

Talking Peace in South Asia

**A proposal of some possible nuclear risk reduction
and confidence building agreements
for consideration at the July 2001 Pakistan-India Summit**

July 2001

Introduction

The May 1998 nuclear tests by India and Pakistan and their development of ballistic missiles created grave new dangers for the people of both countries. The February 1999 Lahore summit between Pakistan's Prime Minister Nawaz Sharif and India's Prime Minister Atal Bihari Vajpayee was an important first effort to recognise these new dangers. The Lahore Declaration committed both countries to "take immediate steps for reducing the risk of accidental or unauthorised use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict".

The lack of progress over the past two years in meeting this commitment makes the planned 14 July 2001 summit meeting between Pakistan's President Pervez Musharraf and Indian Prime Minister Atal Bihari Vajpayee a particularly important opportunity to build on the Lahore Agreement and begin talks and reach specific agreement on limiting the threat of nuclear weapons in the region and initiating nuclear disarmament, which is vital to a just and lasting peace in South Asia.

The peace movements in India and Pakistan have a special role to play in this process. Over the years, while the two governments have stressed their differences and conflicts, the diverse civil society organisations that make up the peace movements have struggled against the pattern of animosity and military preparations on both sides, warned of the nuclear danger, and sought to develop and deepen contacts between citizens of the two countries and build a common understanding based on a vision of a democratic, peaceful and prosperous South Asia.

As peace activists with the Pakistan Peace Coalition (PPC) and the Campaign for Nuclear Disarmament and Peace (CNDP), we have jointly drafted some possible treaties for the leaders of the two countries to consider and sign at the forthcoming summit. The treaties identify what we see as the most pressing dangers facing India and Pakistan, highlight the key issues that need to be covered in negotiations, and illustrate the form and content of the agreements that we believe can be immediately adopted by the two governments. We have taken as our constraint the commitments already made by our respective governments and shown some of the specific agreements that are possible.

The agreements we propose are:

1. Agra Declaration

This reiterates the commitments made as part of the Lahore Declaration, including settlement of the Kashmir dispute, and agreement on nuclear risk reduction measures, the notification of ballistic missile launches and easing of travel restrictions between the two countries. It goes beyond the Lahore Declaration by formalising the public commitments made by both India and Pakistan to accede to the Comprehensive Test Ban Treaty and the respective moratoria on nuclear tests. The Agra Declaration also includes a commitment to settling the Siachen Glacier dispute, and the negotiation of a no war pact.

2. Treaty Between The Republic Of India And The Islamic Republic Of Pakistan On Measures For Nuclear Risk Reduction

The Lahore Declaration by Prime Minister Nawaz Sharif and Atal Bihari Vajpayee commits both countries to "take immediate steps for reducing the risk of accidental or unauthorised use of

nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict."

The Memorandum of Understanding signed by the Foreign Secretaries as part of the Lahore Agreement declares "The two sides are fully committed to undertaking national measures to reducing the risks of accidental or unauthorised use of nuclear weapons under their respective control. The two sides further undertake to notify each, other immediately in the event of any accidental, unauthorised 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 side shall identify/establish the appropriate communication mechanism for this purpose."

The key commitments of our proposed treaty are agreement to not deploy nuclear weapons and to keep weapons disassembled and separated by at least 50 kilometres from aircraft and ballistic missiles that could be used to deliver them. It also requires them to establish nuclear risk reduction centres to manage communications between the two countries on nuclear risks and incidents. The risk reduction centres are modelled on those established in a 1987 agreement between the United States and Soviet Union.

3. Treaty Between The Republic Of India And The Islamic Republic Of Pakistan On Notifications Of Launches Of Ballistic Missiles And Space Vehicles

The Memorandum of Understanding signed by the Foreign Secretaries as part of the Lahore Agreement includes the commitment to "provide each other with advance notification in respect of ballistic missile flight tests and [to] conclude a bilateral agreement in this regard." While both sides now issue such notifications, there has been no formal treaty.

Our proposed treaty draws upon the 1988 Ballistic Missile Launch Notification Agreement between the United States and Soviet Union. Due to the overlap in the technology involved and physical characteristics, we add a requirement to provide information on space launches.

