ORF | OBSERVER RESEARCH FOUNDATION

Issue

Brief

ISSUE NO. 471
JULY 2021
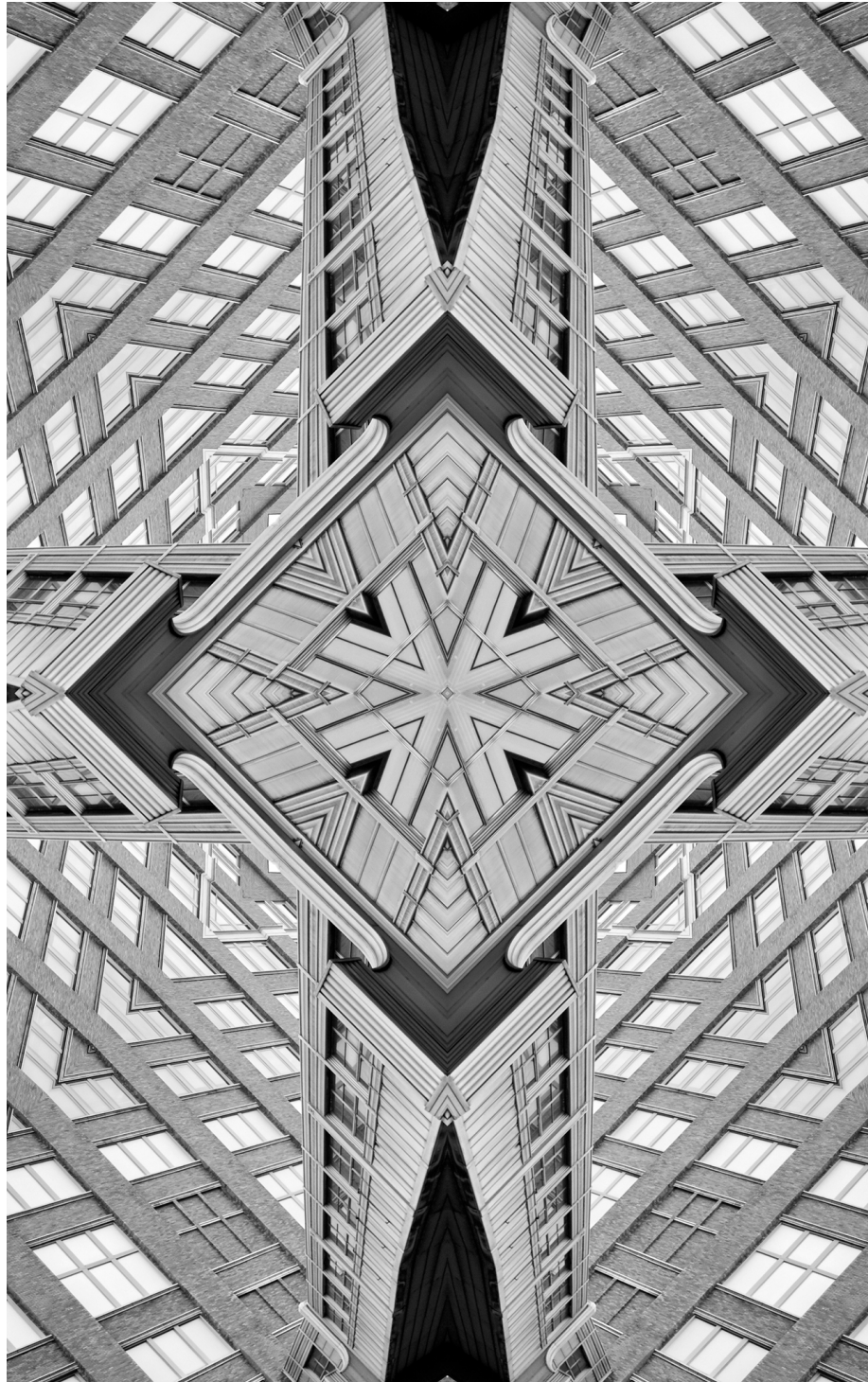
Confidence-Building Measures and Norm Diffusion in South Asia

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Abstract

Confidence-building measures (CBMs) were first developed in the context of Western international relations as a means of ensuring norm diffusion between adversarial states. While South Asian states have also turned to CBMs to minimise hostilities, the literature on their impact has been limited. This brief fills the gap by examining the influence of CBMs between India and Pakistan, and India and China, on norm diffusion in the region. The brief considers CBMs related to nuclear tensions and territorial disputes, and weighs two parameters: norm compliance, and norm implementation. It finds a number of factors that determine the impact of CBMs on norm diffusion in South Asia: the scale of norm violation, the CBM's objective and sector, the timing, as well as external geo-political factors.

Introduction

Adversarial nations use Confidence-Building Measures (CBMs) as a tool for conflict resolution to foster trust by producing credible evidence of "the absence of feared threats."[1] Western scholarship has argued that CBMs enable the diffusion of norms for governing responsible state behaviour.[2] In non-western contexts—where actors, institutions, and socio-economic realities are different—the success of CBMs has been more contested.[3] This brief evaluates the successes of confidence-building measures in contemporary history— specifically those between India and Pakistan, and India and China—and their influence on norm diffusion in the South Asian region.

Amidst ongoing tensions between India and Pakistan, and India and China, the value of CBMs in the region requires an audit. The challenge, however, is in accurately quantifying the impact of a CBM. There are three limitations: separating the effect of CBMs from that of external factors; creating a reliable counterfactual; and defining 'stability' between conflicting states. This brief will focus not on the unquantifiable metrics of peace-building, but rather on the impact of CBMs on two core aspects of international norm diffusion in bilateral relations. As articulated by Dietelhoff and Ziemermann, these are:[4]

> "**Compliance:** *level of behaviour consistent with norms*
>
> **Implementation:** *level of norm inclusion in policy papers, protocols, standards of international and regional organizations, creation of domestic, regional, international institutions, and adoption into domestic law. [Norms may also be implemented through future CBMs.]*

The brief will look to answer two questions: Have CBMs adopted by states in the South Asian region influenced norm implementation between them; and have CBMs had an impact, in practice, on norm compliance between the states?

