1. Introduction
The purpose of this paper is to describe the existing Confidence Building Measures (CBMs) between India and Pakistan, especially military and nuclear-related CBMs, and to propose further measures that could be introduced in the future. Section two gives a brief account of existing military CBMs. Section three focuses on the nuclear CBMS that have been agreed upon, and those that were part of the Lahore Summit documents. Section four will examine the prospects for the future. Finally, section five will examine if there are any lessons that the East-West CBM relationship offers to South Asia.

2. Military CBMs

It is often mistakenly assumed that CBMs are of relatively recent origin in South Asia. This is a false impression. "A CBM sensibility", as has often been pointed out, has existed much before the term CBM became part of the vocabulary of policy makers and policy analysts. Unfortunately, while the rich and varied history of cooperation
between India and Pakistan, spread over more than half a century, has been ably documented, it does not often find a place in contemporary analyses of South Asia. Lessons must be learnt from the history of failures, but also from the many stories of successful cooperation. Moreover, an organic growth of CBMs from within the region is desirable even for political reasons given the deep suspicion with which “western imports” are viewed by influential sections of public opinion in South Asia.

Be that as it may, this section will focus on the “uneven” record of military CBMs that have been introduced by India and Pakistan, particularly in the last decade. The joint declaration on the “Complete Prohibition of Chemical Weapons”, signed by Foreign Secretaries Shaharyar Khan and J.N. Dixit in August 1992, is not discussed here since the declaration has been made redundant after both India and Pakistan acceded to the Chemical Weapons Convention (CWC).

2.1. Communication Links

Hotlines between the Directors General of Military Operations (DGMOs) were first introduced after the 1971 India-Pakistan war. In 1992, it was agreed that the DGMOs of the two sides would communicate with each other every week. Hotlines between the two Prime Ministers were introduced in
1989 between Rajiv Gandhi and Benazir Bhutto; in 1990 Chandrashekhar and Nawaz Sharif, and in May 1997, I.K. Gujral and Sharif, and later A.B.Vajpayee and Sharif re-established direct communication links.

Both hotlines have been successful in phases, but critics feel that they were rarely used to diffuse major crises. For instance, during the Brasstacks crisis of 1987, the hotline between the DGMOs, it is believed, was never used, nor apparently was it in use during the 1990 “Kashmir” crisis. As is well known, the hotlines were particularly ineffective during most of the Kargil war of 1999. However, in accordance with the 1992 agreement, the DGMOs do continue to communicate with each other every week, even if it is to “exchange routine information.”

2.2. Agreement on Military Exercises

In 1991, Foreign Secretaries Muchkund Dubey and Shaharyar Khan negotiated a series of CBMs, the most prominent of which was the “Agreement on Advance Notice of Military Exercises, Maneuvers and Troop Movement.” The salient features of the agreement included a decision that:

i. Land, Naval and Air Forces of the two countries will avoid holding major military maneuvers and exercises
in close proximity to each other. However, if such exercises are held within distances as prescribed in the Agreement, the strategic direction of the main force being exercised will not be moved towards the other side, nor will any logistics build up be carried out close to it.

ii. Major military maneuvers were defined as exercises of Land Forces that included concentrations of Corps (comprising two divisions) or above near the international border or exercises of division level near the Line of Control and the area between Manawar Tawi and the Ravi; exercises by air forces at a Regional Command Level or above; and naval exercises involving six or more ships of destroyer/frigate size. Both sides are expected to give fifteen days notice when formations with defensive roles are moved to their operational locations for periodic maintenance of defenses. The schedule of major exercises with troops has to be transmitted in writing to the other side through diplomatic channels, fifteen days in advance, for air exercises; thirty days in advance for naval exercise; and ninety or sixty days in advance for army exercises, depending on the nature of the exercise.
Information that needs to be communicated to the other side includes type and level of exercises; general area of the exercise; planned duration of the activity; and any shifting of forces from Command/Corps/Strategic formations envisaged.

There has been no violation of this agreement. However - in the last few years- there has been no major military exercise, which would fall within the scope of this agreement, which either side has carried out because of economic and other constraints.

2.3. Air Space Violations

In 1991, Dubey and Khan also signed the "Agreement on Prevention of Air Space Violations and for permitting Over Flights and Landings by Military Aircraft". The agreement seemed to have been rooted in the realization that the Indian Air Force and Pakistan Air Force operated routinely near each other's air space and that violations of each other's space had occurred periodically. The salient features of the agreement included the following:

i. Both sides agreed to take measures to ensure that air violations of each other's air space will not take place. However, if an inadvertent violation did take place, the incident would be promptly investigated and the Headquarters of the other Air Force would be informed of the results without delay, through diplomatic channels.
ii. Combat aircraft (which included fighter, bomber, reconnaissance, military trainer and armed helicopter) would not fly within 10 kms of each other’s airspace. No aircraft of any side would enter the airspace over the territorial waters of the other country, except by prior permission. Unarmed transport and logistics aircraft including helicopters and Air observation Post (AOP) aircraft would be permitted up to 1,000 meters from each other’s airspace.

iii. In the event of a country having to undertake flights less than 1,000 metres from the other’s airspace, for purposes such as aerial survey, dropping of mercy missions and aerial rescue missions, the country concerned is obliged to give the following information to their own Air Advisors for notification to the Air HQ of the other country: type of aircraft/helicopter; height of flight within plus/minus 1,000 ft; block number of days (normally not to exceed seven days) when flights are proposed to be undertaken; proposed timing of flight; and area involved.

iv. Combat aircraft operating from the following bases are expected to maintain a distance of 5 Kms from each other’s airspace: Indian side – Jammu, Pathankot, Amritsar and Suratgarh; Pakistan side – Pasrur, Lahore, Velari and Rahim Yar Khan.
A detailed Appendix to the agreement provided the conditions for grant of flight clearance for military aircraft of both countries.

