The ASEAN Regional Forum: Confidence-Building

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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.

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 sceptical 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. 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 disputes 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. 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
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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 focuses on land boundaries and shares with it a number of CBMs, especially those relating to troop reductions and prior notification of exercises. But 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.

Regionalising 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 focused on land borders, some of their provisions, such as advance notification of exercises and exchange of military information, Obstacles to regionalising the Shanghai Agreement through the ARF include the following:

-- The ARF is too new and untested, it is 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 in land.

Border CBMs in Southeast and South Asia:
The ASEAN states have a long-standing practice of bilateral border cooperation which have 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
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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 CBM 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 complimentary. 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 scepticism 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, Tajikistan, and the Kyrgyz Republic, and India. Although essentially bilateral in nature, 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." ii 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 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." iii

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.iv

The literature on CBMs distinguishes between three types of measures: (1) principles/declaratory measures, (2) transparency measures, and (3) constraining measures. The following provides a brief overview of each category:

Principles/declaratory measures are generalised 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. The following list, while not exhaustive, captures some of the more important measures relevant to the Asia Pacific region.

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 maneuvers/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
- demilitarised 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/maneuvers 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 (1) proposals made by individual governments or officials acting on behalf of governments: (2) proposals developed by regional think tanks, particularly the Council for Security Cooperation in the Asia Pacific (CSCAP), and (3) 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 and the Sino-Indian Border Agreement 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 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 organising the post-Cold War regional order. CBMs figured prominently in the proposed designs for the new security order.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>1990</td>
<td>For. Min. Gareth Evans proposes CSBM regime modelled on the CSCE: the so-called “CSCA”</td>
</tr>
<tr>
<td>Canada</td>
<td>1990</td>
<td>External Affairs Min. Joe Clark proposes adaptation of the CSCE, including notification of military exercises and an “open skies” regime</td>
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<td></td>
<td></td>
<td>External Affairs Min. Joe Clark announces North Pacific Cooperative Security Dialogue initiative</td>
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<tr>
<td>Japan</td>
<td>1990</td>
<td>For. Min. Nakayama suggests the need for CSBMs</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1989</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>1992</td>
<td>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 minimised, and managed”.</td>
</tr>
<tr>
<td>Indonesia</td>
<td>1992</td>
<td>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”.</td>
</tr>
<tr>
<td>USSR/Russia</td>
<td>1986</td>
<td>Gen. Secretary Mikhail Gorbachev proposes establishing a Pacific version of the Helsinki Conference</td>
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<td></td>
<td>1987</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>1989</td>
<td>USSR proposes trilateral naval talks with the US and Japan, to begin with data exchanges and meetings of officials</td>
</tr>
<tr>
<td></td>
<td>1990</td>
<td>USSR proposes an “open seas” agreement providing for information exchanges on the armaments and movements of surface vessels and submarines</td>
</tr>
<tr>
<td></td>
<td>1990</td>
<td>USSR proposes arms limitations and CSBMs between itself and China, Japan, North Korea and South Korea</td>
</tr>
</tbody>
</table>

1Table compiled by J.D. Kenneth Boutin, York University.
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 realisation. Although they helped to reorient the security perceptions of regional countries, these proposals met with substantial scepticism 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; 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." 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 specialising 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 alongside 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, backtrack on positions.

In recent years, there has been a substantial increase in the involvement of non-governmental organisations 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, the Council on Security Cooperation in Asia Pacific (CSCAP) has begun providing similar inputs into the ARF.

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. 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.
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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 was stymied by a long delay in admitting China into its fold over the contentious issue of Taiwanese participation. Although the issue was finally resolved in December 1996 when China joined CSCAP, the limits placed on Taiwanese participation are akin to those which Beijing has successfully imposed on inter-governmental fora such as APEC. This outcome, accepted for pragmatic reasons, blurs the distinction between CSCAP and inter-governmental fora (although it is still an improvement on the ARF which Taiwan has no hope of joining). It undermines CSCAP's claim to be a less restrictive and more open and informal process in which new ideas and approaches can be debated and tested without being overly constrained by state sovereignty concerns.