4. No War Treaty Between The Republic Of India And The Islamic Republic Of Pakistan

The no war pact had a long history. In 1949, India offered a no war declaration to Pakistan and in 1950 Prime Minister Jawaharlal Nehru offered Pakistan a no war pact. The offer was accepted by Prime Minister Liaquat Ali Khan provided there was a timetable for settling all outstanding disputes. More recently, in 1981, General Zia offered a no war pact to India, which was refused. Mrs. Gandhi subsequently declared that even without a no-war pact, India would not attack Pakistan first. General Musharraf repeated the offer at the United Nations Millennium Summit in September 2000. Pakistan has not however offered a clear definition of what it considers as an act of war.

Our proposed agreement commits both sides to never wage war against the other, and seeks to define acts that would violate this pact. It forbids military incursions across the border, support for cross-border militancy, sabotage, blockades, disruption of river waters, among other things. It also establishes an Adjudication Commission, whose ruling will be binding, for settling disputes over actions that one side may consider violations of the no war pact.

5. Treaty Between The Republic Of India And The Islamic Republic Of Pakistan On The Establishment Of A De-Militarised Zone In The Area Of The Siachen Glacier

There have been protracted negotiations on ending the fighting over the Siachen Glacier area. In 1989, agreement was reportedly reached "to work towards a comprehensive settlement based on redeployment of forces to reduce the chances of conflict, avoidance of the use of force and determination of future positions on the ground so as to conform with the Simla Agreement and to ensure durable peace in the Siachen Area". In November 1992, an agreement on Siachen was said to have been reached that envisaged "mutual withdrawal of troops from new positions, and the creation of a "zone of complete disengagement" and the delineation of a "zone of peace and tranquillity". The process broke down before a formal treaty could be agreed to.

Our proposed agreement demarcates the Siachen Glacier area and removes all armed forces from it. It also requires both sides to clean up the area and restore it to its natural state.

6. Agreement Between The Republic Of India And The Islamic Republic Of Pakistan On Easing The Visa And Travel Restrictions

This draws on the India-Pakistan agreement on Cultural Co-operation of 31 December 1988 for promoting and developing relations and understanding in the realms of art, culture, archaeology, education, mass media and sports commits the two countries to "encourage and facilitate exchange in the field of art, culture and mass media,... to provide facilities and scholarships to students and research scholars,... facilitate exchange of artists, poets writers and musicians,... visits of sports teams" etc. The agreement also establishes a India-Pakistan Joint Commission to implement the agreement.

Our proposed agreement envisages opening visa offices in many cities in both countries and the right to a visa at the port of entry for accredited journalists, teachers, students, artists and sports-persons and senior citizens. It also proposes increasing border crossing points, more frequent cross-border transport services and a new ferry service between Mumbai and Karachi.

The treaties given here are not intended as a substitute for meeting our shared goal of nuclear disarmament in South Asia and world-wide. They are meant as indicators of possible and feasible first steps towards nuclear disarmament; they seek to normalise relations, reduce the risk of war, particularly nuclear war, create possibilities for co-operation in areas of mutual benefit, and create the opportunity for the individual and collective development and empowerment of the peoples of South Asia.

We make these suggestions to our fellow citizens in India and Pakistan and our governments in the hope of furthering peace in our two countries.

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AGRA DECLARATION

The Prime Minister of the Republic of India and the President of the Islamic Republic of Pakistan:-

In keeping with the spirit of the Lahore Declaration issued on February 21, 1999;

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their people;

Convinced that durable peace and development of harmonious relations and friendly co-operation will serve the vital interests of the people of the two countries, enabling them to devote their energies for a better future;

Recognising that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

Committed to the principle and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Committed to the objectives of universal nuclear disarmament;

Reaffirming their agreement on Cultural Co-operation of 31 December 1988 for promoting and developing their relations and understanding in the realms of art, culture, archaeology, education, mass media and sports;

Have agreed that their respective governments:

- (1) shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.
- (2) shall remove their military forces from the disputed Siachen Glacier area and conclude an agreement making it a demilitarised zone under joint juridical control.
- (3) shall refrain from intervention and interference in each other's internal affairs, and shall conclude a bilateral no-war pact.
- (4) shall undertake national and co-operative measures to reduce the risk of accidental or unauthorised use of nuclear weapons under their respective control, and the risk of nuclear war, and shall conclude a bilateral agreement on nuclear risk reduction measures.
- (5) shall conclude a bilateral agreement on advance notification of launches of ballistic missiles and space vehicles.
- (6) shall formalise their respective unilateral moratoria on further nuclear tests by acceding to the Comprehensive Nuclear Test Ban Treaty.
- (7) shall further liberalise the visa and travel regime between the two countries, and shall conclude a bilateral agreement for this purpose.