The norms discussed in this brief may not be perfect. Moreover, mere norm compliance and norm implementation does not necessarily lead to stability or improved outcomes for bilateral relations in the region—such question is, however, beyond the scope of this brief. There are difficulties in establishing causalities between CBMs and inherently complex geopolitical relationships. This brief therefore seeks to highlight the metrics that can be more easily understood and evaluated.

Confidence-Building Measures and Norms: An Overview

Defining CBMs

Confidence-Building Measures (CBMs) are a set of unilateral, bilateral, or multilateral practices and actions that are mutually agreed upon and undertaken by hostile states, which are in or approaching conflict, with the aim of building shared trust, preventing increased hostility, and eventually establishing cooperative peace.[5] Unlike international treaties, customary international law or binding unilateral declarations, CBMs *do not generally* impose binding obligations on states and are entirely voluntary.[6] There is *usually* no obligation for governments to follow through with any commitments they may have undertaken as part of a CBM, and no punitive measures that can be taken in the case of any such non-compliance. In certain cases, however, CBMs may take the form of legally binding obligations.[7]

Classifying CBMs: Strategic Concerns, Objectives, and Sector

CBMs can be classified in three ways: based on their issue area, their objectives, and the sector under which they fall.

- **Issue Area.** This paper analyses CBMs within the context of two topics of concern: a) Land warfare over disputed territory; and b) Nuclear Deterrence.

- **The CBM's Objective**. While all CBMs have a broad aim of reducing mutual hostility, each CBM has a specific objective towards achieving that aim. This brief uses the classification put forward by Holst[8] and Macintosh[9] to group the objectives of CBMs: Communication; Constraint; and Transparency.

- **Sector of the CBM.** The sectors can be divided into simply **military** and **non-military**. The non-military sector can be further divided into a number of subdivisions such as economic, cultural, environmental, and political CBMs.

Figure 1:
Mapping CBMs
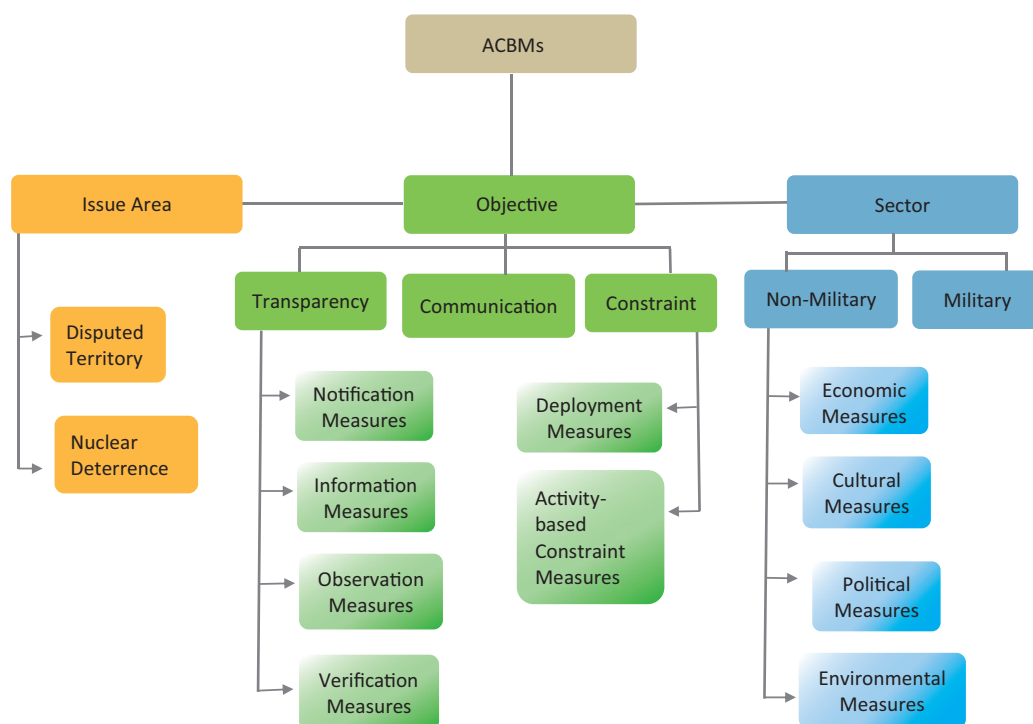
Source: Authors' own, building on the classification provided by Holst[10] and Macintosh[11]

CBMs Related to Nuclear Weapons

This section focuses on three norms that are relevant in the nuclear realm.[12] These are non-proliferation (preventing the spread and creation of new nuclear weapons); disarmament (demilitarisation of nuclear forces); and deterrence (utilising nuclear weapons only to disincentivise opposing states from attacking).

As India and Pakistan are non-signatories to the Nuclear Non-Proliferation Treaty,[13] they are not officially recognised by China and do not share any CBMs with the state. Therefore, this section will only focus on nuclear CBMs between India and Pakistan.

India-Pakistan Nuclear CBMs and Norm Compliance and Implementation

Despite a number of meetings and CBMs between the two countries, most notably the yearly exchange of lists of nuclear facilities, officials have noted that these discussions and many of the actions taken by the states have "reflect[ed] the overall bilateral state of play rather than being a catalyst for change."[14] While these discussions appear to be productive, their incremental approach does little to effectively ensure progress towards ensuring norm implementation and compliance.[15]

Norm of Non-proliferation

The norm of non-proliferation has seen low levels of implementation and compliance. CBMs have not had a positive impact on either front. While sporadic individual acts have been in line with the norm — such as Pakistan's passing of a nuclear export control act,[16] and India's participation in the Wassenaar Arrangement[17] — the wider range of actions by both countries point to an overall lack of norm compliance. Despite both India and Pakistan reiterating their commitment to CBMs in the preamble to the 1988 Agreement on the prohibition of attack against nuclear installations and facilities (1988 Nuclear Non-Aggression agreement),[18] they were unable to agree on implementable CBMs that would enforce the norm of non-proliferation. Ultimately, in 1998 both India and Pakistan tested nuclear weapons, thus directly violating the norm of non-proliferation.

