



Confidence Building Measures between India and Pakistan: A Constructivist View

S. Rehman*, A. Azam, W. Hussain and K.M. Ahmad

International Affairs Division, Pakistan Atomic Energy Commission, P.O. Box 1114, Islamabad, Pakistan

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ABSTRACT

Confidence Building Measures are generally viewed as important agents of change for introducing peace and stability among rival states. Both of the nuclear states of South Asia have undertaken confidence building measures in the post nuclearization scenario; however, these measures are not actually building confidence between the two states when seen from the constructivist perspective. The present study suggests that confidence building measures may be used for deconstruction of perceptions and in changing existing norms, ideas and shared understandings.

1. Introduction

According to the Webster Dictionary, 'Confidence' is defined as 'an assurance of mind or firm belief in the trustworthiness of another or in the truth and reality of fact' [1]. Confidence Building Measures (CBMs) can be viewed as arrangements to strengthen such kind of assurances for states which are in conflict [1]. In this connection, confidence building measures can be termed as those unilateral, bilateral or multilateral actions that contribute to reduce tensions though creating a level of confidence between states, before, during or after a conflict.

CBMs have been taken and implemented in the Cold War era between United States of America and the Soviet Union. In fact, they make the conduct of countries more calculable and predictable, so that states may be able to have certain expectations with regard to the behavior of other states and avoid taking a leap in the dark. They do not necessarily result in qualitative and/or quantitative reduction in weapons but their advocates are of the view that they are steps towards this goal. CBMs are aimed at building trust and confidence between the states which is actually the change in the existing perception. A number of fruitful CBMs have been applied throughout the world in four main areas that are: communication, constraint, transparency and verification [2].

The two South Asian States India and Pakistan have adverse relationship that impacts the security of the whole region. The need of CBMs becomes manifold in a situation, where both states have nuclear weapons. Although, a number of CBMs exist between India and Pakistan which are being implemented, yet they have not established required confidence between the two states to move forward. Indeed, these CBMs are being implemented with the same old set of perceptions and thinking by the two states. Constructivism, being a relatively new perspective,

offers that deconstruction of existing ideas and norms is possible based on change of perceptions. Therefore, understanding and evaluating the CBMs between India and Pakistan from the prism of constructivism can be useful to develop meaningful trust and confidence in order to explore options to achieve the main objective of having peace and stability in the region.

The present discussion aims to evaluate the existing CBMs between India and Pakistan from a constructivist view point. The study hypothesis is that Indo-Pak CBMs can be the agents of deconstruction of the existing norms and ideas. However, they tend to be ineffective, if they are not contributing to the change of existing perceptions of the two states.

2. The Conceptual Framework

Constructivism is generally considered as a relatively new perspective in international relations when compared to other perspectives such as realism. Though it was already coined in the 1950s in the work of the English School of international relations; in the late 1980s, it emerged with distinction and in 1990s it became highly popular [3].

Alexander Wendt, who is the leading scholar of constructivism, views that constructivism presents that the ideas and the shared knowledge are the main producers of identity. Constructivism theories examine three important things. Firstly, they focus on how ideas define the international system. Secondly, they contemplate how this system defines interests and identities of states and lastly, how state and non-state actors behave within that system and reproduce it [4].

According to Constructivism, international reality is socially constructed through structures which affect the real world. Constructivism is unlike realism, which mainly deals with power and security, and it is also unlike liberalism that

*Corresponding author : sidrarehman86@gmail.com

deals with economic interdependence and domestic level factors. Constructivism indeed contemplates the role of ideas and norms in the international system. In constructivism, the term “ideas” comprise of threats, interests, identities and other components of reality that are perceived by states [4]. The constructivists believe that the subjective understanding of the world of states affects their conduct within the international system [4]. In other words, the perceptions of the states play an important role during their conduct within the international system. For example, an increase in the size of nuclear arsenal of UK is perceived differently by USA and Russia at the same time and both of the states may respond according to their own perceptions.

According to the proponents of constructivism, it works at two levels. The first level is of individual or state, while the second is systemic or structural level. At the first level, which is state level, constructivism finds internal traits of states and role of societies. Every state has its own set of values and norms which contribute in determining interests of the state. These set of values and norms are practiced within the society that affects the decision-making systems of the states. On the second level, which is the systemic level, states learn from interaction with each other. The interaction between two states constructs the identity of states which in turn affects the conduct of states between themselves and within the international system [4].

