CANADA

THE ASEAN REGIONAL FORUM: CONFIDENCE-BUILDING

FEBRUARY 1997

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PREFACE

Canada has been an active participant in the ASEAN Regional Forum (ARF) since its inception. The ARF, in Canada's view, makes a crucial contribution to the creation of a security community in the Asia Pacific region, one that recognizes the shared security interests of participating countries and in which countries work cooperatively to advance those interests in a pragmatic and meaningful manner. By promoting the development of a sense of community and of community values, the ARF helps ensure a peaceful, stable environment in Asia Pacific, where open and secure sea lanes and skies permit economic development and fruitful international cooperation to address transnational problems.

Canada is an Asia Pacific country with a long history of involvement in confidence building processes in other regions of the world, and participates fully in similar, more recent activities in this region. As such, Canada is convinced that promoting a peaceful and resilient security community in Asia Pacific must be founded on the development of mutual confidence among participating states. It is for this reason that Canada has welcomed the on-going discussions on Confidence Building Measures (CBMs) within the ARF. The Inter-sessional Support Group (ISG) on CBMs is well-placed to provide Ministers with important policy recommendations. We also regard the thoughtful agenda prepared by the co-chairs of the Beijing ISG Meeting on CBMs (6-8 March 1997) as particularly positive.

In Canada's view, to have maximum benefit, security-related CBMs should be reciprocal in nature and all parties need to demonstrate good faith in the confidence building process. We believe that bilateral, regional and global CBMs can complement one another; together, they create the synergy to promote greater confidence in the Asia Pacific community. We note in particular the recent Sino-Indian and "Shanghai" Agreements, which are very positive developments in this context.

To assist in the work of the Beijing ISG Meeting and, more generally, of the ARF on this important issue, the Department of Foreign Affairs and International Trade initiated a background study of confidence building in the context of the ARF. This study explores in particular the important role that bilateral CBM agreements can play, with special attention on recent developments.

This report is being made available to assist officials and researchers in their work on this subject, as part of the Department's policy to share the results of independent research undertaken by the Verification Research Program. The views presented in this report are the author's alone, and do not necessarily reflect those of the Department or of the Government of Canada.

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EXECUTIVE SUMMARY

This paper is a comparative assessment of the various attempts at confidence-building in the Asia Pacific region, encompassing both bilateral and multilateral measures. A specific aim of the paper is to ascertain whether bilateral CBMs such as those contained in the Shanghai and Sino-Indian agreements can be applied to a multilateral setting, such as the ARF. It should be noted that negotiating CBMs is primarily a political exercise requiring strong political will on the part of regional states. Participants must be convinced that the benefits of CBMs outweigh the costs and risks to national security.

Early CBMs Proposals:

The early proposals on confidence-building in the Asia Pacific region made by non-Asian states were largely, but not exclusively, inspired by the CSCE experience. Many of these proposals were in the nature of "trial balloons", but regional countries were skeptical of them on the ground that there remained important differences in the security situation between Europe and Asia and that CBMs that are appropriate for Europe may not be relevant to Asia.

Track-II CBMs:

Track-II dialogues on CBMs helped regional governments to overcome the initial reluctance to engage in the confidence-building process. Apart from generating new ideas suitable for the Asia Pacific region, these dialogues have also served as "filtering mechanisms" for approaches to regional security cooperation developed in other parts of the world as well as in various global fora.

The ARF:

Cautious incrementalism, rather than a broad-brush initiative, appears to be the hallmark of the ARF's approach to CBMs. Until now the ARF has emphasized the process rather than the product. It has avoided considering constraining measures of any kind, choosing instead to focus on principles and transparency measures, particularly information and communication CBMs. The list of possible CBMs contained in the ARF Concept Paper of 1995 is by no means exhaustive. The Concept Paper's attempt to draw a distinction between CBMs, preventive diplomacy and conflict resolution is somewhat arbitrary. There is bound to be considerable overlap between CBMs and measures that fall under the other two categories.

The South China Sea Workshops:

The South China Workshops organized by Indonesia and funded by Canada have proposed a number of specific CBMs, including: (1) non-expansion of military presence in the disputed areas, and (2) exchange of visits by military commanders in the disputed areas.

Neither of these have been adopted thus far. Some participants have held the view that since the Workshop process as a whole is a CBM in itself, it was not necessary to discuss other, more specific CBMs, and that discussion of military CBMs should be left to the ARF process.

The Shanghai Agreement:

The negotiating history of the Shanghai Agreement of 1996 reveals that progress was achieved in a gradual, step-by-step manner, with the comprehensive and detailed agreement preceded by an agreement on basic principles, such as that of non-use of force. Many provisions of the Shanghai Agreement are similar to those found in the OSCE Vienna Document, but the former's provisions are specifically tailored to ensure peace and stability in the land border regions. The Vienna Document is a more general and comprehensive instrument that applies to military developments anywhere in the territories of the parties. The Shanghai Agreement provides for no compliance and verification provisions.

The Sino-Indian Agreement:

Like the Shanghai Agreement, the Sino-Indian Agreement on Confidence-Building Measures in the Military Field focusses on land boundaries and shares with it a number of CBMs, especially those relating to troop reductions and prior notification of exercises. However, the Sino-Indian Agreement does not provide for exchange of military information or prohibition on "dangerous" military activities. Its provisions regarding contact CBMs are less elaborate. Like the Shanghai Agreement, the Sino-Indian Agreement avoids verification and compliance measures. While the parties to the Shanghai Agreement have settled their border demarcation problems, the China-India boundary is still under dispute. One result of this is that the geographical zones within which the various CBMs, including troop reductions and ceilings, are to come into effect are yet to be defined.

Regionalizing the Bilateral Agreements:

The Shanghai Agreement may have some "learning effect" for the ARF. A series of cross-cutting border agreements throughout the Asia Pacific region may complement the development of multilateral CBMs. Although the Shanghai and Sino-Indian Agreements are primarily focussed on land borders, some of their provisions, such as advance notification of exercises and exchange of military information, may be susceptible to application in maritime areas. Obstacles to regionalizing the Shanghai Agreement through the ARF include the following:

- The ARF is too new and untested. It has yet to agree on common principles and is still at the stage of exchanging views.

- Though technically multilateral, the Shanghai Agreement is actually the successor to a bilateral agreement between China and the former Soviet Union, and it was

initially conceived as such, until the break-up of the Soviet Union made it necessary to include the three newly-independent Central Asian states sharing common borders with China. Thus, it is not easily duplicated within a multilateral context.

● The Asia Pacific is a much larger and strategically different arena than the land border regions of China.

● CBMs are more complex and more difficult to negotiate in the maritime arena than on land.

Border CBMs in Southeast and South Asia:

The ASEAN states have a long-standing practice of bilateral border cooperation which has contributed to mutual confidence. Though developed outside the ASEAN framework, these agreements have been recognized by ASEAN as an important contributing factor to regional stability. In South Asia, India and Pakistan have discussed CBMs for the border region as well as nuclear CBMs, including a commitment not to attack each other's nuclear facilities, to avoid violations of air space, to promote exchange of information on military exercises, and to establish a "hot line"between their military commands which could be used to provide advance notice of military exercises.

Border CBMs in the Korean Peninsula:

The Korean Peninsula appears to be another part of the Asia Pacific (apart from the Sino-India and Sino-Russia areas) where border CBMs like the Shanghai Agreement may be relevant. Article 12 of the Basic Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation Between the South and North (signed on 13 December 1991) and the Provisions on Nonaggression (concluded on 17 September 1992) provide for a number of CBMs. Most of these proposals are declaratory in nature and need to be followed up with concrete and detailed measures, but they were overshadowed by the controversy and crisis over North Korea's nuclear programme. CBM proposals advanced by the North and the South reflect their own security concerns and are designed to reduce their military vulnerabilities vis-a-vis the other side in the North-South conflict.

Common Elements:

The study identifies some general principles to guide the construction of a viable CBM regime/s in the Asia Pacific region.

(1) Conformity to Prevailing Inter-state Norms: CBMs must be consistent with the principle of sovereignty and the doctrine of non-interference that stems from it. CBMs that seek to impose restraints on sovereignty are likely to meet with greater resistance. In contrast, the regional countries have favoured declaratory CBMs, such as the principle of non-use of force, information CBMs, such as publication of

defence white paper, and contact CBMs, such as exchange of high level military visits.

(2) Incrementalism: Most regional countries prefer a gradual, step-by-step approach to broad-brush, one-step, comprehensive agreements. Comprehensive agreements such as the Shanghai Agreement and the Sino-Indian Agreement were developed in this manner, in keeping with the gradually-improving political climate.

(3) Soft Institutionalism: As an Indonesian position paper on CBMs puts it, "A CBM is not to be conceived as an institution, but rather as a stepping stone or a building block". Furthermore, CBMs should be developed through a "less formal approach, built upon a base of (personal) political contacts and relationships" However, such an approach does not preclude formal and verifiable CBMs over the long-term, including OSCE-type measures.

(4) Comprehensive Security and Functionalism: The concept of confidence building is defined rather broadly in the Asia Pacific region. In this respect, functionalist approaches to CBMs should be encouraged. Such an approach assumes that it is easier to begin with cooperation on non-military issues and then to move gradually toward hard military issues, rather than begin with the latter.

(5) Issue Specificity: CBMs that are geared to a specific security problem seem to hold more promise. The Shanghai Agreement and the Sino-Indian Border Agreement deal with a more specific set of issues, i.e. maintaining peace and stability in the border regions. In contrast, the CBM agenda of the CSCAP and the ARF is more general and broad, and has made limited progress.

(6) Bilateralism: It is clear that notwithstanding the progress made by multilateral security dialogues, bilateralism remains the preferred approach to CBMs in many instances. The shift from bilateralism to multilateralism may not be an easy process, but they are not mutually exclusive. Indeed, they could be complementary. The challenge is how to develop greater synergy between the two.

(7) "Indigenising" foreign models: Contrary to popular assumptions, Asia Pacific policy makers are not necessarily averse to foreign models of CBMs. The initial skepticism and resistance to such models have become muted. The striking parallels between the Vienna Document and the Shanghai and Sino-Indian Agreements attest to this.

(8) Subregionalism: Any CBM regime for the Asia Pacific region must acknowledge differences within the region. The Asia Pacific is too large and diverse to accommodate a single approach to CBMs.

In so far as the ARF is concerned, the most promising multilateral CBMs include greater exchange of military information, establishment of a regional security studies centre, creation of a limited maritime information data base, observation of military exercises, peace-keeping training and regional cooperation in disaster relief. Others, such as notification of major military deployments and a multilateral agreement on the avoidance of naval incidents, are worthwhile in the medium and longer-term, as are measures such as a regional maritime safety and surveillance agreement, and an institution for monitoring the introduction of military technology into the region. In addition, this paper suggests a number of guidelines for furthering the discussion and promotion of CBMs within the ARF.

- the ARF should seek more information on the negotiating history of the Shanghai and Sino-Indian agreements.

- despite geographic and contextual differences, at least some of the lessons and provisions of the Shanghai Agreement are adaptable to the ARF and should be introduced as topics for discussion in the ARF process.

- European CBM models apply more to land than the maritime regions of the Asia Pacific, but the fact is that they do have considerable relevance to the region. The applicability of European models depends not so much on the substance of the measures, but on the manner in which they are proposed and developed.

- there is need for developing greater synergy between various CBM fora to avoid duplication and promote mutual learning to enhance their cumulative impact.

- the ARF should seek more information on the various bilateral CBMs already in place or being developed within the region, and might request regular reports and updates on their status from the concerned parties.

- given the fact that land-based CBMs have made considerable progress in the region, greater emphasis should be placed on developing maritime CBMs.

INTRODUCTION

Confidence-building measures are an increasingly important element in the evolving post-Cold War security architecture of the Asia Pacific region. Some of the earliest proposals on multilateral security cooperation, such as those advanced by Russia, Australia, Canada and other countries in the late 1980s and early 1990s, stressed the need for confidence-building, drawing on the example set by the Conference on Security and Cooperation in Europe (CSCE, now OSCE). These proposals attracted considerable debate, leading eventually to more "indigenous" approaches to confidence-building. The work of semi-official and non-governmental bodies, such as the ASEAN Institutes for International and Security Studies (ASEAN-ISIS) and the Council for Security Cooperation in the Asia Pacific (CSCAP) has focussed heavily on developing concrete and practical measures of confidence-building. The establishment of the ASEAN Regional Forum (ARF), the first region-wide inter-governmental forum on regional security cooperation in the Asia Pacific, has also emphasized CBMs as the first step toward more elaborate measures of security enhancement, such as preventive diplomacy and conflict-resolution. In another significant development, an ambitious and OSCE-like CBM regime is developing between China and some of its neighbours, including Russia, the central Asian states of Kazakhstan, Tajikstan and the Kyrgyz Republic, and India. Although essentially bilateral in nature,[1] these agreements represent the first major steps towards a long-term and formalised commitment to reduce the risk of war in some of the most sensitive strategic relationships in the Asia Pacific region and do provide a model that could be considered for adaptation into a multilateral context.

This paper is a comparative assessment of the various attempts at confidence-building in the Asia Pacific region, encompassing both bilateral and multilateral measures. It examines the evolution of the regional debate on CBMs, analyses some of the most important attempts at confidence-building in the region, and assesses their implications for regional security. A specific aim of the paper is to ascertain whether bilateral CBMs such as those contained in the Shanghai and Sino-Indian Agreements can be applied to a multilateral setting, such as the ARF. Furthermore, the paper seeks to identify common principles underlying the various initiatives on CBMs with a view to generate some insights into approaches that are likely to prove most viable in building confidence in the region.

DEFINITIONS

Although there is a wide variety of definitions of CBMs, for the purpose of this paper, CBMs are defined as "attempts to make clear to concerned states, through the use of a variety of measures, the true nature of potentially threatening military activities."[2] Confidence-building measures include a wide variety of items, ranging from transparency and information exchanges, advanced notification of military exercises and deployments and monitoring of regional arms agreements. A key goal of CBMs is to reduce strategic uncertainty. This is especially relevant to the Asia Pacific region where the end of the Cold War has generated considerable uncertainty regarding the future balance of power and

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contributed to a competitive military build-up that is as much threat-driven as uncertainty-driven. In this context, CBMs in the Asia Pacific region are "generally understood broadly as including both formal and informal measures, whether unilateral, bilateral, or multilateral, that address, prevent, or resolve uncertainties among states, including both military, and political elements."[3]

Despite their wide scope, a set of common objectives underlie most attempts at confidence-building. These include:

- reducing tensions and suspicion;

- reducing the risk of war by accident or miscalculation;

- fostering communication and cooperation in a way that helps to de-emphasize the use of military force;

- bringing about a better understanding of one another's security problems and defence priorities; and

- developing greater sense of strategic confidence in the region.[4]

The literature on CBMs distinguishes between three types of measures: principles/declaratory measures, transparency measures, and constraining measures. The following provides a brief overview of each category:

Principles/declaratory measures are generalized statements of interests, norms, and beliefs which are commonly-espoused by a group of states as a guide to the conduct of relations among them. Transparency may be defined as the sharing of information on the national postures, capabilities, and policies of states in military and related fields with a view to reduce suspicions and misunderstanding among them. Constraining measures attempt to impose mutually-agreed and reciprocal limits on the activities of the parties which have military significance and which if left unchecked will increase the likelihood of armed conflict. Such measures seek to discourage unilateral action that may aggravate existing disputes, create suspicions in the minds of the other party/parties and be otherwise destabilising.

Of these, principles or declaratory measures are common to other approaches to security cooperation, such as preventive diplomacy and conflict-resolution. The categories of transparency and constraining measures may include a variety of elements. Table 1, while not exhaustive, captures some of the more important measures relevant to the Asia Pacific region.[5]

TABLE 1: CONFIDENCE-BUILDING MEASURES

TRANSPARENCY MEASURES:

- -defence white paper publication
- -calendar of military activities
- -exchange of military information
- -military-to-military contacts
- -arms registry
- -military personnel/student exchanges
- -mandatory consultation on unusual/dangerous activities
- -notification of military manoeuvers/movements
- -invitation of observers
- -surveillance and control zones
- -open skies
- -troop separation and monitoring

CONSTRAINING MEASURES:

- -prevention of dangerous military activities
- -incidents at sea agreements
- -demilitarized zones
- -disengagement zones
- -keep-out zones (air/sea)
- -WMD (weapons of mass destruction)-free zones
- -limits on personnel numbers, categories and deployment zones
- -limits on equipment deployment (by geographic area or numbers), category and storage
- -limits on troop and equipment movements/manoeuvers by size and geographic area
- -limits on readiness
- -limits on number of exercises per year
- -bans on simultaneous exercises/alerts and/or certain force/unit types

The discussion that follows looks at some of the most important CBMs, existing and proposed, in the Asia Pacific region. First to be considered are the proposals and action on CBMs in a multilateral context. These include:

- proposals made by individual governments or officials acting on behalf of governments,

- proposals developed by regional think tanks, particularly the Council for Security Cooperation in the Asia Pacific (CSCAP), and

- proposals considered (and in some cases approved) within the ARF process, including initiatives considered by the ARF Inter-sessional Support Group (ISG) on CBMs.

