington D.C., and also the Henry L. Stimson Center and the Centre for Strategic and International Studies, which have provided a window of opportunity to ECBMs through their fellowship programmes, discussion-meetings and ongoing research. Such interaction involves comparatively no political or financial risks, and is an easily acceptable and available option for India and Pakistan to generate confidence in each other in the economic field, benefits of which are bound to spill over to other areas of confidence building as well. ECBMs are also possible through national business chambers, regional organizations and institutions, government channels and through the medium of non –governmental support organizations.

However, while attempting economic confidence-building in the Indo-Pak context, certain factors must be kept in mind. These include the fact that intra SAARC trade remains very low; there exists a low level of economic confidence within the South Asian region as a whole, with no significant increase over the years; a flourishing black market economy, with an increasing loss of state revenues; and a distinct lack of "safe" investment opportunities due to unstable political environment. Also, most exercises in confidence building don't get translated into a boost/increase in real terms, e.g. In March 1998, the India – Pakistan Chambers of Commerce was launched, but it has had no meetings till now. The same can be said of limited contacts through channels like

economic/trade fairs, business to business or trade contacts, chamber of commerce delegations etc. Some of the general problems that have hindered the progress of economic CBMs between India and Pakistan are the lack of recognition regarding the ability of economic CBMs to build crucial bridges; a general lack of imagination; government interference that prevents freedom of movement; over-emphasis on extra-regional or "Western" experience which is often sought at the expense of untapped regional potential.

It is important not to undermine the role that multilateral agencies and programmes can play in building economic confidence, since they can act as strong catalysts in promoting regional co-operation especially in areas of energy development, infrastructure, power transmission and environment protection which require long-term financial investments and guarantees. The growing requirements for alternative sources of energy has to be seen in the light of the vast (and untapped) potential for co-operation that exists among South Asian nations to exploit their natural energy reserves and cooperate in oil, natural gas pipelines, hydro electricity and thermal power generation.

However, on the whole, maximum success seems to have accrued in the areas of individual contacts and regional SAARC meetings. Individuals and organizations may help overcome challenges and obstacles to peace by opening mutually beneficial channels of cooperation; level the playing field; increase gains

to business the country at large; and may help extend the economic benefits to the community at large.

Prioritizing Nuclear Risk Reduction Measures (NRRMs)

Even though India and Pakistan do not have the kind of parity in arsenals as did the US and the erstwhile Soviet Union, it is nevertheless imperative for them to find ways of de-escalating the nuclear tension since their very proximity requires them to exert caution. Sheer physical proximity between the two adversarial neighbours means that the total/partial destruction of either would be disastrous for the other. Threat perception is a combination of estimated capabilities, estimated intentions and estimated vulnerabilities. Although the first is easy to determine, it is usually the other two that are cause for concern since they are neither tangible nor easily discernible. In the absence of some clear information or lack of communication, the predisposition to misinterpret actions of real, imagined or potential adversaries is much higher. There is a common inclination to over/underestimate the enemy's capabilities, the over-exaggeration of threat by the military bureaucracy in order to get maximum budget allocations, and contingency planning.

Thus, most of the calculations made regarding these variables are done with the support of the actors' belief systems or images. Shared experiences, history and social values of a nation form these images. Often a nation's / state's behavior becomes hostage to certain shared, persistent or popular images. This

has been the case as far as India and Pakistan are concerned. It is not just one issue that has coloured perceptions of each other that have gone into moulding a mindset on both sides in the political class of India and Pakistan.

With the backdrop of immense asymmetry in arsenals, it is safe to assume that Pakistan justifiably feels insecure. However, the flipside is that given the fact that all previous wars between the two countries saw Pakistan as the aggressor, it is also justifiable that India feels threatened by any sort of force-enhancement or force-projection by Pakistan. Even more important from the Indian point of view is the low intensity conflict (LIC) along the Line of Control (LoC) as well as the "proxy war" in Jammu and Kashmir. It has become an issue of great concern for the rest of the world as well, because a tense environment is shaping up between the two nuclearised neighbors, posing a grave threat to international peace and security.

There exists some sort of 'inherent deterrence' between India and Pakistan, which has, as its underlying assumption, that the two countries are contiguous, that their major industrial and nerve centers are directly threatened, the nuclear fallout is going to affect both, (regardless of who uses the nuclear weapons first), and unlike the Soviet-American case, the reaction time for them is virtually zero.[60]

[60] Nazir Hussain, "India and Pakistan: Threat Perception & Prospects for N. Risk Reduction", *Regional Studies*, Vol. XIX, No. 2, Spring 2001, p. 63.

