

CONFIDENCE BUILDING MEASURES BETWEEN INDIA AND PAKISTAN

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Abstract

Confidence Building Measures (CBMs) are widely recognized concept in the contemporary era and include a wide range of measures encompassing military, political and economic fields. The term CBMs has broader connotation as the term is specifically used by some writers to describe military related confidence building measures while a new term TCBMs (Trust and Confidence Building Measures) was also introduced in a Conference held at Geneva in 1998. CBMs can be broadly categorized into military, political and socio-economic measures. Within the military sphere they can be further classified into conventional or nuclear CBMs. In this connection, this paper examines various types of CBMs between India and Pakistan.

Introduction

CBMs or Confidence Building Measures are a widely recognized concept in the modern day world and includes a wide range of measures encompassing military, political and economic fields. It is generally believed that the concept of CBMs originated in Europe during the 1970s in the backdrop of East-West confrontation. There is, however, sufficient evidence to suggest that the process had already been practiced in many parts of the world although not necessarily characterized as such. For instance, in South Asia, there have been many such agreements between India and Pakistan. The 1949 Karachi Agreement, the Liaquat-Nehru Pact of 1950, the 1960 Indo-Pak Border Ground Rules Agreement, the 1962 Indus Water Treaty, the Tashkent Declaration of 1966 and the 1972 Simla Agreement are cases in point.¹ While the term CBMs has broader connotations, the term CSBMs denoting Confidence and Security Building Measures is specifically used by some writers to describe military related confidence building measures.

In a 1998 Conference held at Geneva under the auspices of UNIDIR (United Nations Institute of Disarmament Research) a new term TCBMs (Trust and Confidence Building Measures) was also introduced. One may argue that this addition of a 'T' or 'trust' does not really add any new substance to the existing concept since 'confidence' and 'trust' are synonyms and the addition may have been aimed at making the concept more eye catching. Former Pakistani Foreign Minister Mr. Agha Shahi, who was one of the participants of the Conference however, opined that: *"UNIDIR has rightly joined trust to confidence-building measures for India and Pakistan as the panacea for the lack of mutual confidence in the performance in good faith of their obligations towards each other"*.²

As pointed out earlier CBMs can be broadly categorized into **military**, **political**, and **socio-economic** measures. Within the military sphere they can be further classified into conventional or nuclear CBMs. The most comprehensive, elaborate and well documented model of CBMs to-date can be found in the 'Helsinki Final Act' of 1975 which was implemented with a great degree of success and resulted in formalizing the status quo in Europe. The Helsinki agreement was further supplemented and expanded in scope through the Stockholm Accord which in turn was followed by the two Vienna Agreements in 1990 and 1992 respectively.³ It may be appropriate here to dilate upon the concept of CBMs and their various ingredients before embarking upon its relevance to and history in South Asia.

According to Johan Jorgen Holst⁴ :-

"Confidence building measures (CBMs) may be defined as arrangements designed to enhance assurance of mind and belief in the trust-worthiness of states __confidence is the product of much broader patterns of relations than those which relate to military security. In fact, the latter have to be woven into a complex texture of economic, cultural, technical and social relationships."

Stages of Implementation of Confidence Building Measures

The distinction between Conflict Avoidance and Confidence Building Measures is not easy to make and it is not a simple task to categorize various measures under the rubric of either the Conflict Avoidance Measures or Confidence Building Measures. Michael Krepon considers Conflict Avoidance Measures as a first step which then leads on to CBMs and then further on to 'Peace Building Measures'. He has, therefore divided the whole process into three distinct stages⁵ as under:-

- **Stage-1 - Conflict Avoidance Measures (CAMs):** These are the steps undertaken in the early stages of the process and are aimed at avoiding unwanted wars and unintended escalation. The 1991 Agreement between India and Pakistan regarding pre-notification of large scale military exercises and establishment of no fly zones along their common border is a typical example of CAMs.
- **Stage - 2 - Confidence Building:** This is a relatively more difficult stage which involves the difficult transition from Conflict Avoidance to Confidence Building. Its complexity is based on the fact that much greater political stakes are involved at this stage especially when the relations between the two parties are marred by deep seated mistrust. The South Asian example is again instructive in this regard where the diametrically different and hardened views of the two antagonists on the core issue of Kashmir have made the graduation from CAMs to CBMs extremely difficult. Another factor detrimental to any progress in this regard has been the less than satisfactory track record of the functioning of the existing CAMs between the two countries. The third impediment is the domestic political cost for any government which appears to be making conciliatory gestures towards the other side. According to Krepon, *"CBMs can become a vital companion to peacemaking, but not a substitute for it in regions of great tension. Indeed without CBMs Politically*

risky peacemaking efforts can easily fail.” Steps such as acceptance of foreign military observers at pre-notified exercises are part of the transition process from CAMs to CBMs.

- **Stage- 3 - Strengthening the Peace:** This stage encompasses the post-peace phase when after having avoided war and successfully negotiated peace, CBMs can still be employed to strengthen the fragile peace. This will entail institutionalization of existing co-operative arrangements and expanding their scope by developing socio-economic links. In this phase measures beyond pre-notification and invitation to military observers could be initiated such as placing constraints on the size and location of military exercises to make them as non-provocative as possible. Former Pakistani Ambassador to the US and UK, Dr. Maleeha Lodhi has suggested some specific measures in this regard, such as *non-deployment of long range artillery in the proximity of borders, tank-free zones, rearward location of 1/3 of frontline forces and mutual consultation on acquisition of new weapon systems and technologies*⁶. However, implementation of most of these proposals will pose serious practical difficulties in the prevailing environment due to serious trust-deficit between India and Pakistan. There would be technical difficulties as well in for instance, categorizing artillery pieces into offensive and defensive. Similarly, all tanks are not part of the strike formations – some of these have defensive roles as well, and rearward location of forces will be a complex proposition in view of the disparity in the geographical sizes of India and Pakistan.