Although these ideas on multilateral CBMs have attracted much attention and debate, they have made less progress than CBMs developed bilaterally. Of these two, the Shanghai Agreement[6] and the Sino-Indian Border Agreement[7] are particularly noteworthy. After identifying the key provisions of these agreements from an analytic and comparative perspective, the paper will look at whether their provisions can be adapted to a multilateral setting. The final section of the paper will reflect critically on the evolution of CBMs in the Asia Pacific region, highlighting common principles underlying the various fora on CBMs as well as identifying sensitivities and constraints that continue to impede progress toward a more substantive CBM regime for the Asia Pacific region.

The discussion of the various CBM initiatives follows no particular sequence. The development of ideas and measures on CBMs in the Asia Pacific region has moved along several parallel tracks, consisting of such multilateral fora as the CSCAP and the ARF, the South China Sea Workshops, and bilateral efforts such as the Shanghai and Sino-Indian Agreements. To some extent, this reflects the traditional preference of regional actors, including ASEAN, China, and the US for bilateral approaches to security cooperation, the very newness of security multilateralism, and the continuing discomfort on the part of some of the major regional actors, such as the US and China, with multilateral security cooperation.

THE EARLY CBM DEBATE:
PROPOSALS MADE BY INDIVIDUAL GOVERNMENTS

Most of the early proposals on Asia Pacific regional CBMs (Table 2) were the result of the reassessment of regional security by Asia Pacific countries in the final years of the Cold War. Although the Cold War in Asia lasted longer than in Europe, the rapprochement between the US and the Soviet Union and between Russia and China fundamentally altered the security perceptions and approaches of regional countries. In this situation, the relevance of Cold War balance of power arrangements came to be increasingly questioned. While the Cold War security architecture in the Asia Pacific region was underpinned by bilateral military alliances, multilateral security cooperation was seen by some regional countries as a more appropriate way of organizing the post-Cold War regional order. CBMs figured prominently in the proposed designs for the new security order.

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EARLY GOVERNMENT PROPOSALS FOR MULTILATERAL CBMS IN THE ASIA PACIFIC REGION[8]

Country	Year	Proposal
Australia	1990	For. Min. Gareth Evans proposes CBM regime modelled on the CSCE: the so-called "CSCA"
Canada	1990	External Affairs Min. Joe Clark proposes adaptation of the CSCE, including notification of military exercises and an "open skies" regime
	1990	External Affairs Min. Joe Clark announces North Pacific Cooperative Security Dialogue initiative
Japan	1990	For. Min. Nakayama suggests the need for CBMs
Malaysia	1989	P.M. Mahathir Mohammed proposes prior notification of joint naval exercises, joint measures to avoid incidents at sea and in the air and transparency through information exchanges, including a "hot line" between the military establishments of the superpowers and regular dialogues between their military personnel
	1992	Def. Min. Najib Razak suggests that ASEAN and its dialogue partners encourage greater transparency in arms acquisitions and create a regional arms register, so that "suspicions among each other could be minimized, and managed".[9]
Indonesia	1992	For. Min. Ali Alatas calls on Asia-Pacific countries to adopt "confidence-building like reducing the frequency and size of their military exercises and inviting representatives from non-participating countries as observers." In addition, he proposed greater "transparency in military arrangements through regular exchange of information among the major powers on their military budgets, doctrines and future projections".[10]
USSR/Russia	1986	Gen. Secretary Mikhail Gorbachev proposes establishing a Pacific version of the Helsinki Conference
	1987	USSR proposes restrictions on large-scale naval exercises in the Pacific and Indian Oceans and adjacent seas, advance notification of naval exercises, renunciation of such exercises in international straits and adjacent seas, and of the use of weapons during exercises in zones of traditional sea lanes
	1989	USSR proposes trilateral naval talks with the US and Japan, to begin with data exchanges and meetings of officials
	1990	USSR proposes an "open seas" agreement providing for information exchanges on the armaments and movements of surface vessels and submarines
	1990	USSR proposes arms limitations and CBMs between itself and China, Japan, North Korea and South Korea

The early proposals on confidence-building in the Asia Pacific region made by non-Asian states were largely, but not exclusively, inspired by the CSCE experience. Many of these proposals were in the nature of "trial balloons", designed to test the waters, with little hope of their realization. Although they helped to reorient the security perceptions of regional countries, these proposals met with substantial skepticism in the region. These objections centred on a number of arguments, many of them focussing on the basic differences in the security situation between Europe and Asia and the corresponding belief that CBMs that are appropriate for Europe may not be relevant to Asia. Yukio Satoh, a senior Japanese Foreign Ministry official closely involved in the formative stages of regional security dialogues, pointed out five basic differences between Europe and Asia:

(1) Asia lacks the strict bipolarity of Cold War Europe because of the presence and role of China and because many Asian states adopted a non-aligned foreign policy posture;

(2) Military conditions in the respective regions were quite different (Asian threat perceptions were more diverse, the structure of Asia's alliances were more or less bilateral, and US and Soviet force postures in the region were more asymmetric, with the US forward deployment strategy relying on naval forces while the Soviet defense posture being more land-based);

(3) Asia had a larger number of unresolved conflicts and disputes;

(4) While Europe during the Cold War was preoccupied with nuclear war, Asia's main concern was with economic development; thus the primary aim of regional cooperation to date had been economic, not political or security; [11] and

(5) Formal CBMs are not suitable to the Asian strategic culture because the notion of "confidence-building", as developed in the Cold War European context, can only apply to a relationship among "adversaries", which is not the case in Eastern Asia where "Complex feelings and concerns which Asians hold toward each other are more ambiguous but more deeply rooted than a security concern which adversaries have toward each other." [12]

On a more specific note, proposals made by USSR concerning naval CBMs aroused considerable opposition from the US, which suspected that Moscow was trying to undercut US naval superiority in the region. For the ASEAN countries, the very fact that the source of these proposals were "outsiders" to the region made them somewhat suspect and unappealing. In this context, non-governmental organizations, especially policy-oriented think-tanks specializing in security and international issues, showed much greater receptivity to the idea of regional CBMs.

TRACK-II OR SECOND TRACK CHANNELS

Second track channels are meetings and dialogues sponsored by non-governmental organizations (usually think-tanks) that bear explicitly and directly on policy-relevant issues. The second track process has two main characteristics. First, the think-tanks involved are, in most cases, closely linked to their respective national governments, and rely on government funding for their academic and policy-relevant activities. Second, all these meetings allow, indeed encourage, participation by government officials along-side academics and other non-official actors, although officials usually participate in their private capacity. Although these officials seldom venture beyond the position of their respective governments, the principle of "private capacity" enables governments to test new ideas without making binding commitments and, if necessary, to backtrack on positions.

In recent years, there has been a substantial increase in the involvement of non-governmental organizations in the regional security debate in the Asia Pacific region. In Southeast Asia, the ASEAN Institutes for Strategic and International Studies (ASEAN-ISIS) played a pioneering role in promoting CBMs. While the ASEAN-ISIS played a key role in pushing ASEAN in the direction of a formal process of security dialogue,[13] the Council on Security Cooperation in Asia Pacific (CSCAP) has begun providing similar inputs into the ARF.[14]

Illustrative of the role of second track actors in the regional security debate is a 1993 report by ASEAN-ISIS which called for measures ranging from national defence white papers, a Southeast Asian arms register, greater regional cooperation in arms purchases, exchange of intelligence information, mutual invitation to observe force manoeuvres, notification of forthcoming military exercises, exchange of information and comparison of estimates of military strengths, establishment of a procedure for crisis management based on the provisions of ASEAN's Treaty of Amity and Cooperation and the launching of a "Security of Southeast Asia Symposium Programme" for facilitating contacts among senior and middle level officers in the region.[15] Soon after its inception, the CSCAP established a Working Group on CBMs. After holding its meetings in October 1994 and May 1995, the working group recommended that ARF members should promote greater transparency in military doctrine, capabilities and intentions through military-to-military contacts, exchange programmes, intelligence exchange, prior notification of exercises, inviting military observers to exercises and greater openness regarding defence planning, procurement and defence budgets, including through the publication of defence white papers or policy papers. It also advocated the creation of a Asia Pacific arms register.

Track-II channels have already made a major contribution to the advancement of CBMs in the Asia Pacific region. They have proven to be more pro-active, more open to new ideas and suggestions than strictly inter-governmental channels. They have served as a testing ground for ideas which are too sensitive to be placed on the inter-governmental agenda. More important, they have shown a remarkable ability to refine and tailor concepts and ideas to suit the local security environment. In this sense, apart from generating new

ideas concerning CBMs suitable for the Asia Pacific region, second-track processes have served as "filtering mechanisms" for approaches to regional security cooperation developed in other parts of the world as well as in various global fora.

On the other hand, second track processes of confidence-building have suffered from the failure of participants to completely rise above national concerns and positions, as well as a poor level of domestic inclusiveness. They have tended to draw their membership from a select circle of elites and excluded individuals and groups who hold alternative views to those of the policy elite and the government, such as peace movements and civil rights groups whose views have relevance to debates on security in its broader sense. In addition, CSCAP faced a long delay in arranging China's admission over the issue of Taiwanese participation. This was resolved in December 1996 when China joined CSCAP under a formula which enables Taiwanese scholars to participate along the lines of arrangements in fora such as APEC. This outcome, accepted for pragmatic reasons, somewhat blurs the distinction between CSCAP and inter-governmental fora inasmuch as it introduces an element of state sovereignty concerns into what is intended to be a more open and informal process for debating and testing new ideas and approaches.

TABLE 3:
THE EVOLUTION OF CBMS IN ASIA PACIFIC MULTILATERAL FORA: THE ARF AND CSCAP

Date	Development
1993	The ASEAN-PMC SOM discussed CBMs, including information exchanges among defence planners, prior notification of military exercises and the Zone of Peace, Freedom and Neutrality (ZOPFAN). They stressed the importance of developing regional dialogues and committed themselves to conducting research into CBMs applicable to the region. [1993 ASEAN-PMC SOM]
1994	The Canberra ARF inter-sessional seminar on the Building of Confidence and Trust in the Asia-Pacific held in November, suggested a multi-tiered framework for CBMs, based on likely time scales for implementation. In the short term, focus was to be on promoting dialogue on security perceptions, enhanced military contacts, including high level and training, voluntary invitation of observers at military exercises, participation in the UN Conventional Arms Register, and cooperation in terms of sea lines on communications, beginning with information exchanges and training. Over the medium term, this was to involve further exploration of a regional arms register, the development of a regional security studies centre and coordination of security studies activities, and cooperation in maritime information data bases and major defence publications, such as "white papers". Over the long term, this was to extend to notification of major military deployments and maritime surveillance cooperation.

1995	ASEAN released a Concept Paper which proposed the following CBMs: further exploration of a regional arms register, establishment of a regional security studies centre or coordination of existing security studies activities, development of maritime information data bases; developing cooperative approaches to sea lines of communications, beginning with information exchanges and training in areas such as search and rescue, piracy and drug control; developing a mechanism to mobilize relief assistance in the event of natural disasters; establishing zones of cooperation in areas such as the South China Sea; developing systems of prior notification of major military deployments that have region-wide application; and encouraging arms producers and suppliers to reveal the destination of their arms exports.
1995	After holding meetings in October 1994 and May 1995, the CSCAP CBM Working Group proposed a series of CBMs for application in the Asia Pacific region. These were as follows: promote greater transparency in military doctrine, capabilities and intentions through military to military contacts, military visits and exchange programmes, intelligence exchanges, prior notification of military exercises, inviting military observers to exercises, and greater openness regarding defence planning, procurement and budgets, including through the preparation of defence "white papers" or policy papers. It also highlighted the need for increased dialogue on security matters between military establishments and between military and civilian communities. It proposed the development of an Asian or Asia Pacific arms register. It argued that the development of new formal institutional mechanisms, such as something modelled after Europe's CSCE, was neither desirable nor feasible in this region. Instead, it advocated the unilateral and bilateral implementation of CBMs, and suggested that the ARF would be particularly well-suited to oversee the implementation of any multilateral initiatives.
1995	At the Second ARF meeting held in Brunei, Ministers adopted the following proposals from the ASEAN Concept Paper: having the ARF remain a forum for dialogue and discussion of regional security issues, continuing to discuss means of implementing confidence-building. It also provided for convening an inter-governmental Inter-Sessional Support Group (ISG) on Confidence Building, to focus on dialogue on security perceptions and defence policy papers. Members also agreed to encourage enhancement of their dialogues and consultations on security cooperation including exchanges on security perceptions and to voluntarily submit to the ARF or ARF-SOM annual statements of defence policy.

1996	At two meetings held in 1996, members of the ARF's ISG which had not yet published defence policy/white papers or other relevant information briefed each other on their defence policies. At these meetings, it was agreed that defence contacts and exchanges should be maintained and further developed. The following recommendations were made to the forthcoming ARF SOM meeting to be held in Yogyakarta: that dialogue on security perceptions continue within the ARF process, including at intercessional meetings, information-sharing on dialogues and other activities of ARF participants should be continued based upon papers voluntarily submitted by participants, and that these papers could also cover their defence contacts and exchange programmes; participants were encouraged to voluntarily submit annually defence policy statements to the ARF and to publish defence policy or similar papers, and exchanges of views on the information provided in such statements and papers should be encouraged in future ARF dialogues; that the ARF SOM is open to defence representatives, and encouraged their greater participation in inter-sessional activities; that participants should be encouraged to submit papers on their defence contacts and other exchange programmes, including security dialogues and other activities they undertake, to the ARF SOM; participants should be encouraged to conduct exchanges among national defence colleges, including information sharing and personnel exchanges, and to convene a meeting of heads of these type institutions to this end; the ARF should endorse the ideas of completing and maintaining a current list of ARF contact points, exchanging information on the role of defence authorities in disaster relief, and consider convening an inter-sessional meeting on this, and exchanging information on a voluntary basis on some of the on-going observer participation in and notification of military exercises among participants. These measures were approved by the ARF meeting in Jakarta on 23 July 1996.

THE ASEAN REGIONAL FORUM

The ASEAN Regional Forum was the culmination of a series of semi-official meetings in the early 1990s convened to discuss the possibilities and modalities for regional security cooperation in the Asia Pacific region. The establishment of the ARF in 1994 was preceded by a slow and generally positive shift in the thinking of regional governments toward security cooperation. The inauguration of the ARF was preceded by the first meeting of senior officials from the ASEAN countries and their official "dialogue partners" (the U.S., Canada, Japan, South Korea, Australia, New Zealand and the European Community) held in Singapore in May 1993. This was an important turning point in the regional CBM agenda. The meeting discussed a number of confidence-building measures, including "exchanges of information among defence planners, [and] prior notification of military exercises".[16] It also stressed the importance of developing regional dialogues and committed the members to conducting research into CBMs applicable to the region.

The inaugural meeting of the ARF in Bangkok in July 1994 saw agreement by the member nations to "endorse the purposes and principles" of the Treaty of Amity and Cooperation "as a code of conduct governing relations between states and a unique diplomatic instrument for regional confidence building, preventive diplomacy and political and security cooperation."[17] This agreement on principles was accompanied by approval of an

initial list of measures to be subjected to "further study". These included ideas on "confidence and security- building, nuclear non-proliferation, peacekeeping cooperation including [the creation of a] regional peacekeeping training centre, exchanges of non-classified military information, maritime security and preventive diplomacy".[18] Brunei as the chairman of the 1995 meeting of ARF was tasked to undertake consultations on these proposals and to report to the next meeting which will then make decide on the specific measures to be implemented.[19] But several other items proposed by Australia and Canada had to be dropped due to objections by others. Among these were proposals for a regional security studies centre, establishing the practice of sending observers to military exercises, exchange of defence white papers and creating a maritime information database.

Following the establishment of the ARF in August 1994, the multilateral CBM agenda gained momentum. In November 1994, Australia hosted an inter-sessional seminar on Building of Confidence and Trust in the Asia-Pacific. The meeting suggested a multi-tiered framework for CBMs, based on likely time scales for implementation. In the short-term, focus was to be on promoting dialogue on security perceptions, enhanced military contacts, including high level visits and training, voluntary invitation of observers at military exercises, participation in the UN Conventional Arms Register, and cooperation in the Sea Lines of Communications (SLOCs), beginning with information exchanges and training. Over the medium term, this was to involve further exploration of a regional arms register, the development of a regional security studies centre and coordination of security studies activities, and cooperation in maritime data bases and major defence publications, such as defence white papers. Over the long term, this was to extend to notification of major military deployments and maritime surveillance cooperation. While implementation of such measures was to be a long-term process, the very discussion of these measures underscores the growing recognition within the grouping of the need to cover arms control and confidence-building measures within the regional security agenda.

