



Two Decades of Indo-Pak CBMs A Critique from India

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Despite events precipitating increased tensions between the two countries, the effort on the part of both governments has been to ensure that the confidence building measures (CBMs) continue to remain in place, to enable the people of both countries, in the border regions in general and in the state of Jammu and Kashmir in particular, to maintain a semblance of normalcy in their lives.

However, the impressive range of CBMs, both of a military and non-military nature, have been overtaken by events such as the Kargil conflict in 1999, the mobilization of troops in 2002, and the repeated terrorist attacks in India.

What have been the major achievements/failures of the CBMs? What are the major issues that need to be addressed to make this effective? What are the priority issues and areas for CBMs? What will be the main benefits and costs to both countries? What are the likely problems and issues that will be encountered?

INDO-PAK CBMs: MAJOR ACHIEVEMENTS & FAILURES

The following may be considered the major achievements of CBMs over the past two decades:



Indo-Pak dialogue on Conflict Resolution and Peace Building is an ongoing project of the Institute of Peace and Conflict Studies, New Delhi.

As a part of this project, the Institute is publishing a series of background papers on various Indo-Pak bilateral issues. Besides, the Institute is also organizing track-II dialogue between the two countries in October 2009. For more information about this project, kindly visit IPCS website.

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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. The agreement also included an informal accord of a moratorium on further testing.
- Agreement on Advance Notification on Military Exercises, Maneuvers and Troop Movements – brought into effect in 1991 and has 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 November 2003 and has remained in effect since.
- Biannual meetings between Indian Border Security Forces and Pakistani Rangers – has been in effect since 2004, and there has been mutual agreement that local commanders should meet more frequently to resolve local problems.
- Agreement on Advance Notification of Ballistic Missile Tests – brought into effect in 2005 and required both parties to inform the other 72 hours in advance before testing any ballistic missiles within a 40km radius of the International Border and the Line of Control.
- Establishment of a Communication Link between Pakistan Maritime Security Agency and Indian Coast Guard – brought into effect 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 Director General Military Operations 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 confidence building measures in the non-military domain have been travel measures to increase people-to-people interaction:

- Delhi-Lahore bus service was started in 1999, but was ceased in light of the Kargil conflict. It was resumed in 2003.
- Passenger and freight rail services between Attari and Lahore, and air linkages between the two countries were resumed in 2004
- The Samjhauta Express, which runs between Delhi and Lahore, resumed service in 2005, and despite the 2007 blasts, has continued to run since.
- The first bus service between Srinagar and Muzaffarabad was started in 2005.
- Bus services from Lahore to Amritsar, Amritsar to Nankana Sahib and train links between Munnabao in Rajasthan and Khokhrapar in Sindh were started in 2006. Night bus service between Ferozpur 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.
- Air links were increased from 12 to 28 flights weekly, triple-entry permit for cross-LoC travel introduced and the frequency of the Srinagar-Muzaffarabad bus service increased from fortnightly to weekly, in 2008. Trade routes on the Wagah-Atari, Srinagar-Muzaffarabad and Poonch-Rawal Kot road links, as also the Munnabao-Khokhrapar rail link were also opened up the same year.
- Humanitarian aid in terms of food, medicine and

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the like was extended by India and accepted by Pakistan, in the aftermath of the earthquake in Pakistan in 2005.

- 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. This agreement is meant to contribute to building channels of communication at the level of scholars.
- The first meeting of a Joint Judicial Committee of judges belonging to both countries was conducted in 2008. This committee is meant to look into the welfare and release of prisoners jailed in both countries. More than 500 prisoners have been released by both sides in repeated instances in 2003, 2004, 2005, 2007, 2008 and 2009.
- 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 others' movies in 2006. The Pakistani Government allowed for the legal release of Indian films in Pakistan in 2008.
- Government representatives of both countries have continued to meet over the years, despite troubling circumstances. Case in point is the meeting between Prime Ministers Singh and Gilani in Egypt, and Foreign Ministers Krishna and Qureshi in New York in 2009.

II CBMs: A CRITIQUE

The CBM process has seen its fair share of failure as well. Although there are hotlines connecting both military and political leaders in both countries, they have been scarcely used when required most. An ambitious attempt to begin with, these lines have fallen into disuse for the most part. And the absence of communication has led to suspicions, followed by accusations of the spread of misinformation. This neglect is the result of the fact that there are no stipulations for communication during disputes.

While over 70 Kashmir-related CBMs such as border crossings and trade have been agreed to in principle, only an inconsiderable percentage of them have actually seen implementation.

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momentous non-military CBMs. While the exchange of lists of nuclear-related facilities has been constant, regardless of the state of relations between the two countries, neither side has ever been satisfied that they are being given accurate information, thereby rendering the process redundant in all but name.

Many CBMs, which were originally crafted to address the stabilization of relations between India and Pakistan, post the nuclear tests of 1998, have been agreed to in principle, yet have never seen implementation because of the belief that dominant issues, such as those outlined in the composite dialogue, need to be resolved before the CBM process can move ahead.

While CBMs can create trust between two nations, trust is also required at the inception stage, to bring about CBMs in the first place. One feeds off the other, and in the current scenario, when political will in both states is shown to be 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 confidence building measures, and finally, towards strengthening peace. The ceasefire, which was implemented in 2003, was alleged to have been violated once by Pakistan in 2008, and the Indian Army has gone on record about numerous infiltrations and violations in 2009.

