

# **Key Developments in the Indo–Pak CBM Process**

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India and Pakistan have not yet arrived at a peaceful settlement of the grievances prompted by the partition of the subcontinent in 1947 and the British withdrawal in 1948. The sharp differences over the founding principles of each state and over Kashmir have not softened through the years. The countries have gone to war twice over Kashmir and once over what is now Bangladesh. In 1986–87, and again in 1989–90, military exercises near the Rajasthan–Sindh border led to acute levels of tension. The situation between India and Pakistan is not one of unrelenting hostility, however. Their wars have been fought with considerable restraint: civilian targets have been spared, casualties have been limited, and prisoners of war have been well treated.

Moreover, both sides have negotiated a number of agreements intended to limit tensions and avoid unwanted wars. Unlike the high-profile Helsinki confidence-building measures (CBMs) and other measures styled by the Conference on Security and Cooperation in Europe, many of the Indo–Pakistani measures have not been negotiated in intricate detail and have not been publicly released. In addition, implementation of these CBMs has been uneven.

Most of the CBMs now in effect were prompted by the 1947–48, 1965, and 1971 wars and by periods of high tension associated with the military exercises conducted between 1986–1991. These flare-ups prompted a series of foreign secretary-level meetings that continued until January 1994.

From January 1994 to March 1997, foreign secretary-level talks between India and Pakistan were suspended and some of the CBMs that had been negotiated in the early part of the decade fell into disuse. In 1997, new governments in both India and Pakistan held out the promise of more successful dialogue between the two nations and negotiations were revived during foreign secretary-level talks in March, June, and September 1997.

These talks led to several nonmilitary CBMs, including an agreement to release fishing boats and crew members held in custody of both sides and to ease visa restrictions for travel between the two countries for business people, religious pilgrims, and the elderly. The two countries also agreed to reestablish a hotline between the prime ministers of the two countries and to take all possible steps to prevent hostile propaganda and provocative actions against each other. These last two measures had been agreed to in previous negotiations but failed to be upheld.

Additionally, the two sides tentatively agreed to the establishment of a mechanism for addressing key issues, including the dispute over Kashmir. By the end of 1997, however,

disputes over the functioning of this mechanism and the relative weight of the Kashmir issue in negotiations have prevented foreign secretary talks from proceeding further. While the Indian side sees Kashmir as one of a number of issues, all equally weighted, the Pakistani side views the dispute over the valley as the single most important issue. Although both countries seem committed to continuing the dialogue, it is unclear whether and for how long the disagreement over Kashmir will block additional progress. However, the fact that dialogue has been renewed is itself a positive step. If the two countries are able to sustain negotiations, incremental progress could eventually be made on the disagreements that mar their relationship.

Some of the confidence-building measures listed below resulted from the three wars fought between India and Pakistan. Others followed the period of heightened tension between 1986–1991 and the series of foreign secretary-level talks that resulted; some of these agreed CBMs were prompted by superpower initiatives or by the encouragement of international organizations. Finally, several CBMs listed below are recent products of renewed dialogue between India and Pakistan. Because documentation on the negotiation and implementation of CBM agreements is scarce, the list that follows may well be incomplete.

### **Communication Measures**

- A dedicated communication link (DCL), or ‘hotline,’ between the Pakistani and Indian director generals of military operations (DGMOS) was established in December 1971. Earlier that month, India and Pakistan fought a two-front war.
- In December 1990, following a period of heightened tension, it was agreed that both DGMOS would use the hotline on a weekly basis if only to exchange routine information. Many observers believe that during these periods in 1986–87 and the spring of 1990, important information was not being communicated over the hotline in a timely fashion. On the other hand, skirmishes and stand-offs have been diffused on a number of occasions by contact over the hotline.
- DCLs are also in place between sector commanders along the western sectors of the line of control (LOC) that divides Kashmir. These links do not appear to be permanently ‘on-line’ but can be activated quickly.
- In the summer of 1997, I.K. Gujral and Nawaz Sharif reinstated a hotline between the prime ministers. The hotline had first been installed during the leaderships of Benazir Bhutto and Rajiv Gandhi, but had fallen into disuse by the 1990s as tensions over Kashmir heated up.
- Nongovernmental forums for dialogue between Indians and Pakistanis have proliferated in the 1990s. One of the first such initiatives was The Neemrana Group, named after a fort in Rajasthan where the group’s first meeting was held in 1991, which provides a nongovernmental forum where academics, retired officials and military officers can discuss Indo–Pakistani relations and possible CBMs. There are nearly forty dialogue channels currently operating in South Asia, ranging from ‘Track Two’ forums that serve as testing grounds for new policy initiatives, to links between business leaders in the two countries, to ‘Track Three’ people-to-people exchanges that enhance transborder links. The growth in availability of the internet has also furthered opportunities for enhanced nongovernmental communication between the two countries.