In 1995, the ARF released a "Concept Paper" prepared by ASEAN (for the text of the concept paper, see Appendix 2). The paper envisaged three stages of security cooperation: confidence-building, preventive diplomacy, and conflict resolution (later changed to "elaboration of approaches to conflicts" as a concession to those concerned about rapid institutionalization of the ARF).[20] The list of measures, including CBMs, incorporated many of the ideas mooted at the Australian meeting, although unlike the former (which proposed three stages of implementation), the latter envisaged only two stages of implementation. The first category included measures which could be carried out in the short-term (Annex A), while the second category (Annex B) contained measures which required longer-term consideration and approach.

The Concept Paper advanced two important declaratory measures:

(1) the development of a set of basic principles to ensure a common understanding and approach to interstate relations in the region; and

(2) adoption of comprehensive approaches to security.

The drafting of the basic principles was to incorporate those found in ASEAN's Treaty of Amity and Cooperation, but it was apparent that other ideas and principles would have to be considered as well. (This was discussed subsequently at a meeting organized by Russia in Moscow in 1996). The notion of comprehensive security was already commonplace in the security discourse in the Asia Pacific region, with countries such as Japan, Malaysia, Indonesia having developed security doctrines based on this notion.

The short-term measures envisaged by the Concept Paper consisted of dialogues on security perceptions, including voluntary statements of defence policy positions, publication of defence white papers or equivalent documents. Measures in the long-term implementation category ranged from simple transparency measures (including information and communication CBMs) to somewhat more ambitious CBMs including prior notification of military deployments that have region-wide significance.

The Concept Paper sought to make use of existing global CBMs such as the UN Register on Conventional Arms by calling for the exploration of a regional version of the Register. Reflecting its emphasis on comprehensive security, the Concept Paper adopted a broad view of CBMs aimed at dealing with both military and non-military issues. Indicative of this is its proposals concerning information exchanges and training on drug trafficking and development of a mechanism to mobilize relief assistance in the event of natural disasters. The Paper paid particular attention to maritime issues, with ideas such as the establishment of a zone of cooperation in the South China Sea, the development of maritime data bases, and the development of cooperative approaches to sea lines of communications, beginning with information exchanges and training in such as areas as search and rescue and piracy. A relatively novel and interesting proposal contained in the Paper was the call to arms manufacturers and suppliers to reveal the destination of their arms exports. The Paper was strong on information CBMs; its proposals in this regard included coordination of existing security studies activities and the establishment of a regional security studies centre.

The 1995 meeting of the ASEAN Regional Forum, held in Brunei on 1 August 1995, selected the following items from the list of proposals contained in the ASEAN Concept Paper: exchanging annual defence postures on a voluntary basis, increasing dialogues on security issues on a bilateral, sub-regional and regional basis, maintaining senior-level contacts and exchanges among military institutions and encouraging participation of the ARF members in the UN Conventional Arms Register.

The 1995 ARF ministerial meeting also provided for the convening of a inter-governmental inter-sessional support group (ISG) on confidence-building. The two meetings of the ISG held in 1996 stressed the importance of increasing defence contacts and exchanges. The recommendations of this ISG process illustrates the kind of incrementalism which has been evident in the process of developing CBMs in the ARF. These recommendations clearly build upon the measures adopted in Brunei in 1995. The very

holding of the ISGs provides an additional avenue for dialogues on security perceptions, which itself is recognized as a CBM by the ARF. Furthermore, the ISG provided a venue for member countries who had not yet published defence policy/white papers or other relevant information to brief each other on their defence policies. The ISG also recommended that the scope of defence information submitted voluntarily by ARF members should be expanded to include their defence contacts and exchange programmes. It encouraged discussion of the information provided in defence policy statements in the ARF. It called for opening up of the ARF-SOM to defence representatives and encouraged their greater participation in inter-sessional activities. Contact CBMs were to be augmented by exchanges and meetings among national defence colleges and by compiling a list of ARF contact points. The process of instituting notification CBMs was advanced slightly as well, with the ISG recommending exchange of information on a voluntary basis on some of the on-going observer participation in and notification of military exercises among participants. (It should be noted that the participants are only asked to exchange information on their current practices in this regard; they are not accepting any new obligation to provide advance notification of exercises as a result of the ISG's recommendation.)

Thus, cautious incrementalism, rather than a broad-brush initiative, appears to be the hallmark of the ARF's approach to CBMs. A second feature of this process is continued adherence to the principle of soft institutionalism which implies that for the time being at least, the ARF will continue to emphasize the process rather than the product. The ARF has thus far avoided considering constraining measures of any kind, choosing instead to focus on principles, and transparency measures, particularly information and communication CBMs. In this respect, they fall far short of the kind of constraining CBMs contained in the Shanghai and Sino-Indian Agreements.

It should be noted that the only significant constraining measure to be found in the region is the Southeast Asia Nuclear Weapon-Free Zone Treaty, signed by all ten Southeast Asian countries in December 1995. However, the protocols to the treaty are yet to be signed by any of the five declared nuclear powers, with the US leading the opposition to the treaty's coverage of continental shelves and exclusive economic zones.

Another noteworthy aspect of the ARF process is the ad hoc nature of institutional mechanisms created to discuss and implement CBMs. The 1995 ARF meeting set up an inter-sessional support group on CBMs (to be chaired by Indonesia and Japan) and two inter-sessional working groups on cooperative activities: one dealing with peacekeeping operations (co-chaired by Malaysia and Canada) and another on search-and-rescue cooperation (led by Singapore and the US). These groups, along with annual ARF gatherings such as the Senior Officials Meeting (ARF-SOM), are expected to play an important role in developing concrete steps towards greater security collaboration.

Although useful as a general wish-list of possible CBMs, the ASEAN Concept Paper is by no means an exhaustive document. Nor does it represent the last word on the ARF CBM agenda. It is entirely likely that the various ARF-linked fora will discuss and develop

CBM proposals not found in the Concept Paper if they are deemed suitable and practical, including ideas from CSCAP, South China Sea Workshops and the Shanghai Agreement. Moreover, the Concept Paper's distinction between CBMs, preventive diplomacy and conflict resolution does not mean that these are clearly separable. There is bound to be considerable overlap between CBMs and measures that fall under the other two categories; the prime example of this are the norms (such as non-interference and non-use of force) which are considered to be declaratory CBMs are also those which can be used as the basis of preventive diplomacy and conflict resolution.

THE SOUTH CHINA SEA WORKSHOPS

Any discussion of confidence building and security cooperation in the Asia Pacific region must take into account the contribution of the Workshops on Managing Potential Conflicts in the South China Sea. While the Shanghai and Sino-Indian Agreements are concerned about land borders and the ARF covers CBMs more generally and comprehensively, the South China Sea Workshops belong to a different category in the sense that they focus exclusively on maritime issues within a more specific geographic area. Ostensibly, the Workshop process was originally meant to keep out of sensitive issues, including those which bear upon national sovereignty and security. Despite this self-limited scope, the Workshop process has discussed a number of CBMs. Another noteworthy feature of the Workshop process is that it has focussed on "conflict management" not "conflict-resolution" which has proved divisive and unacceptable to China.

The South China Sea Workshops have been guided by three fundamental objectives:

(1) to promote confidence and create a climate for countries in the South China region to solve their problems through dialogue and mutual understanding;

(2) to encourage all parties to the South China Sea dispute to seek peaceful settlement of disputes; and

(3) to develop specific cooperative measures on issues, no matter however insignificant, in which all participants can cooperate.

The declaratory objective of the non-use of force seems to have been endorsed by all participants. Proponents of the Workshop series have argued that it is relevant to the process of regional confidence-building in several ways. First, the very holding of the Workshop series is in itself an important CBM, as it offers participants the opportunity to develop familiarity and a certain level of transparency regarding national positions on the issue. Second, the Workshop series has gradually led to agreements to develop cooperation on a number of specific projects, such as combatting marine environmental pollution, which have also contributed to the process of multilateral confidence-building. Third, a major goal of the Workshop series is to develop a code of conduct for states of the South China Sea region,

which could help enhance mutual confidence and prevent conflict. In this regard, the Workshop series seeks to build upon codes that have already developed on a bilateral basis, such as that between Vietnam and the Philippines.

Moving beyond the degree of confidence generated by the Workshop process to develop more concrete military CBMs has proven difficult. Some participants have held the view that since the Workshop process as a whole is a CBM in itself, it was not necessary to discuss other, more specific, CBMs. They have argued that discussion of military CBMs should be left to the ARF process, which is explicitly geared to discussing security issues and which involves the appropriate level of senior government officials and ministers qualified to deal with such issues. Proposals from those who wanted to develop more ambitious CBMs, including constraining measures, have not been able to secure a consensus. The Workshops have already discussed two such specific CBMs:

(1) non-expansion of military presence in the disputed areas, and

(2) exchange of visits by military commanders in the disputed areas.

Neither of these has been adopted thus far.

Two other recommendations resulting from the Workshop process may be considered relevant to the process of military confidence-building. One concerns cooperation among enforcement officials from participating countries to discuss piracy issues, while the other urges their legal officers to carry out exchanges of legal documents, legislation, etc. to increase transparency and confidence. These proposals have yet to be implemented, however.

Nonetheless, the Workshop series has helped to ease tensions among parties to the South China Sea conflict, producing a clear understanding that if the conflict can not be resolved, it should not at least develop into armed confrontation. It has instituted a dialogue process between parties, encouraging them to rise above national positions (partly by dropping all discussion of territorial issues after the Bukit Tinggi Workshop, with the understanding that discussion of such issues should be left to the ARF).

BILATERAL BORDER REGION CBMS

Although bilateral CBMs in the Asia Pacific region have a longer history than multilateral CBMs, they have acquired a new importance following the signing of the Shanghai and Sino-Indian agreements. This section looks at the bilateral CBMs which focus on the security of border regions and assesses their contribution to regional stability.

The Shanghai Agreement

Little information is available on the negotiating history of the Shanghai Agreement (the text of the Shanghai Agreement can be found in Appendix 3) signed between Russia, China, Kazakhstan, Tajikstan and the Kyrgyz Republic in April 1996. The ARF members should urge China and Russia to provide more details on the negotiating history of the agreement, so that others can learn from it. Although the formal Agreement was not signed until 1996, the Shanghai Agreement is the culmination of the decade-long process of rapprochement in Sino-Soviet/Russian relations that began with the advent of former Soviet President Mikhail Gorbachev's new thinking on foreign relations. As the Sino-Russian rapprochement gathered steam, negotiations in arms control and CBMs were held alternately in each capital, leading eventually to the Shanghai Agreement.

TABLE 4: EVOLUTION OF THE SHANGHAI AGREEMENT[21]

Date	Development
October 1985	USSR proposed specific measures including advance notification of military exercises and the withdrawal of troops from border areas
July 1986	In his famous Vladivostok Speech, Gorbachev offered China a number of concessions: acceptance of the middle channel principle for the demarcation of border rivers, and reduction of Soviet military forces along the Sino-Soviet border and in Mongolia
May 1989	The two countries achieved full normalization of relations during Gorbachev's visit to China
April 1990	Chinese Premier Li Peng's visit to Moscow produced an agreement to "reduce their military forces to the lowest level suited to normal good neighbourly relations between the two countries on an equal basis for mutual security." The two countries signed an agreement on the guiding principles on troop reductions and strengthening of mutual confidence, including military exchanges, and agreed to conduct negotiations to achieve them
May 1991	Soviet Defence Minister Dimitry Yazov's visit to Beijing produced acknowledgement by the two sides that they no longer viewed each other as a security threat
May 1991	The two sides agreed on the delimitation of their common border during Jiang Zemin's visit to Moscow by reaching a settlement over its disputed eastern sector
August 1992	Russian Defence Minister Pavel Grachev affirmed to visiting Chinese Defence Minister Qin Qiwei that Moscow would honour its commitments on military-to-military exchanges and other undertakings. They discussed other security measures such as Russian arms sales to China, transparency in troop deployments along their border and further troop reductions
April 1996	Russia and China along with Tajikstan, the Kyrgyz Republic and Kazakhstan, signed the Shanghai Agreement.

Commenting on the negotiating history of the Shanghai Agreement, two Korean analysts have found a "distinctive pattern and procedure: informal, with a sequence of one side's unilateral actions reciprocated by the other side."[22] Moreover, progress has been

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achieved in a gradual, step-by-step manner, with the comprehensive and detailed agreement preceded by an agreement on basic principles, such as that of non-use of force. This (which is also true of the Sino-Indian case) has obvious relevance for CBM negotiations in other bilateral and unilateral contexts. Another aspect is that an initial reduction of forces in border areas (an arms control measure) preceded agreement on measures to improve confidence. In sum, the Shanghai Agreement shows that unilateral arms control measures can be an important catalyst of long-term bilateral CBMs.

One of the most interesting and important aspects of the Shanghai Agreement is that many of its provisions are similar to those found in the CSCE Vienna Document of 1994 (from now on referred to simply as the Vienna Document). For example, Article 3 of the Shanghai Agreement, which provides for annual exchange of military information including personnel strength and the quantity of main types of armaments and military equipment, is similar to Part I of the Vienna Document, which provides for annual exchange of military information. The provisions of the Shanghai Agreement (under Article 5) on notification measures are broadly similar to those found in the Vienna Document: both require advance notification of military activities in a 100 km area adjacent to the border if the activity involves 9,000 or more troops and 250 or more battle tanks. The provisions of Article 6 of the Shanghai Agreement regarding observation of military exercises are similar to Part V of the Vienna Document regarding the observation of certain military activities. While the Vienna Document requires a party to invite observers if a military activity conducted by it involves 13,000 or more troops, or 300 or more battle tanks, the provisions of the Shanghai Agreement are somewhat more complex and graduated. It provides for two categories of observation: voluntary and mandatory. Military exercises involving 13,000 or more troops or 300 or more battle tanks are subject to observation on a "voluntary and mutual basis". Mandatory observation is required in two cases: when only one party is conducting an exercise within the 100 km border area with at least 35,000 or more troops, and when both the parties are conducting simultaneous exercises within the 100 km border area with 25,000 or more troops on each side.

Furthermore, both agreements contain provisions to deal with "dangerous" military activities, although the Vienna Document uses the term "hazardous", and unlike the Shanghai Agreement, does not specify what is considered hazardous. The Shanghai Agreement is somewhat specific on its definition of "dangerous" military activities: these include such actions as the use of radio jamming, live firing of shells landing in other's territory, military exercises in border areas, and radiation damage from use of laser.

Another provision of the Shanghai Agreement allows a party to seek clarification from another party if its actions in the border area are considered "ambiguous", i.e., something that may raise doubts about the latter's compliance to the agreement. In such cases, the latter is required to undertake "voluntary" hosting of visits by the other party to areas in which the ambiguous events have taken place. A similar provision is found in Part-II of the Vienna Document dealing with risk-reduction measures.

Finally, the Shanghai Agreement provides for various forms of contacts, including mutual official visits by military commanders, study tours by military delegations and expert groups, exchange of experience in military construction, invitation on a voluntary basis of observers to army command and staff exercises, cooperation in logistic support units, and mutual participation in national holidays, athletic and cultural events. The Vienna Document goes further in its contact provisions, calling on parties to reserve places in their national military academies for officers from other state parties, and encouraging the use of language facilities, and exchange visits by naval vessels and air force units.

Perhaps the major difference between the Shanghai Agreement and the Vienna Document (it is worth noting that negotiations on both documents were proceeding during the same time frame) is that the former is primarily a border agreement whose provisions are specifically tailored to ensure peace and stability in the land border regions.[23] The latter is a more general and comprehensive instrument that applies to military developments anywhere in the territories of the parties. Illustrative of this is the fact that the Shanghai Agreement is quite specific in providing for contact, information exchange, and cooperation among border guard forces at all levels (Article 11). Moreover, the Shanghai Agreement prohibits inhuman or other forms of punishment of border violations (Article 12), a provision not made explicit in the Vienna Document.

Three other differences between Shanghai Agreement and the Vienna Document may be noted. First, with some exceptions, the provisions of the former are much less elaborate and specific than the Vienna Document. Moreover, the latter is more ambitious in scope. For example, the Vienna Document provides for various kinds of "military cooperation" (under Part III) including joint exercises on a voluntary basis. The provisions are not found in the Shanghai Agreement.

Second, the constraining measures contained in the of Shanghai Agreement are rudimentary when compared to the Vienna Document. For example, under the Vienna Document military activities involving 40,000 troops or 900 battle tanks are limited to one per calendar year, and those involving 13,000 troops or 300 battle tanks to six per calendar year. Such provisions are absent in the case of the Shanghai Agreement.

Third and most importantly, the Shanghai agreement provides for no compliance and verification provisions.[24] While the Vienna Document provides for challenge inspections, and requires every party to accept a quota of one "evaluation" of information exchanged on military forces per calendar year, the Shanghai Agreement's compliance mechanisms are limited to voluntary hosting of visits to clarify developments considered ambiguous by the other party.

