Confidence building measures india and pakistan

Confidence-Building Measures (CBMs) are those steps or agreements on which states agree with mutual benefits in mind, and have faith that all concerned shall obey such agreements. These steps or agreements ultimately develop trust between the signatory states and help in achieving peace and stability in the region.[1]Limiting or reducing the level of fear among parties in conflict is essential for building confidence. CBMs aim to lessen anxiety and suspicion by making the parties' behaviour more predictable. While a single CBM is unlikely to prevent conflict or contribute to peace building, a series of such agreements can allow for an increased sense of security. In time, such measures may even lead to changed understanding of a country's security needs.[2]

Confidence-building has been in vogue and practice for several decades. Its origin can be traced back to the years prior to World War I, to the European practice of inviting observers from different states to witness military exercises and manoeuvres. This practice continued and later emerged as part of the Versailles Treaty for Demilitarisation of the Rhineland.[3]

CBMs are a worldwide phenomena and their development is more advanced in some regions as compared to others. CBMs are extremely important in the context of the countries, which are suspicious of each other. The United Nations Comprehensive Study on CBMs states that " the final objective of CBMs is to strengthen international peace and security and to contribute to the development of confidence, better understanding and more stable relations between nations, thereby creating and improving the conditions for fruitful international cooperation".[4]

Confidence-building is not a new phenomenon between India and Pakistan. Since the hurried departure of the British from South Asia and the partition, both India and Pakistan have signed many agreements aiming to generate confidence and reduce tensions. Perhaps the most notable among them are, Liaquat-Nehru Pact (1951), Indus Water Treaty (1960), Tashkent Agreement (1966), Rann of Kutch Agreement (1969), Shimla Accord (1972), Salal Dam Agreement (1978), and the establishment of the Joint Commission. With the exception of the Joint Commission, all the others were the products of either a crisis or a war that necessitated a logical end to the preceding developments.[5]

AIM

The aim of this paper is to analyse the performance of CBMs between India and Pakistan and suggest some workable and plausible CBMs that could be experimented by the two countries.

CONFIDENCE-BUILDING MEASURES: CONCEPT AND GENESIS

Traditional Concept. The traditional concept of CBMs is reflected in the oft-cited definition by Holst and Melander, which states, " confidence-building involves the communication of credible evidence of the absence of feared threats by reducing uncertainties and by constraining opportunities for exerting pressure through military activities".[6]In a subsequent refinement, Holst described CBMs as " arrangements designed to enhance such assurance of mind and belief in the trust worthiness of states and the fact they create".[7]Whilst the first definition emphasised only on the need for clarifications of intentions and avoidance of misperceptions, the latter

ventures into the realm of the larger appreciation of the constituent of CBMs and envisages them not merely as damage containment measures, but also as principles of healthy relations between states.

Genesis. CBMs are essentially a western construct, which entered the realm of international relations in the Conference on Security and Cooperation in Europe (CSCE), at Helsinki. The Helsinki Final Act, 1975 ascribed three basics objectives to the CBMs[8]:-

To eliminate the causes of tensions.

To promote confidence and contribute to stability and security.

To reduce the danger of armed conflict arising from misunderstanding or miscalculation.

Dictionary of CBMs. Browsing through literature on the development of the concept of CBM, one comes across numerous other related concepts. It is important to understand the meaning of several terms that have come to be used in the diplomatic lexicon, all loosely referred to as CBMs. Their definition and comparative analysis are beyond the scope of this paper. Some of these[9]are enumerated below:-

Confidence-Building Measures.

Conflict-Avoidance Measures.

Trust-Building Measures.

Conflict-Resolution Measures

Confidence and Security Building Measures and Confidence-Building and Security Measures.

(f) Tension-Reduction Measures.

Steps to Confidence-Building. Despite the upsurge in interest in these terms, there is a considerable confusion about the confidence-building regime, as also, the steps required to achieve it. Each region has its unique peculiarities and, therefore, distinct CBMs. The borrowed experience of other regions is of only a limited value. The steps to military confidence-building are based on two parameters; level of confidence and probability of conflict. [10]Diagrammatic representation of the same is placed at Appendix P.

CBM Tools. These are modes and means, which help in better communication arrangements and transparency to the action of others or provide ways of giving satisfaction about the action of other states. Communication, constraint, transparency, and verification measures are the primary CBM tools. Few effective CBM tools[11], used the world over, are listed in Appendix A.