The Evolution of CBMs in Asia Pacific Multilateral Fora: The ARF and CSCAP
1993: The ASEAN-PMC SOM discussed CSBMs, 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 CSBMs 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 CSBMs, 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
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1995: The ARF released a Concept Paper which proposed the following CSBMs: 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 CSBM Working Group proposed a series of CSBMs 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 CSBMs, 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, members adopted the following proposals from the ARF 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 that 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 intercessional 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". 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." 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". 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. But several other items proposed by Australia and Canada had to be dropped due to objections by others, especially the Chinese. 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
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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 underscore 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. 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 China which had warned against rapid institutionalisation of the ARF). 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 done 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 mobilise 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 recognised 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 briefed each other on their defence policies. The
ISG also recommended that the scope of defence policy papers submitted voluntarily by ARF members should be expanded to include their defence contacts and exchange programmes. It encouraged discussion of the information provided in such 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. But 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 CBMs. The 1995 ARF meeting set up three inter-sessional working groups, one dealing with confidence-building measures (to be chaired by Indonesia and Japan), another dealing with peacekeeping operations (co-chaired by Malaysia and Canada) and a third one on search-and-rescue cooperation (led by Singapore and the US). These groups, along with more regular 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 ARF Concept Paper is by no
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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 attempt to draw a distinction between CBMs, preventive diplomacy and conflict resolution is arbitrary. 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: (a) to promote confidence and create a climate for countries in the South China region to solve their problems through dialogue and mutual understanding; (b) to encourage all parties to the South China Sea dispute to seek peaceful settlement of disputes; and (c) 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, although doubts persist as to whether it will be actually upheld in practice (especially in the case of China). 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 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 other 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, (2) exchange of visits by military commanders in the disputes areas. Neither of these have 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 urges their legal officers to carry out exchange of legal documents, legislation, etc. to increase transparency and confidence. These proposals are 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 signed between Russia, China, Kazakhstan, Tajikistan 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.

**Evolution of the Shanghai Agreement**

<table>
<thead>
<tr>
<th>Date</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1985</td>
<td>USSR proposed specific measures including advance notification of military exercises and the withdrawal of troops from border areas</td>
</tr>
<tr>
<td>July 1986</td>
<td>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</td>
</tr>
<tr>
<td>May 1989</td>
<td>The two countries achieved full normalization of relations during Gorbachev’s visit to China</td>
</tr>
<tr>
<td>April 1990</td>
<td>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</td>
</tr>
<tr>
<td>May 1991</td>
<td>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</td>
</tr>
<tr>
<td>May 1991</td>
<td>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</td>
</tr>
<tr>
<td>August 1992</td>
<td>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</td>
</tr>
<tr>
<td>April 1996</td>
<td>Russia and China along with Tajikstan, the Kyrgyz Republic and Kazakhstan, signed the Shanghai Agreement.</td>
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</table>

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." Moreover, progress has been 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.

The key provisions of the Shanghai Agreement are summarised under Article 1. These include:

1. annual exchange of military information;
2. prohibition on military exercises directed against any other party/parties;
3. restrictions on the scale, geographic scope and number troop exercises;
4. prior notification of large-scale military activities and troop movements causes by emergency situations;
5. prior notification of any border-crossing activities by forces and armaments;
6. mutual observation of troop exercises;
7. prior notification of entry of river battle ships into the 100 km geographical area on both sides of the line of the Eastern part of the Russian-Chinese border;
8. prevention of dangerous military activities;
9. enquiries concerning unclear situations; and
10. increased contacts between military personnel in the border area and other confidence measures agreed on by the parties.

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 OSCE 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 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 this document were proceeding parallel to those that resulted in the Shanghai Document) is that the former is primarily a border agreement whose provisions are specifically tailored to ensure peace and stability in the land border regions.  

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. 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 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." 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
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”, 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. The CBMs created by the Agreement include the following:

Article I: Stipulates that "neither side shall use its military capability against the other side"

Article II: Expresses the determination of the two sides to seek a fair, reasonable and mutually acceptable settlement of the boundary question and to respect the Line of Actual Control until then.

Article III: The two sides are to reduce or limit their respective military forces within mutually-agreed geographical zones along the LAC to mutually-agreed ceilings.

Article IV: The two sides shall avoid large-scale military exercises involving more than one division (approximately 15,000 troops) in close proximity of the LAC. Exercises involving 5000 troops or more will be subject to prior notification.

Article V: Prohibits flights by combat aircraft (not including transport aircraft, survey aircraft, and helicopters) within 10 km of the LAC except with prior notification.

Article VI: Prohibits blasting, hunting and other related activities within two kms of the LAC. Patrols coming face-to-face are expected to exercise self-restraint and the two sides will consult on such incidents.

Article VII: Provides for maintenance and expansion of scheduled and flag meetings between border commanders at designated points, telecommunications links between border meeting points and medium- and high-level contacts between border forces.