CBMs Related to Nuclear Weapons

Surface-level norm implementation is seen in the consistent mention of the term "non-proliferation" within policy documents—most notably in the text of the historic 1999 Lahore declaration between India and Pakistan, and its associated memorandum of understanding.[19] However, many of these mentions are quickly followed by the caveat that non-proliferation in the absence of complete disarmament would fail to produce a balanced and just nuclear order.[20] Therefore, CBMs have had little impact on norm implementation either, as both states have adopted stances opposing the nuclear non-proliferation treaty and the norm of non-proliferation unless there is complete disarmament across the world.[21,22]

> "Surface-level norm implementation is seen in the consistent mention of the term 'non-proliferation' in policy documents, most notably the 1999 Lahore declaration."

Norm of Disarmament

There has been a failure of norm compliance in the case of disarmament. Despite the 1999 Lahore declaration calling for both states to commit to the norm of disarmament, both India and Pakistan have significantly increased their nuclear weapons and ballistic missile arsenals.[23]

On norm implementation, nuclear disarmament has consistently found its way into both India's and Pakistan's policies following the CBMs laid out in the Lahore declaration and its memorandum. While these CBMs have underscored norm implementation, it is worth remembering that nuclear disarmament had a high level of norm implementation in South Asia—before the introduction of CBMs—through the speeches of Indian prime ministers and Pakistan's proposals in the UN for a Nuclear Weapon free zone in South Asia.[24] Therefore, while CBMs can be credited as improving norm implementation, it cannot be characterised as a fundamental driver of norm implementation.

Norm of Deterrence and No First Use

The norm of deterrence has seen higher levels of norm implementation and compliance than the other two norms. Further, CBMs have impacted both implementation and compliance. On compliance, following the signing of the agreement prohibiting attacks on nuclear facilities between the two states, there have been no attempts at nuclear weapon attacks by either state. When it comes to implementation, the issue of deterrence has consistently been raised in official policy documents and by state officials on both sides. However, it should also be noted that nuclear weapons present a special case as intuitively the potential costs of a retaliatory nuclear strike could be more significant in deterrence being so well-established here rather than CBMs.

> " Nuclear disarmament has consistently found its way into India's and Pakistan's policies following the CBMs laid out in the Lahore declaration. "

CBMs Related to Disputed Territory

The primary norm related to disputed territory is the norm of territorial integrity:[25] that states should respect the territorial borders of another state and not use force to alter them. The principle is enshrined in Article 2(4) of the UN Charter,[26] and consistently reaffirmed at a multilateral level by a number of UN General Assembly declarations.[27]

Unlike the previous section on Nuclear CBMs, this section will discuss only one norm — that of territorial integrity. It will evaluate the effect of CBMs on norm compliance and implementation in both India-China and India-Pakistan contexts.

India-China Territorial CBMs and Norm Compliance and Implementation

Since India's independence, its relations with China have been complicated by a long and undemarcated border—indeed the longest contested land frontier in the world.[28] The length of the border itself is disputed—India claims it is 3,488 km, while for China, it is a shorter 2,000 km.[29] The border dispute led to the 1962 war which lasted for about a month and resulted in 8,000 deaths for India, and 2,000 for China,[30] following which there was a hiatus in bilateral relations for over 10 years. In 1976, then Indian Prime Minister Indira Gandhi agreed to exchange ambassadors with China; then Foreign Minister Atal Bihari Vajpayee visited China in February 1979;[31] and shortly after, the two sides began border talks, which would see eight rounds between 1981 and 1988.[32] A milestone happened in 1988, when then Prime Minister Rajiv Gandhi held a summit with counterpart Deng Xiaoping—[33] the first such meeting between leaders of the two countries since 1960. The summit led to a series of agreements and CBMs between the two states which have impacted norm implementation and norm compliance to a certain extent. While diplomatic ties, including CBMs have helped prevent severe conflict, the lack of a border settlement traps Sino-Indian relations in a "seemingly endless seesaw."[34] A permanent settlement of the border is vital for long-term peace and stability.[35]

The norm of territorial integrity has been implemented through references in three key agreements signed between the two countries between 1993 and 2005.[36] These agreements also contained provisions to enforce this norm through several CBMs that have largely been complied with notwithstanding recent border confrontations. Starting with the 1993 Agreement on Peace

CBMs Related to Disputed Territory

and Tranquillity along the Border,[37] several Sino-Indian deals have sought to uphold the principles of sovereignty and territorial integrity and maintain peace along the border, even as the border demarcation issue itself had not been settled. India and China agreed that the border issue would not be settled by force. A 1996 agreement on confidence-building measures re-enforced these principles and outlined a number of CBMs on *constraint* and *transparency*.[38] These included limitations of military armaments through "mutual and equal security", refraining from conducting large-scale military exercises along the LAC, and the prevention of dangerous military activities including opening fire within two kilometres of the LAC. The 2005 Protocol built on the 1996 agreement and laid out standard operating procedures for implementing the previous agreements.[39]

Some years later, in 2013, the Border Defense Cooperation agreement (BDCA) was signed after the Depsang face-off, and reiterated the commitment to not use force and accepted the principle of 'mutual equality and security.'[40] There is a correlation between CBMs and norm implementation since the resumption of diplomatic relations in 1976. Communication CBMs have resulted in agreements that both continue to acknowledge in their bilateral relations. Further, they have devised measures for the enforcement of territorial integrity between the two states. For example, the Joint Working Group set up in 1988 laid the groundwork for agreements signed between India in 1993 and 1996, both of which incorporated the principle of territorial integrity and enforcement mechanisms to preserve the same.[41]

Since 1988, CBMs have had a positive impact on norm compliance as well. Since the resumption of diplomatic relations between the two countries in 1976 till the Galwan Valley clash in 2020, both countries have largely complied with the norm of territorial integrity and sovereignty along the Line of Actual Control. While there have been face-offs between armies along the undemarcated border, these have usually not resulted in casualties (with the exception of the June 2020 incident at Galwan Valley)[42] or clashes, and have been resolved through the standard operating procedures, including through communication and constraint CBMs in place.[43] Throughout the JWG meetings from 1988 to 2003, there was agreement that peace and tranquillity along the border would not be contingent on a framework that determined the precise alignment of the LAC.[44] The 2005 and 2013 agreements have incorporated communication and constraint CBMs which prevented face-offs from causing casualties.