3. India-Pakistan Identity Construction

As far as the identity construction of India and Pakistan is concerned, the fact is impinged in the reality that before partition of British India in 1947, there were existed two different societies, Hindu and Muslims. Both the societies were based on different and somewhat contrary norms and value systems. The difference is highlighted in Jinnah’s words [5], “Hindus and Muslims belong to two different religious philosophies, social customs and literary traditions. They neither intermarry nor eat together, and indeed they belong to two different civilizations which are based mainly on conflicting ideas and conceptions.”

There was real concern among the Muslim society in British India at the prospect of becoming a minority in a Hindu-dominated independent India. Despite the Congress Party's assertions of its secular values, many Muslims were skeptical and feared that the Hindu majority would seek to marginalize them. Jinnah himself was an advocate of Hindu-Muslim unity before becoming disillusioned with the attitude of the Congress.

This "Two Nation Theory", as it came to be known, has become the official Pakistani narrative for the creation of the state and key to how Pakistan defines itself. It may be argued that Pakistan was perhaps the country to be formed on the basis of social constructs of Indian Muslims. Jinnah was not the first to articulate the Two Nation Theory, but with the creation of Pakistan he transformed it into a political reality. This idea that the Muslims are different

from the Hindus and have a different set of values, is the basis of Pakistan’s identity construction.

On the other side, Hindus perceive Muslims as the connivers who divided their homeland (India). The ideology of Hindutva is further strengthened under the current government of Prime Minister Narendra Modi. Subsequently, anti-Pakistan and anti-Muslim narratives and associated perceptions in India are taking place. Under the leadership of Prime Minister Narendra Modi, relations have been further turbulent because of increase in cross-border violations and aggressive statements from Indian government officials [6].

These are the deep rooted ideas that both states –India and Pakistan– reserve against each other. These ideas are further translated in the conduct of both states towards each other and also in the world which is also manifested sometimes in disputes, all-out wars, arms races, border skirmishes and the subsequent lack of stability in the region.

4. Discourses and Shared Understanding in Indo-Pak Relations

Most of the India-Pakistan perceptions are formulated as the result of long-standing disputes such as Kashmir, Siachen and Sir creek, three wars in 1948, 1965, 1971 and a limited war of Kargil in 1999 have been fought. The accounts of crises such as Brass-tacks (1986-87), Kashmir Crisis (1990), Nuclear Tests (1998), Military Stand-off (2001-02), Mumbai Attacks (2008), Pathankot incident (2016) and subsequent claims of surgical strikes by India also added to these perceptions.

The existing perceptions are further perpetuated and strengthened by the asymmetrical force structures of the two states, arms race and security dilemmas, weapons procurement patterns and increases in defense budgets. This results in a number of outcomes that include: absence of meaningful arms control and confidence building measures, political instability and civil-military decision making patterns within the two states, terrorism, divergent interests with respect to global powers and regional states and support to insurgencies and separatist movements.

Consequent to these happenings, Pakistan views that India has not accepted the creation of Pakistan as represented in Navnita Chadha’s [7] assertion, “The most fundamental aspect of Pakistan’s enemy image of India is that New Delhi is unreconciled to Pakistan’s independent existence...” Pakistan is very much aware of the fact and remains highly sensitive to its survival as a state.

Pakistan has further developed the perception that India as a state wants to establish and maintain its hegemony not only in South Asia but it has global designs. This perception is further strengthened by some highly critical strategic happenings on Indian side such as the development of Inter-Continental Ballistic Missiles,

Multiple Independently Re-entry Vehicle (MIRV) Missiles, and development of second-strike capability in the form of its nuclear submarine 'Arihant'. Pakistan perceives these developments as beyond India's regional security requirements. This factor is highlighted under several studies such as Rid [8], who in his work on India's missile programme, concludes, "At the outset the Indian missile programme does not look very ambitious but an in-depth study reveals that it is very comprehensive and ambitious specially when we include the projects of ICBM Surya and SLBM Sagarika in our analysis. The doctrine of minimum deterrence against China and Pakistan fails to provide proper justification for such an ambitious missile program. However, the argument regarding "great-power status makes a strong case".