The Sino-Indian Border Agreement

In September 1993, India and China signed an Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control (LAC). The Agreement included a

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statement of principles as well as a number of CBMs. The former included a commitment by both sides that "Neither side shall use or threaten to use force against the other by any means."[25] Under the terms of the Agreement, the two sides were to strictly respect the LAC and where necessary, jointly check and determine the LAC if they have different views as to its alignment. The CBMs instituted by the Agreement included reduction of military forces deployed along the LAC to mutually-agreed ceilings, limits on the scale of military exercises, provision for advance notification of exercises, prevention of air intrusions, and consultations in the event of such intrusions.[26] The 1993 Agreement was an important breakthrough, although it was seen as a preliminary step to prepare the ground for consultations under the auspices of the China-India Joint Working Group with a view to developing more formal and concrete CBMs.

These negotiations culminated in a major CBM Agreement signed by the two countries in December 1996 during Chinese President Jiang Zemin's visit to India. Called the "Agreement on Confidence-Building Measures in the Military Field Along the Line of Actual Control in the India-China Border Areas" (for the full text of the agreement, see Appendix 4), it is based on three important principles: the non-use of force, peaceful co-existence (especially the five principles of co-existence first enunciated in the 1950s), and "mutual and equal security". The latter is especially important, since it is to form the basis for deciding ceilings on troops and armaments along the LAC. [27]

Like the Shanghai Agreement, the Sino-Indian Border Agreement focusses on land boundaries, although the terrain conditions are very different in the two cases. Some of the CBMs contained in the Sino-Indian Agreement, such as those relating to troop reductions and prior notification of exercises, are similar to those found in the Shanghai Agreement; although details, such as the size of exercises that are to be subject to notification, differ. But the Sino-Indian Border Agreement does not provide for exchange of military information or prohibition on "dangerous" military activities. Its provisions regarding contact CBMs are less elaborate. The Sino-Indian Agreement places more emphasis on preventing air intrusions. Like the Shanghai Agreement, it avoids verification and compliance measures beyond provisions regarding the right of a party to seek "clarification" of doubtful situations on the border region.

The Sino-Indian Border Agreement is different from the Shanghai Agreement in another important respect. While the parties to the Shanghai Agreement have settled their border demarcation problems, the China-India boundary is still under dispute. One result of this is that the geographical zones within which the various CBMs, including troop reductions and ceilings, are to come into effect have yet to be defined. The task of defining these regions will be a key test of the viability of the Agreement. The implementation of the Agreement depends critically on the ability of the two sides to arrive at a common understanding of the LAC. Even though the LAC is defined pragmatically as one that separates the forces on either side, differences exist on some areas of the LAC.[28]

A major implication of the Sino-Indian Agreement relates to the fact that it seeks to use CBMs to reduce the risk of conflict even in the absence of agreement on boundaries. It is instructive to compare China's position on this agreement with its approach to the South China Sea question, where Beijing has offered to participate in joint development of resources on a bilateral basis while putting the boundary or sovereignty issue on the back-burner. In both cases, China has indicated its willingness to leave aside the territorial question for the time being, but, while it has been willing to negotiate CBMs on the Sino-Indian border, it is yet to agree to similar CBMs in the South China Sea. It is clear that the Chinese view the two situations as being different, especially the fact that one is about land borders while the other is a maritime issue. Yet, these geographic differences do not mean that some of the provisions of the Shanghai and Sino-Indian Agreements could not be applied to the South China Sea. Provisions such as advance notification of exercises, exchange of military information, contacts among military officers, and clarification of ambiguous situations can be applied to the maritime arena with appropriate modifications. Whether China would agree to such CBMs in the South China Sea, while accepting its existing territorial possessions there as a sort of Line of Actual Control without prejudice to the final settlement of the territorial dispute, as it has done in the case of India, is an important question which could be explored with Beijing.

TABLE 5:

COMPARISON OF THE SHANGHAI AGREEMENT, THE SINO-INDIAN BORDER AGREEMENT AND THE VIENNA DOCUMENT[29]

Issue Area	Shanghai Agreement	India-China Border Agreement	Vienna Document
Underlying Principles	- Transparency in the military field - Mutual non-aggression -Non-use of force -Peace and stability -Force reduction	- Transparency in the military field - Mutual non-aggression - Non-use of force - Peace and stability - Force reduction - Non-interference in internal affairs	- Transparency in the military field - Non-use of force or threat of use of force
Geographic Area of Application	- 100 km from border line	- 10 km from line of actual control (LAC)	- Whole of Europe, adjoining sea area and air space
Force Reductions/ Restrictions	- Reflected in military activities/exercise parameters below	- Minimum force levels consistent with mutual and equal security	- Reflected in military activities/exercise parameters below

Military Activities/ Exercises Parameters	-Within 100 km: no exercises of more than 40,000 pers. (Eastern Section). 4,000 pers. and/or 50 tanks (Western Section) -Within 15 km: no more than 1 regt. in live-fire exercise - Within 10 km: border guards only	- No exercises larger than 1 div. (Approx. 15,000 pers.) - Exercises larger than 1 brigade group (approx. 5,000 per.) to be pre-notified	- Every 2 calendar years: no more than 1 military activity involving more than 40,000 pers. or 900 tanks -Each year: no more than 3 military activities involving more than 25,000 pers. or 400 tanks -Simultaneously: no more than 3 military activities involving more than 13,000 pers. or 300 tanks
Notifications	(10 days in advance) - Exercises exceeding 25,000 pers. - Exercises which incl. 9,000 pers. and/or 250 tanks from outside the border area - Exercises in the border area which incl. 9,000 reserves - Voluntary notification of any exercise involving more than 9,000 pers. or 250 tanks	(10 days in advance) - Exercises exceeding 5,000 pers. (1 brigade) - Notification of exercise termination within 5 days	(at least 42 days in advance) - Activities involving 9,000 or more pers. or 250 or more tanks or 200 or more aircraft sorties - Amphibious or parachute landings involving 3,000 or more pers. - Transfer into or to a point of concentration within the zone of application of 13,000 or more pers. or 300 or more tanks or 3,500 or more paratroop/amphibious pers. - Changes to information provided on an annual basis (by the time activation occurs) - Activities carried out without advance notice to the troops involved

Information Exchanges	- Annual exchange on main categories of equipment	- Data exchange on military forces and arms to be reduced or limited - Ceilings to be determined on principle of mutual and equal security	- Annual exchange on military organization; designation and subordination of units, manpower, major categories of equipment, planned troop increases, purposes and start/end dates of unit increase/activation, HQ locations, military budgets, planned notifiable military activities and plans for deploying major equipment systems
Equipment Specificities	- Battle tanks, armoured vehicles, artillery systems (greater than 122mm), aircraft, helicopters, tactical missile launchers	- Combat tanks, infantry combat vehicles, guns (incl. howitzers) greater than 75mm, SSMs, SAMs, other weapons systems as mutually agreed	- Battle tanks, armoured combat vehicles, APC and armoured infantry fighting vehicle look-alikes, anti-tank guided missile launchers permanently/integrally mounted on armoured vehicles, self-propelled and towed artillery, mortars and multiple rocket launchers (100mm and above), armoured vehicle launched bridges, combat aircraft, helicopters
Observations	- To exercises involving more than 35,000 pers. - Voluntary invitation to exercises involving more than 13,000 pers., 300 tanks	(Not included)	- To all notifiable military activities - To demonstrations of new types of major equipment systems when first introduced into the zone of application - States may conduct inspections (subject to quota limits) - States to provide opportunities for visits to active formations/units to allow evaluation of information provided (subject to quota limits)

Exchange/ Cooperation	- Experience exchange (construction, training, etc) - Cooperation in logistics, etc - Other forms of cooperation, eg. mutual participation in national holidays, athletic and cultural events	(Not included)	- Exchanges/visits of senior military/defence representatives and military commanders - Contacts between military institutions - Attendance on courses of instruction - Exchanges/contacts between academics/military experts - Sporting/cultural events contacts
Consultations	-Request and response about ambiguous situations within 7 days - Mutual visits of military commanders - Study tours by expert groups - Mutual invitations for observers - Experts meetings to discuss implementation	- Timely clarification for exercises - Expanded regime of scheduled and "flag" meetings - Expanded telecom links along LAC - Establishment (step-by-step) of medium- and high-level contacts	- Reporting and clarifying hazardous incidents of a military nature - Consult and cooperation within 48 hrs on unusual/ unscheduled significant military activities occurring outside normal peacetime locations - Annual implementation assessment meeting -Establishment of Conflict Prevention Centre - Voluntary invitations on visits to dispel concerns about military activities
CBMs	- Confidence-building in the military field	- Confidence-building in the military field	- Confidence-building in the military field

THE RELEVANCE OF THE SHANGHAI AND SINO-INDIAN BORDER AGREEMENTS TO THE ARF

This raises the issue of the broader applicability of the Shanghai Agreement and Sino-Indian as a model for CBMs in other parts of the region. Can the bilateral land CBMs be applied multilaterally to a predominantly maritime region such as the Asia Pacific? The Chinese thinking on this remains unclear and continues to evolve. A Chinese position Paper on the ARF circulated in April 1996 stated:

"...the Chinese side would like to call on the attention of the ARF members to the Agreement on the Build-up of Confidence in the Military Field in Border Areas, signed by the leaders of China, Russian Federation, Republic of Kazakhstan, Republic of Kyrghyzstan and Republic of Tajikstan on April 26 in Shanghai. This agreement

will surely have a positive and profound impact on maintaining and further strengthening peace and stability in the Asia-Pacific region. It is also a practical action taken by the Asia-Pacific countries to enhance mutual trust and develop the good-neighbourly relations."[30]

Despite these encouraging words, Chinese commentators remain skeptical about regionalising the Shanghai Agreement through the ARF. They point to the fact that the ARF is too new and untested, it has yet to agree on common principles and is still at the stage of exchanging views. They note that though technically multilateral, the Shanghai Agreement is actually the successor to a bilateral agreement between China and the former Soviet Union, and it was initially conceived as such, until the break-up of the Soviet Union made it necessary to include the three newly-independent Central Asian states sharing common borders with China. Thus, it is not easily duplicated within a multilateral context. Moreover, the Asia Pacific is a much larger and strategically different arena than the land border regions of China. The former is marked by the existence of a number of military alliances, and a host of unresolved security problems which need to be addressed before the ARF can seriously consider a similar agreement among its members. Furthermore, as some Chinese scholars see it, CBMs are more complex and more difficult to negotiate in the maritime arena than in land.

Although it acknowledges the difficulty in moving the confidence-building process from land to sea and from bilateral to multilateral fora, China is not entirely opposed to multilateral maritime CBMs. In fact, at the second ARF Ministerial, Foreign Minister Qian Qichen proposed that ARF members consider "notifying other ARF members and inviting them to participate as observers before holding military (naval) exercises in places far away from home territories or holding joint exercises involving more than two countries".

Such CBMs may not be readily accepted by major Asia Pacific naval powers, especially the US. Despite these difficulties, the Shanghai Agreement, as one senior Chinese official acknowledged, may have some "learning effect" on the ARF.[31] According to this official, one fruitful approach to confidence-building in the Asia Pacific region would be for the ARF to encourage Shanghai-style bilateral CBM agreements among regional countries sharing common borders.[32] The ARF is not ready to emulate such CBM measures on a multilateral basis yet, especially measures involving troop deployment, force reduction, or disarmament.

Nonetheless, Chinese scholars and officials take some satisfaction and pride in the Shanghai Agreement. As one scholar put it, the Agreement is proof that China has "taken the lead" in promoting CBMs in the Asia Pacific region.[33] Moreover, China's offer to host an ARF inter-sessional on CBMs in Beijing in 1997 is widely viewed as evidence of China's "more active and positive" attitude toward the ARF. But, believing that the development of CBMs for the Asia Pacific region should begin with easy steps, such as exchange of security perceptions, military exchanges and cooperation in defence conversion, China's goals for the meeting are relatively modest.

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OTHER BORDER CBM AGREEMENTS IN ASIA PACIFIC

Given the constraints on adapting the Shanghai and Sino-Indian Agreements to a multilateral institutional setting, their relevance to the rest of the Asia Pacific region would seem to lie in encouraging similar bilateral border agreements in other parts of the region. Against this backdrop, it may be useful to examine other existing border agreements in the region. The ASEAN states have a long-standing practice of border cooperation which is highly institutionalized. Although these are not CBMs in the strict technical sense of the term, they have nonetheless served a similar purpose. For example, military exercises conducted within the framework of these agreements have, in the words of a former Chief-of-Staff of Singapore Armed Forces, helped to "build links with...neighbours, overcome suspicions and promote cooperation".[34]

The initial stimulus for border cooperation within ASEAN came from the threat of communist insurgency. Such cooperation included formation of joint border committees, combined operations to control the transboundary movement of subversive elements, and the sharing of intelligence information about insurgencies. The following agreements among the ASEAN states are noteworthy.

Thailand and Malaysia: Although border cooperation between the two countries dates back to 1949, when Malaysia was still a British colony, it intensified with the signing of a Border Cooperation Agreement in 1977.[35] Communist insurgency was the principal target of this agreement. The two countries established two border committees: a General Border Committee (GBC) to make general policy decisions on measures to counter and eliminate insurgents on the Thai-Malaysian border, and a Regional Border Committee (RBC), whose main task was to coordinate planning, intelligence-sharing, and joint operations against insurgents. The Regional Border Committee also launched a series of annual naval (Sea Ex-Thamal) and air (Air Thamal) exercises with a view to "suppress communist insurgents along the border area.[36] More importantly, Malaysian forces were granted the right of "hot pursuit" into Thai territory and Malaysian field police units were allowed to set up camp within Thailand.

Indonesia and Malaysia: The basic framework for Indonesia-Malaysia border cooperation was the Bangkok Agreement between the two countries in May 1966, in which joint operations against border region communist "insurgents was agreed upon without any formal agreement being signed".[37] This understanding was followed by an exchange of letters in March 1967. In 1972, the two countries signed a Border Security Agreement, which was revised and expanded in 1984.[38] Border cooperation between the two countries initially focused on communist insurgents on the land border between Kalimantan state of Indonesia and Sarawak state of Malaysia. Under the 1984 agreement, cooperation was extended to the maritime border in the Strait of Malacca.[39] The scope of the agreement was broadened to cover cross-border traffic, smuggling and defence cooperation, the latter including anti-insurgency operations as well as exercises and contingency planning against "external" threats. A joint border committee was created to supervise border cooperation. The

Committee organized annual army exercises (Kekar Malindo). Although these were initially conceived as counter-insurgency exercises, their objective later shifted towards training in "conventional warfare and defence tactics".[40] For example, the 1972 security agreement was expanded in 1985 to include "contingency plans that could be put into effect should conflicts in the region escalate to pose a threat to the security of the two countries". Other aspects of Indonesia-Malaysia border cooperation include joint efforts to monitor sea traffic in the Straits of Malacca and an agreement permitting Malaysia to use Indonesia's Natuna island for military purposes, including joint exercises with Indonesia.[41]

Malaysia and Philippines: Although a border agreement was signed in 1977,[42] it made little headway, pending a mutually satisfactory solution to the dispute over the Philippine claim to the province of Sabah, currently part of the Malaysian federation. In September 1994, the sides signed a new defence agreement to develop closer ties involving joint military exercises and training and purchase of defence equipment.[43] In October 1994, the two countries signed a new border agreement to establish and monitor a joint border crossing and border patrol system under the auspices of a Joint Committee on Border Co-operation. The coordinated patrolling of the common border is geared to check piracy, smuggling, drug trafficking, illegal migration, theft of marine resources and maritime pollution.[44]

Indonesia and the Philippines: A Border Crossing Agreement was signed in May 1961, followed by a Joint Border Patrol Agreement in 1975[45]. Cooperation is directed against smuggling, illegal fishing and immigration, piracy and drug smuggling.[46] The two sides have organized annual joint patrols in the waterway between southern Mindanao and northern Sulawesi involving patrol craft and maritime reconnaissance aircraft.

Thailand and Burma: A joint border committee has tackled sensitive issues such as rival claims to an area at Doi Lang in Chiang Mai province.[47]

Laos and Burma: The two countries are setting up a border committee to develop trade and deal with security problems in their common border.[48]

Cambodia and Thailand: The Thai-Cambodia Joint Commission provides for border region security cooperation supervised by two committees: the Thai-Cambodian Border Coordinating Committee and the Cambodian-Thai Border Coordinating Committee.

Along with border cooperation agreements, a number of bilateral intelligence-sharing arrangements emerged between the ASEAN members during the late 1960s and 1970s as a result of the worsening situation in Indochina and the rising threat of communist subversion. A significant aspect of these arrangements was the fact that some of them involved countries which were not part of formal bilateral border security agreements such as those between Malaysia and Thailand or Malaysia and Indonesia. Thus, intelligence-sharing, which later included an ASEAN-wide multilateral meeting of the member states' intelligence organizations, provided an alternative form of security collaboration against the threat of insurgency and subversion within ASEAN.

Three aspects of the ASEAN border cooperation agreements are especially noteworthy. First, these agreements have promoted close ties among defence forces of ASEAN members, which in turn have helped to "foster greater mutual confidence and trust" and create the basis for defence cooperation.[49]Second, unlike the Shanghai and Sino-Indian agreements, some of the ASEAN border agreements cover not just the land boundaries, but also maritime jurisdictions. Third, despite ASEAN's preference for "soft institutionalism", bilateral border security arrangements between Malaysia and Thailand and Malaysia and Indonesia are remarkably institutionalized with the General Border Committees, Regional Border Committees etc., providing a regular venue for confidence-building, crisis-management, and problem-solving.