Further, states have underscored existing constraint CBMs in order to prevent the escalation of low-scale territorial conflict into a limited border war or all-out conflict.[45] For example, in the aftermath of the Galwan Valley clash, External Affairs Minister S. Jaishankar emphasised the compliance of Indian soldiers[46] with a 1996 constraint CBM between India and China, which stated: "Neither side shall open fire or hunt with guns or explosives within two kilometres from the line of actual control."[47] Despite hostility on the border following the Galwan clashes, both countries have upheld communication CBMs through both diplomatic and military talks; there have been no further casualties since then. There have now been 11 rounds of corps commander-level talks aiming for the disengagement of troops from remaining friction points in the sector.[48]

As Manoj Joshi has noted, the key drivers of Beijing's policies with respect to the border are internal.[49] Chinese actions on the ground have been inconsistent, often contradicting prior actions.[50] Therefore, dissuading China from its overarching political goals and resolving the border dispute permanently through the diplomatic route may not be possible.[51] Instead, there is a need for new CBMs that will acknowledge changing realities along the LAC, and for measures to ensure the implementation and observance of existing protocols.[52]

India-Pakistan Territorial CBMs and Norm Compliance and Implementation

India-Pakistan border relations remain unsettled and conflict-ridden since 1947 owing to complex issues arising from the Partition. Prominent conflicts include the First Kashmir War, September 1965 war, 1971 war, and the 1999 Kargil conflict. Indeed, ties between the two neighbours remain " a prisoner of partition."[53] Politically, countries have built up contrasting narratives on what led to these wars, their outcomes and the resolution of the dispute over Kashmir.[54] The use of asymmetrical warfare by Pakistan through state-sponsored terrorism has been another thorn in the relationship, which former Foreign Secretary Shyam Saran referred to as an "example of its perennial ambition to be considered on par with India, bleeding our country using terror since it cannot do so militarily."[55] Due to these long-standing issues, despite various cycles of CBMs, India-Pakistan relations remain in a cycle of "dialogue-disruption-dialogue."[56] Therefore, CBMs have done little to fix the broader contours of the relationship, although they have had an important role to play in specific instances of norm implementation and norm compliance.

CBMs Related to Disputed Territory

Norm implementation has happened through agreements brokered between the two countries in and around conflict situations. Various facets of the norm of territorial integrity find mention in the Tashkent Declaration (1965),[57] the Shimla Agreement (1972),[58] and the Lahore Declaration (1999).[59] These agreements acknowledge the United Nations Charter, the peaceful settlement of disputes, and non-interference in each other's internal affairs. The Shimla Agreement in particular makes explicit reference to the norm.[60]

However, it is crucial to note that the Tashkent and Shimla Agreements were signed in the immediate aftermath of wars and the Lahore Declaration was still unable to prevent the 1999 Kargil conflict, which broke out immediately after.

> "CBMs have done little to fix the broader contours of the India-Pakistan relationship, though they have helped in specific instances of norm implementation and compliance."

Further, the dispute over Kashmir has not been settled and there are various instances of non-implementation statements, declarations and policy documents where the two nations have denigrated each other's territorial integrity, and accused the other of undermining their own.[61] Therefore, there is a limited correlation between CBMs and norm implementation. This is both due to a lack of evidence of implementation across statements or national documents, and the fact that the few agreements which do implement the norm were signed in the immediate aftermath of all-out conflict, rather than as an outcome of existing CBMs.

There is a stronger connection between CBMs and norm compliance, however. The 2003 ceasefire agreement—an important constraint CBM, was followed by an immediate and drastic downward turn in the number of ceasefire violations; the trend lasted for over a decade.[62] As per available data, there were a high number of ceasefire violations in the immediate aftermath of the Kargil war in 2001, 2002, and 2003.[63] However, after the ceasefire agreement of 2003, these violations petered off with under 10 violations each year between 2004 and 2006. The CFVs picked up again in 2008 with 86 recorded incidents. In 2012, this number escalated into triple digits, with 114.

CBMs Related to Disputed Territory

Since 2016, this trend has been reversed with a significant number of cross-border firings and armed confrontations between the security forces of both countries as well as between security forces and third-party militant groups.[64] Accordingly, the ceasefire violations have increased in the past three years, with 2140, 3479 and 5133 ceasefire violations being recorded in 2018, 2019, and 2020, respectively.[65] To arrest this trend, in February 2021, a joint statement was issued by both sides reiterating the need to renew observance of a 2003 ceasefire agreement amidst growing instances of norm compliance "in the interest of achieving mutually beneficial and sustainable peace along the borders."[66] Norm compliance has been positive following this constraint CBM re-enforcing the 2003 ceasefire, with General Manoj Mukund Naravane, Chief of the Army Staff acknowledging that the statement contributed to an overarching feeling of peace in the region and a reduction in the levels of violence.[67]

Communication CBMs have also played a role in crafting constraint CBMs such as the recent ceasefire agreement. Back-channel diplomacy away from the media glare could be useful in terms of cutting through the political noise and could lead to tangible outcomes such as the 2021 announcement by the DGMOs. Track-II diplomacy such as the Neemrana Dialogues, Chaophraya Dialogue, Pugwash-India Pakistan dialogue have been held over several iterations for the past two decades, and serve as an important communication CBM.[68] However, it is difficult to highlight a correlation between these dialogues and norm compliance or implementation. Prof. Happymon Jacob, a participant in Track-II initiatives has stated that the goal of these dialogues is to promote mutual understanding of the ecosystem among epistemic communities rather than immediately impacting compliance or implementation.[69]

"India-Pakistan agreements which implement the norm of territorial integrity were signed in the immediate aftermath of a conflict, rather than as an outcome of CBMs."

T he following paragraphs discuss the common trends that emerge from this analysis of how CBMs facilitate norm compliance and implementation in South Asia—if at all they do.

Key Findings

1. CBMs have been ineffective at preventing the persistence of lower-scale norm-non-compliance (such as Ceasefire Violations) but have prevented their escalation into full-blown conflict.