While many hundreds of thousands visit India and Pakistan from across the border, the visa formalities for them are far from conducive to confidence building. Each traveler has to register at a police station within 24 hours of his arrival in a city and 24 hours before departing from the same. The whereabouts and wherewithal of his hosts are to be laid bare to the authorities and must pass muster with them. These procedures leave inter-country travel to be far from desirable.

III PRIORITIZING THE CBMs

Certain concerns need to be addressed by the governments of both countries, in order to maximize the effectiveness of CBMs:

While CBMs which focus on improved communication links and people-to-people

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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. If the political will is present, the measures can be seen through to their fruition.

The hostilities distinguishing Indo-Pak relations are systemic, and further hampered by newer security threats, socio-political-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. The derailment in the peace process occurs when there is an attempt to find instant solutions to old and complex problems.

There is no need to prefer military over non-military CBMs – both have their place in the peace process and both are needed. It is not essential that both states possess equivalent or balanced military capabilities to take the steps necessary towards furthering peace.

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. Motivations do not necessarily need to be in concert. The Indian public was enraged after 26/11, and promises without concrete results have frustrated India for years. On the other side, Pakistan wants faster results and more emphasis on Kashmir, lest the CBMs lose their meaning, and peace in the subcontinent remains elusive. Yet both sides must agree that the peace process continue unabated.

Based on the experience thus far, it is clear that 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. Further, the experiences of successes and failures of other regions should be examined, as also the possible role which could be played by non-state actors such as the private sector, professional and business organizations, civil society, so on and so forth.

In terms of stakeholders, it is commonly understood that the term 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, if not the dialogue process itself. It is their participation which would make the process more meaningful. Earlier CBMs, particularly the bus routes,

would have been better structured if Kashmiris had been consulted on the modalities. What is required, therefore, is not just CBMs between countries, but among the different constituencies of J & K in their own respective regions, as also on both sides of the LoC. The Kashmiri identity must be addressed via media of community-to-community CBMs, to bring back Kashmiris of non-Muslim faiths, particularly Pandits, to the region. Security aspects in connection with the sharing of political and economic power needs to be factored in, to ensure that they may become true stakeholders. Attention needs to be refocused from macro issues of the Kashmir conflict to micro issues, which would bring greater benefit to the people at large.

IV RECOMMENDATIONS

Both governments could consider the following:

Short-term

- The composite dialogue process should be restarted. Given that India has agreed to disconnect Pakistan's actions against terror groups from the dialogue process (on the strength of Pakistan's commitment to the issue), this should be undertaken without delay. Notwithstanding that, the CBM process must continue unabated.
- Regular meetings between local commanders of the BSF and the Rangers would help resolve matters concerning infiltration, particularly with regard to the ceasefire violations, and should be started.
- In consultation with Kashmiri stakeholders, additional CBMs need to be identified and active Kashmiri participation be ensured in the dialogue process. Specifically, CBMs to assuage economic imbalances among rural Kashmiris should be embarked on. In addition, land routes within the region should be made part of future infrastructure projects to ensure better inter- and intra-region connectivity.
- Obtaining visas and travel permits should be facilitated and made easier, and visa formalities/ registration be eased to provide for a more conducive environment in cross-border travel. People-to-people interaction should continue, and road, rail and air linkages should be structured so as to ensure that they are not regularly disrupted.

Medium-term

- The agreement proscribing attacks on each others' nuclear facilities should be extended to identified populations and economic targets
- The agreement requiring notification on military exercises et al should 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.
- There is a lack of political representation and freedoms in the area of the J & K state administered by Pakistan. It would be in their interest as well as India's if these concerns were addressed, and the people granted more say in their governance.
- Civil society and track II initiatives should be taken into active consideration towards a comprehensive resolution of the crisis in the region.

Long-term

- The redeployment of troops from the region has been debated by both governments and should be examined in full practicality.
- India should begin to engage Pakistani citizens towards sensitizing them to the conflict situation and build domestic pressure on Pakistan to strengthen its relations with India.
- The dichotomy between the maintenance of J & K's independence via Article 370 of the Indian Constitution and the requirement to further include the state in the mainstream of Indian politics and society would need to be addressed comprehensively. While Kashmiris need to be included in the dialogue process, they also need to be made to understand the valid national security concerns of India and Pakistan.

References

Ministry of External Affairs (PAI Division). 2008. "An overview on India-Pakistan Relations." Available at <http://meaindia.nic.in/foreignrelations/21fr01.pdf>

"Building Confidence in India and Pakistan." CSIS South Asia Monitor 49. 1 August 2002.

Henry L Stimson Center. "Confidence Building Measures in South Asia." Available at <http://www.stimson.org/southasia/?SN=SA2001112047>

International Crisis Group. 2006. "India, Pakistan and Kashmir: Stabilising a Cold Peace." Asia Briefing, No. 51. 15 June.

High Commission of India in Islamabad. 2007. "India-Pakistan Relations." Available at <http://www.india.org.pk/india-pakistan-relations.html>

Chari, PR. 2002. "The Need for Confidence-Building Measures." In Monique Mekenkamp, Paul Van Tongeren, Hans Van De Ven (eds.) *Searching for Peace in Central and South Asia: An Overview of Conflict Prevention and Peacebuilding Activities*. Colorado: Lynne Rienner. pp. 237-248