



Nuclear CBMs Between India and Pakistan

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A context has to be established for negotiating Indo-Pak nuclear CBMs, currently under discussion, and an initial contention has also to be made.

First, the context. The Common Minimum Programme enunciated by the UPA government notes that: "Dialogue with Pakistan on all issues will be pursued systematically and on a sustained basis." Besides, in a recent interview to the magazine Outlook Foreign Minister, Natwar Singh, mentioned that, "It is in our mutual interest to have good relations with Pakistan. We have welcomed the improvement [in relations] in the last few months - A new dimension has been added since 1998 when both countries became nuclear powers. And now it is absolutely essential that we have the best of relations." An unnecessary controversy was created by Pakistan expressing its reservations about Natwar Singh's emphasis in this interview on the Simla Agreement to guide relations between the two countries. He had only held that, "The Simla agreement and subsequent agreements and declarations provide the framework in which we can discuss everything including Jammu and Kashmir and the nuclear question." There was no emphasis, therefore, on the primacy of the Simla agreement and its providing the sole basis for an Indo-Pak dialogue, which would ignore the significant Lahore Declaration signed after the Indo-Pak summit meeting on February 21, 1999. Regrettably, no follow up action could be taken on this Declaration as the Kargil conflict intervened, followed by the abortive Agra Summit meeting in July 2001, the terrorist attacks on the Legislative Assembly building in Srinagar (October 2001) and the Indian Parliament (December 2001), which led to the nearly year-long border

confrontation between the two countries between December 2001 and October 2002. The present engagement between them is a consequence of the peace process initiated by former Prime Minister Vajpayee's famous offer of his "hand of friendship" to Pakistan in April 2003 whilst visiting Srinagar, and the joint statement issued by the two Prime Ministers after their meeting in Islamabad during the SAARC Summit in January this year.

Second, the contention must be raised whether nuclear CBMs can be pursued independently of conventional CBMs. An effort to place them in separate compartments seems to inform their protagonists in South Asia. The Cold War experience, on the other hand, informs that conventional and nuclear conflict had constituted a seamless web; hence the negotiation and establishment of nuclear CBMs was intimately linked to conventional CBMs. This makes eminent sense, because the most realistic scenario for a nuclear conflict occurring in South Asia arises from the possibility of conventional conflict getting out of hand, vital assets becoming endangered, which requires the 'last resort' option to be contemplated. It is arguable that the Kargil conflict and border confrontation crisis, very possibly, did not escalate, because a state of nuclear deterrence was obtaining. It is conceivable, however, that they could have easily escalated into a general conventional and nuclear conflict. Consequently, nuclear CBMs should ideally be pursued within a holistic process to emplace a slew of CBMs to consolidate the peace process under way between India and Pakistan.

An early nuclear CBM, incidentally, was established by the "Agreement on Prohibition of Attack against Nuclear Installations and Facilities" signed by the

two countries on December 31, 1988. It envisaged their refraining from "undertaking, encouraging or participating in, directly or indirectly, any action aimed at causing the destruction of, or damage to, any nuclear installation or facility in the other country." This salubrious measure was intended to prevent harmful radioactivity from escaping that would occur if such nuclear assets were attacked. The contracting parties were enjoined to inform the coordinates of their nuclear installations and facilities annually to each other, which has been scrupulously done by the two countries over the intervening years, despite several major crises, including the Kargil conflict, excoriating their relationship.

Proceeding further, a blueprint for negotiating nuclear CBMs is available in the Memorandum of Understanding signed by the two Foreign Secretaries as an addendum to the Lahore Declaration. It envisages the two countries:-

- Engaging in bilateral consultations on security concepts and nuclear doctrines to develop confidence building measures in the nuclear and conventional fields;
- Providing each other with advance notification of ballistic missile tests and concluding a bilateral agreement for the same;
- Undertaking national measures to reduce the risks of accidental or unauthorized use of nuclear weapons, notifying each other of any accident, and establishing a communications mechanism for this purpose;
- Continuing their unilateral moratorium on conducting further nuclear tests;
- Reviewing the implementation of the existing Confidence-Building Measures; and
- Reviewing the existing communication links to

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upgrade and improve them.

These provisions of the Memorandum of Understanding informed the technical-level talks held by India and Pakistan at the level of Additional Secretaries on 19-20 June this year. The Joint Statement issued at the end of these talks visualizes that:-

- The existing hotline between the DGMOs would be upgraded, and secured.
- A dedicated and secure hotline would be established between the two foreign secretaries, through their respective foreign offices to prevent misunderstandings and reduce risks relevant to nuclear issues.
- Both countries will work towards concluding an agreement with technical parameters on pre-notification of flight testing of missiles, a draft of which was handed over by the Indian side.
- Each side reaffirmed its unilateral moratorium on conducting further nuclear test explosions unless, in exercise of national sovereignty, it decides that extraordinary events have jeopardized its supreme interests.
- Both countries would continue bilateral discussions and hold further meetings to work towards the implementation of the Lahore Memorandum of Understanding of 1999.
- Both countries will continue to engage in bilateral consultations on security and non-proliferation issues within the context of negotiations on these issues in multilateral fora.
- Both countries called for regular working level meetings to be held among all nuclear powers to discuss issues of common concern.

Four critiques can be made on these agreements reached.