The long tradition of border region cooperation in ASEAN does not necessarily translate into a willingness to engage in multilateral CBMs. Bilateralism is still the preferred general mode of intra-ASEAN cooperative security measures. Nor have the intra-ASEAN border agreements paved the way for concrete transparency CBMs. A case in point is a suggestion by Singapore's former Prime Minister, Lee Kuan Yew, that Malaysia and Singapore should consider opening up their military installations to mutual inspection. The proposal received a cool response from Malaysia whose Defence Minister stated:

> "I think there should be more transparency...But opening up of installations for inspections is sensitive. It goes against the grain of military culture, which is quite universal. I think we should keep each other informed of our [arms] acquisitions. To me, it will go a long way in building up mutual confidence."[50]

In South Asia, India and Pakistan have discussed CBMs for the border region as well as nuclear CBMs, including a commitment not to attack each other's nuclear facilities. In 1990, the two sides discussed agreements covering violations of air space and exchange of information on military exercises. An agreement was reached to establish a "hot line" between their military commands which could be used to provide advance notice of military exercises.

The Korean Peninsula appears to be another part of the Asia Pacific (apart from the Sino-India and Sino-Russia areas) where border CBMs like the Shanghai Agreement would have considerable relevance. (The remainder of the region is more suited for maritime CBMs.) The US had mooted the idea of such CBMs as withdrawal of forces from along the DMZ and removal of heavy weapons from the area, regular inspection of the DMZ by teams provided by neutral nations to verify its non-military character, prior notification of military exercises, and assignment of observer missions to such exercises. In 1990, North Korea proposed CBMs involving South Korea such as limitations on the size of military exercises, establishment of a "hot line", and the conversion of the DMZ into a "Peace Zone" patrolled by a neutral third party.

Article 12 of the Basic Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation Between the South and North, signed on 13 December 1991 stipulated that

the two Korean sides will "discuss and carry out steps to build military confidence and realize arms reduction, including the mutual notification of and control of major movements of military units and exercises, the peaceful utilization of the Demilitarized Zone, exchanges of military personnel and information, phased reductions in armaments including the elimination of weapons of mass destruction and surprise attack capabilities, and verifications thereof." In addition, under the Provisions on Nonaggression concluded on 17 September 1992, the two sides agreed on: renunciation of use of force against each other; peaceful resolution of conflicts and armed conflicts; demarcation line of nonaggression; and establishment of a hot line between the two defense ministers. In addition, the two sides agreed to carry out negotiations on issues such as freezing the military build-up near the DMZ, suspension of reconnaissance activities against each other, no air or naval blockade, and security guarantees for Pyongyang and Seoul.[51]

But these CBMs proposals were soon overshadowed by the controversy and crisis over North Korea's nuclear programme. As efforts to address the nuclear issue intensified, the conventional CBM agenda has remained dormant.[52] Upon closer reflection, it would appear that the CBM proposals advanced by the North and the South reflect their own security concerns and are designed to reduce their military vulnerabilities vis-a-vis the other side in the North-South confrontation. This is probably characteristic of the opening phases of most such negotiations. A comparison of CBM proposals put forward by the North and South respectively shows that both sides agree on the need for a hot line and advance notification of exercises. Both also seem to be willing to use the demarcation line established by the Military Armistice Agreement of 1953 as the basis for a non-aggression agreement. But they differ on a host of other issues. South Korea, traditionally wary of North's extreme secretiveness on military matters, seems to be more keen to secure greater transparency from the North, and has proposed a host of contact and information CBMs such as mutual visits and exchanges of military personnel, and mutual disclosure and exchanges of military information and observation. These proposals have not been reciprocated by the North. For its part, the North, which has been very sensitive to large-scale military exercises between the US and the South, seeks not only prior notification of military exercises, but also restrictions on their size and scope. Such a CBM does not seem to be a priority in the South's agenda. Finally, the South, unsure of the North's intentions and capabilities, would prefer to wait until the two sides have adopted a set of CBMs to enhance mutual transparency and trust before renouncing the use of force vis-a-vis the North. It sees CBMs as a prerequisite to a declaration of nonaggression, while the North wants such a declaration first as a necessary step toward increased confidence. In other words, while the South is wary of concluding an agreement on nonaggression and renunciation of use of force without first reaching an acceptable level of confidence, North would have such a declaration within the current political and security climate.

Most of the CBM proposals for the Korean Peninsula mentioned above are declaratory in nature and need to be followed up with concrete and detailed measures. The main lesson of the Korean case is that the CBM proposals advanced by a country often may reflect its specific military concerns. It also shows that significant progress in CBM

negotiations requires a high level of prior political trust and an improved geopolitical climate. The Shanghai Agreement and the ASEAN border agreements were developed against the backdrop of steadily improved political relations among the parties. The lack of comparable progress in the Korean peninsula or in South Asia constrains efforts to reach CBM agreements among the concerned parties.

It will be interesting to see whether non-ASEAN border agreements will work as well as the agreements within ASEAN. The record suggests that the functioning of border CBMs depends on the prevailing regional/subregional political climate. A multilateral framework like ASEAN has provided a general climate of trust and cooperation which contributed to the development and smooth functioning of border region cooperation. In the larger Asia Pacific context, therefore, the development of a multilateral security order based on shared norms and commitments to regional order could help to enhance the effectiveness of existing border agreements as well as generate new ones.

A series of cross-cutting border agreements throughout the Asia Pacific region may complement the development of multilateral CBMs. ASEAN provides a good example of the linkage between bilateral border agreements and multilateralism. While the ASEAN border agreements were developed outside the ASEAN framework, ASEAN has formally recognized them to be an important contributing factor to regional peace and security. Why could not the ARF operate under the same principle? Furthermore, bilateral border agreements in no way diminish the relevance of multilateral CBMs. The latter would be required in dealing with multilateral conflicts, especially in the maritime sphere (for example, the South China Sea dispute). Thus the ARF could focus on developing such CBMs as well as general principles and codes of conduct for the entire region, drawing upon the principles contained in the border agreements. It should be noted that the CSCAP has recommended the unilateral and bilateral implementation of CBMs as complementary to the ARF and suggested that the ARF would be particularly well-suited to oversee the implementation of any multilateral initiatives.

COMMON ELEMENTS

The Asia Pacific region has come a long way since the early days of security multilateralism when CBMs were viewed by many regional governments with considerable suspicion. Now regional governments have come to accept the utility of such measures as a necessary and integral part of the regional security architecture for the post-Cold War era. Based on the foregoing discussion, eight general features to help guide the construction of viable CBM regime/s in the Asia Pacific region, especially in the ARF context, can be identified.

Conformity to Prevailing Inter-state Norms: CBMs must be consistent with the principle of sovereignty and the doctrine of non-interference that stems from it. CBMs that seek to impose restraints on sovereignty, such as troop reductions, limits on exercises, inspections etc., are likely to meet with greater resistance. In contrast, the regional countries

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have favoured declaratory CBMs, such as the principle of non-use of force, information CBMs, such as publication of defence white papers, and contact CBMs such as exchanges of high level military visits. But even such CBMs have made more progress in a bilateral context than in multilateral fora. The principle of "concerted unilateralism" such as publication of defence white papers, or sharing of information on notification of exercises on a voluntary basis have found greater acceptance, as have regional CBMs that derive from global processes, such as greater regional participation in the UN Conventional Arms Register.

Incrementalism: Most regional countries prefer a gradual, step-by-step approach to broad-brush, one-step, comprehensive agreements. Incrementalism is advantageous because it permits learning and habit-formation and allows use of existing institutions and mechanisms, and suits decision-making by consensus. Even comprehensive agreements such as the Shanghai Agreement and the Sino-Indian Agreement were developed in this manner, in keeping with the gradually improving political climate. This also explains why regional countries have been wary of broad-brush CBM agreements such as the Vienna Document, even if they do not have any quarrels with its specific provisions in the long-term. They prefer such agreements to gradually evolve from within, rather than be imposed from the outside.

Soft Institutionalism: As an Indonesian position paper on CBMs puts it: "A CBM is not to be conceived as an institution, but rather as a stepping stone or a building block...the concept of confidence-building measures (CBM) is used here to convey the idea that a regional security consensus can be developed through less formal approach, built upon a base of (personal) political contacts and relationships..."[53] However, such an approach does not preclude formal and verifiable CBMs over the long-term, including OSCE-type measures.

Comprehensive Security and Functionalism: The concept of a CBM is defined rather broadly in the Asia Pacific region. CBMs could range from the holding of seminars, to high level military contacts, to notification of exercises. The South China Sea Workshops are a clear example of such a wider definition of CBMs, as are the process of security seminars and dialogues organized under the auspices of the CSCAP and the ARF. In this respect, "functionalist" approaches to CBMs should be encouraged. Such an approach assumes that it is easier to begin with cooperation on non-military issues and then to move gradually toward hard military issues, rather than begin with the latter. In classic functionalist terms, the shift is one from "low" to "high" politics. The South China Sea workshops are a good example of this, where cooperation on issues such as marine environmental pollution and tide levels, has created the context for discussion of security CBMs such as discussion of a code-of-conduct and putting a cap on military deployments. However, the argument that functional CBMs would have a "spillover effect" into the military field remains to be proven.

Issue Specificity: CBMs that are geared to a specific security problem seem to hold more promise. The Shanghai Agreement and the Sino-Indian Border Agreement deal with a specific set of issues, i.e. maintaining peace and stability in the border regions. In contrast,

the CBM agenda of the CSCAP and the ARF is more general and broad, and has made limited progress.

Bilateralism: It is clear that notwithstanding the progress made by multilateral security dialogues, bilateralism remains the preferred approach to CBMs in many instances. The shift from bilateralism to multilateralism may not be an easy process, but they are not necessarily incompatible. A web of bilateral CBMs may make an equivalent contribution to regional confidence-building and security enhancement as would multilateral CBMs. The challenge is how to develop greater synergy between the two.

"Indigenising" foreign models: Contrary to popular assumptions, Asia Pacific policy makers are not necessarily averse to drawing upon foreign models of CBMs. The initial skepticism and resistance to such models have become muted. The striking parallels between the Vienna Document and the Shanghai and Sino-Indian Agreements attest to this. Several years of interaction between Asian and Western think-tanks has also made the former more comfortable with ideas proposed by the latter. Nonetheless, Asian policy makers may continue to resist proposals made by "outsiders". The challenge is how to indigenize foreign models with a view to make them suitable to regional conditions in Asia. This can be done with the help of adequate prior consultations before a specific set of CBMs are proposed.

Subregionalism: Any CBM regime for the Asia Pacific region must acknowledge differences within the region. The Asia Pacific is too large and diverse to accommodate a single framework of CBMs. Great Power security commitments are stronger in Northeast Asia than Southeast Asia or South Asia. Northeast Asia also has a higher level of military build-up, having undertaken defence modernization much earlier than the Southeast Asian states. Inter-state conflicts in Southeast Asia are much more muted than those in Northeast Asia or South Asia. Southeast Asia has no known program of acquisition of weapons of mass destruction, and there is a time-tested tradition of multilateral approaches to problem-solving. The major conflicts in Southeast Asia are internal in nature, related to ethnic separatism and political strife. In South Asia, the rivalry between India and Pakistan dominates the security balance. The subregion has more similarities with Northeast Asia than with Southeast Asia, especially with respect to weapons of mass destruction. However, no country in the subregion is involved in a formal defence alliance with an outside power, making the prospect for external involvement in subregional conflicts less likely. Like Southeast Asia, but to a considerably larger extent than Northeast Asia, threats to stability in South Asia include both domestic and inter-state issues. While land border disputes are important in South and Northeast Asia, Southeast Asia is largely a maritime region that calls for primarily maritime CBMs.

It should be noted that negotiating CBMs is primarily a political exercise requiring strong political will on the part of regional states. Participants must be convinced that the benefits of CBMs outweigh the costs and risks to national security.

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Based on the foregoing review of CBMs, some measures, such as greater exchange of military information, establishment of a regional security studies centre, creation of a limited maritime information data base, observation of military exercises, peace-keeping training and regional cooperation in disaster relief seem achievable and should be pursued as near-term goals. Others, such as notification of major military deployments and a multilateral agreement on the avoidance of naval incidents, are worthwhile in the medium and longer-term, as are measures such as a regional maritime safety and surveillance agreement, and an institution for monitoring the introduction of military technology into the region. The idea of a regional arms register also deserves to be pursued, despite the initial lukewarm attitude of some regional countries toward the idea. (For an analysis of the idea of a regional arms register and responses to it by the ARF members, see Appendix 1.)

In addition, this paper's analysis suggests a number of guidelines for furthering the discussion and promotion of CBMs within the ARF.

- The ARF should seek more information on the negotiating history of the Shanghai and Sino-Indian agreements.

- The ARF should seek more information on the various bilateral CBMs already in place or being developed within the region, and might usefully request regular reports and updates on their status from the concerned parties.

- Despite geographic and contextual differences, at least some of the lessons and provisions of the Shanghai Agreement are adaptable to the ARF and should be introduced as topics for discussion in the ARF process.

- European CBM models apply more to land than to the maritime regions of the Asia Pacific, but the fact is that they still do have considerable relevance to the region. The applicability of European models depends not so much on the substance of the measures, but on the manner in which they are proposed and developed.

- There is need for developing greater synergy between various CBM forums in the Asia Pacific region to avoid duplication and promote mutual learning to enhance their cumulative impact.

- Given the fact that land-based CBMs have made considerable progress in the region, greater emphasis should be placed on developing maritime CBMs.

NOTES

1.   Although the Shanghai agreement is a multilateral agreement, China notes that it originated as a bilateral agreement between China and the former Soviet Union. The break-up of the Soviet Union resulted in the inclusion of three of the former republics of the Soviet Union, namely Tajikstan, Kazakhstan, and the Kyrgyz Republic. From Beijing's point of view, this does not change the bilateral nature of the agreement. Viewed in this context, the Shanghai agreement is a series of bilateral agreements between China and its neighbouring states who were constituents of the former Soviet Union.

2.   James Macintosh Confidence-Building: Its Contribution to Peacekeeping, Occasional Paper no. 11 (Toronto: York Centre for International and Strategic Studies, March 1990), p.2.

3.   "Confidence-building Measures", Indonesia's Paper (Jakarta, 1995), p.3.

4.   Ibid., p.4.

5.   Source: M. Susan Pederson and Stanley Weeks, "A Survey of Confidence and Security Building Measures", in Ralph A. Cossa, ed., Asia Pacific Confidence and Security Measures (Washington D.C., CSIS, 1995), pp.85-86.

6.   "Agreement Between the Russian Federation, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikstan and the People's Republic of China on Confidence Building in the Military Field in the Border Area" of 26 April 1996, henceforth termed the Shanghai Agreement in this report. The Shanghai Agreement follows from an earlier agreement: USSR/PRC "Guidelines of Mutual Reduction of Forces and Confidence-Building in the Military Field in the Area of the Soviet-Chinese Border" of April 24, 1990.

7.   "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" of 29 November 1996, henceforth termed the Sino-Indian Border Agreement in this report. The Sino-Indian Border Agreement follows from an earlier agreement: India/PRC Agreement on "Maintenance of Peace and Tranquility Along the Line of Actual Control in the India-China Border Areas" of September 7, 1993.

8.   This table compiled by J.D. Kenneth Boutin, York University.

9.   Andrew Mack, "Naval Arms Control and Confidence-Building for Northeast Asian Waters," paper presented to Conference on "Arms Control and Confidence-Building in the Asia-Pacific Region", organized by the Canadian Institute for International Peace and Security, Ottawa, 22-23 May 1992, p.4; Najib also offered to host the first of a series of security dialogues involving Asia-Pacific nations involving representatives from military and civilian organizations. "Malaysia Push for Regional Defence", The Age 10 April 1992.

10.   "Indonesia's Alatas on Need for Regional Security Talks", FBIS-EAS-92-210, 29 October 1992, p.39.

11.   Yukio Satoh, "Asian-Pacific Process for Stability and Security", paper prepared for the Manila Conference on Regional Security, 6-7 June 1991, pp.5-6.

12.   Yukio Satoh, "The United States and Japan in the Asia-Pacific Region", paper presented to the 84th American Assembly Meeting November 11-14 1993, p.5.

13.   See, for example, ASEAN Institutes for Strategic and International Studies, A Time for Initiative: Proposals for the Consideration of the Fourth ASEAN Summit, 4 June 1991.

14.   On the role of CSCAP, see: Paul M. Evans, "The Council for Security Cooperation in the Asia-Pacific Region: Context and Prospects", paper presented to the conference on Economic and Security Cooperation in the Asia Pacific: Agenda for the 1990s, Canberra, 28-30 July 1993; Desmond J. Ball, "A New Era in Confidence-Building: The Second Track Process in the Asia-Pacific Region", Security Dialogue, vol.25, no.2 (June 1994),pp.157-165.