Article VIII: Provides for exchange of information on natural disasters, epidemics in border areas. It also lays down procedures for dealing with personnel straying across the LAC.

Article IX: Provides for a party to seek clarifications regarding doubtful situations in border areas or suspicions regarding the compliance by the other party to the agreement.

Article X: Notes that the full development of some of the provisions of the agreement will
depend on the two sides arriving at a common understanding of the LAC. The modalities to implement the CBMs, and measures to expedite the LAC clarification exercise, including exchange of maps are to be worked out by the two sides. Notes that the agreement will be implemented without prejudice to the position of the countries on the boundary question.

Article XI: Stipulates that detailed implementation measures are to be decided by the Joint Working Group and an Experts Group.

**Comparison of the Shanghai Agreement, the Sino-Indian Border Agreement and the Vienna Document**

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>Shanghai Agreement</th>
<th>India-China Border Agreement</th>
<th>Vienna Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underlying Principles</td>
<td>- Transparency in the military field</td>
<td>- Transparency in the military field</td>
<td>- Transparency in the military field</td>
</tr>
<tr>
<td></td>
<td>- Mutual non-aggression</td>
<td>- Mutual non-aggression</td>
<td>- Non-use of force or threat of use of force</td>
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<tr>
<td></td>
<td>- Non-use of force</td>
<td>- Non-use of force</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Peace and stability</td>
<td>- Peace and stability</td>
<td></td>
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<tr>
<td></td>
<td>- Force reduction</td>
<td>- Force reduction</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- Non-interference in internal affairs</td>
<td></td>
</tr>
<tr>
<td>Geographic Area of Application</td>
<td>- 100 km from border line</td>
<td>- 10 km from line of actual control (LAC)</td>
<td>- Whole of Europe, adjoining sea area and air space</td>
</tr>
<tr>
<td>Force Reductions/Restrictions</td>
<td>- Reflected in military activities/exercise parameters below</td>
<td>- Minimum force levels consistent with mutual and equal security</td>
<td>- Reflected in military activities/exercise parameters below</td>
</tr>
<tr>
<td>Military Activities/Exercises</td>
<td>- Within 100 km: no exercises of more than 40,000 pers. (Eastern Section). 4,000</td>
<td>- No exercises larger than 1 div. (Approx. 15,000 pers.)</td>
<td>- Every 2 calendar years: no more than 1 military activity involving more than 40,000 pers. or 900 tanks</td>
</tr>
<tr>
<td>Parameters</td>
<td>pers. and/or 50 tanks (Western Section)</td>
<td>- Exercises larger than 1 brigade group (approx. 5,000 per.)</td>
<td>- Each year: no more than 3 military activities involving more than 25,000 pers. or 400 tanks</td>
</tr>
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<td></td>
<td>- Within 15 km: no more than 1 regt. in live-fire exercise</td>
<td>To be pre-notified</td>
<td>- Simultaneously: no more than 3 military activities involving more than 13,000 pers. or 300 tanks</td>
</tr>
<tr>
<td></td>
<td>- Within 10 km: border guards only</td>
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<td></td>
</tr>
<tr>
<td>Notifications</td>
<td>(10 days in advance)</td>
<td>(10 days in advance)</td>
<td>(at least 42 days in advance)</td>
</tr>
<tr>
<td></td>
<td>- Exercises exceeding 25,000</td>
<td>- Exercises exceeding 5,000</td>
<td>- Activities involving 9,000</td>
</tr>
<tr>
<td>Information Exchanges</td>
<td>Equipment Specificities</td>
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<td></td>
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<td></td>
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<tr>
<td>- Annual exchange on main categories of equipment</td>
<td>- Battle tanks, armoured vehicles, artillery systems (greater than 122mm), aircraft, helicopters, tactical missile launchers</td>
<td></td>
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</tr>
<tr>
<td>- Duta exchange on military forces and arms to be reduced or limited</td>
<td>- Combat tanks, infantry combat vehicles, guns (incl. howitzers) (greater than 75mm), SSMs, SAMs, other weapons systems as mutually agreed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Ceilings to be determined on principle of mutual and equal security</td>
<td>- Battle tanks, 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,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- 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</td>
<td>- Battle tanks, 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,</td>
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**Notes:**
- Exercises which incl. 9,000 pers. and/or 250 tanks from outside
- Exercises which incl. 9,000 reserves from inside
- Voluntary notification of any exercise involving more than 9,000 pers. or 250 tanks