CBMs in South Asia

History of CBMs in South Asia has been long but checkered due to the intractable nature of the political disputes and the depth of mistrust between India and Pakistan. There is also a widespread skepticism regarding the utility of CBMs especially in South Asia with some justification. Dr. Lodhi, for instance, has expressed

serious doubts about the utility of CBMs in Indo-Pak context especially when these are considered to be an end in themselves and a substitute for conflict resolution saying that:-

“.....CBMs cannot stand alone and can only work in a broader context. The presumption of priority for CBMs is that underlying problems are not resolvable, and therefore, by freezing the status quo, CBMs can somehow reduce tension and avert the danger of war.....Meant to be a step towards conflict resolution they can often be used as a substitute. They have frequently been pursued in South Asia under external prodding or pressure and at the expense of problem solving.”⁷

The historical experience also lends credence to this view. Many instances from the recent past can be cited to prove the erratic performance of CAMs between the two South Asian rivals. First, despite an Indo-Pak agreement reached in August 1992 on the complete prohibition of chemical weapons, India continued to maintain stockpiles of chemical weapons which only came to light when under the obligations of Chemical Weapons Convention (CWC) India finally disclosed its stockpiles⁸, thereby making a mockery of the agreement in both letter and spirit. Second incident relates to 1988 agreement regarding ‘non-attack on each others nuclear installations’. In May 1998, intelligence reports indicated Indian preparations, raising fears of an imminent pre-emptive strike against Pakistani nuclear infrastructure. The crisis was only averted when Indian High Commissioner to Islamabad was summoned to the foreign office around midnight and told in unequivocal terms of the repercussions of such a venture. Third event pertains to the agreement, regarding pre-notification of major military exercises. In October 1998, India conducted its largest exercises since Brass Tacks, involving land air and sea units. Although as per the letter of the agreement India did notify holding of these exercises, but the selection of an area in close proximity of Pakistan’s land and sea boundaries, constituted a violation of the spirit of the agreement coming as it did in a period of enhanced mutual tensions. In 1999, in the aftermath of the Kargil conflict, India shot down an unarmed ‘Atlantique’ aircraft of Pakistan Navy ostensibly for an alleged

violation of Indian Airspace.⁹ In view of the Agreement on Prevention of Air Space Violations, they should have lodged a protest through diplomatic channels on occurrence of such a violation instead of shooting down the aircraft. The Indians on their part would also have complaints regarding instances of Pakistani violation of or non-compliance to the existing CBMs.

A well known Pakistani security analyst has come up with an exhaustive list of objections from various quarters against the CBMs process. The list includes the following:-

- “CBMs are mere eyewash. They cannot solve complex and deep rooted problems of South Asia....
- How can CBMs work in present conditions of highly strained relations between India and Pakistan?
- CBMs may lead to complacency whereby a stronger determined adversary could easily take potential advantage over its weaker adversary.
- CBMs are of Western origin and hence cannot be applied in South Asian conditions which are entirely different.
- CBMs can hardly prove beneficial unless there is strong mediation by some big power or an international organization for the resolution of outstanding disputes/problems.
- Because of nuclear deterrence in South Asia, there is no possibility of a future war. Therefore, what is the great need for the CBMs?
- Both India and Pakistan have now parliamentary democracies in place and since democracies generally do not go to wars, all CBMs talk is therefore redundant”.¹⁰

Some of the criticism contained in the above mentioned list is justified. However, quite a few objections are based on lack of knowledge/ understanding of the nature and purpose of the CBMs. For instance, CBMs are not designed to solve the problems by themselves but are only meant to facilitate the process. In the tension charged relations between India and Pakistan, the process has not been able to complete the transition to the second stage and most of the existing agreements pertain to CAMs which have at least

partially helped in avoiding undesirable conflicts. The term itself may have originated in the West but not necessarily the concept and in any case so many other Western precepts most notably the concept of *Deterrence* are in vogue in South Asia and elsewhere. In the existing deterrence situation CBMs have not lost their utility. It may in fact be essential to devise specific CBMs to enhance the stability of deterrence. Again the observation with regard to democracies not fighting each other is a sweeping generalization and its applicability to fledgling post-colonial democracies can at best be doubtful.

Michael Krepon, however, has a more optimistic view about the prospects of CBMs in the post- Cold War world and considers these as 'a growth industry' because in his view, the negotiation and implementation of CBMs is comparatively much easier than formal arms control agreements. In a similar vein, Mr. Agha Shahi while describing the past experience with CBMs as discouraging, recognizes the greater significance assumed by the CBMs in the aftermath of the nuclearization of the two countries. In the post nuclearization phase in South Asia, the US has also been encouraging both India and Pakistan to negotiate a nuclear restraints regime to avoid unauthorized or accidental nuclear war in the region. India considers its 'no first use' offer as a nuclear related CBM, while Pakistan perceives it as a ploy to degrade Pakistani nuclear deterrent against any conventional attack and thus designed to allow India to exploit its advantage in conventional forces. Both countries have, however, announced unilateral moratoria on further nuclear testing which if formalized as a 'regional test ban agreement' as proposed by the Pakistani Prime Minister at the SAARC summit held at Colombo in July 1998, could form part of the CBMs. Pakistan again made this offer during the first round of expert level talks on Nuclear CBMs in New Delhi in June 2004. India however, turned it down.

In Mr Shahi's view, present non-deployed state of nuclear weapons and delivery systems in South Asia is akin to a virtual de-alert situation which if formalized into a bilateral agreement would constitute an important CBM. He however, cautions that problems related to verification of de-alert status would have to be identified

and sorted out beforehand. Some of the other CBMs suggested are halting of missile testing and refraining from stationing the nuclear capable missiles close to the borders¹¹. These suggestions are idealistic and oblivious to technological complexities and political difficulties. For instance, given the acute lack of trust devising an intrusive verification mechanism for monitoring the de-alert status is a near impossibility. Secondly, both Indian and Pakistani nuclear and missile programs are still in the evolution stage and there are technical requirements for missile flight tests to verify the design parameters of various missiles to achieve confidence in their performance. Halting of missile tests, therefore, is an unrealistic expectation. There could, however, be other mutually agreed constraints on unbridled missile development. Thirdly, the suggestion regarding refraining from stationing nuclear capable missiles close to borders is again not on sound footing as most of the nuclear capable missiles in the Indian and Pakistani inventories have sufficiently long ranges to be able to reach their targets from their deployments well in the depth and in any case neither there is any need to deploy such systems close to the borders nor is that the normal practice.