- (8) shall promote academic and cultural exchanges and encourage business across the border.
- (9) reaffirm their commitment to the goals and objectives of SAARC with a view to promoting the welfare of the people of South Asia.
- (10) shall promote and protect all human rights and fundamental freedoms.

**TREATY BETWEEN
THE REPUBLIC OF INDIA AND THE ISLAMIC REPUBLIC OF PAKISTAN
ON MEASURES FOR NUCLEAR RISK REDUCTION**

The Republic of India and the Islamic Republic of Pakistan, hereinafter referred to as the Parties,

Recalling their commitments under the joint declaration at the Lahore summit on 21 February 1999,

Believing that a nuclear war cannot be won and must never be fought,

Affirming their desire to reduce and ultimately eliminate the risk of outbreak of nuclear war, which would cause immense suffering and destruction to the peoples and the environment of the two countries,

Believing that agreement on measures for reducing the risk of outbreak of nuclear war serves the interests of regional peace and security,

Recognising the need to exert every effort to avert the risk of outbreak of such a war, including measures to guard against accidental or unauthorised use of nuclear weapons,

Recognising that the geographic contiguity of the two countries puts severe limits on the time available, after receiving a warning of an attack, to ascertain whether or not the attack is real, involves nuclear weapons, is accidental, or unauthorised,

Recognising therefore the need to have sufficient time for mutual communication and consultation to avoid a hasty and disproportionate response,

Have agreed as follows:

Article 1: The Republic of India and the Islamic Republic of Pakistan agree that an objective of their policies is to remove the danger of nuclear war and of the use of nuclear weapons.

Accordingly, the Parties agree that they will act in such a manner as to prevent the development of situations capable of causing a dangerous exacerbation of their relations, as to avoid military confrontations, and as to exclude the outbreak of nuclear war between them and between either of the Parties and other countries.

Article 2: The Parties commit to not deploy nuclear weapons.

Article 3: Each Party commits that as an act of non-deployment, it shall

(i) keep disassembled all nuclear weapons, with the fissile material stored separately from the high explosives

(ii) keep all disassembled components of nuclear weapons physically separated from all possible nuclear capable delivery vehicles, such as aircraft or ballistic missiles, by a distance of at least 50 kilometres;

Article 4: Each Party undertakes to maintain and to improve, as it deems necessary, its existing organisational and technical arrangements to guard against an accidental or unauthorised use of nuclear weapons under its control.

Article 5: The Parties undertake to notify each other immediately in the event of an accidental, unauthorised or any other unexplained incident involving a possible detonation of a nuclear weapon. In the event of such an incident, the party whose nuclear weapon is involved will immediately make every effort to take necessary measures to render harmless or destroy such weapon without its causing damage.

Article 6: The Parties undertake to notify each other immediately in the event of detection by missile warning systems of unidentified objects, or in the event of signs of interference with these systems or with related communications facilities, if such occurrences could create a risk of outbreak of nuclear war between the two countries.

Article 7: Each party, in other situations involving unexplained nuclear incidents, undertakes to act in such a manner as to reduce the possibility of its actions being misinterpreted by the other Party. In any such situation, each Party may inform the other Party or request information when in its view, this is warranted by the interests of averting the risk of outbreak of nuclear war.

Article 8: Each Party shall establish, in its capital, a national Nuclear Risk Reduction Centre that shall operate on behalf of and under the control of its respective Government.

Article 9: The Parties shall use the Nuclear Risk Reduction Centres to transmit
(1) all information which could be useful in avoiding an unintentional or accidental outbreak of nuclear war between the Parties.
(2) notifications of all ballistic missile launches, in accordance with their Treaty on Notification of Launches of Ballistic Missiles.

Article 10: The list of notifications and communications to be transmitted through the Centres may be reviewed from time to time by agreement between the Parties.

Article 11 : The Parties shall establish a special high-speed communications link between their national Nuclear Risk Reduction Centres.

Article 12 : The Parties shall, by mutual agreement, employ the appropriate technologies needed to fulfil the objectives of the agreement.