The low intensity warfare is likely to continue across the LoC and there are chances of accidents and miscalculations that may lead to nuclear catastrophe. Thus, there is an urgent need for verifiable and transparent measures that may lower the risks of a nuclear war in the subcontinent.

Lessons from the European Experience:

There are some additional considerations worth being mentioned here in connection with the definition of CBMs. One can notice that there is nowadays a tendency to deal with CBMs, at least theoretically, in a rather arbitrary and broad way, losing sight of the fact that this special system of security-improving measures has emerged within a given European context and in given circumstances. Therefore, it 'could not be mechanically transferred to other parts of the world and other politico-military constellations.'[61] However, the East-West conflict in Europe can be viewed in a broader framework of conflict prevention and resolution mechanisms that permits comparison to other regional conflicts. In all conflicts, there are certain lasting traits that have universal application.

Several lessons might be learned form the European experience in negotiating these measures under the purview of CBMs and CSBMs. The first is that while

[61] Ljubivoje Acimovic, "CBMs and the CDE"- Appendix I- in Steve Lodgaard & Karl Birnbaum, *Overcoming Threats to Europe: A New Deal for Confidence and Security*, Stockholm International Peace Research Institute (Oxford: OUP, 1987)

the spectrum of CBM possibilities is quite broad, Europe's experience suggests that the subset of measures is likely to prove useful or negotiable between adversaries is rather limited, at least at the outset of the negotiating process.

Unlike Europe and South –East Asia, this region has been slow in developing institutionalized regional co-operation. Such initiatives have been repeatedly undermined by bilateral disputes and bickering. Multilateral for a, like the regional grouping South Asian Association for Regional Cooperation (SAARC) and the United Nations (UN) have been repeatedly used by both countries to air bilateral differences instead of being constructively channelised towards the search for solutions.

Conclusion

Apart from the most visible factor of nuclear deterrence, and the resulting détente, that is believed to have maintained stability in this sensitive theatre since World War II, the evolution and institutionalization of CBMs emerged as another crucial factor for promoting peace during the ups and downs of the Cold War years. The roots of the Cold War, as well as the factors that first prompted the European states to risk limited forms of cooperation, can hold useful lessons for others regarding the preconditions for confidence building and the contribution of these tools to conflict prevention or peace building processes. Given its success in the European theatre, the European experience can prove to be an important point of departure for assessing the prerequisites of

confidence-building. The East-West conflict in Europe can be viewed in a broader framework of conflict prevention and resolution mechanisms, with certain lasting traits that have universal application, which permit comparison to other regional conflicts, albeit with restrictions and modifications.

Chapter VI

Suggestions: Lessons From Europe and Asia

Keeping in mind the varied confidence building records of Europe and Asia, various possible permutations and combinations may be applied while dealing with efforts to resolve/reduce/better manage long standing disputes between India and Pakistan. These would include two main considerations: one is alternative formats, i.e. means or instruments available as vehicles for the settlement process, and the other is alternative formulae, i.e. the specific rules, principles, and desired outcomes that are to govern its conduct and define its objectives.

The alternative formats are can be listed as the following:

Unilateral: Many CBMs can be initiated unilaterally, consistent with a country's security priorities. Prominent unilateral Indian gestures may include people to people diplomacy; the unilateral liberalization of the visa regime; visits of Pakistani pilgrims to religious shrines in India were resumed under the protocol of 1974; the starting of the bus service to Lahore; and the invitation to Pakistani President Musharraf, which led to the Agra Summit.

Bilateral: here we can cite the bilateral diplomacy over Kashmir between India and Pakistan- the Siachen talks. The Indo-Pakistani track record shows that there exits absolutely no mechanism that might be able to help sustain bilateral

negotiations. There is no backup, and no guarantees, as far as bilateral talks go, and no one to step in and revive them if they fail. Bilateral approaches seem to be the best to handle military- to military exchanges. Military transparency measures could include regular/periodical preparation of defence policy white papers. Bilateral CBMs can go a long way in building a support structure, or even a foundation for, effective regional/sub-regional multilateral co-operation. It is critical to focus on what is realistically feasible in the interests of both countries rather than placing too much emphasis on the structural mechanisms of CBMs, and security measures. Instead of embroiling multilateral organizations like SAARC in the bilateral problems of participants, it is crucial that they be encouraged to make a concerted effort towards evolving a broad-based co-operation and security infrastructure.