Strategic Restraint Regime in South Asia – Problems and Prospects

The concept of nuclear risk reduction and restraints is relatively new to India and Pakistan. In the pre-1998 era these ideas could not be explored owing to the covert nature of the Indian and Pakistani nuclear programs. The only existing nuclear CBM was the 1988 agreement on ‘Non-attack on each other’s nuclear facilities’. In October 1998, during the nuclear risk reduction talks between Indian and Pakistani experts at Islamabad, Pakistan presented a comprehensive ‘strategic restraint regime’ proposal. The Indian side however, expressed its inability to discuss it without having read it carefully and analyzed it thoroughly. Some of the ideas from the restraint regime were later reflected in the Lahore MOU of February 1999, which contains eight measures for the promotion of a stable environment of peace and security between India and Pakistan. Out of these, five measures are directly related to nuclear risk reduction, while two others i.e. a review and oversight mechanism to monitor

the implementation of the existing CBMs and up-gradation and improvement of existing communication links are complimentary to the nuclear risk reduction measures. The last remaining measure pertains to avoidance of incidents at sea, which in the context of the likely future development by the two countries their respective nuclear triads also has a potential linkage.¹²

The five specific nuclear risk reduction measures pertained to bilateral consultations on security concepts and nuclear doctrines, pre-notification of ballistic missile flight tests, national measures to reduce the risk of accidental or unauthorized use of nuclear weapons, abiding by their respective moratoriums on nuclear testing and bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these in the multilateral forums. Understanding on these issues was to be converted into formal agreements after working out the technical details at subsequent expert level meetings. Unfortunately, the meetings of the experts could not materialize due to break down of the negotiations as a result of the Kargil conflict followed by the military standoff in 2001-02.

The dialogue process finally resumed following an agreement during a January 2004 meeting between PM Vajpayee and President Musharraf,¹³ on the sidelines of SAARC summit in Islamabad. However, even after a lapse of over a decade since it was first mooted, the Strategic Restraint Regime proposal has not yet been taken up formally in the ongoing composite dialogue, despite several attempts by Pakistan to place it on the agenda. Before getting into the details of the proposal or discussing its future prospects it may be useful to take a stock of the progress made in the peace process in four years of negotiations ranging from the expert level talks to the Foreign Secretary level talks and the deliberations between the two Foreign Ministers before it came to a grinding halt as a result of the Mumbai incident in November 2008.

The composite dialogue was based on the agenda agreed upon by the Foreign Secretaries of India and Pakistan in July 1997.¹⁴ The subject of strategic stability and restraint measures falls under the rubric of 'Peace and Security' and involves deliberations

between experts from the two countries. So far four rounds of expert level talks have taken place. The overall pace of the composite dialogue remained slow and both countries seemed inclined to take small tentative steps rather than coming up with bold initiatives with the exception of Musharraf's proposals on Kashmir which have been criticized in Pakistan by many as amounting to giving up Pakistan's principled stand on Kashmir without any reciprocal concessions by India. These proposals were not taken up in the formal dialogue process but were discussed in the form of back channel deliberations between the special envoys of the Indian Prime Minister and the Pakistani President. While there are no results to show as far as resolution of disputes is concerned, some substantive CBMs related to nuclear and missile issues have been agreed upon. During the course of the negotiations, India insisted upon following the Lahore MOU in letter and spirit, which is reflected in repeated emphasis on this point in almost all joint statements. India has also avoided any discussion of the Pakistani proposal on a 'Strategic Restraint Regime'.

The first round of expert level talks held at New Delhi in June 2004 was significant due to the fact that it set the stage for the subsequent rounds of talks. The two sides accepted each other's nuclear status recognizing the fact that the respective nuclear capabilities of the two countries are based on their national security imperatives and 'constitute a factor for stability'. They also committed themselves to taking 'national measures to reduce the risk of accidental or unauthorized use of nuclear weapons to adopt bilateral notification measures and mechanisms to prevent misunderstandings and misinterpretations' and to 'work towards strategic stability'. They also agreed to upgrade the existing hotline between the DGMOs and to establish a dedicated hotline between the two foreign secretaries, besides agreeing to finalize the technical parameters of pre-notification of missile tests. India however, did not agree to a Pakistani proposal for a bilateral declaration of nuclear test moratorium and instead insisted on reiteration of their respective unilateral moratoriums. The two countries also agreed to consult each other on security and non-proliferation issues in the context of multilateral negotiations on these issues.¹⁵ There was nothing to show in terms of results in the second round of expert

level talks held at Islamabad in December 2004 other than reiteration of commitments made in the first round.¹⁶ The third round held at New Delhi in August 2005, proved to be more productive and the text of a ballistic missile flight test pre-notification agreement was finalized.¹⁷ At the same time, India handed over its draft of an agreement on measures to reduce the risk of accidental and unauthorized nuclear use. This was deliberated upon and a mutually agreed draft was finalized during the fourth round of expert level talks held at Islamabad in April 2006. It was subsequently signed into a formal agreement during the Foreign Ministers' meeting at New Delhi in February 2007.¹⁸

Given India's insistence on strictly following the formulations of the Lahore MOU, a look at the results achieved so far in the expert level talks on nuclear risk reduction measures indicates that almost all the objectives of the Lahore MOU in this respect have been achieved and the dialogue on nuclear CBMs seems to have run its course. To carry the process further would need some creative thinking on both sides to come up with new ideas and a willingness to embrace new proposals even if they emanate from the other side now that there is no agreed upon agenda to fall back on. The only left over item from the Lahore MOU is bilateral consultations on security, disarmament and non-proliferation issue to harmonize their positions on these issues in the multilateral forums. Despite the fact that on many of these issues, the two sides have common concerns and have been taking identical positions, no effort seems to have been made to coordinate their positions. Obviously, it involves considerations of international politics rather than bilateral or regional factors and more often than not states tend to align their positions with major powers on a quid-pro-quo basis. In case of India, after the signing of the civil nuclear cooperation agreement with the US, it has all the reason to harmonize its positions with the US rather than Pakistan as has been evident in its approach on the Iranian issue in the IAEA.