On the other hand, India views that Pakistan sponsor terrorism. Whether, there are attacks on Indian Parliament in 2001 or the Mumbai attacks in 2008 or the incident of Pathankot, India is found to be blaming Pakistan for sponsoring non-state actors for such attacks. In the aftermath of any attack, India does not make any delay in bashing Pakistan at every level even without initial investigations of the incident. Even without waiting for claim of responsibility of the incident by anybody and despite the fact that President Pervez Musharraf of Pakistan had condemned the attack, Srichand Kripalani [9], the politician of the ruling Bharatiya Janataparty of India, said, "The government should not shy away from attacking Pakistan, if involvement is proved".

Furthermore, India perceives threat from China and builds its conventional and nuclear arsenal in that relation. After the nuclear tests on 11th May 1998, the first Indian official statement declared that "the nuclear environment in India's neighborhood" necessitated the tests- an indirect reference to Pakistan and China [8]. Furthermore, Bharat Kernard [8], a leading Indian thinker, argues, "India must focus on China because China is the main strategic rival for India in Asia and that Pakistan India confrontation is just a side show in the long run."

India's perception regarding China, affects the strategic dynamics in South Asia. India endeavors to compete with China in many spheres such as development of its missile and space programs and procurement of arms etc. This fact insecure Pakistan, subsequently, and makes it highly concerned about growing Indian military capabilities as the same military might can be used against Pakistan which is the result of India's strategic competition with China.

In such type of situations, security dilemma makes its own place which is the direct outcome of such established perceptions. For example, in describing the difficulty of demilitarization of Siachen Glacier, retired Pakistani Air Vice Marshal Shahzad Chaudhry [7] indicates the dilemma when he describes the fact that "so what is the hurdle? It is

actually the fear that if one side withdraws, the other could occupy its positions".

5. The Overview of Existing CBMs

The Indian and Pakistani understanding has been evolved as a result of a number of wars and crises in the South Asia. In the nuclearized South Asia, subsequent to the crises, considering the need of the time, India and Pakistan formulated few CBMs. Most frequently cited successes among South Asian CBMs, i.e., the agreement on pre-notification of ballistic missile tests, the Lahore MOU and the agreement to declare non-attack on nuclear facilities- makes it clear that they cannot create required levels of confidence between the two states. An account of these CBMs is discussed below.

5.1 Nuclear Facility Non-Attack

During 1983-84 Pakistan received a number of intelligence reports regarding India's preparation of an air attack on enrichment plant at Kahuta. A file entitled, 'Attack on Kahuta' was found missing from Indra Gandhi's office according to a report of Hindustan Times [10]. Since nuclear facilities came under threat it became a major concern those days in the wake of such reports. Following the resolution of Brasstacks Crisis in late 1980s, the agreement between India and Pakistan on the Prohibition of Attack against Nuclear Installations and Facilities was signed by the foreign secretaries on December 31, 1988; it was ratified and entered into force in January 1991 [7].

This was adopted as a CBM to avoid nuclear mishaps. The agreement refrains from undertaking, encouraging or participating in any action causing destruction and damage to any nuclear installation or facility in other country. Nuclear installation or facility includes the nuclear research reactors, fuel fabrication, uranium enrichment, and isotope separation and reprocessing facilities. The agreement also includes the exchange of information about the latitude and longitude of its nuclear installations and facilities on every 1st of January.

As far as the implementation of the agreement as a CBM is concerned, the public record suggests that Pakistan and India have devotedly and regularly exchanged facility lists each year, not only in peace times but also at periods of crisis such as that of Military stand-off in 2001-02 and after the Mumbai attacks in 2008. Despite of the fact that the lists are exchanged regularly, under the agreement, there have been suspicions on both sides about the completeness of the lists [7].

5.2 Unilateral Moratorium for Testing Nuclear Weapons

Both states at the time of demonstration of their nuclear capabilities in May 1998 announced the unilateral moratoriums not to test nuclear weapons any more in future. Such moratorium is a binding imposed by both states unilaterally on themselves.