There are have been several charges by both countries that the agreement has been violated, although the number of these violations have apparently decreased since the Agreement was signed. There were a number of reported violations during the Kargil war, the most well known involved a controversy over violations by a Pakistani Atlantique aircraft soon after the war.

2.4. Nuclear CBMs

2.4.1. Non-Attack of Nuclear Facilities

On 31 December 1988, Foreign Secretaries Humayun Khan and K.P.S. Menon signed the “Agreement on the Prohibition of Attack against Nuclear Installations and Facilities”. By the agreement, India and Pakistan agreed not to undertake, encourage or participate in, directly or indirectly, any action aimed at causing the destruction of, or damage to, any nuclear installation or facility in the country. The term “nuclear facility”, according to the agreement, includes nuclear power and research reactors, fuel fabrication, uranium enrichment, isotopes separation and reprocessing facilities as
well as any other installations with fresh or irradiated nuclear fuel or materials in any form and establishments storing significant quantities of radio-active materials. Lists of facilities have to be exchanged on 1st January of every year.

In spite of the many, and often severe, ups and downs in the bilateral relationship since 1990, the lists have been exchanged punctually every year in accordance with the original agreement. Although it is widely believed that the lists exchanged are far from comprehensive, and do not include many nuclear facilities, this non-inclusion has not been particularly controversial since the benefit of providing a fuller list would accrue to the country that is more transparent.

2.4.2. Lahore Summit Documents

The Lahore Declaration of February 1999, made by Prime Minister A.B. Vajpayee and Prime Minister Nawaz Sharif, as well as the Memorandum of Understanding, signed by Foreign Secretaries, K. Raghunath, and Shamshad Ahmad, include a whole range of CBMs: declaratory measures, transparency measure, communication measures, and notification and consultation measures. The provisions relevant to the nuclear issue, for instance, include the following:
a commitment to

i. (take) immediate steps for reducing the risk of accidental or unauthorized use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.

ii. Bilateral consultations on security concepts, and nuclear doctrines, with a view to developing measures for confidence building in the nuclear and conventional fields, aimed at avoidance of conflict.

iii. Provide each other with advance notification in respect of ballistic missile flight tests, and conclude a bilateral agreement in this regard.

iv. (introduce) national measures to reducing the risks of accidental or unauthorized use of nuclear weapons under their respective control.

v. Undertake to notify each other immediately in the event of any accidental, unauthorized or unexplained incident that could create the risk of a fallout with adverse consequences for both sides, or an outbreak of a nuclear war between the two countries, as well as to adopt measures aimed at diminishing the possibility of such actions, or such incidents being misinterpreted by the other. The two sides shall identify/establish the
appropriate communication mechanism for this purpose.

vi. Continue to abide by their respective unilateral moratorium on conducting further nuclear test explosions unless either side, in exercise of its national sovereignty decides that extraordinary events have jeopardized its supreme interests.

vii. Undertake a review of the existing communication links (e.g. between the respective Directors-General, Military Operations) with a view to upgrading and improving these links, and to provide for tail safe and secure communications.

viii. Engage in bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these issues in multilateral fora.

Although a bilateral agreement has not been signed to ensure that the two sides provide each other with advance notification in respect of ballistic missile flight tests, India – as a gesture of goodwill - notified Pakistan about a missile test in April 1999. Pakistan reciprocated by notifying India of its test later that month.

3. The Future?

There are four assumptions that guide this section. First, it is assumed that relations between India and Pakistan, which
have rarely been worse, will improve to a point that New Delhi and Islamabad can at least resume a composite dialogue.

Second, following from the above, it also assumes that the leadership in both countries is enlightened enough to recognize that the nuclear issue is not just the most important issue between them, but one which deserves most urgent attention. No other problem, issues of disputed territoriality included, can even begin to compare with the nuclear one and they especially need to ensure that there is no accidental or unauthorized use of nuclear weapons or a war because of misperceptions.

Third, given the different threat perceptions of India and Pakistan, it is neither practical nor perhaps even desirable, to seek - at this stage - to enforce qualitative or quantitative restrictions on the nuclear arsenals or indeed on their deployment. However, restrictions/limitations will be imposed by technological capabilities and potential arms control agreements that the two seem to have agreed to sign, at least in principle. Fears of US-Soviet type of a nuclear arms race between India and Pakistan, for instance, are quite clearly misplaced. Both India and Pakistan have only a limited amount of fissile material at their disposal (despite some new revelations about Pakistan) and they both have signaled their willingness to enter into negotiations over a Fissile Material
Cut Off Treaty. An FMCT will effectively freeze their production of fissile material and – in short – cap their capacity to manufacture nuclear weapons. Fourth, it is assumed that, despite rhetorical statements to the contrary made in Islamabad, both sides remain committed to the Lahore Summit documents.