In the meantime, hotline between the DGMOs has been upgraded to a fiber optic link with a higher degree of reliability and much greater capacity for voice as well as data transmission. The old hot line working since the early 1970s had many technical snags.

The line which was partly based on fiber optics and partly on overland copper line was at best a patch up of different media. Consequently, it was noisy and unreliable with frequent breakdowns. Along with the technical up-gradation of the DGMOs' hotline, a dedicated hotline has also been established between the two foreign secretaries, specifically for the purpose of prompt exchange of information in the event of a nuclear incident or to clarify any misunderstandings particularly during crises. This line is also based on the fiber optic link. Pakistan and India have also inked an agreement on avoidance of accidental or unauthorized nuclear use. However, this agreement though symbolically important lacks in substance and relies mainly on unilateral good faith measures by either side rather than any bilateral framework. The most effective agreement so far has been the ballistic missile flight test notification agreement which has worked well and both sides have been regularly pre-notifying each other of their intended missile tests. As a result, missile tests by either side now are taken by the other as a routine technical matter and do not cause any alarm. However, this agreement does not cover notification of cruise missile tests which both sides have been conducting over the past few years.

As far as the Strategic Restraint Regime is concerned the Pakistani proposal rests on three basic pillars i.e. *nuclear restraint, conventional balance and resolution of political disputes*¹⁹, which appear to be eminently reasonable. In terms of nuclear restraint, it covers whole gamut of issues related to the development, deployment and testing of nuclear weapons and nuclear capable missiles besides calling for prohibition of development, induction or deployment of ballistic missile defenses. Many of the measures suggested by Pakistan were also part of the Lahore MOU and have been codified into formal agreements. Why then India shows abhorrence for the concept? One reason could be that since it is seen as a Pakistani proposal, India does not feel comfortable in accepting it and has even shown its distaste for the term 'strategic restraint itself'. Secondly, China factor weighs heavily in India's strategic calculus and it does not want to accept any constraints on its nuclear options by entering into bilateral agreements with Pakistan which could limit its options vis-à-vis China at a later stage. Many Indian analysts also believe that Pakistan acts as a proxy for China by

keeping India engaged in South Asia and thereby curtailing its ability to compete with China. This line of thinking has been encouraged by analysts such as Robert Blackwill and Ashley Tellis, who project India as a possible strategic counter weight to China. It is, therefore, obvious that India has no real incentive to embrace a bilateral strategic restraint regime with Pakistan. The dialogue process currently frozen would on resumption is likely to continue to pursue modest goals mainly confined to CBMs to maintain a semblance of strategic stability in the region. Moreover, as the time goes by the command and control structures established by the two countries will mature along with their thinking about the dynamics of nuclear deterrence and barring a major catastrophe, in a short to medium term future, an increasingly stable security environment is likely to prevail in the region.²⁰

Categories of CBMs between India and Pakistan:

CBMs agreed to between India and Pakistan from time to time can be categorized into following:-

- **Communication Measures**
 - Hotline between DGMOs since December 1971.
 - Direct Communication Lines between Sector Commanders across the LOC since 1991.
 - Hotline between Prime Ministers since 1997.
 - Hotlines between Foreign Secretaries since 2005.

- **Notification Measures**
 - Agreement for prior Notification of Military Exercises involving ten thousand or more troops is in place since April 1991. It stipulates that at Corps level exercises must be held forty five kilometres from the border while at Division level exercises must be held twenty five kilometres away from the border. No military activity is permitted within five kilometres of the border.
 - Agreement on pre-notification of Ballistic Missiles flight tests is in place since 2005. This agreement is follow up of the understanding reached during the

Lahore Summit in February 1999 and was being followed by the two countries even before its formalization into a bilateral agreement.

➤ **Transparency Measures**

- Invitation to military observers to attend major exercises to confirm non-hostile intent. Indian and other military attaches were invited to attend Zarb-e-Momin Exercise in 1989. India had invited foreign military attaches except the Pakistani military attaché to witness the Brass Tacks Exercise in 1986-87.
- To defuse tensions resulting from its spring 1990 exercises, India invited US observers to monitor the exercises and to confirm their non-hostile intent.

➤ **Border Security Measures**

- Karachi Agreement of 1949 which established an 800 mile CFL (cease fire line) which obligated the troops to keep a distance of 500 yards from the line and froze the force levels along the CFL. The CFL in Kashmir was re-designated as the LOC (Line of Control) following the 1971 war and the Simla Agreement.
- The 1960 Indo-Pak Agreement on Border Disputes established 'Ground Rules' to regulate the activities along the West Pakistan-India border.
- The Rann of Kutch Tribunal Award of 1966. It however, left the demarcation of boundary in Sir Creek area which is still disputed.
- Air Space Violations Agreement signed in April 1991 and ratified in August 1992, which stipulates that no combat aircraft shall fly within ten kilometres of each others airspace.

➤ **Consultation Measures**

- Indo-Pak Joint Commission established in 1982 to facilitate discussions at ministerial level.