Multilateral: Pakistan has the 'weaker hand' in the Kashmir dispute, given the asymmetry of power between India and Pakistan, as well as the fact that J&K is a integral part of the Indian Union, even though the Pakistanis dispute the legality of its accession. Thus it is more supportive of international mediation, as is usually the case in disputed between two unequal claimants. Formal trilateral talks are not needed since informal channels exist. Formal talks, whenever they resume, are likely to involve parallel discussions between Indian officials and Pakistani teams".[62]

[62] Michael Krepon, "A Ray of Hope", The Washington Quarterly, Spring 2001, p. 178.

The lack of a regional forum, within an atmosphere of absolutely no trust is a major stumbling block as far as this approach to confidence-building in the region is concerned. SAARC has long been held hostage to wrangling between India and Pakistan on bilateral issues. Also, fullest possible regional participation in the UN Arms Register can also prove an important step towards confidence building. In the multilateral arena, the SAARC seems to be best placed to help initiate, consolidate and support CBMs, provided that it is not allowed to become a battleground for bilateral issues and disputes between participating nations. It should generate greater support for, and provide greater focus to, efforts at both the official and track two levels to develop innovative new measures for dealing with (potentially) sensitive regional security issues.

Progress in this area can be facilitated by keeping track of international developments in the field of multilateral cooperation, e.g. the CD negotiations, UN Disarmament Commission, which have effectively "internationalized" certain broad principles in relation to confidence-building and openness in military matters. In this regard, the UN sponsored regional security dialogue activities (collectively called the "Kathmandu process") should be seen as a potentially important complement to other track two efforts. Attempts should be made to promote a mutually beneficial interaction between regional institutions and the UN in its "regional role".

Third party mediation: Successful international mediation could lead to charges of a sell out, which could prove equally disastrous for India and Pakistan as far as their domestic political constituencies are concerned. Third party mediation has been anathema as far as the Indians are concerned, though Pakistan has been wanting to use third party intervention as a subterfuge against the Indians.

Chapter VI of the UN Charter mentions the useful role of third party intervention, making greater use of the diplomatic means provided in the chapter. It is important to note, however, that third party intervention can be fair and constructive only if the said party does not have a vested interest in the region and/or dispute that it wishes to intervene in. the fact that Norway has been able to play the role of a successful mediator in the ethnic conflict in Sri Lanka, is precisely due to this crucial factor. [63] India's repeated appeals to the USA to pressure Pakistan to stop cross-border terrorism has almost certainly guaranteed that the US will intervene in the current Kashmir imbroglio. For Washington, such involvement could well suit its new strategic interests in the subcontinent. Not only does it need Pakistan as a 'frontline' state in its efforts to restore order in Afghanistan, but the USA has harbored a long-standing aim to develop a presence in a region that abuts China and Central Asia. Geographically, Kashmir is the ideal strategic location for any superpower presence.[64] Also, as far as third party intervention is concerned, another angle to this tangle is Pakistan's insistence to

[63] This is where the US, long regarded as a potential mediator in the Indo-Pak conflict, becomes ineligible to intervene. Given the fact that the US has long sought a larger role in the region to counter the presence of its big new adversary, China, and especially in light of the events of the past few months, the US is looking afresh for a "strategic foothold" in Central and South Asia.

[64] Rahul Bedi, "Will the USA find a foothold in Kashmir?" Jane's Intelligence Review, February 2002, p. 35.

involve Kashmiri groups as well. Is it conceivable that the recent war scare will prompt India to "resolve the intractable problem of how to incorporate Pakistan into a dialogue without implying that India's sovereignty over the state is up for negotiation"? The trouble is that Pakistan may deem unserious any process that forecloses this possibility.[65]

The essential first steps:

Dialogue: Both India and Pakistan have to realize that there is absolutely no substitute for dialogue and negotiations, and this is the first step to restore communication and build bridges. The Soviet-American case is a classic example in this sense, for even at the height of tensions between the two, dialogue was never suspended.

The track record shows that the best of relations have existed between the two whenever the military has been in power. Since the military has shown itself to be the final word of authority in Pakistan, it is felt that now is the best time to start a fresh dialogue with the Pakistanis. The critical feature that must supplement the new status is a sustained, institutionalized dialogue. A nuclear confrontation is a totally different matter since neither side can afford to suffer the consequences should the talks fail. The flipside to deterrence is defence, and in a world where defence is unavailable against nuclear-tipped missiles, it is all the more imperative for national leaders to keep the dialogue option open and working.

[65] The Economist, January 5th, 2002.