Territorial CBMs have been unable to entirely prevent small-scale acts of norm non-compliance such as ceasefire violations and border intrusions between India and Pakistan — with the numbers of intrusions and casualties increasing in the last half-decade.[70] With India-China, they have been more successful with no casualties along the border for almost 35 years, despite regular face-offs that have been de-escalated through established communication CBMs such as displaying flags, and constraint CBMs such as not using arms within specified radii.[71]

CBMs have prevented further escalation of low-scale norm non-compliance into conflict. The most recent example is the many rounds of military-level talks following the Galwan Valley conflict in mid-2020.[72] These have not resulted in complete disengagement by both sides but have prevented further outbreak of violence along the LAC. Statements by public officials have explicitly pointed to constraint CBMs in the 1996 agreement as the reason for troops not escalating conflict, even though other CBMs in the same agreement may have been violated.[73]

On the nuclear front, the 1988 Agreement on The Prohibition of Attack Against Nuclear Installations and Facilities Between India and Pakistan has led to norm compliance as there have been no attempts by either state to attack each other's nuclear facilities following its signing, despite the outbreak of conflict between the states after. Prior to its signing, speculation existed that India had planned on attacking a Pakistani nuclear facility at Kahuta.[74] While much of this behaviour, (i.e. full-scale escalation between the countries), can be credited to the excessively destructive capabilities of nuclear weapons that both countries possess, CBMs have served as a diplomatic tool through which tensions, even in the non-nuclear realm can be resolved effectively.

Key Findings

2. **Constraint and certain communication CBMs have had a greater impact on norm implementation and norm compliance, more than transparency CBMs, and non-military CBMs.**

Constraint CBMs usually embody a 'red-line' which both countries do not want to breach as a reciprocal violation by the other may end up causing excessive harm. Constraint CBMs limiting military activities around contested borders or the use of nuclear weapons are essentially negative obligations (for states to not commit certain actions)—more easily delinked from the broader political contours of the bilateral relationship between the two countries in question. Therefore, they have been adhered to and influenced norm compliance and implementation much more than transparency or communication CBMs.

For example, the 1996 CBM between India and China which placed constraints on opening fire within a certain radius of the border has not solved the broader question of the undemarcated border but has prevented escalation and limited casualties due to border tensions.[75] As discussed briefly earlier, this CBM was complied with and explicitly singled out by EAM Jaishankar when evaluating the confrontation. In the nuclear sphere, constraint CBMs such as the 1988 Nuclear Non-Aggression Agreement between India and Pakistan have been successful in preventing attacks on either state's nuclear facilities.

While communication CBMs have overall been less effective than constraint CBMs in influencing norm compliance and implementation, certain kinds of communication CBMs have been more successful than others. Bilateral summits or meetings among heads of states have generally not fostered norm implementation or compliance by themselves. The most recent examples are the bilateral summits between Prime Minister Narendra Modi and President Xi Jinping held after the Doklam confrontation of 2017.[76] Despite fostering a brief quiet period on the border, it was unable to prevent the Galwan confrontation in 2020.

This is in contrast to previous engagements undertaken by Prime Ministers Rajiv Gandhi and Vajpayee in 1988 and 2003, respectively, both of which created specific mechanisms for deliberation on the boundary question among key representatives of both states.[77] The JWG and Special Representative Dialogue did not receive the same level of public attention as the high-level summits, but this allowed them to make progress behind the scenes, both on the border question and on creating interim CBMs. Therefore, low-key communication CBMs away from the public glare could be instrumental in norm implementation and norm compliance.

Finally, while generally less effective than constraint and communications CBMs, transparency CBMs have had some limited success in the nuclear sphere. CBMs regarding notification of ballistic missile tests and exchanging lists of nuclear facilities have attempted to foster trust between India and Pakistan. However, their limited success also stems from other, possibly more crucial factors such as the destructive nature of nuclear weapons themselves.

3. **The timing of confidence-building measures plays a key role in determining their impact on norm-compliance and norm-implementation.**

CBMs between India and Pakistan have often developed in direct response to the outbreak of conflicts between the two states. Therefore, the primary response of these agreements, such as the Shimla Agreement or the Tashkent Declaration, were to stop ongoing conflict rather than take a long-term view of future relations by prescribing specific measures of cooperation or constraint. While they echoed commitment to the norm on paper, these agreements contributed little to norm compliance because they lacked practical steps that could enable compliance on either side. Both the Shimla and Tashkent agreements contained broad non-committal phrases like "meet to discuss further modalities"[78] or "agree to consider measures"[79] rather than carving out a specific mechanism that could enable both states to arrive at CBMs in the future.

For their part, CBMs between India and China have emerged after positive diplomatic overtures by either side, not just in the immediate aftermath of conflict. After Rajiv Gandhi and Vajpayee's respective visits in 1988 and 2003, the Indo-China Joint Working Group on the Border Question (1988-2003) and the Special Representatives Dialogue on the Boundary Question (2003-Present) were set up, not for the purpose of resolving an immediate conflict but to address the fundamental fissures in the relationship through incremental steps.[80] The political costs of cooperation are also far less for both sides in the absence of looming conflict. The outcome of the ongoing military-level talks is crucial for creating further CBMs. They were created with the necessity of preventing further escalation. Now, with the diffusion of the crisis, it is important for this dialogue to make strides towards addressing core fractures in the relationship to prevent further casualties along the border.

> "For their part, CBMs between India and China have emerged after positive diplomatic overtures by either side, not just in the aftermath of conflict."

Key Findings

4. External factors have impacted the extent to which CBMs influence norm compliance and norm implementation.

CBMs do not exist in a vacuum and are subject to a number of exogenous factors that determine their impact on norm implementation and norm compliance.

Social, political and military factors could override the impact of most CBMs both on norm compliance and implementation. As CBMs are tools designed to build trust between hostile states, their ability to affect compliance and implementation is moulded by the social and political nuances that exist between the states. This is explicitly apparent in both cases. The impact of CBMs of norm compliance and implementation between these countries has been determined by three exogenous factors: the nature of shared history between the countries, state of domestic politics, and the role of non-state actors.