INDO-PAK CBMs

Paradoxes in Pursuing the CBM Modality. Certain unresolved paradoxes, concerning the applicability and viability of CBMs, identified in South Asian region[12]are listed below:-

CBMs provide the atmospherics for improving inter-state relations. They can establish trust between adversarial states; but the paradox remains ' that trust is required before CBMs can be negotiated'. The need for some limited

confidence between adversarial states is, therefore, essential before CBMs can be negotiated.

CBMs are difficult to establish, but easy to disrupt and abandon. Continued adherence to them requires adversarial states to perceive the balance of advantage to lie in not abrogating them, particularly during periods of deep crises. CBMs can only be relevant in crises if trust is evident on both sides. They are known to work satisfactorily in times of peace. Hence, the paradox ' that states may abide by CBMs in normal times, but ignore them in emergency situations'.

Public declarations can serve as useful CBMs to alleviate tensions and promote stability. The historical record shows that national leaders in India and Pakistan routinely make conciliatory statements, but they are meant either for domestic consumption or to impress international audiences or to lower the other's guard. The paradox then emerges, ' rather than promote security and confidence-building, such declarations have often exacerbated existing regional tensions'.

Origin of CBMs in Indo-Pak Relations. Meaningful military CBMs in Indo-Pak relations came three decades ago with the establishment of a hotline between the Director General of Military Operations (DGMOs) of both the countries. Subsequently, there have been many military CBMs between both the countries. However, the strategic community and the military were quite often skeptical of both the substance and the process of CBMs and did not support these initially. It was only when Operation Brasstacks in 1986-87 led

to serious misunderstandings, and a likely possibility of possible conflict again in 1990, that matters changed somewhat.[13]

Despite events precipitating increased tensions between the two countries, the effort on the part of both governments has been to ensure that the CBMs continue to remain in place. However, the impressive range of CBMs, both of a military and non-military nature, have been overtaken by events such as the Kargil conflict, the mobilisation of troops in 2002 and the repeated terrorist attacks in India, especially the 26/11 attacks.

Major Achievements

The CBMs enumerated in the succeeding paragraphs, may be considered as major achievements in the Indo-Pak relations over the last two decades.[14]

Military CBMs.

Agreement on the Prohibition of Attack against Nuclear Installations and Facilities, signed in 1998, and eventually ratified in 1992. This particular exchange has continued for 18 consecutive years.

Agreement on Advance Notification on Military Exercises, Manoeuvres and Troop Movements, brought into effect in 1991 and has had an important role to play in the reduction of tensions on both sides of the Line of Control.

Agreement on Prevention of Airspace Violations and for Permitting Overflights and Landings by Military Aircrafts, signed in 1991, has significantly reduced costs for both nations, and also brought into being, a structure of redress in case of violations and mutual trust in matters of requirement.

Formal ceasefire along the International Border as also the Actual Ground Position Line, brought into effect at midnight of 25 Nov 03, has remained in effect since.

Biannual meetings between Indian Border Security Forces and Pakistani Rangers, has been in effect since 2004.

Agreement on Advance Notification of Ballistic Missile Tests, in effect since 2005.

Establishment of a communication link between Pakistan Maritime Security Agency and Indian Coast Guard in 2005, primarily to facilitate early exchange of information regarding fishermen apprehended for straying into each other's waters. The agreement also brought into discussion the possibility of holding joint search and rescue operations and collaborating in marine pollution control.

A hotline between DGMOs of both countries had been in effect since 1965, and was most recently used in an unscheduled exchange to discuss troop movements and allay tensions, in the aftermath of the 26/11 attacks in Mumbai.

Non-Military CBMs. The predominant CBMs in the non-military domain have been travel measures to increase people-to-people interaction. A few of the important ones, which have more or less withstood the test of times, are enumerated below:-

Delhi-Lahore bus service, started in 1999, but ceased in light of the Kargil conflict, was resumed in 2003.

Passenger and freight rail services between Attari and Lahore and air linkages were resumed in 2004.

The Samjhauta Express was resumed in 2005, and despite the 2007 blasts, has continued to run.

Bus service between Srinagar and Muzaffarbad was started in 2005.

Bus services from Lahore to Amritsar, Amritsar to Nankana Sahib and train links between Munnabao and Khokhrapar were started in 2006. Night bus service between Ferozepur and Fazikla to Ludhiana-Chandigarh was also resumed the same year.