**Exercises which incl. 9,000 reserves from inside**
- Notification of exercise termination within 5 days

- 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 about which no prior notice was given the pers. involved

**Activities about which no prior notice was given the pers. involved**
- Information Exchanges
  - Annual exchange on main categories of equipment
  - Duta exchange on military forces and arms to be reduced or limited
  - Ceilings to be determined on principle of mutual and equal security
- 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 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,
| 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 |
|             | (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 | Ambiguous situations req. & resp. within 7 days |
|             | Mutual visits of military commanders |
|             | Study tours by expert groups |
|             | Mutual invitations for observers |
|             | Experts meetings to discuss implementation |
|             | (Not included) |
|             | 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 |
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 are 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.xxxvii

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. One is tempted to compare this with the position of China on the South China Sea question, where Beijing has offered to participate on 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 can not be
applied to the South China Sea. Provisions such as advance notification of exercises, exchange of military information, contacts among naval officers, and clarification of ambiguous situations can be applied to the maritime arena with appropriate modifications. Will China 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? This should be an important question which the members of the ARF should explore with Beijing.

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 Kyrgyzstan and Republic of Tajikistan 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.

Despite these encouraging words, Chinese commentators remain sceptical about regionalising the Shanghai Agreement through the ARF. They point to the fact that the ARF is too new and untested, it is yet to agree on common principles and is still at the stage of exchanging views. They insist 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 such as the Korean Peninsula and the Taiwan Straits 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. One Chinese scholar, Prof Luo Renshi, has revealed the Chinese government's willingness to seek agreement on two possible types of maritime CBMs:

-- any country (on the Asia-Pacific littoral) conducting naval exercises far from its homeland must provide prior notification of the exercise;
- any joint naval exercises (involving two or more states) must be reported. xxix

But such CBMs may not be readily accepted by major Asia Pacific naval powers, especially the US. It is easy for China to propose such CBMs at a time when it does not have a blue water navy which can conduct exercises far from home; nor does it conduct joint exercises. As such, the Chinese proposal appears to have been targeted at the US and its allies, which conducts such exercises regularly and which rejects any attempt to restrict its naval deployments.

Despite these difficulties, the Shanghai Agreement, as one senior Chinese official acknowledged, may have some "learning effect" on the ARF. xxx 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. xxxi The ARF is not ready to emulate such CBM measures on a multilateral basis yet, especially measures involving troop deployment, force reduction, or disarmament. xxxii

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. xxxiii Chinese officials have characterized China's offer to host an ARF inter-sessional on CBMs in Beijing in 1997 as evidence of China's "more active and positive" attitude toward the ARF. xxxiv But Chinese goals for the meeting are relatively modest. China believes 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.

The rationale behind China's interest in border agreements remains unclear. Official Chinese thinking asserts that these agreements are part of China's efforts to create a peaceful regional environment which will enable it to concentrate on its internal matters, including economic development. But it is also possible to take a more complex view of the matter. xxxv Border agreements may reflect a shift in Chinese military doctrine and force modernization strategy. This effort follows the revision of China's military strategy in 1985 in response to the
perceived decline of the Soviet threat. The focus of China's earlier strategic doctrine had been to defend against a massive Soviet invasion deep into Northern China's industrial and political heartland by conducting a war of attrition based on total mobilisation of society. The new doctrine, in contrast, replaces Maoist belief in "defense in depth" against the superpower enemy (i.e. luring the aggressor deep into Chinese territory and then surrounding and attacking him), with a "forward defence" orientation geared towards smaller-scale but intense regional conflicts in China's periphery, especially maritime conflicts in the South China Sea. As Sino-Soviet border tensions diminished, territorial disputes in the South China Sea emerged as the most important operational priority in China's military planning. This shift was reflected in China's intensified efforts to develop the PLA into a more technology-intensive force structure capable of fighting modern wars in the maritime arena. Border peace with Russia and India certainly releases resources that could be used for building up China's naval and power projection capabilities.

Moreover, bilateral agreements provide China with some justification to resist or dilute some of the proposals for more intrusive multilateral CBMs in the Asia Pacific region. China has been, and remains, wary of such efforts, despite recent indications of a more positive attitude toward the ARF. This concern is aggravated by the fact that multilateral CBMs may constrain China's military options in the Taiwan Straits and the South China Sea, in cases of both of which China maintains a hardline position.

Other Border 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 institutionalised. 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".