The measures suggested in this paper seek to complement the Lahore Declaration and the Memorandum of Understanding for two purposes: conflict avoidance and confidence building, and especially to prevent the unauthorized or accidental use of nuclear weapons.

This paper suggests that India and Pakistan work towards establishing a Nuclear Safety, Assistance and Collaboration Zone in South Asia (NSACZ). A NSACZ would have three parts. The first part would involve just making three declarations. First, a declaration not to use nuclear weapons against non-nuclear powers. This should not be controversial, and should be a reassurance to other countries in South Asia and the international community as a whole. The second declaration would be not to use nuclear weapons against each other's capitals where – one assumes – would be located the National Command Authority, and one other
financial or industrial center. Third, a clear declaration by Pakistan that nuclear weapons would be used only if the survival of the state was at risk. India has already adopted a non-first-use of nuclear weapons policy. These declarations will help in improving the stability of deterrence in the region. The utility of this verbal gesture may indeed be questionable. A natural enough question is: would either side respect the terms of the declaration? That, however, misses the point. Gestures such as these must be seen as part of a program of reassurance. If adopted, they would signal the desire of both the countries to continue to exercise restraint. Ultimately, any declaration is revocable. These declarations therefore should be seen as what they are, namely, elements of a larger exercise in standard setting between India and Pakistan. They are standards that make strategic sense.

The second part of NSACZ is a nuclear assistance regime. This would encompass at least three components: a crisis management center, a hotline dedicated to communication on nuclear matters, and nuclear scientific exchanges. A crisis management center would consist of civilian officials and military personnel who would deal with incidents and accidents that threaten to escalate to crisis levels. Their functions would be to improve decision-making in high stress situations in their respective governments and to
maintain contact with their counterparts across the border. The second component of an assistance regime would be a “dedicated hotline between the two nuclear establishments. A reactor accident or an accident involving nuclear materials on either side of the border could have implications for the other country. Communication between nuclear scientists and engineers, perhaps even medical authorities, might be necessary in such a situation. In such a circumstance, a dedicated hotline would be a vital asset. The third component of an assistance regime would be regular visits and exchanges between the nuclear scientists of the two countries. In essence, this would be a confidence building measure serving to promote the spread of information and enhance personal contacts and familiarity. The growth in this scientific social capital would be vital in the management of nuclear crisis and, for the longer term, in fostering cooperation in nuclear energy and research.

The third and final part of a South Asian NSACZ is a nuclear collaboration regime, which can happen only in the medium term once cooperation has been achieved. India and Pakistan could work together on nuclear energy. A collaborative nuclear energy regime would ideally include joint investment, ownership and manning of nuclear reactors specifically designed and located to meet the region’s energy needs.
4. Lessons from the East-West Relationship

Richard E. Darilek, in his thorough essays on the subject, has provided us with a useful typology of CBMs that were introduced during the cold war. Darilek divides the period from 1963 to 1989 into three stages. Stage one, from 1963-1974 involved “forerunner” of actual CBMs, which were mostly measures to improve communications, and to prevent accidental or unauthorized nuclear war. The latter were mostly declaratory and notification measures. The most landmark agreements were the Hotline Agreement of 1963, which established direct communication links, and the 1971 Agreement to Reduce Risks of Nuclear War. The 1971 agreement’s provisions included a commitment to improving national safeguards against accidental or unauthorized launch of nuclear weapons; notification of accidental or unauthorized nuclear accident; and pre-notification of missile launches beyond national territory.

Stage II CBMs are described by Darilek as the real Ground Breakers and included the Helsinki Final Act of 1975. The Helsinki Act was rooted in the acceptance of the prevailing status quo in Europe, and an implicit agreement that force will not be used to change boundaries in the region. Most of the CBMs adopted at Helsinki were notification measures regarding military exercises, but also included limited access
to observers. Stage III CBMs are regarded as the most substantial CBMs and included the Stockholm Agreement of Centres in 1987 and the 1989 Agreement on Prevention of Dangerous Military Activities. Only during this phase was there agreement on actual verification measures through on-site inspections. The East-West relationship has a number of lessons to offer to South Asia.

The two sides were similarly caught in a phase of deep suspicion and hostility, rooted in historical disputes and different worldviews. The situation was made more complex by the presence of nuclear weapons and a lack of sustained dialogue.

The East-West 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.

The cold war 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 back burner. In sum, this model
suggests that the Kashmir problem, despite the passions it aroused, must be frozen. It also suggests that transparency in dealing with each other, especially on security issues, can help create a climate of trust especially when the two military establishments are involved. Finally, the East-West model suggests that the nuclear issue must be addressed first of all and it is here that a CBM regime must first be constructed.

Endnotes