In order to make the process verifiable and transparent, a third party could be involved. It has been observed that bilateral agreements have been successful only for a limited timeframe; and after a lapse of time, differing interpretations are put forward by both sides, e.g. the Simla Agreement and the Lahore Declaration. However, a third party role has always been successful, like the Rann of Kutch arbitration, the Tashkent Declaration, the Indus Waters Treaty, the nuclear alert and the de-escalation after Kargil.

Solving the Kashmir issue: Given the stated positions of the two countries, there seems to be no easy, available or easy solution to this 'core issue'. Ten years of an ongoing low intensity war has proved that here can be no military solution to this problem. Each party to the conflict- the Indians, Pakistanis, and the Kashmiris reportedly seems to want a face-saving solution. The unilateral ceasefire called by one of the main fighting groups inside Kashmir, the Hizbul Mujahideen , and the Indian govemment later, could have been developed into an opportunity of taking the peace process further, but there was a distinct lack of reciprocity from the other parties.

There is an urgent need for mutual de-escalation in Kashmir, removal of heavy weapons from the LoC and respect for the existing working boundaries pending a final settlement. To make this process verifiable and transparent, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) should be strengthened

and allowed fee movement across the LoC. The UN group can also check the alleged infiltration from Pakistan.

Implementing existing agreements: The existing agreements regarding the prior notice of military exercises, the hotline between the two DGMOs (Directors General Military Operations), the agreement not to attack each others nuclear installations should be implemented in letter and spirit. The already decided matter of Siachen should also be settled by implementing the decision so that the futile war is stopped. Unfortunately, verifiability and transparency regarding this matter rests in the sincerity and goodwill of the two governments.

Non-weaponization and non-deployment of nuclear weapons: one of the effective risk reduction measures could be that both countries stop weaponization and deployment of their nuclear weapons against each other. Restraint with regard to weaponization and deployment would help stabilize the situation in times of crises and ensure that nuclear weapons were not used without authorization. Given the lack of any established pattern of high-level communication or crisis management in a nuclear environment between India and Pakistan, it might be highly destabilizing to actually weaponize.

Making nuclear command and control safer: Both countries should establish effective nuclear command authorities in order to prevent unauthorized or accidental use of nuclear weapons and incorporate these safeguards in their nuclear doctrines.

Pakistan has already established the Nuclear Command Authority (NCA) with the necessary infrastructural facilities.

Establishing a Non-proliferation regime: although both nations, after their tit-for-tat nuclear tests, have announced a self-imposed moratorium on further testing, it can be revoked at any time. India revoked its self-imposed moratorium after the 1974 PNE (Peaceful Nuclear Explosion), in 1998. There have been voices within both nations that in order to make this moratorium workable and verifiable, both nations should sign the Comprehensive Test Ban Treaty (CTBT).[66] Also, Pakistan's chief executive had proposed a nuclear/missile restraint regime, at the UN Millennium Summit in 2000, along with other risk reduction measures.[67]

Medium-term suggestions:

Important lessons can be learnt from the Soviet-American Cold War rivalry. According to Michael Krepon, there are certain crucial measures which helped the Soviet-American nuclear stability. These include:

- Formal agreements not to change the status quo;
- Nuclear brinkmanship;
- Reliable lines of communication;
- Effective command and control over nuclear forces.

Better communications and arrangements must be established between the defence forces of the two countries along the LoC and IB (International Border)

[66] The arguments for and against the signing of this treaty, both in India and in Pakistan, are outside the scope of this work, although they form an important part of the wider deliberations on nuclear issues.
[67] *The Nation*, 7 September, 2000, as quoted in Nazir Hussain, "India and Pakistan: Threat Perception & Prospects for N. Risk Reduction", *Regional Studies*, Vol. XIX, No. 2, Spring 2001, p. 65.

in J&K, and transparency measures must be expanded. This is the minimum required to build at least a modicum of trust. E.g. initial efforts to institute transparency measures could include transparency with regard to military budgets and military exercises.

Implementation can build confidence in itself. This is very important as far as *any* interaction between India and Pakistan is concerned, and at *any* level. The very lack of implementation has led to the "undermining" rather than the "building" of confidence, which has caused an acute crisis of confidence between the two neighbours, and prevented the process of confidence-building from moving any further. A broader scope must accrue to CBMs if implementation is to be made easier.

Thus, we need to make less "declarations" and institute more "mechanisms", and must attempt to open job avenues for unemployed youth in the valley, to prevent them from turning to militancy. Demands for trifurcation have reared their head again and this may help the Centre to counter/neutralize the demand for the 'right to self-determination'. Moving beyond Kashmir as the "core issue, a concerted effort must be made by India to launch a massive peace offensive. It is important to counter the Pakistani contention that such an approach reflects a blinkered approach in bilateral relations being adopted by India.