15.   ASEAN Institutes for Strategic and International Studies (ASEAN-ISIS), Confidence Building Measures in Southeast Asia, Memorandum No.5 (December 1993).

16.   "Chairman's Statement: ASEAN Post-Ministerial Conferences Senior Officials Meeting", Singapore, 20-21 May 1993.

17.   "Chairman's Statement: The First Meeting of the ASEAN Regional Forum (ARF), 25 July 1994, Bangkok", p.2.

18.   "Chairman's Statement", op.cit. p.3; "ASEAN: ARF will work if given the chance", Reuter Textline, Bangkok Post, July 27, 1994.

19.   Reg Gratton, "ARF is born, but will it be all bark and no bite", Reuters World Service, July 29, 1994.

20.   The ASEAN Concept Paper, Annex A and B, pp.8-11.

21.   Young-koo Cha and Kang Choi, "Land-based Confidence-Building Measures in Northeast Asia: A South Korean Perspective", Korean Journal of Defense Analysis vol.vi, no.2 (Winter 1994), pp.237-60; Text of the Shanghai Agreement.

22.   Ibid, p.250.

23.   It is worth noting that the Vienna Document resulted from a long process of building confidence spanning almost 25 years since 1975. Perhaps it is more appropriate to compare the Shanghai Agreement with the Helsinki Document of 1975. Some of the provisions of the latter dealt with border issues. In fact, one of the main Soviet objectives in the Helsinki

process was to get NATO's recognition of borders in Central and Eastern Europe. The price the Soviet Union had to pay for this recognition was to agree on NATO positions on CBMs and human rights.

24.   When asked about this, one Chinese scholar argued that military CBMs depend on political will and there is no need for verification.

25.   John Cherian, "Strengthening Relations: India, China, After Jiang Zemin's Visit", Frontline, December 27, 1996, p.38.

26.   Cheng Ruisheng, "Explorations for a More Secure South Asia", International Review, no.3 (July 1996), pp.100-103.

27.   John Cherian, "Strengthening Relations: India, China, After Jiang Zemin's Visit", Frontline December 27, 1996, pp.40-41.

28.   Dipankar Bannerjee, "Upbeat About Sino-Indian Ties", Trends, December 28-29 1996, p.iv.

29.   Sources: (1)"Agreement Between the Russian Federation, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikstan and the People's Republic of China on Confidence Building in the Military Field in the Border Area" of 26 April 1996; (2) "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"; and (3) "Vienna Document 1992 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance with the Relevant Provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Co-operation in Europe". Based on a table prepared by Ron Cleminson, DFAIT, with additional research by J.D. Kenneth Boutin, York University.

30.   "Chinese Position on Issues Relating to the Third ARF Meeting", Beijing, April 1996, p.3.

31.   The official also conceded that the adoption by the ARF of a CBM regime drawing from the provisions of the Shanghai Agreement is a long-term possibility. .

32.   One Chinese source indicated that the ongoing process of border troop withdrawals and flourishing cross-border trade has created the climate for such an agreement between China and Vietnam.

33.   Interview with Professor Luo Renshi, Senior Research Fellow, China Institute for International Strategic Studies, Wednesday 11 December 1996.

34.   Lt-General Winston Choo, Commander of Singapore's Armed Forces, interviewed in the Asian Defence Journal, No. 3 (1989), p. 46.

35.   These agreements are: "Thai-Malayan Police Frontier Agreement" (1949);
"Agreement on Border Operations Against Communist Terrorists Between the Government of
Thailand and the Government of the Federation of Malay" (1959); "Agreement Between the
Government of Thailand and the Government of Malaysia on Border Cooperation" (1965)
and "Agreement Between the Government of Thailand and the Government of Malaysia on
Border Cooperation" (1970); and "Agreement Between the Government of Malaysia and the
Government of Thailand on Border Cooperation" (1977). Source: Roslan Kuntom, "Bilateral
Border Security Cooperation Between Malaysia and Thailand", paper presented to the First.
Annual Thailand-Malaysia Colloquium, Bangkok, 2-3 September, 1987, pp. 2-3.

36.   Cited in J.N. Mak, "ASEAN Air Cooperation: An Appraisal", paper presented to the
Defence Asia '89 Conference on "Towards Greater ASEAN Military and Security
Cooperation: Issues and Prospects", Singapore, 22-25 March 1989, p. 7.

37.   Tunku Abdul Rahman, "Indonesian Peace Mission", Star, 15 August 1983.

38.   "Malaysia/Indonesia Security Arrangements", Foreign Affairs Malaysia, Vol.5, No.2
(June 1972); Soedjati Djiwandono, "Regional Security Cooperation: An ASEAN
Perspective", in Pacific Regional Security: The 1985 Pacific Symposium (Washington, D.C.:
National Defense University Press, 1988), p. 534; New Straits Times, 29 November 1985.

39.   New Straits Times, 29 November 1985.

40.   New Straits Times, 7 August 1986.

41.   New Straits Times, 29 November 1985; Star, 29 November 1985.

42.   Asian Security, 1981 (Tokyo: Research Institute for Peace and Security, 1980), p.
120.

43.   "Malaysia Makes First Buy Under Defence Agreement", New Straits Times 20
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Appendix 1

PROSPECTS FOR A REGIONAL ARMS REGISTER FOR THE ASIA PACIFIC REGION

The Asia Pacific region presents a particularly serious challenge to efforts to curb the proliferation of conventional weapons in the post-Cold War era. While most other regions of the world, including Europe, Latin America and Africa, have experienced reductions in defence spending and arms acquisition, trends in the Asia Pacific have been quite the reverse. Indeed, this is the region where the most significant military build-up of the post-Cold War era is presently taking place.

Although the issue of nuclear proliferation, particularly in the Korean Peninsula and South Asia, has attracted a great deal of media attention, the most significant long-term changes in the regional balance of power could derive from changing patterns of conventional weapons acquisitions. Here, a number of trends are particularly noteworthy. The first is the shift by several countries from counter-insurgency to conventional warfare doctrines, with their corresponding change to acquisition of sophisticated conventional weapons. This is especially true of Southeast Asian countries, including Malaysia, Indonesia, the Philippines, and Thailand. Second, the category of weapons being acquired by countries in the region increasingly feature a range of potentially "offensive" systems, such as advanced combat aircraft, fast-attack naval craft and submarines. Third, air and naval systems account for the greater proportion of recent weapons acquisitions. This trend is particularly important given the fact that some of the most serious flashpoints in the region are in the maritime arena.

Whether the recent military purchases in the region can be characterized as an "arms race" remains an important question. An arms race usually features the interactive acquisition of large quantities of weapons by two or more states within a relatively short time span. Arms races develop over specific conflicts and rivalries between states who view the use of military force as a serious option. Moreover, arms races are more likely to develop in areas lacking any credible mechanism for pacific conflict resolution.

To some extent, recent arms acquisitions in the Asia Pacific region fit the above description of an arms race. These acquisitions are taking place in a relatively short span of time (mostly in the post-Cold War period) and are to a large extent driven by strategic uncertainties created by the end of superpower rivalry. Almost all states in the Asia Pacific region, whether poor (like Burma and Vietnam) or rich (like Singapore and Japan), are engaged in a major upgrade of their military capabilities. There is no dearth of conflicts which could serve as the basis of these arms build-ups. These include the Spratly Islands dispute involving China, Vietnam, Taiwan, Malaysia, the Philippines and Brunei, tensions between Taiwan and China, and a range of maritime territorial disputes in Southeast Asia. Moreover, the region is yet to develop a serious mechanism for security cooperation providing for pacific settlement of disputes. The evolving multilateral security framework,

the ASEAN Regional Forum, is at its infancy. While useful as a consultative mechanism, its effectiveness in preventive diplomacy and conflict resolution is far from certain.

On closer reflection, however, factors contributing to the military build-up in the Asia Pacific region appears more complex than the label "arms race" would suggest. A whole range of factors, both interactive and non-interactive, explain why the level of defence spending and arms acquisitions in the region are on the rise in recent years. These include:

— Increased affluence or buying power of the regional countries;

— Strategic uncertainty, relating to the changing balance of power between the US, Russia, Japan and China;

— Inter-state territorial disputes, such as the Spratly Islands dispute;

— Domestic prestige ensuing from sophisticated weapon systems;

— Corruption, or the incentive created by the prospect for commissions to be received by various parties in the recipient state from weapons suppliers;

— The need for greater self-reliance in the face of the declining US military presence in the region; and

— The emergence of a buyer's market in arms, created by the availability of large quantities of surplus arms in Western and East European manufacturing countries who are willing to offer bargain prices to Asian buyers.

It should be noted that while some of these factors involve a competitive dynamic among the buyers, others (e.g. prestige and affluence) are not related to threat perceptions and hence do not support the theory of a regional arms race. This is not to dismiss the "arms race" hypothesis altogether; in fact the label is useful for drawing attention to military trends which could, in the long run, prove highly destabilising. As the military strength of countries in the region grow, their intentions, however benign at the outset, may change. Capabilities being acquired for the sake of self-reliance or prestige could increasingly factor themselves into the strategic planning and foreign policy options of regional countries. Thus, an understanding of the risks and dangers inherent in the recent military build-up in the Asia Pacific region may be an useful catalyst for steps to prevent a fully-blown arms race in the future.

Indeed, many regional policy-makers, while denying the existence of an arms race, have nonetheless supported the adoption of confidence-building measures that could minimize the risk of military conflict in the region. Thus, Singapore's former Defence Minister, Yeo Ning Hong, listed "greater transparency in armaments and arms control measures" as an important task for the ARF. Malaysia's former Defence Minister, Najib Razak, once called

for the creation of a regional arms register. Perhaps the most detailed proposal for such a register was made by the Philippines at the Special ASEAN Senior Officials Meeting held in Bangkok in March 1994. The Philippine proposal envisaged a Southeast Asian Register of Conventional Arms and Military Expenditure (RCAME) as "a confidence-building measure which would promote greater transparency with respect to a nation's intentions." The proposed register is to be modelled after the Register of Conventional Arms of the United Nations. The aim of the regional arms register, as envisaged in the Philippine proposal is "to help ensure that the arms modernization programs of Southeast Asian states will not escalate into an arms race."

More recently, the ASEAN Regional Forum's Concept Paper envisages a regional arms register as a long-term confidence-building measure. But how realistic are the prospects for such a regional arms register? Since being proposed, the idea has run into considerable opposition in the region. Four main reasons account for this.

The first is the view that a regional arms register may compromise the national security of states by revealing the true operational status of their forces and weapons systems to potential adversaries. States with insufficient hardware and low levels of military preparedness may be worried that transparency created by a regional register will undermine their ability to deter attack. This argument remains surprisingly widespread, notwithstanding the fact that creating a regional register is mainly a political process without much military significance. While important as an exercise in preventive diplomacy, information obtained through a register is likely to be of limited military value, adding little to what may already be known to government intelligence agencies.

A second and related factor working against a regional arms register is the concern that it could undermine the domestic and international prestige of governments who are found to possess relatively less-sophisticated weapons systems.

Third, a regional register is seen within the region as an idea whose time has not yet come. The Asia Pacific region has practically no previous experience in multilateral security cooperation. A register may be too big a leap in faith for countries who are just beginning to grow comfortable with the idea of discussing their security concerns with one another on a regular multilateral basis.

Last but not the least, the proposal for a regional arms register fits uneasily within the region's preferred approach to conflict management. For example, part of what is called the "ASEAN Way" of political cooperation includes a desire to conduct all diplomatic negotiations away from the public eye, and to avoid any open discussion of sensitive and contentious issues. Against this backdrop, a regional arms register requires governments to accept a degree of transparency and openness unprecedented in the history of regional diplomacy.

In addition, the ASEAN countries believe that any regional transparency or confidence-building measure should be more than just that: it should offer some tangible benefit to the concerned actors. Thus, steps such as joint military exercises, exchange of training facilities, and defence industrial cooperation, contribute to the defence capabilities of those involved while at the same time serving as useful confidence-building measures between states. Such measures are preferable to those which are exclusively transparency-oriented, such as a regional arms register.

Despite lacking widespread support at present, the idea of a regional arms register should not be abandoned. It should be pursued as a long-term measure, presented as part of a broader process of confidence-building, rather than being a laundry-list of items being acquired by countries. It is extremely important that any attempt to develop a regional register be built around a consultative mechanism in which regional countries could discuss the rationale for, and implications of, their military acquisitions. The register should be conceived as a process, rather than a product. Regional countries should also encourage, at least as an initial step, the creation of de facto registers by think tanks in the region. Furthermore, some form of "regionalization" of the UN register should be attempted, including an effort (by regional governments or think tanks) to summarize data from the UN register for presentation and discussion at meetings of the ARF.

(Based on a presentation before the UN Regional Disarmament Conference at Kathmandu, 21-24 February 1994)

THE ASEAN REGIONAL FORUM
A CONCEPT PAPER

Introduction

1   The Asia-Pacific region is experiencing an unprecedented period of peace and prosperity. For the first time in a century or more, the guns are virtually silent. There is a growing trend among the states in the region to enhance dialogue on political and security cooperation. The Asia-Pacific is also the most dynamic region of the world in terms of economic growth. The centre of the world's economic gravity is shifting into the region. The main challenge of the ASEAN Regional Forum (ARF) is to sustain and enhance this peace and prosperity.

2   This is not an easy challenge. The region has experienced some of the most disastrous wars of the twentieth century. It is also a remarkably diverse region where big and small countries co-exist. They differ significantly in levels of development. There are cultural, ethnic, religious and historical differences to overcome. Habits of cooperation are not deep-seated in some parts of the region.

3   ASEAN has a pivotal role to play in the ARF. It has a demonstrable record of enhancing regional cooperation in the most diverse sub-region of the Asia-Pacific. It has also fostered habits of cooperation and provided the catalyst for encouraging regional cooperation in the wider Asia-Pacific region. The annual ASEAN Ministerial Meetings have contributed significantly to the positive regional environment today. There would be great hope for the Asia-Pacific if the whole region could emulate ASEAN's record of enhancing the peace and prosperity of its participants.

4   Although ASEAN has undertaken the obligation to be the primary driving force of the ARF, a successful ARF requires the active participation and cooperation of all participants. ASEAN must always be sensitive to and take into account the interests and concerns of all ARF participants.

The challenges

5   To successfully preserve and enhance the peace and prosperity of the region, the ARF must dispassionately analyse the key challenges facing the region. Firstly, it should acknowledge that periods of rapid economic growth are often accompanied by significant shifts in power relations. This can lead to conflict. The ARF will have to carefully manage these transitions to preserve the peace. Secondly, the region is remarkably diverse. The ARF should recognise and accept the different approaches to peace and security and try to forge a consensual approach to security issues. Thirdly, the region has a residue of unresolved territorial and other differences. Any one of these could spark a conflagration that could undermine the peace and prosperity of the region. Over time, the ARF will have to gradually defuse these potential problems.

6   It would be unwise for a young and fragile process like the ARF to tackle all these challenges simultaneously. A gradual evolutionary approach is required. This evolution can take place in three stages:

Stage I: Promotion of Confidence-Building Measures

Stage II: Development of Preventive Diplomacy Mechanisms

Stage III: Development of Conflict-Resolution Mechanisms

7   The participants of the first ARF Ministerial Meeting in Bangkok in July 1994 agreed on "the need to develop a more predictable and constructive pattern of relations for the Asia-Pacific region". In its initial phase, the ARF

should therefore concentrate on enhancing the trust and confidence amongst its participants and thereby foster a regional environment conducive to maintaining the peace and prosperity of the region.

Stage I: Promotion of Confidence-Building Measures

8   In promoting confidence-building measures, the ARF may adopt two complementary approaches. The first approach derives from ASEAN's experience, which provides a valuable and proven guide for the ARF. ASEAN has succeeded in reducing tensions among its member states, promoting regional cooperation and creating a regional climate conducive to peace and prosperity without the implementation of explicit confidence-building measures, achieving conditions approximating those envisaged in the Declaration of Zone of Peace, Freedom and Neutrality (ZOPFAN). The concepts of ZOPFAN and its essential component, the Southeast Asia Nuclear Weapons-Free Zone (SEANFWZ), are significantly contributing to regional peace and stability. ASEAN's well-established practices of consultation and consensus (*musyawarah* and *mufakat*) have been significantly enhanced by the regular exchanges of high-level visits among ASEAN countries. This pattern of regular visits has effectively developed into a preventive diplomacy channel. In the Asian context, there is some merit to the ASEAN approach. It emphasises the need to develop trust and confidence among neighbouring states.

9   The principles of good neighbourliness, which are elaborated in the concept of ZOPFAN, are enshrined in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC). One simple concrete way of expanding the ASEAN experience is to encourage the ARF participants to associate themselves with the TAC. It is significant that the first ARF meeting in Bangkok agreed to "endorse the purposes and principles of ASEAN Treaty of Amity and Cooperation in Southeast Asia as a code of conduct governing relations between states and a unique diplomatic instrument for regional confidence-building, preventive diplomacy, and political and security cooperation."