Article 13 : The Parties shall staff their national Nuclear Risk Reduction Centres as they deem appropriate, so as to ensure their normal functioning. The training of the staff of the Centres shall be done jointly and co-operatively.

Article 14 : The Parties shall hold regular meetings between representatives of the Nuclear Risk Reduction Centres at least once each year to consider matters related to the functioning of such Centres. These meetings will consider the steps needed for the continued and improved functioning of the Centres to implement this agreement.

Article 15 : If at any time relations between the Parties or between either Party and other countries appear to involve the risk of a nuclear conflict, or if relations between countries not parties to this Agreement appear to involve the risk of nuclear war between the Parties or between either Party and other countries, India and Pakistan, acting in accordance with the provisions of

this Agreement, shall immediately enter into urgent consultations with each other and make every effort to avert this risk.

Article 16 : This Agreement shall not affect the obligations of either Party under other agreements.

Article 17 : This Agreement shall enter into force on the date of its signature.

Article 18 : The duration of this Agreement shall not be limited.

**TREATY BETWEEN
THE REPUBLIC OF INDIA AND THE ISLAMIC REPUBLIC OF PAKISTAN
ON NOTIFICATIONS OF LAUNCHES OF BALLISTIC MISSILES AND SPACE
VEHICLES**

The Republic of India and the Islamic Republic of Pakistan, hereinafter referred to as the Parties:

Believing that a nuclear war cannot be won and must never be fought,

Believing that agreement on measures for reducing the risk of outbreak of nuclear war serves the interests of strengthening peace and security in the region of South Asia,

Recognising that the Parties possess nuclear weapons, and ballistic missiles as delivery vehicles for nuclear weapons,

Recognising the similarity in the technology and physical characteristics of ballistic missiles and space vehicles,

Affirming their desire to reduce and ultimately eliminate the risk of outbreak of nuclear war, in particular, as a result of misinterpretation, miscalculation, or accident,

Have agreed as follows:

Article 1 : Each Party shall provide the other Party notification, through the Nuclear Risk Reduction Centres of the Republic of India and the Islamic Republic of Pakistan, no less than twenty-four hours in advance, of any planned launch of a ballistic missile or space vehicle.

Article 2 : A notification of a planned launch shall be valid for four days counting from the launch date indicated in such a notification. Any postponement or cancellation of the launch shall be notified.

Article 3 : For launches of ballistic missiles

1. the notification shall specify the area from which the launch is planned to take place.
2. The notification shall specify the geographic co-ordinates of the planned impact area. This shall be done either by indicating the geographic co-ordinates of the boundary points of the area, or by indicating the geographic co-ordinates of the centre of a circle with a radius specified in kilometres or nautical miles. The size of the impact area shall be determined by the notifying Party at its discretion.

Article 4 : For launches of space vehicles, the notification shall specify indicate the area from which the launch is planned to take place.

Article 5 : The Parties undertake to hold periodic consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement.

Article 6 : This Agreement shall not affect the obligations of either Party under other agreements.

Article 7 : This Agreement shall enter into force on the date of its signature.

NO WAR TREATY BETWEEN THE REPUBLIC OF INDIA AND THE ISLAMIC REPUBLIC OF PAKISTAN

The Republic of India and the Islamic Republic of Pakistan:

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

Convinced that durable peace and development of harmonious relations and friendly co-operation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future;

Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;

Reaffirming that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Article 1 : Each Party will refrain from the threat or use of force against the other Party under any circumstances.

Article 2 : The Parties shall never again wage war against each other.

Article 3 : For the purposes of this agreement, an act of war shall be defined as including:

- (i) incursion of armed forces into the territory of the other Party,
- (ii) hostile use of armed forces and implements of war against the other Party,
- (iii) abetting hostile actions by armed insurrectionary groups against the other Party,
- (iv) committing or helping to commit acts of sabotage and disruption of civil life in the territory of the other Party.
- (v) blockading or obstructing in any way land, sea or air access routes of the other Party to the outside world.
- (vi) disrupting the flow of river water to the other Party except as permitted under a bilateral agreement.
- (vii) any other action mutually agreed as constituting an act of war
- (viii) in case of disputes, any action may be referred to the Adjudication Commission, whose judgement will be binding.