- Since 1990, the Joint Commission has been superseded by a series of Foreign Secretary level talks.
 - The Lahore MOU of February 1999 called upon both sides to discuss their respective nuclear doctrines and security concepts.
 - In June 2004, round of expert level talks both sides agreed to consult each other with view to harmonize their positions on arms control and disarmament related issues at the international forums.
 - In September 2006, India and Pakistan agreed to set up a Joint Anti-Terrorism Institutional Mechanism.
- **Water Rights.** The 1960 Indus Waters Treaty brokered by the World Bank helped resolve problems regarding distribution of water resources.
- **Declaratory Measures**
- The Tashkent Declaration of 1966.
 - The Simla Accord of 1972.
 - Agreement on ‘Non-Attack’ on each others nuclear facilities signed in 1988 and ratified in 1991.
 - Joint Declaration on the prohibition of Chemical Weapons concluded in 1992 in which both countries agreed not to develop, produce, acquire or use Chemical Weapons. India however, declared having stocks as well as production and storage facilities as a consequence of its ratification of the CWC in 1997.²¹

Conclusion

The history of CBMs in South Asia is long and so is the list of various types of CBMs agreed to from time to time between India and Pakistan. However, the existing CBMs have not been followed by the two sides in letter and spirit and it appears that CBMs as a concept have somehow failed to find much traction. They have also been generally viewed with skepticism and as an alien concept by many in South Asia. It may, however, be unfair to completely discount their contribution in alleviating tensions and avoiding

conflicts between the two arch rivals. They may not have made much headway beyond the preliminary stage of CAMs but in some cases such as the Indus Waters Treaty they have stood the test of time. The reason for the uncertain and less than satisfactory performance of many CBMs between India and Pakistan has been due to the absence of a 'mechanism for monitoring and review' of their performance. CBMs may not be a panacea for all the ills afflicting the Indo-Pak relations but they can contribute even in small measure to prevent the recurrence of hostilities in a crisis prone and tension-ridden region.

Both countries recognize the significance and value of at least some CBMs between them and are fully aware of their importance in alleviating tensions and removing misperceptions during crises periods. This is amply demonstrated by their conduct during some of the recent crises. As per the terms of the 1988 agreement on non-attack of each other's nuclear facilities, India and Pakistan share lists of their respective nuclear installations with each other on the First of January every year. During the 2001-02 Crisis while the armed forces of the two countries were mobilizing they did not fail to exchange those lists. Similarly, during the same crisis when India conducted the test of a variant of its Agni missile in January 2002, it pre-notified it to the Pakistani side. Similarly, when in May and October of 2002 Pakistan conducted a series of missile tests, it notified these to the Indian side. Interestingly, the understanding about Ballistic Missile pre-notification reached at Lahore in February 1999 had not been formalized into an agreement between India and Pakistan. The agreement was formalized much later in 2005. This is proof enough that the two countries are fully cognizant of the importance of CBMs and do follow at least those measures which they consider to be absolutely critical. Some may argue that absence of war between India and Pakistan since 1971 can be attributed to the gradual emergence of a nuclear deterrent equation. This may well be the case but it does not in any way detract from the importance of the role of CBMs. Moreover, absence of war is not an end in itself as long as the underlying reasons for tensions remain unresolved and that is where CBMs can make a contribution by way of creating propitious environments for the process of resolution of problems to move forward.

APPENDIX-1

THE LIAQUAT – NEHRU PACT - 1950



The Prime Ministers of Pakistan and India met to discuss means to elevate communal peace

At the time of independence, many communal riots broke out in different areas of India and Pakistan. These riots had a great impact on the status of minorities in the two nations. Due to brutal killings by the majority community, a huge number of Muslims migrated from India, and Hindus and Sikhs from Pakistan. Yet, the mass migration failed to solve the minority problem. Even after the migration, almost half of the Muslims living in the Sub-continent were left in India and a sizable number of Hindus in Pakistan. Those who were left behind were unable to become an integral part of the societies they were living in. The people and government of their countries looked upon them as suspects. They were unable to assure their countrymen of their loyalty.

This problem escalated during the late 40's and early 50's. It seemed as if India and Pakistan were about to fight their second war

in the first three years of their independence. At this critical juncture in the history of South Asia, Prime Minister of Pakistan, Liaquat Ali Khan issued a statement emphasizing the need to reach a solution to the problem. He also proposed a meeting with his Indian counterpart to determine how to put an end to the communal riots and the fear of war.

The two Prime Ministers met in Delhi on April 2, 1950, and discussed the matter in detail. The meeting lasted for six long days. On April 8, the two leaders signed an agreement, which was later entitled as Liaquat-Nehru Pact. This pact provided a 'bill of rights' for the minorities of India and Pakistan. Its aim was to address the following three issues:

- To alleviate the fears of the religious minorities on both sides.
- To elevate communal peace.
- To create an atmosphere in which the two countries could resolve their other differences.

According to the agreement, the governments of India and Pakistan solemnly agreed that each shall ensure, to the minorities throughout its territories, complete equality of citizenship, irrespective of religion; a full sense of security in respect of life, culture, property and personal honor.

It also guaranteed fundamental human rights of the minorities, such as freedom of movement, speech, occupation and worship. The pact also provided for the minorities to participate in the public life of their country, to hold political or other offices and to serve in their country's civil and armed forces.

The Liaquat-Nehru Pact provided for the mechanism to deal with oppressive elements with an iron hand. Both the governments decided to set up minority commissions in their countries with the aim of observing and reporting on the implementation of the pact, to ensure that no one breaches the pact and to make recommendations to guarantee its enforcement. Both Minority Commissions were to be headed by a provincial minister and were to have Hindu and

Muslim members among its ranks. India and Pakistan also agreed to include representatives of the minority community in the cabinet of the two Bengals, and decided to depute two central ministers, one from each government, to remain in the affected areas for such period as might be necessary. Both the leaders emphasized that the loyalty of the minorities should be reserved for the state in which they were living and for the solution of their problems they should look forward to the government of the country they were living in. This pact was broadly acknowledged as an optimistic beginning to improve relations between India and Pakistan.