10   The second approach is the implementation of concrete confidence-building measures. The first ARF meeting in Bangkok entrusted the next Chairman of the ARF, Brunei Darussalam, to study all the ideas presented by ARF participants and to also study other relevant internationally recognised norms, principles and practices. After extensive consultations, the ASEAN countries have prepared two lists of confidence-building measures. The first list (Annex A) spells out measures which can be explored and implemented by ARF participants in the immediate future. The second list (Annex B) is an indicative list of other proposals which can be explored over the medium and long-term by ARF participants and also considered in the immediate future by the Track Two process. These lists include possible preventive diplomacy and other measures.

11   Given the delicate nature of many of the subjects being considered by the ARF, there is merit in moving the ARF process along two tracks. Track One activities will be carried out by ARF governments. Track Two activities will be carried out by strategic institutes and non-government organisations in the region, such as ASEAN-ISIS and CSCAP. To be meaningful and relevant, the Track Two acitivities may focus, as much as possible, on the current concerns of the ARF. The synergy between the two tracks would contribute greatly to confidence-building measures in the region. Over time, these Track Two activities should result in the creation of a sense of community among participants of those activities.

Moving Beyond Stage I

12   There remains a residue of unresolved territorial and other disputes that could be sources of tension or conflict. If the ARF is to become, over time, a meaningful vehicle to enhance the peace and prosperity of the region, it will have to demonstrate that it is a relevant instrument to be used in the event that a crisis or problem emerges. The ARF meeting in Bangkok demonstrated this by taking a stand on the Korean issue at the very first meeting. This was a signal that the ARF is ready to address any challenge to the peace and security of the region.

13   . Over time, the ARF must develop its own mechanisms to carry out preventive diplomacy and conflict-resolution. In doing so, the ARF will face unique challenges. There are no established roads or procedures for it to follow. Without a high degree of confidence among ARF participants, it is unlikely that they will agree to the establishment of mechanisms which are perceived to be intrusive and/or autonomous. This is a political reality the ARF should recognise. However, it would be useful in the initial phase for the Track Two process to consider and investigate a variety of preventive diplomacy and conflict-resolution mechanisms. A good start was made with the three workshops organised by the International Studies Centre (Thailand) and Institute of Policy Studies (Singapore) on ASEAN-UN Cooperation for Peace and Preventive Diplomacy, and the Indonesia-sponsored series of workshops on the South China Sea.

Stage II: Development of Preventive Diplomacy

14   Preventive diplomacy would be a natural follow-up to confidence-building measures. Some suggestions for preventive diplomacy measures are spelled out in Annexes A and B.

Stage III: Conflict Resolution

15   It is not envisaged that the ARF would establish mechanisms for conflict resolution in the immediate future. The establishment of such mechanisms is an eventual goal that ARF participants should pursue as they proceed to develop the ARF as a vehicle for promoting regional peace and stability.

Organisation of ARF activities

16   There shall be an annual ARF Ministerial Meeting in an ASEAN capital just after the ASEAN Ministerial Meeting. The host country will chair the meeting. The incoming Chairman of the ASEAN Standing Committee will chair all inter-sessional Track One activities of the ARF.

17   The ARF shall be apprised of all Track Two activities through the current Chairman of the Track One activities, who will be the main link between Track One and Track Two activities.

18   In the initial phase of the ARF, no institutionalisation is expected. Nor should a Secretariat be established in the near future. ASEAN shall be the repository of all ARF documents and information and provide the necessary support to sustain ARF activities.

19   The participants of the ARF comprise the ASEAN member states, the observers, and consultative and dialogue partners of ASEAN. Applications to participate in the ARF shall be submitted to the Chairman of the ARF who will then consult the other ARF participants.

20   The rules of procedure of ARF meetings shall be based on prevailing ASEAN norms and practices. Decisions should be made by consensus after careful and extensive consultations. No voting will take place. In accordance with prevailing ASEAN practices, the Chairman of the ASEAN Standing Committee shall provide the secretarial support and coordinate ARF activities.

21   The ARF should also progress at a pace comfortable to all participants. The ARF should not move "too fast for those who want to go slow and not too slow for those who want to go fast".

Conclusion

.22   ARF participants should not assume that the success of the ARF can be taken for granted. ASEAN's experience shows that success is a result of hard work and careful adherence to the rule of consensus. ARF participants will have to work equally hard and be equally sensitive to ensure that the ARF process stays on track.

23   The ARF must be accepted as a "sui generis" organisation. It has no established precedents to follow. A great deal of innovation and ingenuity will be required to keep the ARF moving forward while at the same time ensure that it enjoys the support of its diverse participants. This is a major challenge both for the ASEAN countries and other ARF participants. The UN Secretary-General's "Agenda for Peace" has recognised that "just as no two regions or situations are the same, so the design of cooperative work and its division of labour must adjust to the realities of each case with flexibility and creativity".

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18 March 1995

ANNEX A

I CONFIDENCE-BUILDING MEASURES

Principles

1 The development of a set of basic principles to ensure a common understanding and approach to interstate relations in the region; and

2 Adoption of comprehensive approaches to security.

Transparency

3 Dialogue on security perceptions, including voluntary statements of defence policy positions;

4 Defence Publications such as Defence White Papers or equivalent documents as considered necessary by respective governments;

5 Participation in UN Conventional Arms Register;

6 Enhanced contacts, including high level visits and recreational activities;

7 Exchanges between military academies, staff colleges and training;

8 Observers at military exercises, on a voluntary basis; and

9 Annual seminar for defence officials and military officers on selected international security issues.

II PREVENTIVE DIPLOMACY

1 Develop a set of guidelines for the peaceful settlement of disputes, taking into account the principles in the UN Charter and the TAC;

2 Promote the recognition and acceptance of the purposes and principles of the TAC and its provisions for the pacific settlement of disputes, as endorsed by the UNGA in Resolution 47/53 (B) on 9 December 1992; and

3 Seek the endorsement of other countries for the ASEAN Declaration on the South China Sea in order to strengthen its political and moral effect (as endorsed by the Programme of Action for ZOPFAN).

III   NON-PROLIFERATION AND ARMS CONTROL

Southeast Asia Nuclear Weapons-Free Zone (SEANWFZ).

IV   PEACEKEEPING

1   Seminars/Workshops on peacekeeping issues; and
2   Exchange of information and experience relating to UN Peacekeeping Operations.

V   MARITIME SECURITY COOPERATION

Disaster Prevention.

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ANNEX B

I CONFIDENCE-BUILDING MEASURES

1 Further exploration of a Regional Arms Register;

2 Regional security studies centre/coordination of existing security studies activities;

3 Maritime information data bases;

4 Cooperative approaches to sea lines of communication, beginning with exchanges of information and training in such areas-as search and rescue, piracy and drug control;

5 Mechanism to mobilise relief assistance in the event of natural disasters;

6 Establishment of zones of cooperation in areas such as the South China Sea;

7 Systems of prior notification of major military deployments that have region-wide application; and

8 Encourage arms manufacturers and suppliers to disclose the destination of their arms exports.

II PREVENTIVE DIPLOMACY

1 Explore and devise ways and means to prevent conflict;

2 Explore the idea of appointing Special Representatives, in consultation with ARF members, to undertake fact-finding missions, at the request of the parties involved to an issue, and to offer their good offices, as necessary; and

3 Explore the idea of establishing a Regional Risk Reduction Centre as suggested by the UN Secretary-General in his Agenda For Peace and as commended by UNGA Resolution 47/120 (see section IV, operative para 4). Such a centre could serve as a data base for the exchange of information.

III NON-PROLIFERATION AND ARMS CONTROL

A regional or sub-regional arrangement agreeing not to acquire or deploy ballistic missiles.

IV PEACEKEEPING

Explore the possibility of establishing a peacekeeping centre.

V MARITIME SECURITY COOPERATION

1 A multilateral agreement on the avoidance of naval incidents that apply to both local and external navies;
2 Sea Level/Climate Monitoring System;
3 Establishment of an ASEAN Relief and Assistance Force and a Maritime Safety (or Surveillance) Unit to look after the safety of the waters in the region;
4 Conventions on the Marine Environment
    - Dumping of Toxic Wastes
    - Land-based Sources of Marine Pollution;
5 Maritime surveillance; and
6 Explore the idea of joint marine scientific research.

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AGREEMENT

**between the Russian Federation, the Republic
of Kazakhstan, the Kyrgyz Republic, the Republic
of Tajikistan and the People's Republic of China
on Confidence Building in the Military field
in the Border Area**

The Russian Federation, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, making up the Joint Party, and the People's Republic of China, hereinafter referred to as the Parties,

considering that maintenance and development of long-term relations of goodneighbourliness and friendship meet the basic interests of the five States and their peoples;

convinced that strengthening of security, maintenance of calm and stability in the border area between Russia, Kazakhstan, Kyrghyzstan, Tajikistan, on one side, and China, on the other (hereinafter referred to as the border area) is an important contribution to maintenance of peace in the Asian-Pacific region;

confirming mutual non-use of force or threat of force, renunciation to obtain a unilateral military superiority;

guided by the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the People's Republic of China on the Guidelines of Mutual Reduction of Forces and Confidence Building in the Military Field in the Area of the Soviet-Chinese Border dated April 24, 1990;

in keeping with the results attained by the Parties at the negotiations on mutual force reduction and confidence building in the military field in the border area;

willing to build confidence and raise the level of transparency in the military field,

have agreed as follows:

Article 1

The military forces of the Parties deployed in the border area, as an integral part of the military forces of the Parties, shell not be used to attack another Party, conduct any military activity threatening the other Party and upsetting calm and stability in the border area.

Article 2

1. With a view to developing goodneighbourly and friendly relations, maintaining long-term stability in the border area, strengthening mutual confidence in the military field in the border area the Parties shall take the following measures to:

1.1 exchange information on agreed components of military forces and border guard troops (border guard units);

1.2 refrain from the conduct of military exercises directed against the other Party;

1.3 restrict the scale, geographical limits and the number of troop exercises;

1.4 notify of large-scale military activities and troop movements caused by an emergency situation;

1.5 notify of a temporary entry of forces and armaments into the 100-kilometer geographical area on both sides of the border line between Russia, Kazakhstan, Kyrgyzstan, Tajikistan, on one side, and China, on the other (hereinafter referred to as the border line);

1.6 invite observers to troop exercises on a mutual basis;

1.7 notify of a temporary entry of river battle ships of the navy/naval force into the 100-kilometer geographical area on both sides of the line of the Eastern part of the Russian-Chinese border;

1.8 take measures aimed at preventing dangerous military activities;

1.9 make inquiries concerning unclear situations;

1.10 strengthen friendly contacts between servicemen of armed forces and border guard troops (border guard units) in the border area and conduct other confidence measures agreed by the Parties.

2. The application of the above measures shall be specified in the respective Articles of this Agreement.

Article 3

1. The Parties shall exchange information on the personnel strength and the quantity of main types of armaments and military equipment of the ground forces, air force, air defense aviation, border guard troops (border guard units) deployed in the 100-kilometer geographical area on both sides of the border line.

The Parties shall exchange the above information in accordance with the Main Categories of Information Exchange which is an integral part of this Agreement (according to the Annex).

2. The information will be provided in the following manner:

2.1 60 days after this Agreement enters into force - information as of the date of the entry into force of this Agreement;

2.2 before December 15 of each year - information as of January 1 of the next year.

3. The information, exchanged by the Parties under the provisions of this Agreement and received during its implementation, is confidential. None of the Parties shall disclose, publish or transmit this information to a third party without the consent of the other Party. In case of termination of this Agreement the Parties shall continue to respect the provisions of this paragraph of the Article.

Article 4

1.   The Parties shall not conduct military exercises directed against the other Party.

2.   In the 100-kilometer geographical area on both sides of the border line the Parties shall not conduct troop exercises with the number of participants exceeding: in the Eastern part of the Russian-Chinese border - 40 thousand people, in the Western part of the Russian-Chinese border and on the border of Kazakhstan, Kyrgyzstan and Tajikistan - 4 thousand people or 50 battle tanks separately or jointly.

3.   In the 100-kilometer geographical area on both sides of the line of the Eastern part of the Russian-Chinese border the Parties shall conduct troop exercises with the number of participants exceeding 25 thousand people no more than once a year.

4.   Within the 15-kilometer area on both sides of the border line the Parties can conduct troop exercises with no more than one regiment participating in live firing exercises.

5.   Within the 10-kilometer area on both sides of the border line the Parties shall not deploy new combat units other than border guard troops (border guard units).

Article 5

1.   The Parties shall notify each other of the military activities in the 100-kilometer geographical area on both sides of the border line when:

1.1   there is a troop exercise with the number of participants exceeding 25 thousand people;

1.2   the troops deployed beyond the 100-kilometer geographical area on both sides of the border line are temporarily brought into this area in the number of 9 thousand and more or 250 battle tanks and more;

1.3   the strength of the military personnel drafted from reserve into the 100-kilometer geographical area on both sides of the border line is 9 thousand or more.

2.   The Parties shall notify each other on a voluntary basis of troop exercises with participation of 9 thousand and more people or 250 or more battle tanks conducted at any time within the 100-kilometer geographical area on each side of the border line and beyond this area.

3.   Notifications of the above mentioned military activities shall be presented in writing through diplomatic channels no later than 10 days before their commencement.

The notification shall contain information on the total number of the military personnel involved, the number of military formations at the level of regiment and above, number of battle tanks, battle armored vehicles, artillery systems of 122 mm caliber and above, battle aircraft, battle helicopters, tactical missile launchers, as well as on the tasks, duration, zone of military activities and levels of command.

4.   If one of the Parties, due to any military activity, can cause damage to the other Party or if emergency situation requires movement of 9 thousand troops or more or assistance from the other Party, this Party shall notify the other Party in due time.

Article 6

1.   The Party conducting troop exercises within the 100-kilometer geographical area from the border line shall invite observers of the other Party if the number of participating troops equals or exceeds 35 thousand people.

2.   The Parties conducting military exercises within the 100-kilometer geographical area on each side of the border line shall invite, on mutual basis, observers of the other Party if the number of participating troops equals or exceeds 25 thousand people.

3.   The Parties conducting troop exercises within the 100-kilometer geographical area on each side of the border line and beyond this area shall invite, on a voluntary and mutual basis, observers of the other Party if the number of participating forces equals or exceeds 13 thousand people or 300 and more battle tanks.

4.   The inviting Party shall send to the other Party through diplomatic channels not later than 30 days before the commencement of such exercises a written invitation which shall contain the following information:

4.1   -   Beginning and duration of the exercises and planned duration of the observation programme;

4.2   -   Data, time and a point of entry and departure of the observers;

4.3   -   Means of observation made available to the observers;

4.4   -   Transport facilities and accommodation.

The invited Party shall reply to the invitation no later than 10 days before the indicated date of the observers' arrival.

If the invited Party fails to reply in due time it will mean that the observers shall not be sent.

5.   The invited Party may send to military exercises no more than 6 observers.

6.   The invited Party shall cover travel expenses of its observers to the indicated point of entry and from the point of departure. The receiving Party shall cover respective expenses in connection with the observers' stay on its territory.

7.   The inviting Party shall provide the observers with a observation program, relevant materials and shall render them other assistance.

8.   The observers shall comply with respective rules of the host Party as to the place, itinerary and limits of observation.

Article 7

1. River battle ships of the navy/naval force of the Parties (a ship, a boat designed for combat missions and equipped with battle armament systems) can temporarily enter the 100-kilometer geographical area on both sides of the border line for the following purposes:

1.1 liquidation of the consequences of natural disasters;

1.2 passage through the 100-kilometer geographical area on both sides of the border line without causing any damage.

2. Russian navy river battle ships can temporarily enter the 100-kilometer geographical area from the Eastern part of the Russian-Sino border line for the following purposes:

2.1 repairing, upgrading, disarming, dismantling, modifying for civil uses at ship-repairing facilities in Khabarovsk, Blagoveshensk and other locations;

2.2 participating in celebrations in Khabarovsk and Blagoveshensk on the occasion of national holidays.

3. The temporary entry of river battle ships of the navy/naval force into the 100-kilometer geographical area on both sides of the border line for purposes not indicated above, may be allowed only after a prior agreement has been reached by the Parties.

4. The total number of river battle ships of the navy/naval force of each Party simultaneously located within the 100-kilometer geographical area on both sides of the border line shall not exceed four units.

5. Six months after entry into force of the this Agreement the Parties shall, taking into account Paragraphs 1 and 2 of the this Article, send each other seven days in advance through diplomatic channels or border guard representatives written notifications about temporary entry of river battle ships of the navy/naval force into the 100-kilometer geographical area on both sides of the border line. In case of emergency river battle ships of the navy/naval force shall temporarily enter the said area after a prior notification to the other Party.

6. The notification shall contain information on:

6.1 purpose of the temporary entry;

6.2 types, hull numbers and quantity of entering river battle ships of the navy/naval force;

6.3 date of the beginning and end of the entry;

6.4 exact temporary location (geographic name and coordinates).