- First, apart from upgrading the long-existing hotline established between the DGMOs another between the two Foreign Secretaries is visualized. Much can be argued on the respective advantages and disadvantages of having a multiplicity of hotlines. They can serve as back-ups for each other, but they could also become sources of confusion. The military performs very different roles within the scheme

of things in India and Pakistan. The theoretical question therefore arises that, if there is a difference of opinion between the military and civilian officials within the two countries, whose views will prevail? Which hotline then would need to be given greater credence? This needs being resolved in future negotiations, although it is clear that steps to “reduce risks relevant to nuclear issues” in a major crisis would necessarily have to be addressed at the highest levels.

- Second, details of the draft regarding pre-notification of missile flights are not available. It is, therefore, unclear how the objection raised by Pakistan about the non-pre-notification of cruise missile (Brahmos) flights by India has been addressed. The Indian side has argued that the Lahore MOU refers to advance notification of “ballistic missile tests”, but not “cruise missiles,” which is not acceptable to Pakistan.
- Third, the call for meetings among all the nuclear powers to discuss common issues is gratuitous. India and Pakistan are not accepted as nuclear weapon states by the Nuclear Five since the Nuclear Non-Proliferation Treaty only recognizes a nuclear weapon state to be one “which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.” Therefore, it is unlikely that this joint call will be heeded by the existing nuclear powers, and this suggestion is, perhaps, only a trial balloon.
- Fourth, the provision to engage in bilateral consultations on “security concepts and nuclear doctrines” has been significantly altered to “security and non-proliferation issues within the context of negotiations on these issues in multilateral fora”, which narrows down the dimensions of this dialogue on nuclear CBMs. In truth, there are deep, hopefully not irreconcilable, differences in the nuclear doctrines informing India and Pakistan. Although the latter has not formally enunciated its nuclear doctrine, this can be inferred from several formal and informal statements made on this subject. India has constantly reiterated its adherence to its no-first-use declaration, which is unacceptable to

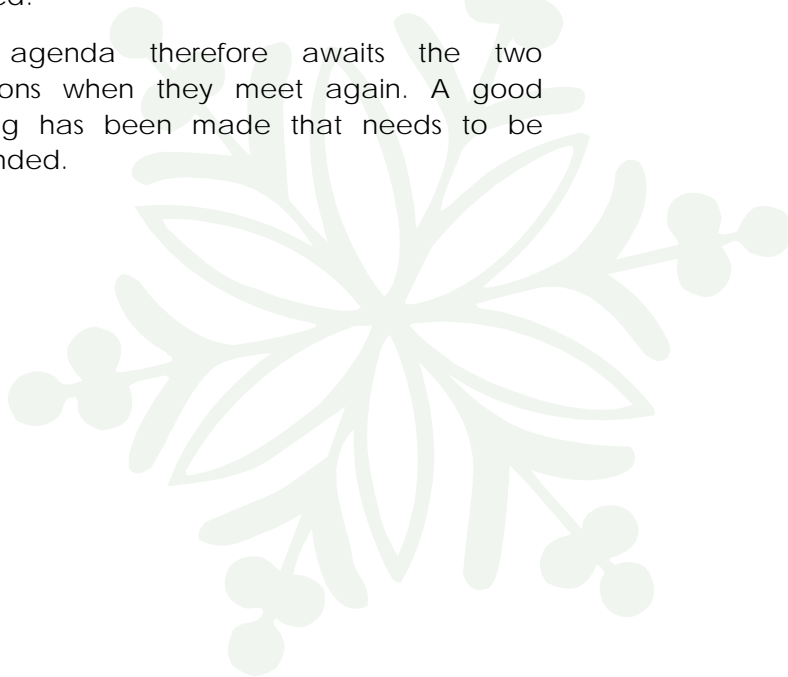
Pakistan, since it is the weaker conventionally armed state, and views nuclear weapons as its main deterrent against any conflict with India. On the other hand, India has also committed itself to maintaining a “credible nuclear deterrent.” This commitment has not made any impact anywhere, since India has been unable to specify what it means by this value-loaded term when it comes to setting out concrete numbers and types of nuclear weapons. Furthermore, Pakistan has set out its “redlines” which, if crossed, would lead to a nuclear response. This has been expressed through several contradictory official and semi-official statements, which has only served to muddy the waters. India has refrained from making its “redlines” clear. These doctrinal differences will underlie the nuclear postures adopted by India and Pakistan; hence their discussion within the ambit of the technical level talks on nuclear CBMs seems unavoidable, and cannot be eschewed.

In conclusion, this first meeting on nuclear CBMs can only be considered a preliminary engagement between the two countries; its agenda seems to have been circumscribed by the provisions of the Lahore MOU. There are further issues that need consideration like extending the ambit of the existing agreement on Non-Attack of Nuclear Installations and Facilities to population centres and major economic assets, which has been urged earlier by India, but not found favour with Pakistan. There is also the question of relocating short-range missiles away from the border, where they are in danger of being captured in a conflict, engendered a “use or

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lose" syndrome, which is highly destabilizing. The issue of differentiating between conventionally and nuclear armed missiles cannot perhaps be credibly resolved, but understandings in regard to their deployment, especially during crisis, could be enhanced.

A full agenda therefore awaits the two delegations when they meet again. A good beginning has been made that needs to be commended.



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