THE INDUS WATERS TREATY – 1960

Historical Context

The partition of the Indian subcontinent created a conflict over the waters of the Indus basin. In 1951, David Lilienthal wrote an influential article in *Colliers* magazine suggesting that the World Bank use its good offices to bring India and Pakistan to an agreement over how to share and manage the river system. The President of the World Bank, Eugene R. Black, agreed to act as a conduit of agreement between the two states. Finally, in 1960, after several years of arduous negotiations did an agreement take shape. Even today, the Indus Waters Treaty is the only agreement that has been faithfully implemented and upheld by both India and Pakistan. Following the terrorist attack on the Indian Parliament on December 13, 2001, several high profile commentators in India suggested that the treaty should be scrapped, though the Indian government made no intimations that it was considering such a move. [[For further information...](#)]

Abridged Text of Indus Waters Treaty (Signed in Karachi on September 19, 1960). The Government of India and the Government of Pakistan, being equally desirous of attaining the most complete and satisfactory utilization of the waters of the Indus system of rivers and recognizing the need, therefore, of fixing and delineating, in a spirit of goodwill and friendship, the rights and obligations of each in relation to the other concerning the use of these waters and of making provision for the settlement, in a cooperative spirit, of all such questions as may hereafter arise in regard to the interpretation or application of the provisions agreed upon herein, have resolved to conclude a Treaty in furtherance of these objectives, and for this purpose have named as their plenipotentiaries:

The Government of India: Shri Jawaharlal Nehru, Prime Minister of India, and The Government of Pakistan: Field Marshal Mohammad Ayub Khan, H.P., H.J., President of Pakistan, who,

having communicated to each other their respective Full Powers and having found them in good and due form, have agreed upon the following Articles and An

Article II

Provisions Regarding Eastern Rivers. All the waters of the Eastern Rivers shall be available for the unrestricted use of India, except as otherwise expressly provided in this Article. Except for Domestic Use and Non-Consumptive Use, Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters of the Sutlej Main and the Ravi Main in the reaches where these rivers flow in Pakistan and have not yet finally crossed into Pakistan. The points of final crossing are the following: (a) near the new Hasta Bund upstream of Suleimanke in the case of the Sutlej Main, and (b) about one and a half miles upstream of the siphon for the B-D Link in the case of the Ravi Main.

Except for Domestic Use, Non-Consumptive Use and Agricultural Use, Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters (while flowing in Pakistan) of any Tributary which in its natural course joins the Sutlej Main or the Ravi Main before these rivers have finally crossed into Pakistan.

All the waters, while flowing in Pakistan, of any Tributary which, in its natural course, joins the Sutlej Main or the Ravi Main after these rivers have finally crossed into Pakistan shall be available for the unrestricted use of Pakistan: Provided however that this provision shall not be construed as giving Pakistan any claim or right to any releases by India in any such Tributary.

There shall be a Transition Period during which India shall (i) limit its withdrawals for Agricultural Use, (ii) limit abstractions for storages, and (iii) make deliveries to Pakistan from the Eastern Rivers.

The Transition Period shall begin on 1st April 1960 and it shall end on 31st March 1970, or, if extended under the provisions of Part 8 of Annexure H, on the date up to which it has been

extended. In any event, the Transition Period shall end not later than 31st March 1973.

During the Transition Period, Pakistan shall receive for unrestricted use the waters of the Eastern Rivers which are to be released by India in accordance with the provisions of Annexure H. After the end of the Transition Period, Pakistan shall have no claim or right to releases by India of any of the waters of the Eastern Rivers. In case there are any releases, Pakistan shall enjoy the unrestricted use of the waters so released after they have finally crossed into Pakistan: Provided that in the event that Pakistan makes any use of these waters, Pakistan shall not acquire any right whatsoever, by prescription or otherwise, to a continuance of such releases or such use.

Article III

Provision Regarding Western Rivers. Pakistan shall receive for unrestricted use all those waters of the Western Rivers which India is under obligation to let flow under the provisions of Paragraph (2). India shall be under an obligation to let flow all the waters of the Western Rivers, and shall not permit any interference with these waters, except for the following uses, restricted in the case of each of the rivers, The Indus, The Jhelum and The Chenab, to the drainage basin thereof: (a) Domestic Use; (b) Non-Consumptive Use; (c) Agricultural Use, as set out in Annexure C; and (d) Generation of hydro-electric power, as set out in Annexure D.

Pakistan shall have the unrestricted use of all waters originating from sources other than the Eastern Rivers which are delivered by Pakistan into The Ravi or The Sutlej, and India shall not make use of these waters. Except as provided in Annexures D and E, India shall not store any water of, or construct any storage works on, the Western Rivers.

Article IV

Provisions Regarding Eastern Rivers and Western Rivers. Pakistan shall use its best endeavors to construct and bring

into operation with due regard to expedition and economy, that part of a system of work which will accomplish the replacement, from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which, on 15th August 1947, were dependent on water supplies from the Eastern Rivers.

Each Party agrees that any Non-Consumptive Use made by it shall be made as not to materially change, on account of such use, the flow in any channel to the prejudice of the uses on that channel by the other Party under the provisions of this Treaty.

Nothing in this Treaty shall be construed as having the effect of preventing either Party from undertaking schemes of drainage, river training, conservation of soil against erosion and dredging, or from removal of stones, gravel or sand from the beds of the Rivers: Provided that in executing any of the schemes mentioned above, each Party will avoid, as far as practicable, any material damage to the other Party.

Pakistan shall maintain in good order its portions of the drainages mentioned below with capacities not less than the capacities as on the Effective Date: (i) Hudiarra Drain, (ii) Kasur Nala, (iii) Salimshah Drain, (iv) Fazilka Drain.

If India finds it necessary that any of the drainages mentioned in Paragraph (4) should be deepened or widened in Pakistan, Pakistan agrees to undertake to do so as a work of public interest, provided India agrees to pay the cost of the deepening or widening. Each Party will use its best endeavors to maintain the natural channels of the Rivers, as on the Effective Date, in such condition as will avoid, as far as practicable, any obstruction to the flow in these channels likely to cause material damage to the other Party.