Article 4 : The Parties shall establish a permanent commission, called the “Acts of War Adjudication Commission” to adjudicate between the Parties on the acts that are deemed by either of the Parties to have been in violation of this Pact.

Article 5 : The Adjudication Commission shall consist of

- (1) The Chief Justice of a SAARC country to be appointed by alphabetic rotation from amongst the SAARC member countries other than the Parties to this Treaty for a term of three calendar years, who shall chair the Commission
- (2) the Chief Justices of the two countries
- (3) the Foreign Secretaries of the two countries

Article 6 : In case the Adjudication Commission fails to arrive at a verdict in a case referred to it, the Parties will jointly take the case to the International Court of Justice, the Hague.

Article 7 : The Parties undertake to develop their relations with each other and with other countries in a way consistent with the purposes of this Agreement, and shall intensify their efforts to resolve all their mutual disputes, particularly the issue of Jammu and Kashmir in accordance with the wishes of the people of Jammu and Kashmir.

Article 8 : This Pact shall come into force immediately, and shall remain in force indefinitely.

**TREATY BETWEEN
THE REPUBLIC OF INDIA AND THE ISLAMIC REPUBLIC OF PAKISTAN
ON THE ESTABLISHMENT OF A DEMILITARISED IN THE AREA OF THE
SIACHEN GLACIER**

The Republic of India and the Islamic Republic of Pakistan, hereinafter referred to as the Parties,

Committed to the principle and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Reaffirming the principles and spirit of the Lahore agreement;

Believing that demilitarisation of the Siachen Glacier serves the interests of regional peace and security,

Have agreed as follows:

Article 1 : The Parties agree to immediately withdraw all armed forces from within the Siachen Glacier area.

Article 2 : For the purposes of this agreement, the area is defined as the region bounded by three lines: (1) the northern border with the Peoples Republic of China from Indira Col in the west to the Karakoram Pass in the east; (2) the line joining Indira Col to the point NJ9842 through Sia La, Bilafond La and Gyong La, and (3) the line joining the Karakoram Pass with the point NJ9842.

Article 3 : The Parties declare the area to be a de-militarised zone, to remain under the joint juridical control of the Parties.

Article 4 : The Parties agree to share equally the cost of environmental remediation of the area and restoring it to its natural state.

Article 5 : The Parties agree to establish a Joint Commission to work out modalities for implementation of this agreement within a period of three months, to work out modalities of the joint juridical control of the area, and to, thereafter, ensure continued existence of the area as the zone of peace.

Article 6 : This Agreement shall not affect the obligations of either Party under other agreements.

Article 7 : The Parties shall seek a commitment from all states bordering the area to respect the statute of demilitarisation in the area.

Article 8 : This agreement shall not prejudice and is subject to a final agreement on the Kashmir dispute.

**AGREEMENT BETWEEN
THE REPUBLIC OF INDIA AND THE ISLAMIC REPUBLIC OF PAKISTAN
ON EASING THE VISA AND TRAVEL RESTRICTIONS**

The Republic of India and the Islamic Republic of Pakistan, hereinafter referred to as the Parties,

Recalling their Agreement on Cultural Co-operation of 31 December 1988 for promoting and developing their relations and understanding in the realms of art, culture, archaeology, education, mass media and sports;

Recalling the Lahore Agreement and reaffirming their commitment to further liberalise the visa and travel regime for the citizens of their two countries

Have agreed to:

1 : The Parties shall allow each other to open visa consulates in the following cities:

- i) Pakistan to open visa consulates in Amritsar, Mumbai, Kolkata, Chennai and Hyderabad.
- ii) India to open visa consulates in Karachi, Hyderabad, Quetta, Lahore and Peshawar.

2 : The Parties shall grant visa at the port of entry to accredited

- (i) journalists,
- (ii) school, college and university teachers,
- (iii) students,
- (iv) artists,
- (v) sports-persons,
- (vi) senior citizens.

3 : The Parties shall forthwith remove city-specific restriction from visas, and allow unrestricted travel anywhere in the country

4 : The Parties shall progressively increase the frequency of road, rail and air links across the border

5 : The parties shall reopen the land crossing at Khokrapar

6 : The Parties shall initiate ferry services between Mumbai and Karachi

7 : The Parties shall create a joint Commission to further liberalise and encourage travel between the two countries.

8 : This Agreement shall enter into force on the date of its signature.