

## Building Confidence in India and Pakistan

After a tense six months and high-level international attention, India and Pakistan have retreated from the brink of war. As the two countries try to move toward peace, it is worth taking another look at how they might avert future crises. Based on India's and Pakistan's previous experience with confidence-building measures [CBMs], future efforts at crisis prevention need to provide more explicit means of adjudicating implementation problems. The two countries also need stronger political will to make a confidence-building system work.

**Keeping tensions low:** CBMs, agreed to and implemented by potential adversaries, are measures designed to reduce the risk of deliberate or accidental conflict and build trust by demonstrating the ability of the parties to keep promises. CBMs generally focus on military actions, although non-military agreements can serve a similar purpose. Successful CBMs must be verifiable and require that the agreeing parties have a common stake in the CBM process and the political will to initiate and maintain agreements. Without these elements, the agreement falls victim to suspicion, mistrust, and misinformation. Furthermore, governments often use CBMs as political tools. If properly constructed and implemented, CBMs can improve interstate relationships, prevent escalation, and serve as a preface to future, more extensive agreements.

**Confidence-bursting measures?** After weathering the trauma of partition and a subsequent war in 1947-'48, India and Pakistan began to stabilize their relations. Under the auspices of the World Bank, the two countries in 1960 negotiated the Indus Waters Treaty, which ended disputes over the Indus river system and provided a forum for annual meetings to address water-related problems.

Five years after the Indus Waters Treaty the two states fought a second war. That war concluded with a treaty, accompanied by the first in a long line of CBMs—a hotline between Military Operations Directorates. Despite this promising initial step, it took a third war, in 1971, and two decades of relative calm to restart the CBM process. Beginning in the late 1980s, the two countries enacted a series of additional measures. The principal CBMs of the last 40 years are:

- Hotline between Military Operations Directorates, 1965
- Agreement on the Prohibition of Attack against Nuclear Installations and Facilities, 1988; ratified and implemented, 1992
- Hotline between Prime Ministers Benazir Bhutto and Rajiv Gandhi, 1989

- Agreement on Advance Notice of Military Exercises, Maneuvers, and Troop Movements, 1991
- Measures to Prevent Air Space Violations and to Permit Overflights and Landing by Military Aircraft, 1992

The hotlines were an ambitious attempt to ensure weekly communication between proud military and bureaucratic cultures that were traditionally reluctant to make the first move toward conciliation. Although they did increase communications and help avoid some misunderstandings, these positive effects were only temporary as the lines fell into disuse in times of deteriorating bilateral relations. The absence of communication became a cause for suspicion. If communication did occur, both countries often accused each other of spreading misinformation through the link. This lose-lose situation was exacerbated by the measure's neglect of crisis and post-crisis communications—no stipulation was made requiring communication during disputes.

The Prohibition of Attack against Nuclear Installations and Facilities, while constructive in theory, failed to build confidence because of an existing mistrust. The agreement required both sides to exchange lists of all nuclear facilities, including "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 and materials in any form and establishments storing significant quantities of radio-active materials." Immediately after the two sides exchanged lists, suspicion grew over whether the lists were complete. Neither India nor Pakistan had the means to ascertain the accuracy of the lists; hence, each accused the other of concealing certain nuclear facilities (a significant omission at a time when neither country admitted to conducting nuclear tests). The absence of verifiability might have been overlooked if the two countries already had a record of trust-building measures, but without such a record, India and Pakistan remained mired in mistrust.

The two most recent agreements are the most detailed in their language and requirements. The measure to prevent airspace violations requires that military flights remain at least five kilometers from the border and describes what steps should be taken in the case of an inadvertent violation. Despite the level of detail, occasional problems still arise due to the lack of a dispute resolution forum. In August 1999, for example, India gave warning and then shot down a Pakistani training flight, claiming the aircraft was 10 kilometers into Indian airspace. Pakistan claimed that the flight was a routine one that flew only in Pakistani airspace. Both countries asserted their right to self-

defense, and India put its navy on alert. The dispute demonstrates the fallibility of a CBM that does not have a mechanism through which to address such factual disputes. Including such a mechanism is imperative; without it, the violation of a CBM may in fact do more harm to the trust-building process than if the CBM never existed.

**Declarations:** Public statements of intent and behavior can be considered CBMs. Declarative CBMs only work, however, if compliance with their commitments can be independently verified, particularly if the parties to the statement are in the early stages of confidence building. Contradictory or politically motivated public statements are likely to raise suspicions and possibly contribute to confusion and tension. In May, for example, President Pervez Musharraf pledged that he would not let terrorists use Pakistan as a base from which to launch terrorist attacks against other countries. Although infiltration certainly fell for several weeks, recent terror attacks in India-controlled Kashmir have led Foreign Minister Yaswant Sinha to accuse Pakistan of breaking promises. Adding to the contradiction between word and action, Musharraf seemed to retreat on his promise in a *Washington Post* interview, suggesting that infiltration may not be permanently stopped.