Neither Party will take any action which would have the effect of diverting the Ravi Main between Madhopur and Lahore, or the Sutlej Main between Harike and Suleimanke, from its natural channel between high banks. The use of the natural channels of the Rivers for the discharge of flood or other excess waters shall be free and not subject to limitation by either Party, and neither Party shall

have any claim against the other in respect of any damage caused by such use. Each Party agrees to communicate to the other Party, as far in advance as practicable, any information it may have in regard to such extraordinary discharges of water from reservoirs and flood flows as may affect the other Party.

Each Party declares its intention to operate its storage dams, barrages and irrigation canals in such manner, consistent with the normal operations of its hydraulic systems, as to avoid, as far as feasible, material damage to the other Party. Each Party declares its intention to prevent, as far as practicable, undue pollution of the waters of the Rivers which might affect adversely uses similar in nature to those to which the waters were put on the Effective Date, and agrees to take all reasonable measures to ensure that, before any sewage or industrial waste is allowed to flow into the Rivers, it will be treated, where necessary, in such manner as not materially to affect those uses: Provided that the criterion of reasonableness shall be the customary practice in similar situations on the Rivers.

The Parties agree to adopt, as far as feasible, appropriate measures for recovery, and restoration to owners, of timber and other property floated or floating down the Rivers, subject to appropriate charges being paid by the owners. Except as otherwise required by the express provisions of this Treaty, nothing in this Treaty shall be construed as affecting existing territorial rights over the waters of any of the Rivers or the beds or banks thereof, or as affecting existing property rights under municipal law over such waters or beds or banks.

Article V

Financial Provisions. In consideration of the fact that the purpose of part of the system of works referred to in Article IV (1) is the replacement, from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which on 15th August 1947 were dependent on water supplies from the Eastern Rivers, India agrees to make a fixed contribution of Pounds Sterling 62,060,000 towards the costs of these works.

The sum of Pounds Sterling 62,060,000 shall be paid in ten equal installments on the 1st of November of each year. Each of the installments shall be paid to the Bank for the credit of the Indus Basin Development Fund to be established and administered by the Bank. These financial provisions shall not be construed as conferring upon India any right to participate in the decisions as to the system of works which Pakistan constructs or as constituting an assumption of any responsibility by India or as an agreement by India in regard to such works. Except for such payments as are specifically provided for in this Treaty, neither Party shall be entitled to claim any payment for observance of the provisions of this Treaty or to make any charge for water received from it by the other Party.

Article VI

Exchange of Data. The following data with respect to the flow in and utilization of the waters of, the Rivers shall be exchanged regularly between the Parties: (a) Daily gauge and discharge data relating to flow of the Rivers at all observation sites. (b) Daily extractions for or releases from reservoirs. (c) Daily withdrawals at the heads of all canals operated by government or by a government agency, including link canals. (d) Daily escapages from all canals, including link canals. (e) Daily deliveries from link canals.

Article VII

Future Co-operation. The two Parties recognize that they have a common interest in the optimum development of the Rivers, and, to that end, they declare their intention to co-operate, by mutual agreement, to the fullest possible extent.

Article VIII

Permanent Indus Commission. India and Pakistan shall each create a permanent post of Commissioner for Indus Waters, and shall appoint to this post, as often as a vacancy occurs, a person who should ordinarily be a high-ranking engineer competent in the

field of hydrology and water-use. Unless either Government should decide to take up any particular question directly with the other Government, each Commissioner will be the representative of his Government for all matters arising out of this Treaty, and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty, and, in particular, with respect to (a) the furnishing or exchange of information or data provided for in the Treaty; and (b) the giving of any notice or response to any notice provided for in the Treaty.

The status of each Commissioner and his duties and responsibilities towards his Government will be determined by that Government. The two Commissioners shall together form the Permanent Indus Commission. The purpose and functions of the Commission shall be to establish and maintain co-operative arrangements for the implementation of this Treaty and to promote co-operation between the Parties in the development of the waters of the Rivers. The Commission shall determine its own procedures.

Article IX

Settlement of Differences and Disputes. Any question which arises between the Parties concerning the interpretation or application of this Treaty or the existence of any fact which, if established, might constitute a breach of this Treaty shall first be examined by the Commission, which will endeavor to resolve the question by agreement.

If the Commission does not reach agreement on any of the questions mentioned in the Paragraph (1), then a difference will be deemed to have arisen, which shall be dealt with by a Neutral Expert. If the Neutral Expert has informed the Commission that, in his opinion, the difference should be treated as a dispute, then a dispute will be deemed to have arisen.

As soon as a dispute to be settled has arisen, the Commission shall, at the request of either Commissioner, report the fact to the two Governments, as early as practicable, stating in its report the points on which the Commission is in agreement and the issues in

dispute, the views of each Commissioner on these issues and his reasons therefore. Either Government may, following receipt of the report, or if it comes to the conclusion that this report is being unduly delayed in the Commission, invite the other Government to resolve the dispute by agreement. A court of Arbitration shall be established to resolve the dispute.

Article X

Emergency Provisions. If, at any time prior to 31st March 1965, Pakistan should represent to the Bank that, because of the outbreak of large-scale international hostilities arising out of causes beyond the control of Pakistan, it is unable to obtain from abroad the materials and equipment necessary for the completion, by 31st March 1973, of that part of the system of works referred to in Article IV (1) which related to the replacement referred to therein, (hereinafter referred to as the replacement element) and if, after consideration of this representation in consultation with India, the Bank is of the opinion that (a) these hostilities are on a scale of which the consequence is that Pakistan is unable to obtain in time such materials and equipment as must be procured from abroad for the completion, by 31st March 1973, of the replacement element, and (b) since the Effective Date, Pakistan has taken all reasonable steps to obtain the said materials and equipment and has carried forward the construction of the replacement element with due diligence and all reasonable expedition, the Bank shall immediately notify each of the Parties accordingly. The Parties undertake that in being so notified, they will forthwith consult together and enlist the good offices of the Bank in their consultation, with a view to reaching mutual agreement as to whether or not, in light of all circumstances prevailing, any modifications of the provisions of this Treaty are appropriate and advisable and, if so, the nature and the extent of the modifications.