5. Non-military CBMs have no immediate impact but could in the longer-run mitigate central fissures in the relationship.

During instances of heightened military aggression or tension when military CBMs have failed at preventing low-scale conflict, non-military CBMs have either been discontinued or have not furthered norm implementation and norm compliance. One such instance of compounded failure is the suspension of trade across the India Pakistan Line of Control for two months following the Pulwama terror attack.

Cultural CBMs have also had little impact when there is a conflict. The virtues of 'cricket diplomacy' are limited to phases where there are positive political relations between states and the fragile nature of sporting and cultural ties are evident due to the cessation of Indo-Pakistani bilateral cricketing events after the terrorist attacks in Mumbai in 2008.[81] Cricket diplomacy has resumed through some minor shows of good faith.[82] One such example was the release of Gopal Das, an Indian National, from a Pakistani prison around the time of a cricket match between the states. However, critics of sports diplomacy in general continue to point out that it is inconsequential.[83]

> As CBMs are tools designed to build trust between hostile states, their ability to affect compliance and implementation is moulded by social and political nuances.

Non-military CBMs may not tangibly prevent conflict or foster norm compliance or implementation in the long or short-run. However, maintaining continuous sporting ties, cultural and academic exchanges, and Track-II dialogues could reduce brinkmanship in the media and public discourse.[84] Through greater understanding and appreciation of citizens of the 'enemy state,' the political costs of a thaw in military relations may be reduced and politicians and the military may be more willing to engage. This could pave the way for a framework that reduces fundamental fissures in both relationships.

Key Findings

Conclusion

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The past two decades saw a number of incidents that have threatened to destabilise the dynamics between the powers in South Asia. Growing concerns over territorial conflicts, nuclear concerns and recent phenomena such as cross-border cyber-attacks, are products of historical tensions that have contributed to a paucity of trust among the key stakeholders. CBMs that have been inked since the region came into its own are being questioned and challenged.

With CBMs having been a staple of security relations in South Asia since the Cold War, it has become apparent that their functioning and success in establishing norms of responsible state behaviour in the region is contingent on a number of unique factors that are specific to the South Asian context. Largely, implementation of norms has happened through policy documents and bilateral agreements both in the India-Pakistan and India-China contexts that has resulted in partial compliance with them.

Rather than merely superimposing lessons learned from CBM processes in the West, it is important for decision-makers to understand the fissures, intentions and resolve of both state and non-state actors at work in the region. Despite the political challenges in devising and deploying them, CBMs remain a key tool of statecraft and a catalyst for norm implementation and compliance, thus fostering responsible state behaviour and regional stability. ORF

Endnotes

1   Zdzislaw Lachowski, "Confidence-Building Measures", Max Planck Encyclopedia of International Law (2006)

2   Johan Jørgen Holst, "Confidence-building Measures a Conceptual Framework," Survival 25, no. 1 (January 1983): 2–15, https://doi.org/10.1080/00396338308442072.

3   Lachowski, "Confidence-Building Measures"

4   Nicole Deitelhoff and Lisbeth Zimmermann, "Norms under Challenge: Unpacking the Dynamics of Norm Robustness," *Journal of Global Security Studies* 4, no. 1 (January 1, 2019): 2–17, https://doi.org/10.1093/jogss/ogy041.

5   This definition has been adapted from the realist, idealist and modern interpretation of CBMs. See: Samina Yasmin and Aabha Dixit, Confidence-Building Measures in South Asia (Henry L. Stimson Center, 1995); Charles C. Flowerree, "CBMs in the U.N Setting," in *Avoiding War In The Nuclear Age: Confidence-Building Measures For Crisis Stability*, John Borawski (Routledge, 2019); and James Macintosh, Confidence and Security Building Measures: A Skeptical Look, Working Paper / Peace Research Centre, Australian National University, no. 85 (Canberra: Australian National University, Peace Research Centre, 1990).

6   "Military Confidence Building Measures: How to Make Them Work – UNODA," United Nations Office for Disarmament Affairs (blog), https://www.un.org/disarmament/cbms/cbm2/.

7   Marie Isabelle Chevrier and Iris Hunger, "Confidence-building Measures for the BTWC: Performance and Potential," 2000, https://doi.org/10.1080/10736700008436823., Open Skies-Treaty

8   Holst, "Confidence-building Measures a Conceptual Framework"

9   James Macintosh (1996). *Confidence building in the arms control process : a transformation view.* Ottawa: Minister of Foreign Affairs (Canada)

10 Holst, "Confidence-building Measures a Conceptual Framework"

11 Macintosh, *Confidence building in the arms control process : a transformation view.*

12 Lawrence Freedman, "Disarmament and Other Nuclear Norms," The Washington Quarterly 36, no. 2 (April 1, 2013): 93–108, https://doi.org/10.1080/0163660X.2013.791085.

13 "Treaty on the Non-Proliferation of Nuclear Weapons (NPT)" (1970), https://www.un.org/en/conf/npt/2015/pdf/text%20of%20the%20treaty.pdf

14 Tariq Osman Hyder, "Building Nuclear Confidence?," *The Nation*, January 3, 2013, sec. Columns, https://nation.com.pk/04-Jan-2013/building-nuclear-confidence. *in* Toby Dalton, "Beyond Incrementalism: Rethinking Approaches to CBMs and Stability in South Asia" (Stimson Center, January 30, 2013), https://carnegieendowment.org/files/Stimson_CBM_India_Pakistan_Jan_30_2013.pdf.

15   Dalton, "Beyond Incrementalism: Rethinking Approaches to CBMs and Stability in South Asia"

16   "Export Control on Goods, Technologies, Material and Equipment Related to Nuclear and Biological Weapons and Their Delivery Systems Act, 2004," n.d., https://www.iaea.org/sites/default/files/publications/documents/infcircs/2004/infcirc636.pdf

17   Martand Jha, "India and the Wassenaar Arrangement," Mint, February 3, 2018, sec. mint-lounge, https://www.livemint.com/Sundayapp/AETSo9p0H9Dii7ou9WRvrO/India-and-the-Wassenaar-Arrangement.html.