**Three turbulent years:** The India-Pakistan summit at Lahore in February 1999 was the high point of bilateral relations in recent years, and also the high point of recent efforts to institutionalize bilateral risk reduction measures. The Lahore Declaration, signed by both Prime Ministers, outlined the procedure for future peace talks and gave priority to revitalizing and expanding CBMs. Unfortunately, the Pakistani decision to send troops into Indian-held Kashmir at Kargil a few months later, and the fighting that followed, undid whatever confidence-building potential the Lahore document held. Finally, under pressure from the Clinton administration, Pakistan withdrew its forces at Kargil and the status quo was restored. Over the past three years India and Pakistan have endured several periods of heightened tension. The two made several direct and indirect efforts at peacemaking, including an Indian ceasefire initiative in Kashmir during Ramadan and a bilateral summit at Agra in July 2001.

When Jaish-e-Mohammed militants attacked the Indian Parliament in December 2001, they sparked a crisis that eventually led to a massive Indian military deployment. Soon, Pakistan matched the deployment and both countries suspended high-level bilateral contact. Today, both nations continue to flirt with the idea of a “limited war” without having defined the parameters of an unlimited, or nuclear, conflict. This conceptual haziness has enabled both sides to indulge in increasingly risky behavior, causing flare-ups of tension. It is precisely these minor incidents that put the region in chronic crisis and pose the greatest risk of war.

**Building on the past:** The easing of the current crisis provides an opportunity for India and Pakistan to examine whether and how CBMs can help stabilize their relations. They could start with a revival of some of the most important existing CBMs, and if this is successful, move on to a more extensive and ambitious set of measures.

The first step would be to restart Indo-Pakistani communication. Reviving the hotlines between military officials would be a key part of this process. This time, however, the hotline agreement should stipulate the levels, direction, and frequency of communications and require face-to-face meetings if those stipulations are violated. After opening communications, India and Pakistan might take a few additional steps to prevent the hotline from falling into disuse in times of crisis. The hotline agreement could require communication from a particular country when any airspace or border violation occurs by that country, thereby reducing the chances of accidental escalation due to halted communication.

Once the hotline issue is settled and implementation has begun, India and Pakistan could begin to implement other existing CBMs, such as the agreements on notification of military exercises and on avoiding airspace violations. These early steps do not require capital or technology but rather demand renewed political will. Next, the two countries should work on improving those CBMs to more effectively address problems of troop mobilization, military exercises, and aerial operations. A specific concern should be movement of unauthorized personnel and unauthorized flights—manned and unmanned—over borders, contentious issues that have disrupted prior periods of calm. Furthermore, India and Pakistan should consider properly enforcing their notification of military exercise requirements, a measure that has deteriorated under weak implementation standards. Both countries can also expand existing agreements, stipulating for example that smaller military exercises should also fall subject to prior notification requirements.

**Cooperative aerial monitoring:** Following the renewal of prior agreements, India and Pakistan can start thinking about new CBMs, particularly a cooperative aerial monitoring effort, which might, if both countries wished, be buttressed by technological support from third parties. There are several examples of successful aerial monitoring agreements. One precedent for a bilateral measure is the “Open Skies” Agreement reached between Hungary and Romania in 1992, which came on the heels of a multilateral open skies regime signed by several NATO and former Warsaw Pact countries that same year. The Hungary-Romania treaty allows reconnaissance overflights of the opposite country, provided that a native of the observed country was in the aircraft. Experienced technical specialists determined the types of planes, cameras, and sensors that would be used and discussed the necessary film development process, the number of flights per year, and the protocol for dispute resolution.

Several studies, including a Cooperative Monitoring Center report for Sandia National Laboratories, demonstrate the viability of an Open Skies-style agreement in South Asia.<sup>1</sup> The agreement could

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1 K. C. Cariappa and Mohammed Arshad Chaudhry, “How Cooperative Aerial Monitoring Can Contribute to Reducing Tensions Between India and Pakistan”, Cooperative Monitoring Center Occasional Paper (Albuquerque, N. Mex.: Sandia National Laboratories, December 2001).

See also Teresita C. Schaffer and John H. Hawes, “Risk Reduction in South Asia: A Role for Cooperative Aerial Observation?” in *Aerial Observation and*

monitor the Line of Control [LoC] and general military movements along the border. Narrow surveillance may leave much unobserved territory, but it can still be effective in detecting possible invasion warnings and ascertaining compliance with agreements regarding military deployments and movement near or over the border and the LoC. More intrusive CBMs—such as deeper territorial penetration by aerial monitors—can be proposed and implemented once smaller measures have established trust and domestic and/or multilateral efforts have curtailed militancy. Broad surveillance would further assist with weapon counting and invasion warning.