Article XII

Final Provisions. This Treaty consists of the Preamble, the Articles hereof and Annexures A to H hereto, and may be cited as "The Indus Waters Treaty 1960." This Treaty shall be ratified and

the ratifications thereof shall be exchanged in New Delhi. It shall enter into force upon the exchange of ratifications, and will then take effect retrospectively from the first of April 1960. The provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the two Governments. The provisions of this Treaty, or the provisions of this Treaty as modified under the provisions of Paragraph (3), shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two Governments. In witness whereof the respective Plenipotentiaries have signed this Treaty and have hereunto affixed their seals. Done in triplicate in English at Karachi on this Nineteenth day of September 1960.

[Signed:]

For the Government of India:

Jawaharlal Nehru

For the Government of Pakistan:

Mohammad Ayub Khan

Field Marshal, H.P., H.J.

For the International Bank for Reconstruction and Development:

W. A. B. Iliff

APPENDIX-3

TASHKENT DECLARATION – 1966

Historical Context. The 1965 armed conflict between India and Pakistan was formally brought to an end by signing this declaration at Tashkent, the capital of the Republic of Uzbekistan in the Soviet Union. Prime Minister Lal Bahadur Shastri and President Ayub Khan signed it on behalf of their respective countries in the presence of the Soviet Premier Alexi Kosygin who mediated between them.

Text of the Tashkent Declaration (signed on January 10, 1966). The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

- The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan Sub-Continent and, indeed, the interests of the people so India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.
- The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 24 February, 1966, to the positions they held prior to 5 August, 1965, and both sides all observe the cease-fire terms on the cease-fire line.

- The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.
- The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.
- The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.
- The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.
- The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of the prisoners of war.
- The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussion of questions relating to the problems of refugees and eviction/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.
- The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their

Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan recorded their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the U.S.S.R. for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality. They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this declaration.

APPENDIX-4

SIMLA AGREEMENT, 2 JULY 1972

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples. In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

- That the principles and purposes of the Charter of the United Nations shall govern the relations between the countries;
- That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation, and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.
- That the pre-requisite for reconciliation, good-neighborliness and durable peace between them is a commitment by both countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;
- That the basic issues and causes of conflict which have bedevilled the relations between the two countries of the last twenty-five years shall be resolved by peaceful means;

- That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;
- That in accordance with the Charter of the United Nations, they shall refrain from the threat or use of force against the territorial integrity or political independence of each other;
- Both Governments will take all steps within their power to prevent hostile propaganda directed against each other.
- Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them;
- In order progressively to restore and normalize relations between the two countries step by step, it was agreed that;
- Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including over flights;
- Appropriate steps shall be taken to promote travel facilities for the nationals of the other country;
- Trade and co-operation in economic and other agreed fields will be resumed as far as possible;
- Exchange in the fields of science and culture will be promoted. In this connection delegations from the two countries will meet from time to time to work out the necessary details.
- In order to initiate the process of the establishment of durable peace, both Governments agree that:
- Indian and Pakistani forces shall be withdrawn to their side of the international border;
- In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat of the use of force in violation of this line;

- The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of thirty days thereof.
- This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.
- Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of a durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

**Sd/-
Indira Gandhi
Prime Minister
Republic of India**

**Sd/-
Zulfiqar Ali Bhutto
President
Islamic Republic of Pakistan**

Source: [Government of India, 2 July 1972](#)

THE LAHORE MOU – 1999

The following is the text of the Memorandum of Understanding signed by the Indian Foreign Secretary, Mr. K. Raghunath, and the Pakistan Foreign Secretary, Mr. Shamshad Ahmad, in Lahore on February 21, 1999

The Foreign Secretaries of India and Pakistan:-

Reaffirming the continued commitment of their respective governments to the principles and purposes of the U.N. Charter; Reiterating the determination of both countries to implementing the Shimla Agreement in letter and spirit; Guided by the agreement between their Prime Ministers of 23rd September 1998 that an environment of peace and security is in the supreme national interest of both sides and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Pursuant to the directive given by their respective Prime Ministers in Lahore, to adopt measures for promoting a stable environment of peace, and security between the two countries; Have on this day, agreed to the following:-

- The two sides shall engage in 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.
- The two sides undertake to provide each other with advance notification in respect of ballistic missile flight tests, and shall conclude a bilateral agreement in this regard.
- The two sides are fully committed to undertaking national measures to reducing the risks of accidental or unauthorized use of nuclear weapons under their respective control. The two sides further 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.

- The two sides shall 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.
- The two sides shall conclude an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides.
- The two sides shall periodically review the implementation of existing Confidence Building Measures (CBMs) and where necessary, set up appropriate consultative mechanisms to monitor and ensure effective implementation of these CBMs.
- The two sides shall 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 fail-safe and secure communications.
- The two sides shall engage in bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these issues in multilateral fora.

Where required, the technical details of the above measures will be worked out by experts of the two sides in meetings to be held on mutually agreed dates, before mid 1999, with a view to reaching bilateral agreements. Done at Lahore on 21st February 1999 in the presence of Prime Minister of India, Mr. Atal Behari Vajpayee, and Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif. (K. Raghunath) Foreign Secretary of the Republic of India (Shamshad Ahmad) Foreign Secretary of the Islamic Republic of Pakistan

Author

Brigadier (Retired) Naeem Ahmad Salik is currently teaching at the Department of Nuclear Politics and Strategic Stability, at the Faculty of Contemporary Studies at the National Defence University, Islamabad. He served for more than five years as Director, Arms Control and Disarmament Affairs at the Strategic Plans Division. His book on 'Genesis of South Asian Nuclear Deterrence' has been recently released by Oxford University Press.

Notes

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