A broad-based national consensus, cutting across party lines, is a must if a comprehensive Pakistan/Kashmir policy is to be formulated by the government, no matter which political group is in power. This unique feature that existed in India till 1998 – a broad national consensus, and political unanimity on foreign policy issues- has to be taken into account and positively channelised to seek a lasting and acceptable solution to the Kashmir problem.[68] A divided house can never defend itself, especially against external exigencies. Confidence must, like charity, begin at home!

Enhance People-to-people contacts: There is a need to foster regular and sustained contacts between India and Pakistan, especially for journalists, academics and representatives of NGOs. Pakistan should reciprocate the easing of visa restrictions by India. The fact that, in the past, rail and bus services between the two countries had continued despite high tension on the borders is to the definite credit of the two governments. It is imperative to distinguish genuine cross-border travel may be distinguished from the cross-border infiltration of militants.

Role of Non Governmental Organizations (NGOs): A number of NGOs have been working for the promotion pf peace, socio-cultural interaction and have helped highlight the common issues of concern between the two nations, as well as those common to South Asia in general. Their work is commendable because they provide the indirect communication links in the absence of formal and direct contacts. The

[68] K. Natwar Singh, "What will the summit bring?" *The Asian Age*, June 15, 2001.

continued efforts in the field of Track II and III diplomacy are the result of the efforts of these organizations. There is, however, a need for these NGOs to increase the cooperation amongst themselves, to expand the scope of their work, and for the two governments to institutionalize some of these interactions to make them truly meaningful.

Making the media more responsible: The focus here should be on judicious reporting, since both the print and electronic media play an important role in building public opinion. The Kargil War was a watershed as far as media reportage in the subcontinent is concerned, and the influence of the media was further brought home by the coverage of the Agra Summit. Negative stereotypes and images may not be the creation of the media, but they are fostered and often given a lifelike form by the media in the two countries. Both at the official level and the unofficial and Track II level, there is a need for freer access to information, which would help demolish myths and help the people of the subcontinent to appreciate the constraints faced by the two governments. The media must bear a heavy responsibility for shaping public opinion and also of "accountable reporting".

Constructive role of politicians: The people of the subcontinent have a sentimental and emotional approach to political problems and are susceptible to the rhetoric of their political leaders. *The News,* a Pakistani English daily, organized an inter-parliamentary conference of Indian and Pakistani parliamentarians and politicians in 1998 in Islamabad for better understanding and cooperation.

Encouraging business enterprises and enhancing the role of the economic community: There is a great disparity between the formal/legal and informal/illegal trade between India and Pakistan, which amounts to rupees 100 million and rupees 1,000 million, respectively. The business communities can benefit by expanding the trade volume and the number of items traded between the two countries. India has already granted Pakistan the Most Favored Nation (MFN) status under World Trade Organization (WTO) obligations, though Pakistan has not responded. The involvement of business communities and economic interests can generate a new momentum in Indo-Pakistan relations.

The role of academicians, the opening of study centres and institutionalizing academic exchange: in the absence of an objective approach among the masses, there is a need to focus on the academic communities in the two countries. Also, it is imperative to focus on the teaching communities in the two nations, with regard to the re-interpretation of history and the re-writing of textbooks in recent years, both in India and in Pakistan. There is a lack of systematic and in-depth studies outside the deep-rooted stereotyped images of one another. There is a need to establish area study centres in different universities within both countries for meaningful and objective research analyses with institutionalized exchange of scholars from both the academic and research communities. Also, the exchange of visits between high school students of the two countries can play a very important role in the long run to correct misperceptions. Exchange visits of young and impressionable minds should be frequent and regular. In April 2000, some 200 plus Pakistanis, mostly youngsters,

went to Bangalore to attend the peace jamboree under the auspices of the India-Pakistan Forum for Peace and Democracy, organized by the two countries alternatively.

Making SAARC more effective: The creation of SAARC was a positive step for regional cooperation but, unfortunately, it has been paralyzed by politically-motivated intransigence, and hijacked by bilateral issues. In the wake of rejuvenated global economic dynamics, there is an urgent need to make SAARC more effective and driven by economic considerations rather than political issues. There are issues like narcotics, education, health, hydropower, energy, science, and technology and agriculture, which require urgent attention and greater cooperation amongst the regional states. The economic potential of Central Asia and Middle East is inviting the South Asian states for cooperation. The proposed gas pipeline between Iran and India passing through Pakistan can become a basis for lasting economic cooperation in the region. Pakistan has already given a green signal in this regard.[69]

In conclusion, it must be remembered that it is only possible to build confidence between the two neighbors, India and Pakistan when there is a minimum of political will. No half hearted summit meetings, half measures and promises are enough until India and Pakistan decide to construct enduring structures of peace, "piece-by-piece", like it was successfully done in Europe. Sweeping promises like the ones that Asian confidence building is witness to, are simply not enough.