In the wake of Indo-US nuclear deal, Pakistan has the perception that unsafeguarded nuclear reactors in India can facilitate increased production of fissile material, thereby augmenting nuclear weapons. In such a situation, there is likelihood that India may be prone to conduct further nuclear tests, while keeping its Moratorium aside. Such apprehensions have been expressed by analysts in Pakistan.

The Indian moratorium for non-testing of further nuclear weapons is not in line with the emerging trends in the strategic dynamics of the region, thus, playing no role in creating confidence. Pakistan still cannot escape its already established perception that in order to build upon its hegemonic agenda, India will not remain stick to its non-binding commitment in future.

5.3 Lahore MoU

After the nuclearization of south Asia in 1998 the concerned circles expressed certain fears about the dangers of presence of nuclear arsenals in both countries. The fears were justified as both states have a history of conflictual relations and a number of unresolved issues; most important is of Kashmir, which can become a cause of conflict that may escalate up to a level that the involvement of nuclear weapons takes place. Moreover, international community became very much concerned about the relationship of both states and they truly felt a need for the nuclear confidence building measures in order to reduce tensions between the two states for the stability of the whole region.

The first concrete attempt for nuclear confidence building measures was done after 1998 nuclear tests when the former Prime Minister of India Atal Bihari Vajpaae, came to Lahore from 20-21 February 1999, for the inauguration of the Delhi-Lahore bus service. The Prime Ministers of both countries concluded the most productive, if not successful, summit [7]. According to Dalton [7], "The record now makes clear that Sharif did in-fact share Vajpayee's vision and was willing to shoulder his own political risks in order to proceed, though his understanding of what the Pakistan Army was contemplating in Kargil remains in question."

5.4 Deadlock

A few events caused deadlock in nuclear CBMs and arms control in South Asia after the Lahore Summit. Two major events, i.e., Kargil Crisis and attack on Indian Parliament primarily caused this deadlock.

The Kargil Crisis of 1999 derailed the whole progress of Lahore Summit and the feelings on both sides intensified negatively. It was unusual with respect to history of India and Pakistan that no bilateral agreements of any significance were reached in the backdrop of the Kargil conflict as the Tashkent and Simla agreements were negotiated soon after India-Pakistan wars of 1965 and 1971, and some of military CBMs were negotiated after the

Brasstacks Crisis of 1986-87 [11]. After the Kargil Crisis, the first serious engagement between the two countries took place two years later, in July 2001, at the abortive Agra summit, by which time General Pervez Musharraf had become President Musharraf [11].

Tensions further escalated in the post 9/11 scenario when India blamed Pakistan for terrorist attack on Indian parliament of 13 December, 2001. This was followed by the 'eyeball to eyeball' confrontation of India and Pakistan in 2001-02 military stand-off and both states tested their missiles in a reciprocal manner. Several missile tests by Pakistan and India were conducted in a tit-for-tat manner as India initiated a chain of flight tests of *Agni* ballistic missile and Pakistan responded with three tests of its *Ghauri*, *Ghaznavi* and *Abdali* Missiles. Although the 2001-02 tests were pre-notified, concerns were raised in press and media, labeling the tests as challenging and reckless [12]. These events blocked the path of nuclear arms control in south Asia, as the arms control is very much a peacetime affair.

5.5 Missile Test Pre-Notification

Missile test notification is highly important and meaningful step. Despite the fact that it is a simple agreement as none of the articles is longer than two sentences, it took six years to negotiate such a simple agreement, due to deadlock in India-Pakistan relations. The agreement was finally signed on 3rd October 2005 [13].

According to the agreement, the defense ministries of both countries are responsible to provide their counterparts at least 72 hours of notice before conducting a ballistic missile flight test. India and Pakistan agreed not to allow trajectories of tested missiles to approach or land close either to their accepted borders or the Line of Control, the cease-fire line running through the disputed region of Kashmir. [13].

Under the agreement, pre-notification of missile test applies only to tests conducted with surface-to-surface ballistic missiles launched from land or sea. Cruise missile tests are not included in this pre notification regime. Cruise missiles are powered throughout their entire flight and can be maneuvered, while ballistic missiles are only powered for the first few minutes of their flight and follow a charted trajectory to the ground. Surface-to-air missiles are also not included in this pre notification regime [13].