The first overland truck route between the two countries was opened at the Wagah border crossing in 2007.

In 2008, triple-entry permit for cross-LoC travel was introduced and the frequency of the Srinagar-Muzaffarabad bus service was increased from fortnightly to weekly.

Humanitarian aid was extended by India, in the aftermath of the earthquake in Pakistan in 2005, and again during the floods in Aug 10.

A Joint Anti-Terrorism Institutional Mechanism to identify and implement counter-terrorism initiatives and investigations in both countries was brought into effect in 2006.

An agreement facilitating regular contact between state-run think tanks, Institute of Defence Studies and Analyses (New Delhi), and Institute of Strategic Studies (Islamabad) was brought into being in 2008, primarily to

contribute towards building channels of communication at the level of scholars.

The first meeting of a Joint Judicial Committee of judges belonging to both countries, meant to look into the welfare and release of prisoners, was conducted in 2008. More than 500 prisoners have been released by both sides since then.

Joint Economic Commissions and Joint Business Councils were reactivated in 2004.

Foreign Ministers of both countries agreed to a series of Kashmir-specific CBMs to facilitate crossing the LoC in 2008.

Both countries agreed to host festivals displaying each other's movies in 2006. The Pakistani Government allowed for the legal release of Indian films in Pakistan in 2008.

Major Failures

The CBM process has seen its fair share of failures as well. A few notable one are enumerated below[15]:-

Although there are hotlines connecting both military and political leaders in both countries, they have been scarcely used when required most. The absence of communication has led to suspicions, followed by accusations of the spread of misinformation.

While over 70 Kashmir related CBMs have been agreed to in principle, only an inconsiderable percentage of them have actually seen implementation.

There is a disproportionate emphasis on military CBMs and an inadequate recognition of several momentous non-military CBMs.

Many CBMs, which were originally crafted to address the stabilisation of relations, post the nuclear tests of 1998, have been agreed to in principle, yet have never seen implementation because of the belief that dominant issues need to be resolved before the CBM process can move ahead.

In the current scenario, when political will in both states is waxing and waning intermittently, CBMs, which are difficult to establish, but easy to disrupt, have not been fully effective. There is a lack of verifiability in many CBMs, which leads both countries to fall victim to mistrust, suspicion and misinformation, on a variety of issues.

Governments on both sides often use CBMs as political tools to win over specific constituencies, which can be very damaging in the long run. Public conciliatory statements, which are meant to be CBMs, can have the opposite effect, if they turn out to be insincere, and worse, if they have been inexpertly drafted, as one saw in the aftermath of the statement issued after the Sharm-el-Sheikh meeting.

CBMs have been particularly ineffective, if not absent, during times of conflict, because despite declarations to the effect, neither country has moved beyond the point of conflict-avoidance, towards actual CBMs, and finally, towards strengthening peace.

While many hundreds of thousands visit India and Pakistan from across the border, the visa formalities and reporting procedures for them are far from conducive to confidence-building.

Prioritising the CBMs

General. The existing record of CBMs, world over, is ambiguous. CBMs in some contexts have proved feasible and beneficial, whereas in South Asia, there is a certain disaffection with the very notion of CBMs. The expectation of quick results should be avoided (in Europe, it took over twenty years for the CBM process to become effective). A clear general rule is that once in place, CBMs must be abided by. CBMs, if disregarded and abused, can be worse than none at all. The building of trust requires reliability.[16]Certain concerns that need to be addressed by the Indian and Pakistani Governments, in order to maximise the effects of CBMs[17], are listed below:-

While CBMs, which focus on improved communication links and people-to-people interaction could create the necessary environment for deeper issues to be tackled, the impact of the CBMs still hinges on political will for their implementation.

The hostilities distinguishing Indo-Pak relations are systemic, and further hampered by newer security threats, socio-politico-economic strife and India's preponderance in the larger South Asian region. Therefore, there is no viable alternative to a gradual and incremental peace process through military and non-military CBMs.

There is no need to prefer military over non-military CBMs. Both have their place in the peace process and are needed.

Policymakers on both sides need to bear in mind that war, whether of a conventional or proxy nature, will not advance their national interests. Both sides stand to gain both, economically and politically from a stable peace.

Future measures catering to conflict-prevention and confidence-building, must provide for more explicit means of arbitrating implementation problems. To this intent, it is imperative that all CBMs be made verifiable and the possible roles that could be played by non-state actors such as the private sector, professional and business organisations etc be examined.