[69] *The News*, 12 June, 2000, as quoted in Nazir Hussain, "India and Pakistan: Threat Perception & Prospects for N. Risk Reduction", *Regional Studies*, Vol. XIX, No. 2, Spring 2001, p. 68.

CONCLUSION

The European example perhaps presents 'a way of understanding both established practice and evolving theory in one concrete, highly prominent, and successful case'.[70] The European experience provides us with the most fully developed model for CBMs. This is especially true of the 1975 Helsinki Final Act, which formally recognized the status quo in Europe and facilitated a process of interaction between the East and West, which included inviting military observers to military exercises on a voluntary basis. A concerted effort was made by European nations to go beyond mere military and security matters, to address socio-economic and human rights issues. Simple confidence building steps in Europe aided East-West negotiations on formal arms control agreements and provided measures to strengthen existing accords. The successful, phase-by-phase implementation of a confidence-building regime that paved the way for evolving various cooperative structures in Europe is a marked characteristic of CBMs in Europe.

"The European example suggests that a breakthrough in building a security regime is only possible if there is a fundamental agreement that the status quo cannot be changed through the use of force, and territorial disputes must necessarily be put on the backburner, and chronically outstanding issues and unresolved border problems must be frozen at least temporarily. It also suggests

[70] Richard E. Darilek, "East –West Confidence- Building: Defusing the Cold War in Europe", in Michael Krepon, Khurshid Khoja, Michael Newbill & Jenny S. Drezin (Eds.), *A Handbook of Confidence-Building Measures for Regional Security-3rd Edition*, Handbook # 1 (Henry L. Stimson Center: Washington, 1998), p.245.

that transparency in dealing with each other, especially on security issues, can help create a climate of trust especially when two military establishments are involved. The European model also suggests that the nuclear issue must be addressed first of all and it is here that a CBM regime must first be constructed." [71]

The second phase of European confidence building, which lasted from 1963-1989 is the most relevant as far as the comparison of the Asian and European situation is concerned, with the two sides similarly caught in a phase of deep suspicion and hostility, rooted in historical disputes and different views of the world. The presence of nuclear weapons and a lack of sustained dialogue made the situation more complex. The European experience demonstrates that there is no 'magical or miraculous way of overcoming hostilities. CBMs are an evolutionary incremental process, which cannot bring about instant friendship, but may at least prevent the chances of a war that no one wants.'[72]

In Europe, nuclear weapons were the central concern, and the unauthorized or accidental use of these weapons the uppermost problem in most policy makers' minds. An important distinction between the European and Indo-Pak case is that whereas the main threat to European security came from *outside*,

[71] Amitabh Mattoo, Confidence Building in Europe, in Dipankar Banerjee (ed.), *CBMs in South Asia: Potential and Possibilities,* pp. 33.
[72]Ljubivoje Acimovic, "CBMs and the CDE"- Appendix I- in Steve Lodgaard & Karl Birnbaum, *Overcoming Threats to Europe: A New Deal for Confidence and Security,* Stockholm International Peace Research Institute (Oxford: OUP, 1987)

in this case, the tangible threat to India and Pakistan's security is from each other and comes from within their regional confines.

A full menu of CBMs and CSBMs was available in East-West negotiations, but relatively few items were chosen. Although transparency and access measures were adopted, constraint measures were particularly difficult to negotiate. If the European experience is any guide, therefore, its teaching may be that the development of arms control and CBM, initiatives is inevitably a highly selective, evolutionary process. Because of the underlying conflict of interests between rivals, successful CBM negotiations can be a protracted process. Confidence takes along time to build; security, even longer. Tangible results do not come readily or in great number. And dramatic results may require political breakthroughs rather than evolutionary steps in CBM negotiations.

Thus a selective approach to confidence building in the region with threads of European and Asian confidence building experiments woven into it can be successfully applied to the Indo-Pak context. India and Pakistan need to develop a step-by-step process like the one that had evolved in Europe from the 1970s to the 1990s. Broad, sweeping commitments that we see in Asia are no the answer to the problems that are facing the subcontinent. A specific confidence building regime, in which peace is constructed "piece-by-piece", with safeguards against backsliding, is the need of the hour as far as confidence building between India and Pakistan is concerned.