The success of CBMs is largely dependent on its effective implementation, transparency and continuity. However, it is observed that missile pre-notification agreement has not been observed in totality as in March 2016, India reportedly conducted its homegrown intermediate range Submarine Launched Ballistic Missile (SLBM) K-4 covertly from an undersea platform in the Bay of Bengal to boost its deterrence capability. By carrying out this test, India has violated this agreement [14].

In this backdrop, the agreement can only be termed as a quasi-effective nuclear risk reduction measure (NRRM) as the other side is aware of the nuclear test flight and the chances of misunderstanding are minimalized due to pre-notification. However, as a confidence building measure, it does not build enough confidence on missile pre-notification regime in the situation where the other side tends to conduct nuclear tests secretly without pre-notifying few tests of high strategic value. The factor once again strengthens the existing perception of insecurity rather than changing it. In addition, it may also be pertinent to consider that there have not been efforts to advance this agenda of expanding pre-notification regime to cruise missile tests, which both states frequently conduct.

In general, one can find that the existing CBMs between India and Pakistan are mostly nuclear and missile specific which are negotiated, formulated and concluded as the result of time to time emerging crises in nuclearized South Asia thus making them reactive in nature. Furthermore, their scope is limited and is not expanded with the passage of time. This fact leads to loss in their impact in the newly emerging scenarios.

6. The Constructivist View of Indo-Pak CBMs

Existing Confidence Building Measures are not building confidence in the true sense. This is articulated in the fact that both of the states-India and Pakistan have failed to come out of their perceptions of insecurity from each other.

Most of the existing CBMs between India and Pakistan are reactive to the emerging situations as observed by Feroz Hasan Khan [15], a Pakistani Analyst, "every major treaty or CBM between these countries has its origin in crisis resolution." Whether it is the Agreement on non-attack on each other's nuclear facilities, Lahore Memorandum of Understanding (MoU) or the agreement for pre-notification of the missile tests; all of them are negotiated in the post crises environments.

Existing CBMs are not only re-active to the emerging situations, they are also re-constructive in nature not de-constructive thus bring no major change in the perception and understanding of both states. They are hardly aimed at transforming deep rooted, long lasting mistrust between the two states. Toby Dalton has assessed that those politico military measures between India and Pakistan that have been implemented with some consistency, such as the missile test notification regime, the nuclear facility list exchange, and even the use of hotlines between the Director Generals of Military Operations established after 1971 war have lost significance over time [9]. Unfortunately, not a single measure can be categorized as the measure to change the overall perception of other state. Both sides appear to follow the agreements/measures somehow with the same set of perceptions about each other.

Once this reality put in the constructivist frame, it provides a different reading of events. Constructivism calls for the role of particular individuals and powerful leaders to influence international politics. In order to change the nature of relationship between the two states, constructivism offers that leadership on both sides may reject existing norms, perceptions and ideas that have driven the conflict [4]. Subsequently, keeping such constructivist approach in view, it appears that the Lahore MoU is the only example, which represented the endeavor of both the leaders of India and Pakistan to keep aside the existing perceptions and ideas about each other and move forward. No doubt, Lahore MoU has been the only event that can be categorized as an event useful for deconstruction objectives yet the efforts could not be fruitful and got severe setback in the wake of conflict in Kargil, right after this event in summer of 1999.

It is, perhaps, due to the non-functionality, non-utility and irrelevance of the existing CBMs that none of them is effectively dealing with newly emerging crisis situations. These measures are also failed in building overall trust and confidence through changing prevailing perceptions. Consequently, further confidence building measures are not contemplated, formulated or negotiated between the two states.

CBMs are necessary agents of deconstruction of the existing norms and ideas. However, they cannot be the 'catalyst for change', if they are not contributing to change of perceptions of antagonists. This fact is evident from the history of CBMs between India and Pakistan. Lahore MoU is the only exception in which the leaders of both countries moved forward keeping their existing biases against each other aside. The prevalent perceptions or misperceptions require more events like Lahore MoU and their impact in the long run for required deconstruction through changing perceptions on both sides.