Article 8

1. The Parties shall take the following measures to prevent dangerous military activities and resulting consequences in the border area:

1.1 personnel of the armed forces of the Parties shall exercise caution in conducting military activities in the border area;

1.2 during movement of forces, exercises, service firings, navigation and air flights the Parties shall seek to prevent these actions from growing into dangerous military activities;

1.3 use of laser by one of the Parties shall not cause any damage to the personnel and materiel of the other Party as a result of its radiation;

1.4 use of radio jamming of its own control networks by one of the Parties shall not cause any damage to the personnel and materiel of the other Party;

1.5 during exercises involving service firings measures shall be taken to prevent hitting accidentally the territory of the other Party by bullets, shells and missiles and causing damage to its personnel and materiel.

2. In case of incidents resulting from dangerous military activities the Parties shall take measures to cease such activities, clear the situation and compensate the damage. The damage resulting from dangerous military activities of one of the States shall be compensated by that State in accordance with generally recognised principles and rules of international law. The Parties shall settle their disputes through consultations.

3. The Parties shall use all possible means for notifying of dangerous military incidents.

Article 9

1. In the event of ambiguous situation in the border area or in connection with questions and doubts of one Party regarding the compliance with the Agreement by the other Party each Party shall have the right to send a request to the other Party.

2. To settle questions and doubts, as they may arise:

2.1 - the requested Party must respond within 7 days (in emergency situations-within 2 days) to the relevant request received from the other Party;

2.2 - in the event the requesting Party, having received a response from the other Party, still has questions and doubts, it may again demand additional clarifications from the other Party or propose to hold a meeting for discussing that matter. A venue of the meeting shall be determined by agreement of the Parties.

3. To settle and solve the questions and doubts that the other Party may have in connection with the ambiguous situation, the requested Party may, at its own discretion, invite the other Party to visit areas that have given rise to questions and doubts.

Terms and conditions of such visits, including a number of invited representatives, shall be determined by the inviting Party. The inviting Party shall bear the costs of these visits on its territory.

4. The abovementioned requests and responses to them shall be transmitted through diplomatic channels.

Article 10

1. The Parties shall implement and develop the following forms of cooperation between their armed forces in neighbouring military districts:

1.1 - mutual official visits of military commanders;

1.2 - mutual study tours of military delegations and groups of experts at different levels.;

1.3 - mutual invitations on a voluntary basis of observers to the army and command and staff exercises;

1.4 - exchange of experience in military construction, combat training, as well as data and information on life and activities of troops;

1.5 - cooperation of logistic support units in construction, food and material supply of troops and in other areas;

1.6 - mutual invitations on a voluntary basis to participate in national holidays, cultural events and athletic tournaments;

1.7 - other forms of cooperation as agreed by the Parties.

2. Particular plans for cooperation shall be agreed upon by the agencies for external relations of the armed forces of the Parties.

Article 11

1. Border guard forces (border units) of the Parties shall develop cooperation in the following areas:

1.1 - establishment and development of contacts between border guard units of all levels, discussion of issues concerning border cooperation and exchange of information to facilitate border cooperation;

1.2 - holding of consultations and taking agreed measures to prevent unlawful activities and to maintain order and stability on the State border;

1.3 - prevention of possible incidents and conflict situations on the State border;

1.4 - timely notification and provision of mutual assistance in case of natural disasters, epidemics, epizootics, etc., which could cause damage to the other Party;

1.5 - exchange of experience in matters related to border guarding and preparedness of border troops (border units);

1.6 - exchange of delegations and promotion of cultural and sports exchanges and other kinds of friendly contacts.

2. Specific cooperation activities between border troops (border units) shall be agreed upon between border departments of the Parties.

Article 12

Border troops (border units) of the Parties shall not use inhuman or ill forms of treatment in respect of border violators. The use of arms by border personnel of the Parties shall be regulated by the internal legislation of the Parties and by related agreements of Russia, Kazakhstan, Kyrgyzstan and Tadjikistan with China.

Article 13

The Parties shall, by mutual agreement, hold expert meetings to discuss progress in the implementation of this Agreement. The above meetings shall be convened on the alternate basis in the capitals of the States Parties to this Agreement.

Article 14

This Agreement shall not affect obligations previously assumed by the Parties in respect of other States and shall not be directed against third countries or their interests.

Article 15

1. This Agreement is concluded for an indefinite period and may be amended or supplemented by agreement of the Parties.

2. Each Party shall have the right to terminate the Agreement. A Party, which intends to do so, shall notify, in writing, the other Party of its decision no later than six months in advance. This Agreement shall become null and void after the expiration of six months upon such notification.

3.　　Each State of the Joint Party shall have the right to withdraw from this Agreement. A State of the Joint Party which intends to withdraw from this Agreement shall notify, in writing, the other Party of its decision no later than six months in advance.

4.　　This Agreement shall be valid as long as at least one State of the Joint Party and China remain the Parties to it.

Article 16

The Parties shall notify each other of the completion by the Parties, including all States of the Joint Party, of internal procedures required for this Agreement to come into force.

This Agreement shall come into force on the date of the last written notification.

Done in _____ " " _____199 in five copies, each in the Russian and Chinese languages, all texts in the Russian and Chinese languages being equally valid.

FOR THE RUSSIAN　　　　　　FOR THE PEOPLE'S REPUBLIC
　　FEDERATION　　　　　　　　　　　OF CHINA

FOR THE REPUBLIC
　OF KAZAKHSTAN

FOR THE KYRGYZ
　REPUBLIC

FOR THE REPUBLIC
　OF TADJIKISTAN

Annex to the Agreement between the
Russian Federation, the Republic of
Kazakhstan, the Kyrgyz Republic, the
Republic of Tadjikistan and the People's
Republic of China on Confidence Building
in the Military Field in the Border Area.

The principle categories of information exchange

1.   The Parties shall exchange information about the established personnel strength, the number of weapons and military equipment of the ground forces, air forces, air defense aviation and border guard troops (border guard units) deployed in the geographical area within the depth of 100 kilometers along a perpendicular to the border line on both sides of the frontier taking into consideration each Party's opinion on the border line location. The information exchange shall be effected in accordance with the formats contained in Tables 1 and 2 of the present Annex.

2.   The categories of information exchange are as follows:

2.1   The term "personnel strength" means active duty personnel of the ground forces, air force, air defense aviation and border guard troops (border guard units).

2.2   The term "border guard troops (border guard units) means units performing functions of the State border defense excluding border guard units responsible for border control at the border check-points.

2.3   The term "battle tank" means a self-propelled armored fighting vehicle with high cross-country mobility and armored protection, which is armed with a 360-degree traverse gun of at least 75 mm caliber capable of destroying armored and other targets.

2.4   The term "armored combat vehicle" means a tracked or wheeled fighting vehicle with high cross-country mobility and armored protection, which is designed to transport an infantry squad for mobile fighting. Armored combat vehicles include armored personnel carriers and armored infantry fighting vehicles.

2.5   The term "artillery systems" means towed or self propelled artillery pieces of 122 mm caliber and above. Artillery pieces of 122 mm caliber and above are guns, howitzers, artillery pieces combining the characteristics of guns and howitzers, mortars and multiple launch rocket systems.

2.6   The term "tactical missile launcher" means a unit designed for maintenance, preparation for launch and launch of missiles with a range of up to 500 kilometers.

2.7   The term "combat aircraft" means aircraft armed with guided missiles, unguided rockets, bombs, guns, cannons and other weapons used to destroy targets within the entire tactical depth. The term "combat aircraft" does not include trainer aircraft used at the initial stage of training.

2.8   The term "aerial reconnaissance and electronic warfare aircraft" means aircraft specially designed (modified) and equipped to conduct air reconnaissance and electronic warfare.

2.9   The term "combat helicopter" means rotary wing aircraft designed to destroy ground and air targets. The term "combat helicopter" applies to attack helicopters and combat support helicopters.

    a)   The term "attack helicopter" means a combat helicopter outfitted to employ anti-armor air-to-ground, or air-to-air guided missiles and equipped with an integrated fire control and aiming system for these weapons.

    b)   The term "combat support helicopter" means a helicopter armed and equipped to carry out such combat missions as destruction and suppression of targets by employing machine guns, cannons, unguided rockets, bombs or bomb containers.

Appendix 4

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

The Government of the Republic of India and the Government of the People's Republic of China (hereinafter referred to as the two sides).

Believing that it serves the fundamental interests of the peoples of India and China to foster a long-term good-neighbourly relationship in accordance with the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful co-existence.

Convinced that the maintenance of peace and tranquility along the line of actual control in the India-China border areas accords with the fundamental interests of the two peoples and will also contribute to the ultimate resolution of the boundary question.

Reaffirming that neither side shall use or threaten to use force against the other by any means or seek unilateral military superiority.

Pursuant to the Agreement between the Government of the Republic of India and the Government of People's Republic of China on the Maintenance of Peace and Tranquility along the Line of Actual Control in the India-China Border Areas, signed on 7 September 1993.

Recognising the need for effective confidence building measures in the military field along the line of actual control in the border areas between the two sides.

Noting the utility of confidence building measures already in place along the line of actual control in the India-China border areas.

Committed to enhancing mutual confidence and transparency in the military field.

Have agreed as follows:

Article I

Neither side shall use its military capability against the other side. No armed forces deployed by either side in the border areas along the line of actual control as part of their respective military strength shall be used to attack the other side, or engage in military

activities that threaten the other side or undermine peace, tranquility and stability in the India-China border areas.

Article II

The two sides reiterate their determination to seek a fair, reasonable and mutually acceptable settlement of the boundary question. Pending an ultimate solution to the boundary question, the two sides reaffirm their commitment to strictly respect and observe the line of actual control in the India-China border areas. No activities of either side shall overstep the line of actual control.

Article III

The two sides agree to take the following measures to reduce or limit their respective military forces within mutually agreed geographical zones along the line of actual control in the India-China border areas:

(1) The two sides reaffirm that they shall reduce or limit their respective military forces within mutually agreed geographical zones along the line of actual control in the India-China border areas to minimum levels compatible with the friendly and good neighbourly relations between the two countries and consistent with the principle of mutual and equal security.

(2) The two sides shall reduce or limit the number of field army, border defence forces, para-military forces and any other mutually agreed category of armed force deployed in mutually agreed geographical zones along the line of actual control to ceilings to be mutually agreed upon. The major categories of armaments to be reduced or limited are as follows: combat tanks, infantry combat vehicles, guns (including howitzers) with 75 mm or bigger calibre, mortars with 120 mm or bigger calibre, surface-to-surface missiles, surface-to-air missiles and any other weapon system mutually agreed upon.

(3) The two sides shall exchange data on the military forces and armaments to be reduced or limited and decide on ceilings on military forces and armaments to be kept by each side within mutually agreed geographical zones along the line of actual control in the India-china border areas. The ceilings shall be determined in conformity with the requirement of the principle of mutual and equal security, with due consideration being given to parameters such as the nature of terrain, road communication and other infrastructure and time taken to induct/deinduct troops and armaments.

Article IV

In order to maintain peace and tranquility along the line of actual control in the India-China border areas and to prevent any tension in the border areas due to misreading by either side of the other side's intentions:

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(1)   Both sides shall avoid holding large scale military exercises involving more than one Division (approximately 15,000 troops) in close proximity of the line of actual control in the India-China border areas. However, if such exercises are to be conducted, the strategic direction of the main force involved shall not be towards the other side.

(2)   If either side conducts a major military exercise involving more than one Brigade Group (approximately 5,000 troops) in close proximity of the line of actual control in the India-China border areas, it shall give the other side prior notification with regard to type, level, planned duration and area of exercise as well as the number of type of units or formations participating in the exercise.

(3)   The date of completion of the exercise and deinduction of troops from the area of exercise shall be intimated to the other side within five days of completion or deinduction.

(4)   Each side shall be entitled to obtain timely clarification from the side undertaking the exercise in respect of data specified in Paragraph 2 of the present Article.

Article V

With a view to preventing air intrusions across the line of actual control in the India-China border areas and facilitating overflights and landings by military aircraft:

(1)   Both sides shall take adequate measures to ensure that air intrusions across the line of actual control do not take place. However, if an intrusion does take place, it should cease as soon as detected and the incident shall be promptly investigated by the side operating the aircraft. The results of the investigation shall be immediately communicated, through diplomatic channels or at border personnel meetings, to the other side.

(2)   Subject to paragraphs 3 and 5 of this Article, combat aircraft (to include fighter, bomber, reconnaissance, military trainer, armed helicopter and other armed aircraft) shall not fly within ten kilometres of the line of actual control.

(3)   If either side is required to undertake flights of combat aircraft within ten kilometres from the line of actual control, it shall give the following information in advance to the other side, through diplomatic channels:

    (a)   Type and number of combat aircraft;
    (b)   Height of the proposed flight (in meters);
    (c)   Proposed duration of flights (normally not to exceed ten days);
    (d)   Proposed timing of flights; and
    (e)   Area of operations defined in latitude and longitude.

(4)   Unarmed transport aircraft, survey aircraft and helicopters shall be permitted to fly up to the line of actual control.

(5)   No military aircraft of either side shall fly across the line of actual control, except by prior permission. Military aircraft of either side may fly across the line of actual control or overfly the other side's airspace or land on the other side only after obtaining the latter's prior permission after providing the latter with detailed information on the flight in accordance with the international practice in this regard,

Notwithstanding the above stipulation, each side has the sovereign right to specify additional conditions, including at short notice, for flights or landings of military aircraft of the other side on its side of the line of actual control or through its airspace.

(6)   In order to ensure flight safety in emergency situations, the authorities designated by the two sides may contact each other by the quickest means of communications available.

Article VI

With a view to preventing dangerous military activities along the line of actual control in the India-China border areas, the two sides agree as follows:

(1)   Neither side shall open fire, cause bio-degradation, use hazardous chemicals, conduct blast operations or hunt with guns or explosives within two kilometres from the line of actual control. This prohibition shall not apply to routine firing activities in small arms firing ranges.

(2)   If there is a need to conduct blast operations within two kilometres of the line of actual control as part of developmental activities, the other side shall be informed through diplomatic channels or by convening a border personnel meeting, preferably five days in advance.

(3)   While conducting exercises with live ammunition in areas close to the line of actual control, precaution shall be taken to ensure that a bullet or a missile does not accidentally fall on the other side across the line of actual control and causes harm to the personnel or property of the other side.

(4)   If the border personnel of the two sides come in a face-to-face situation due to differences on the alignment of the line of actual control or any other reason, they shall exercise self-restraint and take all necessary steps to avoid an escalation of the situation. Both sides shall also enter into immediate consultations through diplomatic and/or other available channels to review the situation and prevent any escalation of tension.

Article VII

In order to strengthen exchanges and cooperation between their military personnel and establishments in the border areas along the line of actual control, the two sides agree:

(1)   To maintain and expand the regime of scheduled and flag meetings between their border representatives at designated places along the line of actual control;

(2)   To maintain and expand telecommunication links between their border meeting points at designated places along the line of actual control;

(3)   To establish step-by-step medium and high-level contacts between the border authorities of the two side.

Article VIII

(1)   Should the personnel of one side cross the line of actual control and enter the other side because of unavoidable circumstances like natural disasters, the other side shall extend all possible assistance to them and inform their side, as soon as possible, regarding the forced or inadvertent entry across the line of actual control. The modalities of return of the concerned personnel to their own side shall be settled through mutual consultations.

(2)   The two sides shall provide each other, at the earliest possible, with information pertaining to natural disasters and epidemic diseases in contiguous border areas which might affect the other side. The exchange of information shall take place either through diplomatic channels or at border personnel meetings.

Article IX

In case a doubtful situation develops in the border region, or in case one of the sides has some questions or doubts regarding the manner in which the other side is observing this Agreement, either side has the right to seek a clarification from the other side. The clarifications sought and replies to them shall be conveyed through diplomatic channels.

Article X

(1)   Recognising that the full implementation of some of the provisions of the present agreement will depend on the two sides arriving at a common understanding of the alignment of the line of actual control in the India-China border areas, the two sides agree to speed up the process of clarification and confirmation of the line of actual control. As an initial step in this process, they are clarifying the alignment of the line of actual control in those segments where they have different perceptions. They also agree to exchange maps indicating their respective perceptions of the entire alignment of the line of actual control as soon as possible.

(2)   Pending the completion of the process of clarification and confirmation of the line of actual control, the two sides shall work out modalities for implementing confidence building measures envisaged under this Agreement on an interim basis, without prejudice to

their respective positions on the alignment of the line of actual control as well as on the boundary question.

Article XI

Detailed implementation measures required under Article I to Article X of this Agreement shall be decided through mutual consultations in the India-China Joint Working Group on the Boundary Question. The India-China Diplomatic and Military Expert Group shall assist the India-China Joint Working Group in devising implementation measures under the Agreement.

Article XII

This Agreement is subject to ratification and shall enter into force on the date of exchange of instruments of ratification. It shall remain in effect until either side decides to terminate it after giving six months' notice in writing. It shall become invalid six months after the notifications.

This Agreement is subject to amendment and addition by mutual agreement in writing between the two sides.

Signed in duplicate in New Delhi on 29 November, 1996 in the Hindi, Chinese and English languages, all three texts being equally authentic. In case of divergence, the English text shall prevail.