It is commonly understood that the term stakeholders would include Indians and Pakistanis in general, and the people of Jammu & Kashmir in particular. However, there is a need for more emphasis on the importance of Kashmiris in the CBM process. It is their participation, which would make the process more meaningful.

Suggested Workable and Plausible CBMs

The escalating situation in Kashmir, the bone of contention between India and Pakistan since 1947, may yet provide a flash point and may induce both countries to come to a negotiating table and opt for quick implementation of ' enforceable and verifiable' CBMs. Few possible, workable and enforceable CBMs, which the two governments could consider, are enumerated in the succeeding paragraphs.

Short Term Measures.

The composite dialogue process should be restarted and the CBM process must continue unabated.

Both the sides should formally recognise that there is no military solution to the Kashmir dispute. Additional CBMs, in consultation with Kashmiri stakeholders, need to be identified to ensure their active participation. The Kashmir specific CBMs could include the following:-

Encouraging and initiating intra-Kashmir dialogue on both sides of the LoC on the final status of Kashmir.

The resolution of the Kashmir conflict and restoration and development of mutual trust should be treated as interdependent processes.

The process of de-escalation of hostilities needs to be initiated and efforts should be made to de-link Kashmir from point-scoring domestic agendas.

The hostile domestic propaganda around Kashmir in both electronic and print media needs to be stopped.

Relocation of heavy weapons, which are considered a major cause of tension escalation across the LoC.

Continuous scheduled and unscheduled visits to forward areas by journalists, representatives of various national and international human rights organisations, diplomats, defence and UN military observers.

Visa formalities/registration should provide a more conducive environment in cross-border travel.

Rules of engagement along the LOC should be clarified, made public, and adhered to.

Measures in the border areas to facilitate the unification of families and access for NGOs.

Medium Term Measures.

The agreement proscribing attacks on each others' nuclear facilities could be extended to identified populations and economic targets.

The agreement requiring notification on military exercises et al could be extended to associating military observers with major field exercises.

Pakistan should end support of any kind for militancy in the region and address India's concerns regarding infiltration.

Civil society and track II initiatives should be encouraged. This will assist the official level talks between the two countries and move towards a comprehensive resolution of the crisis in the region.

Utilising the economic and technological CBMs such as:-

Sharing of electrical power.

Increasing the trade flows.

Promoting railway freight traffic across the border.

Improving telecommunication links.

Making newspapers from both sides available across the border.

Long Term Measures.

The redeployment of troops from the Kashmir region has been debated by both governments and should be examined in full practicality.

India should begin to engage Pakistani citizens towards sensitising them to the conflict situation and build domestic pressure on Pakistan to strengthen its relations with India.

The dichotomy between the maintenance of Jammu & Kashmir's independence via Article 370 of the Indian Constitution and the requirement to include the state in the mainstream of Indian politics and society needs to be addressed comprehensively.

Utilise South Asian Association for Regional Cooperation (SAARC) for building confidence across the region on the lines of Association of South East Asian Nations (ASEAN).

CONCLUSION

CBMs are the most used and abused term in the 21st century international relations. They are an expression of respect, goodwill and a measure of transparency signifying at the least, no ill will and no immediate threat. It may lead to a pleasant parlay or, it may merely be an empty gesture meaning nothing at all of substance. They need to be nurtured and incremented from small steps to covering issues of various divergences.

The effect of the CBMs between India and Pakistan has been inconsistent and spotty. They are useful instruments in preventing wars and facilitating

conflict resolutions. They are a means to an end and that end cannot be achieved if the leaders do not wish to do so.

The first step to a conflict resolution is removal of mistrust and suspicion. Only then, can the process of dialogue be unleashed. It is a hard task to popularise the concept of CBMs between the two countries and remove misunderstanding among people about its objectives and application.

In order to institutionalise the process of CBMs, it is necessary to create basic awareness among people about the effectiveness and relevance of this concept. The role of institutions in promoting the concept of CBMs is very significant. In a situation when the state, has to a large extent played a role in conflict formations and is responsible for promoting confrontation, non-governmental institutions can play an important role and be of immense use in creating basic trust and confidence between the people of two countries and encourage track II and track III efforts in normalising the relations.