7. CBMs for De-Construction

Although, CBMs between India and Pakistan have failed in producing their desired results but still in order to move forward and to create peace and stability they can still be considered as part of efforts to contribute to the objective of sustainable peace and stability in the region. The value of CBMs cannot be diluted, when it is aimed that the core issues between the two states are to be resolved through diplomacy.

CBMs can be an important step in the way of constructivist change that requires change in perception of the enemy. If the CBMs are hitting and denting the existing perceptions of mistrust, they can play their role for deconstruction purposes. For that matter, new CBMs can also be negotiated. Indeed, building confidence and changing perceptions are interlinked concepts. For this purpose, following can be helpful.

7.1 Achieving Credibility by Both States

It is important that both states implement the existing agreements in full letter and spirit. The consistent implementation of existing CBMs and other agreements can play their role in building the credibility of each state. Any kind of deviation from what is already decided can be a clear dent in achieving the required credibility that can add in the change in perception.

7.2 Work on the Areas of Shared Interests and Objectives

Mere implementation of existing CBMs is not enough for creating confidence, but there is a need to search and identify more areas where CBMs can be further negotiated and implemented. Instead of touching those areas where both states have divergent objectives, they can build upon those areas where they can have shared objectives such as with respect to nuclear power, joint measures on dealing with nuclear terrorism, nuclear safety and security and nuclear forensics and formulization of unilateral moratoria on nuclear testing.

Both states can also work in the fields of Information Technology and Cyber Security. Joint ventures can be designed and offered in this regard in light of views of experts of both sides.

7.3 Developing Mutual Understanding

Information exchange programs considering each other's sensitivities can bring positive outcomes. Media, academic and think tank level discussions and exchange of experts can be highly useful. Permanent forums can also be established and promoted to discuss the matters of high interest and concern. Shared ideas and insights of the matters developed on such forums can also be highly productive for change of perceptions and enhancement of shared understanding in the positive sense. The consistency in the work of these forums needs to be ensured irrespective of the circumstances at regional level. Such forums can also bring objective analysis of various subjects related to security, stability and economy etc. In addition, a common lexicon can be negotiated and formulated between the two states in order to have shared definitions and explanations in this regard.

7.4 Cultural, Social and Economic Measures

There is no doubt in the fact that social, cultural and economic CBMs are considered as low hanging fruit and have less of military involvement and highly dependent upon the will of higher leadership and the active role of civilian bureaucracy. The successful implementation of these measures can have positive impact on the perceptions in both states.

Social and economic welfare programs can be formulated that can be useful for the public of both sides. Apart from trade and uplifting of economic barriers,

industrialists and entrepreneurs of both states can also contribute in formulating joint courses and workshops with respect to area of expertise for their employees for production capacity building and familiarization of new ideas in the respective fields. Both states can benefit from each other's experts. This would also be helpful for exchange of knowledge and insights.

Media can also play its role in this regard. On the ideas of mutual understanding, both states can make joint ventures with joint contributions such as movies and TV Shows etc.

8. Conclusion

The constructivist perspective imparts a useful insight to understand and evaluate existing CBMs between India and Pakistan. This new understanding not only can identify main hurdles and obstacles in the effectiveness of CBMs between the two rivals but it can also offer new options and solutions to the related matters.

CBMs are generally considered to play an important role in bringing peace and stability and their necessity is much understood in the international system during Cold War. At present, CBMs between India and Pakistan are not playing any role in changing the perception of each other. However, they have a great potential to be an important building block if they are formulated keeping in view the existing perceptions of both states.

India and Pakistan both states have different ideologies. As a result of discourse and shared understanding over the years both states have formulated a set of perceptions about each other which has further deepened the animosity between them. Though the CBMs between the two states exist, yet the perceptions on both sides are still unchanged. Constructivism requires the change in perceptions of the adversaries to deconstruct existing patterns of ideas and norms for peaceful coexistence of societies. This leads to the understanding that besides existing CBMs between India and Pakistan there should be CBMs of such nature which are dealing with the prevailing images of each other.

New CBMs can include the enhancement of credibility by implementation of existing agreements, work on the areas of mutual interest and similar objectives such as nuclear terrorism, development of mutual understanding on the issues of concern and initiation of social, cultural and economic measures.

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