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. xxxviii 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." xxxix 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 "was agreed upon without any formal agreement being signed". xl 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. xli 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. xlii 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". xliii 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 the security of the two countries". Other aspects of Indonesia-Malaysia border cooperation includes 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. xliv

_Malaysia and Philippines:_ Although a border agreement was signed in 1977, xlv 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. 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.\textsuperscript{xlvi}

Indonesia and the Philippines: A Border Crossing Agreement was signed in May 1961, followed by a Joint Border Patrol Agreement in 1975\textsuperscript{xlviii}. Cooperation is directed against smuggling, illegal fishing and immigration, piracy and drug smuggling.\textsuperscript{xlix} The two sides have organised annual joint patrols in the waterway between southern Mindanao and northern Sulawesi involving patrol craft and maritime reconnaissance aircraft.\textsuperscript{l}

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.\textsuperscript{li}

Laos and Burma: The two countries are setting up a border committee to develop trade and deal with security problems in their common border.\textsuperscript{lii}

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.\textsuperscript{liii} 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 institutionalised 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. Neither 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."}

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: (1) 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.\textsuperscript{lv}

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.\textsuperscript{lvii} 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 conflict. (This is probably characteristic of the opening phases of most such negotiations.) A comparison of CBM proposals put forward 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, proposing 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 extraordinarily sensitive to large-scale military exercises between the US and the South, seeks not only prior notification of military exercises, but also restrictions 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. But the main lesson of the Korean case is that the CBM proposals advanced by a country often may reflect its specific military vulnerabilities. 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 in 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.

In general, non-ASEAN border agreements have not worked as well as the agreements within ASEAN. Their record suggests that the functioning of border CBMs depends on the prevailing regional/subregional political climate. A multilateral framework like ASEAN 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 recognised 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 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. 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..." 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 organised 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. But 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 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.

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 scepticism 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, for political reasons, Asian policy makers are likely to retain a declaratory opposition to proposals made by "outsiders". The challenge is how to indigenise 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. Western countries who are involved in regional security dialogues in Asia may do well to initiate major CBM proposals through Asian governments, keeping in mind the principle that who proposes is
often more important than what is 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 modernisation much earlier than the Southeast Asian states. Inter-state conflicts in Southeast Asia, on the other hand, 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, it has more similarities with Northeast Asia than with Southeast Asia, especially with respect to weapons of mass destruction, although no country in the region is involved in a formal defence alliance with an outside power, making the prospect for external involvement in regional 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.

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
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 were 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.
Although the Shanghai agreement is a multilateral agreement, China insists that it is a bilateral agreement between China and the former Soviet Union. The break-up of the Soviet Union created the necessity for involving three of the former republics of the Soviet Union, namely Tajikstan, Kazakhstan, and the Kyrgyz Republic. But from Beijing's point of view, this does not detract from the bilateral nature of the agreement. Viewed in this context, the Shanghai agreement is nothing but a series of bilateral agreements between China and its neighbouring states who were constituents of the former Soviet Union.


Ibid., p.4.


The full titles of these agreements are the [   ] and the agreement on “Maintenance of Peace and Tranquility Along the Line of Actual Control in the India-China Border Areas” of September 7, 1993, respectively.


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.

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.


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


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

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


xxi. It is worth noting that the Vienna Document resulted from a long process of (almost 25 years since 1975) building confidence. 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.

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


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xxix. Personal interview with Prof. Luo Renshi, op.cit. He was unable to provide details on when this proposal was made, apart from stating that the proposal was made by the Chinese Foreign Ministry, not by scholars, to an ARF meeting.

xxx. 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. Interview with a senior official in the Chinese Ministry of Foreign Affairs in Beijing, 21 August 1996.

xxxi. 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.

xxxii. Notwithstanding this, Canada should push for the ARF to formally recognised the Shanghai and Sino-Indian agreements as important contributions to regional stability consistent with the ARF’s goals. It may also propose that the parties to these agreements provide information on their provisions to fellow ARF members and give an annual update on activities carried out under these agreements.

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

xxxiv. Interview with senior Chinese Official in the Ministry of Foreign Affairs, 21 August 1996.

xxxv. One Asian diplomat in Beijing suggested that China may be using these agreements to "buy time" to build up its economic and military strength vis-a-vis its neighbours.


xxxix. Cited in J.N. Mak, "ASEAN Air Cooperation: An Appraisal", Paper presented to the Defence Asia '89 Conference on


l. Personal interview with the Philippine Defence Attache, Jakarta, 10 August 1989.


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 characterised 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 minimise 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.

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