Alternately, if the two countries agree to third-party assistance in monitoring, they might follow the example of cooperative monitoring in the Sinai Peninsula after the 1973 Yom Kippur War. In conjunction with a border-monitoring agreement based on the use of sensors and the establishment of a monitoring center, the United States and the UN helped implement an aerial-monitoring agreement between Egypt and Israel. UN peacekeepers provided the monitoring through weekly overflights, technology provisions, and simultaneous data transmissions to all involved parties. The overflights only occurred over the median of the demilitarized zone, with no lingering or random flights. Additionally, they guaranteed tactical early warning if the monitoring data showed anything out of the ordinary. Finally, the United States also provided data to both sides from some U.S. overflights. To the extent that India and Pakistan are willing to allow third-party assistance, having an impartial source collect and disseminate data may ease tensions between the rivals.

**Ground-based sensors:** Sensors and other monitoring technology can be helpful in creating verifiable CBMs. The installation of sensors and the potential communication and data sharing involved can be a CBM in itself or can be used to supplement other CBMs, such as a joint border patrol. Major General Mahmud Ali Durrani outlined the various technologies that may be applicable to the Indo-Pakistan border in a recent study.<sup>2</sup> Sensor technology, he claims, can reduce the insecurity of both nations with regard to cross-border infiltration as well as the “false alarms” of inadvertent crossing of people, vehicles, and animals.<sup>3</sup> India and Pakistan could incorporate the use of seismic ground sensors and video and thermal imagers into a new monitoring agreement. India and Pakistan can supplement their sensors with a dispute resolution forum, either in the form of an established meeting place or as a protocol for meetings that could be held at a variety of international locations.

**Dispute resolution:** Although India and Pakistan have a long history of CBM creation, they have a poor record of actual

implementation. Every CBM between the two states has lacked a stipulation for dispute resolution. When implementing new CBMs, India and Pakistan could consider incorporating dispute-resolution mechanisms that establish a specific physical location—one in each country—for future meetings and discussions of CBM violations, and a communications link to supplement the hotline. Like the Nuclear Risk Reduction Centers in Washington, D.C., and Moscow, an Indo-Pakistan dispute-resolution forum would support all CBMs by establishing a protocol for information to be exchanged. Such a forum might require yearly or semiannual face-to-face meetings between high-level government officials and additional meetings as requested by either party in response to a CBM violation or a related concern. Consistent meetings will add to confidence-building attempts by maintaining a flow of communications. Also, a prompt discussion of disputes at a predetermined location might help prevent minor violations from becoming larger conflicts.

**Looking ahead:** The recent events in South Asia suggest that the United States needs to move beyond its traditional policy of short-run crisis management to a long-term relationship of cooperation and engagement with India and Pakistan. The United States has a chance to play an important role and build a lasting relationship with both countries, thereby keeping tensions low and gaining strategic advantages in the region, including in the War on Terror. Instead of directly engaging in monitoring or mediating, the United States could provide technological support as necessary, offering advice on maintaining CBMs and overseeing the long-term reduction of militancy and the advancement of economic development.

Defense Secretary Donald Rumsfeld offered India ground-based sensors in June. The sensors would survey the LoC and be locally managed and maintained. Such proposals, particularly if offered to Pakistan as well, would give both countries the technology necessary to begin immediate monitoring. Although the technologies may not be particularly esoteric, this offer and others like it save the two countries time in development and distribution. Its provisions would of course need to be tailored to the Indo-Pakistan border’s unique infrastructure, climate, and terrain. In addition to technology the United States can assist with the establishment of dispute-resolution forums, helping with initial dialogue attempts and providing necessary capital.

Any U.S. involvement must be cautious and calculated, taking into careful consideration the precarious balance of power in the region; the situation in Kashmir; Pakistan’s insecurity regarding Indian military preponderance; and India’s suspicion of third parties. If this positive relationship with the two South Asian nations can be preserved, it could pave the way for other substantive talks regarding Kashmir and nuclear deterrence and/or disarmament, a significant long-term strategic issue.

Swati Pandey and Teresita C. Schaffer

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*Confidence Building*, Report No. 31 (Washington, DC: Henry L. Stimson Center, August 1999).

<sup>2</sup> Mahmud Ali Durrani, “Enhancing Security Through a Cooperative Border Monitoring Experiment: a Proposal for India and Pakistan,” Cooperative Monitoring Center Occasional Paper (Albuquerque, N. Mex.: Sandia National Laboratories, July 2001).

<sup>3</sup> Durrani, 52.

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