18   "Agreement between India and Pakistan on the Prohibition of Attack against Nuclear Installations and Facilities" (1988), https://mea.gov.in/Portal/LegalTreatiesDoc/PAB1232.pdf.

19   Government of India, "Lahore Declaration February, 1999," Ministry of External Affairs: Government of India, https://mea.gov.in/in-focus-article.htm?18997/Lahore+Declaration+February+1999.

20   Indira Gandhi, "Non-Proliferation Treaty, from Statement by Prime Minister Indira Gandhi during Lok Sabha Debate on Foreign Affairs, 1968" (Lok Sabha Debate, New Delhi, April 5, 1968), http://meaindia.nic.in/cdgeneva/?pdf0593?000.

21   "Pakistan Rules Out Joining Nonproliferation Treaty," *NTI* (blog), February 23, 2010, https://www.nti.org/gsn/article/pakistan-rules-out-joining-nonproliferation-treaty/.

22   Singh, Jaswant. 2000. "Statement to Parliament on the NPT Review Conference." Parliamentary Statement, May 9. http://www.acronym.org.uk/old/archive/46india.htm.

23   Kristensen and Korda, "Indian Nuclear Forces, 2018" *in* Hagerty, *Nuclear Weapons and Deterrence Stability in South Asia*

24   "Statements : Disarmament Archives"

25   Mark W. Zacher, "The Territorial Integrity Norm: International Boundaries and the Use of Force," International Organization 55, no. 2 (2001): 215–50.

26   "UN Charter," 1 UNTS XVI (1945), https://www.un.org/en/sections/un-charter/un-charter-full-text/.

27   "Declaration on Granting of Independence to Colonial Countries and Peoples," UNGA res. 1514 (1960), https://www.ohchr.org/EN/ProfessionalInterest/Pages/Independence.aspx.

28   Ananth Krishnan, *India's China Challenge: A journey through China's rise and what it means for India* (Noida: HarperCollins Publishers,2020), pp. 176

29   Krishnan, *India's China Challenge*,pp. 177

Endnotes

30   Larry M. Wortzel, "Concentrating Forces and Audacious Action: PLA Lessons from the Sino-Indian War," in Laurie Burkitt, Andrew Scobell, and Larry M. Wortzel, eds., The Lessons of History: The Chinese People's Liberation Army at 75, Strategic Studies Institute, 2003, pp. 340–341.

31   Zorawar Daulet Singh,*Powershift: India-China relations in a multipolar world* (Delhi: Pan Macmillan, 2020), loc.1041

32   Sumit Ganguly,. "The Sino-Indian Border Talks, 1981-1989: A View from New Delhi." *Asian Survey* 29, no. 12 (1989): 1123-135. doi:10.2307/2644760.

33   Zorawar Daulet Singh ,*Powershift,* loc.741

34   Krishnan, *India's China Challenge*, pp.181

35   Krishnan, *India's China Challenge*, pp.181

36   Manoj Joshi,"The Wuhan Summit and the India-China border dispute" (Observer Research Foundation, New Delhi), pp.3-6 https://www.orfonline.org/wp-content/uploads/2018/06/ORF_Special_Report_62_Wuhan.pdf

37   Agreement on the Maintenance of Peace and Tranquillity along the Line of Actual Control in the India-China Border Areas," 7 September 1993, https://peacemaker.un.org/sites/peacemaker.un.org/files/CN%20IN_930907_Agreement%20on%20India-China%20Border%20Areas.pdf

38   "Agreement Between the Government of the Republic of India and the Government of the People's Republic of China on Confidence-Building Measures in the Military Field Along the Line of Actual Control in the India-China Border Areas" (1996), https://peacemaker.un.org/sites/peacemaker.un.org/files/CN%20IN_961129_Agreement%20between%20China%20and%20India.pdf.

39   "Protocol on Modalities for the Implementation of CBMs in the Military Field Along the Line of Actual Control in the India-China Border Areas," Ministry of External Affairs, 11 April 2005, http://www.mea.gov.in/incoming-visit-detail htm? 6539/Protocol+between+the+Government+of+the+Republic+of+India+and+the+Government+of+the+Peoples+Republic+of+China+on+Modalities+for+the+Implementation+of+Confidence+Building+Measures+in+the+Military+Field+Along+the+Line+of+Actual+Control+in+the+IndiaChina+Border +Areas.

40   Joshi,"The Wuhan Summit and the India-China border dispute"

41   Singh, *Powershifts*, loc.no 741

42   Express Web Desk, " Galwan Valley: A year after the violent clash," *Indian Express,* June 14,2021,https://indianexpress.com/article/india/galwan-valley-clash-timeline-india-china-disengagement-7358554/

Endnotes

43 Krishnan,*India's China Challenge*,pp.178

44 Shivshankar Menon, *India and Asian Geopolitics:The Past,Present and Future* (New Delhi:Penguin Random House India,2021), pp. 210

45 Ishtiaq Ahmed and Hannes Ebert, "Breaking the equilibrium: New leaders and old structures in the India-Pakistan rivalry" Asian Affairs: An American Review 42, no.1, pp 46 (2013)

46 Jaishankar, Subrahmanyam. "Let us get the facts straight. All troops on border duty always carry arms, especially when leaving post. Those at Galwan on 15 June did so. Long-standing practice (as per 1996 & 2005 agreements) not to use firearms during faceoffs." June 18, 2020, 4:04 PM. https://twitter.com/drsjaishankar/status/1273564859704266756

47 "Agreement Between the Government of the Republic of India and the Government of the People's Republic of China on Confidence-Building Measures in the Military Field Along the Line of Actual Control in the India-China Border Areas"

48 Press Trust of India, "Keep border issue at 'appropriate position',focus on long term ties: China tells India," *Economic Times*, April 21, 2021 ,https://economictimes.indiatimes.com/ news/defence/keep-border-issue-at-appropriate-position-focus-on-long-term-ties-china-tells-india/articleshow/82182007.cms

49 Manoj Joshi,"Eastern Ladakh:The Longer Perspective,"ORF Occasional Paper 319,June 2021, https://www.orfonline.org/research/eastern-ladakh-the-longer-perspective/

50 Krishnan, *India's China Challenge,pp*.181

51 Joshi, "Eastern Ladakh:The longer perspective"

52 Krishnan,*India's China Challenge*,pp.181, Joshi, "Eastern Ladakh:The longer perspective", Singh, *Powershifts*, loc.no 1722

53 Shyam Saran, *How India Sees the World: Kautilya to the 21st Century* (Juggernaut, 2018), pp. 81

54 Rafael Hernandez, "The Media and Conflict: Case Study Overview Reporting on the Kashmir Conflict between India and Pakistan," *Global Media Journal* 18, no. 34 (2020), https://www.globalmediajournal.com/open-access/the-media-and-conflict-case-study-overview-reporting-on-the-kashmir-conflict-between-india-and-pakistan.pdf.