We need to follow a proactive approach towards implementation of CBMs. A strong civil society with vibrant political and social institutions can help develop a proactive approach. SAARC can draw some inspiration from ASEAN's constructively low-key approach to contentious issues.

Balance between military and non-military CBMs is essential for creating conditions of peace. Non-military CBMs such as water, environment, trade, culture, media and technology can certainly make things easier for sustaining the dialogue process between the antagonistic parties.

It would be foolish to expect miracles from CBMs overnight. It took a considerable amount of time for the CBMs to be effective in Europe. However, the need for India and Pakistan to negotiate CBMs is both immediate and vital. Structural factors are important and have undoubtedly retarded the establishment of CBMs in South Asia. Nevertheless, CBMs can become the harbingers of peace and stability in the region. History reveals they have usually been negotiated following serious bilateral crises and/or mounting of external pressures. However, not until the communal stronghold is attacked and reduced, and the two countries, therefore, start behaving as two established and responsible entities, would CBMs have much of a chance to succeed.

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Appendix A

(Refers to Para 10)

CONFIDENCE-BUILDING TOOLS

Hotlines. Hotlines, such as those that exist between the United States and Russia, and between Indian and Pakistani sector commanders along the line-of-control in Kashmir, can provide reliable direct channels of communication at moments of crisis.

Regional Communication Centres. These centres can assist area states in conflict and crisis management. The European model of a communications and security centre, established by the Conference on Security and Cooperation in Europe (CSCE), is being adapted to suit the Middle Eastern security environment.

Consultations. Regularly scheduled consultations, like the annual meetings established between US and Soviet/Russian navies by the 1972 Incidents at Sea Agreement (INCSEA), or those between Chiefs of Staff of the armed forces of Argentina, Brazil, Chile, Paraguay, and Uruguay, can provide rare opportunity for direct military-to-military contact. Such forums allow parties to voice concerns and air any grievances they may have.

Constraint Measures. These measures are designed to keep certain types and levels of states' military forces at a distance from one another, especially along borders.

Thin-Out Zones. Thin-out zones, or limited force deployment zones, restrict the type and number of military equipment or troops permitted in or near a certain territory or boundary. Detailed provisions of the 1975 Disengagement Agreement between Syria and Israel established a demilitarised zone (DMZ) as well as an area extending 20 kilometres on each side of the DMZ in which forces and weapons were limited.

Pre-Notification. Pre-notification requirements included in the Stockholm Accord of 1986 placed constraints on military exercises by imposing longer lead times, 42 days for major military exercises and 1-2 years in the case of larger scale exercises, before activities subject to prior notification could

occur. Pre-notification requirements of a certain time-period for planned military exercises or troop movements of an agreed upon level also help make a state's military intent more transparent. Notification mechanisms can also be applied to missile tests. Near contentious borders, this type of transparency measure can help eliminate fears that an exercise may be part of preparations for war.

Transparency Measures. They are measures that states engage in to foster greater openness of their military capabilities and activities. Transparency measures merit a special focus as important first steps in the confidence-building process.

Exchange of Data. Data exchanges detailing existing military holdings, planned purchases, military personnel and budgets can clarify a state's current and projected military capabilities and provide advance notice of destabilising arms build-ups. Data exchanges can take place bilaterally or multilaterally.

Military Observers. Voluntary observations of another state's military exercises provide first-hand access to that party's equipment and operating procedures.

Verification. Verification measures are designed to collect data or provide first hand access in order to confirm or verify a state's compliance with a particular treaty or agreement.

Aerial Inspections. These enable parties to an agreement to monitor compliance with force deployment limitations in restricted zones, to confirm

data exchanges on the disposition of military forces, and to provide early warning of potentially destabilising activities.

Electronic Sensors. Ground-based electronic sensor systems, manned or unmanned, can also verify states' compliance to agreed restrictions on equipment deployment or troop movements.

On-site Inspections. On-site inspections, challenge and routine, can help verify that states are complying with agreements. Inspections may be carried out by third parties, opposing parties, or jointly.

Appendix P

(Refers to Para 9)

STEPS TO CONFIDENCE BUILDING
HIGH
LEVEL
OF CONFIDENCE

CONFIDENCE & SECURITY BUILDING MEASURES

CONFIDENCE BUILDING MEASURES

LOW

LOW

HIGH

PROBABILITY OF

CONFLICT

TRUST BUILDING MEASURES

CONFLICT AVOIDANCE MEASURES

CONFLICT RESOLUTION MEASURES