Appendix

Important landmarks in Indo-Pak Relations, 1946-2002

YEAR/ DATE	LANDMARK	COMMENTS
1946	Joint Defence Council (JDC)	To partition stores, equipment and manpower of British Indian armed forces into the dominions. [Following Sept. 1948 hostilities in Kashmir, the JDC worked as an informal and indirect hotline between the two Prime Ministers (PMs)]
August 12, 1947	Standstill Agreement	Indo-Pak understanding for Standstill Agreement with J&K. This promise between the two PMs (through telegram) could not materialize due to intrusions of Pakistani tribals into Kashmir.
July 27, 1949	Indo-Pak Cease-fire Line Agreement	Agreement between Military Representatives of India and Pakistan regarding the establishment of a detailed Indo-Pak Cease-fire Line in the state of J&K, signed at Karachi. (Violated by Pakistan in 1965)
April 8, 1950	Nehru – Liaquat Pact	It obliged both sides to protect the rights of their ethnic and religious minorities. Both sides have repeatedly accused each other of violations. (Pakistan has hardly 3 per cent religious minorities.)
May 5-6, 1956	Pak Conference at Dhaka	Two-day conference to consider the question of exodus of Hindu minorities from East Pakistan followed by the adoption of a Joint Communiqué.
October 20, 1959	High level meet at Dhaka	Three-day high level meet agreed on a Joint Communiqué on "brief procedures to be adopted on maintaining close cooperation at various levels to ensure peace and demarcation of borders in the east."
1960	Indus Waters Treaty	Signed by Jawaharlal Nehru and Gen. Ayub Khan. The Treaty was negotiated under the auspices of the World Bank, and it dealt with the sharing of the waters of the Indus Water river system.
1965	Indo-Pak border war	
January 10, 1966	Tashkent Agreement	This declaration concluded the Indo-Pak war of 1965 and made it obligatory for both sides not to use force against each other and to settle disputes by peaceful means. It was repeatedly violated, starting with the 1971 war.
January 22, 1966	Agreement on Withdrawal of Troops from Occupied Areas	To withdraw forces 1000 yards from the Line of Control (LoC) in Rajasthan/Sind, Amritsar/Lahore, Jammu/Sialkot, and Akhnur/Chhamb sectors.

February 10, 1966	Discussions	Between the Indian Chief of Army Staff and the Pakistani Commander-in-Chief, in Karachi, regarding the reduction of military forces in J&K.
February 19, 1968	Award of the Indo-Pak Western Boundary (Rann of Kutch) case Tribunal	Agreed by both sides. The Tribunal was constituted pursuant to their Agreement on June 30, 1965.
July 3, 1972	Simla Agreement	Concluded the 1971 war and obliged both sides not to use force or invite third party intervention/mediation. Also to respect the LoC with regard to Kashmir and not to try to alter the situation unilaterally. [It also established a "hotline" between the two sides' DGMOs.] It has been repeatedly ignored by Pakistan, as Pakistan continues to internationalize the Kashmir issue and support militancy in Kashmir. Also, during the Kargil conflict in 1999, it violated the LoC.
March 10, 1983	Indo-Pak Joint Commission Accord	It set up the Indo-Pak Joint Commission - a body to facilitate dialogue and cooperation in areas of trade, culture, consular affairs, tourism, science and technology.
1986	Brasstacks Operation	Almost brought the two neighbours on the brink of war. It was a massive military exercise conducted by the Indian armed forces on the Indo-Pak border.
March 2, 1987	Agreement on De-escalation	De-escalation in the sense that the two armed forces were to be moved to peace-time locations in the Barmer-Chhor sector of the Indo-Pak border. Signed between the Foreign Secretaries of the two at Islamabad.
December 31, 1988	Agreement on Prohibition of Attack Against Nuclear Facilities	A nuclear weapons-specific CBM, this took a long time in being formalized, after the first informal Rajiv-Zia Initiative on December 17, 1985. However, the list of the two countries' nuclear installations was not exchanged until December 1991.
1990	War Scare	
January 27, 1991	Agreement on Prohibition of Attack Against Nuclear Facilities	The Agreement was finally ratified and adopted, after negotiations had started on it in the mid-1980s. Although official lists of nuclear facilities have been periodically exchanged since 1991, mutual doubts about their accuracy have undermined the effectiveness of this agreement.
April 6, 1991	Indo-Pak Agreement on the Advance Notification of Military Exercises,	Signed by the two Foreign Secretaries at New Delhi, and ratified in August 1992. The agreement does not permit military manoeuvres of the