55 Saran, *How India Sees the World,* pp.81

56 Saran, *How India Sees the World,* pp.81

57 Tashkent Declaration Signed by Prime Minister of India and President of Pakistan, January 10,1966, https://mea.gov.in/bilateral-documents.htm?dtl/5993/Tashkent+Declaration

58 Government of India, "Simla Agreement," July 2 1972, https://mea.gov.in/in-focus-article. htm?19005/Simla+Agreement+July+2+1972

Endnotes

Endnotes

59   Government of India, "Lahore Declaration February, 1999"

60   *That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the 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.*

61   Press Trust of India, "Pakistan Focussed to Undermine India's Territorial Integrity through Terrorism: India," *The Economic Times*, September 6, 2018, https://economictimes.indiatimes.com/news/defence/pakistan-focussed-to-undermine-indias-territorial-integrity-through-terrorism-india/articleshow/65697406.cms.

62   Happymon Jacob, "Ceasefire Violations in Jammu and Kashmir: A Line on Fire," United States Institute of Peace, 2017, pp.3, https://www.usip.org/sites/default/files/PW131-Ceasefire-Violations-in-Jammu-and-Kashmir-A-Line-on-Fire.pdf

63   Happymon Jacob, "Ceasefire Violations in Jammu and Kashmir: A Line on Fire,"pp.3

64   Soutik Biswas, "Border Deaths Prompt Kashmir Row," *BBC News*, September 1, 2011, sec. South Asia, https://www.bbc.com/news/world-south-asia-14746985.

65   Tribune News Service,"Truce violation by Pak doubles in 3 years: Govt," The Tribune, Feb 04 2021, https://www.tribuneindia.com/news/j-k/truce-violation-by-pak-doubles-in-3-years-govt-207565

66   Dinakar Peri and Suhasini Haidar, "India, Pakistan Agree to Observe 2003 Ceasefire," *The Hindu*, February 25, 2021, https://www.thehindu.com/news/national/india-pakistan-agree-to-ceasefire-along-border/article33930265.ece.

67   Press Trust of India, "India-Pak Ceasefire Contributed to Feeling of Peace; First Step towards Long Road of Normalisation of Ties: Army Chief," *The Indian Express*, May 29, 2021, https://indianexpress.com/article/india/india-pak-ceasefire-contributed-to-feeling-of-peace-first-step-towards-long-road-of-normalisation-of-ties-army-chief-7335688/.

68   Sajjad Hussain, "India, Pakistan Revive Track II Diplomacy," *The Wire*, May 2, 2018, https://thewire.in/diplomacy/india-pakistan-revive-track-ii-diplomacy.

69   SAV editorial staff, "Happymon Jacob on India-Pakistan Relations, the Line of Control, and Track-II Dialogues," *South Asian Voices* (blog), November 5, 2018, https://southasianvoices.org/happymon-jacob-on-india-pakistan-relations-ceasefire-violations-track-ii-dialogues/.

70   Tribune News Service,"Truce violation by Pak doubles in 3 years: Govt,"

71   Krishnan,India's China Challenge,pp.178

72   Krishnan, Ananth. 2020. "India, China Agree to Hold next Round of Military Talks on LAC." *The Hindu*, December 18, 2020, sec. National. https://www.thehindu.com/news/national/ladakh-standoff-india-china-resume-diplomatic-talks/article33365538.ece.

73   Suhas Munshi, "China Defies Most Rules of 1996 Pact Cited by Minister Jaishankar on Why Indian Troops Didn't Fire in Self-Defence," *News18*, June 19, 2020, https://www.news18.com/news/india/china-ignores-most-rules-of-1996-pact-cited-by-jaishankar-on-why-indian-troops-didnt-fire-in-self-defence-2676087.html.

74   Chari, P.R. "Nuclear Crisis, Escalation Control, and Deterrence in South Asia." Working Paper. Stimson Center, August 2003. https://www.stimson.org/wp-content/files/file-attachments/escalation_chari_1_1.pdf.

75   "Agreement Between the Government of the Republic of India and the Government of the People's Republic of China on Confidence-Building Measures in the Military Field Along the Line of Actual Control in the India-China Border Areas" (1996), https://peacemaker.un.org/sites/peacemaker.un.org/files/CN%20IN_961129_Agreement%20between%20China%20and%20India.pdf.

76   Manoj Joshi,"The Wuhan Summit and the India-China border dispute"

77   Manoj Joshi,"The Wuhan Summit and the India-China border dispute"

78   Simla Agreement

79   Tashkent Declaration Signed by Prime Minister of India and President of Pakistan

80   Manoj Joshi,"The Wuhan Summit and the India-China border dispute"

81   Derek Abraham, "Why Can't India and Pakistan Play Bilateral Cricket, Again?," *The Hindu*, June 17, 2017, https://www.thehindu.com/thread/reflections/why-cant-india-and-pakistan-play-cricket-again/article19094363.ece.

82   Nayeem Showkat, "Cricket Diplomacy between India and Pakistan: A Case Study of Leading National Dailies of Both the Countries (The Hindu & Dawn)," *Journal of Mass Communication and Journalism* 3, no. 1 (2013), https://doi.org/10.4172/2165-7912.1000142.

83   Stuart Murray, "The Two Halves of Sports-Diplomacy," *Diplomacy & Statecraft* 23, no. 3 (September 1, 2012): 576–92, https://doi.org/10.1080/09592296.2012.706544.

84   Saran, *How India sees the world,* pp.105

Endnotes

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