### **Notification Measures**

- An Agreement on Prior Notification of Military Exercises was completed in April 1991. Notification is required for exercises involving ten thousand or more troops in specified locations. Troop maneuvers directed toward the international border are proscribed. Exercises at the corps level must be held forty-five kilometers away from the border. At the division level, exercises must be held twenty-five kilometers away from the border. No military activity is permitted within five kilometers of the border.

### **Transparency Measures**

- When Pakistan undertook its 1989 military exercise, *Zarb-e-Momin*, Indian and other foreign military attachés were invited to observe, in order to confirm non-hostile intent.
- To defuse tensions arising from its spring 1990 exercises, India invited US observers to monitor troop and equipment deployments as an assurance of non-hostile intent.

### **Border Security Measures**

- The Karachi Agreement of 1949 established an 800 mile cease-fire line (CFL), obligated troops to keep a distance of five hundred yards from the line, and sought to freeze force levels around the CFL. After the 1965 and 1971 wars, the CFL was re-established, albeit with some changes. The goal of freezing force levels at the line was illusory.
- The 1960 Indo-Pakistani Agreement on Border Disputes in the West established “ground rules which would be operative on the West Pakistan-India border,” and settled some outstanding border disputes in the Punjab sector.
- The Rann of Kutch on the Gujarat-Sindh border was the scene of early hostilities before the 1965 war. India and Pakistan had long disagreed over the demarcation of their border in the area. After the war, however, both sides agreed to refer the case to binding international arbitration in order to limit tensions and remove an irritant to relations. The result was the Rann of Kutch Tribunal Award. Unfortunately, there was no ruling on the demarcation of Sir Creek, a disputed area that remains a source of friction.
- An Agreement on the Violation of Airspace, signed in April 1991, and ratified in August 1992, stipulates that combat aircraft are not to fly within ten kilometers of each other’s airspace. Unarmed transport and logistics aircraft are permitted up to 1,000 meters from the border; flights within this range for supply or rescue missions are permitted if advance notice is given. There have been claims that the airspace agreement has been violated on a number of occasions, but both sides appear interested in maintaining the accord.

### **Consultation Measures**

- The Indo-Pakistani Joint Commission was established in 1982 to facilitate discussion at the ministerial level and by sub-ministerial subcommittees dealing with a wide range of issues, including trade, tourism, technology, and communications. Meetings took place between 1982 and 1989.
- Since 1990, the Indo-Pakistani Joint Commission has been superseded by a series of foreign secretary-level discussions. These meetings have produced the prenotification agreement, the airspace agreement, and the bilateral chemical weapons declaration.

### **Water Rights**

- The 1962 Indus Waters Treaty, brokered by the World Bank, helped to resolve a severe resource distribution problem caused by the partition of India and Pakistan. Under the terms of the agreement, the two countries agreed to cooperate in the management and sharing of the rivers in the Indus basin, including regular data exchanges, routine consultation, arbitration of any disagreements, and assurances not to interfere with, or in any way change, the agreed distribution of water resources. The World Bank agreed to help administer and guarantee the installation of the water management infrastructure needed to make effective use of the rivers. Despite some minor disagreements, the river sharing arrangement has worked well and has survived several wars and periods of high tension.

### **Declaratory Measures**

- The Tashkent Declaration of 1966, facilitated by the Soviet Union, formally concluded the 1965 war. It stipulated that “relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of the other.” Implementation has been limited.
- The Simla Accord which followed the 1971 war, obliges both countries to renounce the use of force as a means of settling outstanding disputes. Both sides agreed to resolve their disputes in bilateral forums. The cease-fire line in Kashmir was upgraded to an LOC established on a series of maps initialed by local military commanders, with both sides pledging not to seek to alter or breach it through unilateral action. Aside from the LOC provisions, very little of the accord’s letter or spirit has been implemented.
- An Agreement on the Non-attack of Nuclear Facilities was signed by Indian prime minister Rajiv Gandhi and Pakistani prime minister Benazir Bhutto in 1988. It was ratified in 1991 and implemented in January 1992. The agreement requires an annual exchange of lists detailing the location of all nuclear-related facilities in each country. The measure further pledges both sides not to attack listed facilities. When lists were exchanged in 1992, each side reportedly left off one enrichment facility.
- A Joint Declaration on the Prohibition of Chemical Weapons was concluded in August 1992. Both countries agreed not to develop, produce, acquire, or use chemical weapons. Both countries also ratified the Chemical Weapons Convention in 1997. When the government of India joined the CWC, it declared having stock as well as production and storage facilities for the express purpose of dealing “with any situation arising out of possible use of chemical warfare against India.”