	Manoeuvres and Troop Movement	Pakistani and Indian land, naval and air forces in close proximity to or in the direction of their international border. The agreement also provides for prior notification of major military exercise within a specified timeframe.
-do-	Indo-Pak Agreement on the Prevention of Airspace Violations and for Permitting Over flights and Landing by Military Aircraft	Ratified in 1992, for the prevention of airspace violations by military aircraft, establishing a no-fly zone along their international border. Combat aircraft are not allowed to fly within 10 km. of the international border and unarmed transport and logistics aircraft are permitted upto 1000 metres from each others' airspace. In practice, air space violations have occurred and the agreement has failed to de-escalate tensions amidst mutual accusations.
August 19, 1992	Agreement on the Prohibition of Chemical Weapons	
-do-	2 Memorandums of Understanding (MoUs)	i) Code of Conduct for the Treatment of Diplomats; and ii) DGMOs of both sides to resume their weekly hotline contacts.
May (July), 1997	Male Summit	- Proposed a hotline between the two Prime Ministers (It is operational, though highly under-utilized), regular talks at the Foreign Secretary level, which were to be revived. - Both sides were to release all prisoners.
May, 1998	Nuclear Tests by India and Pakistan	Indian offer to sign a No – First Use Agreement, rejected by Pakistan. Both countries went on to declare a moratorium on further nuclear testing.
February 21, 1999	Lahore Declaration	Indian Prime Minister, Atal Behari Vajpayee visited Lahore on an invitation by Prime Minister Nawaz Sharif, on the inaugural Delhi-Lahore bus. The Lahore Declaration was signed by the two Prime Ministers.
February, 1999	Memorandum of Understanding (MoU)	Signed between the two Foreign Secretaries of India and Pakistan. Important, since it talked about Nuclear Risk Reduction Measures (NRRMs) for the first time.
May-June, 1999	The Kargil Conflict	
1999	Shooting down of the Pakistani Atlantique aircraft by India	Led to a massive diplomatic row. The case was taken to the International Court of Justice at the Hague by Pakistan, where the verdict was eventually delivered in favor of the Indian government.

October 12, 1999	Internal change in Pakistan, Musharraf comes to power.	In a bloodless coup, the leader of the Pakistani armed forces, Gen. Pervez Musharraf overthrows the democratically elected government of Prime Minister Nawaz Sharif, and takes over the reins of power.
December, 1999	Hijacking of the Indian Airlines flight, IC-814 by Kashmiri Mujahideen	One passenger is killed and the incident leads to renewed tension between the two countries.
January, 2001	Gujarat Earthquake	Musharraf calls Prime Minister Vajpayee to offer condolences on the Gujarat tragedy – the first direct contact between the two Heads of State, since Kargil in May-June, 1999 and the military coup that brought Musharraf to power in October, 1999.
July 15-16, 2001	Agra Summit	President Musharraf visits India upon an invitation by PM Vajpayee. Despite high expectations and unprecedented media hype, the meeting fails to produce any tangible results. No joint statement, no breakthroughs. Pakistan confined the talks to 'core issue'. The talks failed to address other bilateral problems between both the countries.
September 11, 2001	Terrorist Attacks in New York and Washington	The resultant declaration of war in Afghanistan by the US has brought Pakistan, with its apt strategic location, centre-stage as a crucial ally of the US in its war against terrorism.
October 1, 2001	Attack on the J&K Legislative Assembly	
December 13, 2001	Attack on the Indian Parliament	This is followed by a massive build-up of troops along the border by India and corresponding troop deployment by Pakistan. Massive troop mobilization by India, cutting off railway, bus and air links, followed by similar steps being taken by Pakistan.
February, 2002	SAARC Summit in Kathmandu	The summit was held after being indefinitely postponed at India's insistence and was the venue of Musharraf and Vajpayee's famous handshake.
May 14, 2002	Kaluchak Massacre	In the aftermath of this daring and much-condemned attack on a residential camp of the Indian Army in J&K, Pakistan agrees to stop abetting and aiding terrorists in Kashmir. Results on the ground remain to be seen.
June, 2002	Conference on Interaction and Confidence Building Measures in Asia (CICA) in Almaty, Kazakhstan	Efforts by Russian President Vladimir Putin to facilitate some sort of agreement between India and Pakistan fail with India refusing any third party mediation, as well as India's refusal to sit at a negotiating table with Pakistan till it stops aiding acts of terrorism within India's borders.

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