Introduction

Although confidence building among nations has been practised for many years, the term 'confidence-building measure' (CBM) entered the vocabulary of international relations only in the early 1970s. Since the CBMs subsequently discussed and agreed upon have come to accentuate security aspects, they are also referred to as 'confidence- and security-building measures' (CSBMs).

The objective of CSBMs is to translate certain principles of international law into positive action so as to provide credibility to states' affirmations of their peaceful intentions. Such action means implementing measures aimed at: (a) reassuring states of the non-aggressive intentions of their potential adversaries and reducing the possibility of misrepresentation of certain activities; (b) narrowing the scope of political intimidation by the forces of stronger powers; and (c) minimizing the likelihood of inadvertent escalation of hostile acts in a crisis situation.

In general, CSBMs do not directly affect the strength of armed forces or arms inventories, but in facilitating progress towards disarmament they constitute a separate category of arms control measures. They also make less likely the use of force for settling disputes. To have the intended effect, CSBMs must be significant in scope and binding. A mere exchange of solemn declarations is rarely sufficient.

For a great majority of states, threats to national security arise from conditions within their own region. Hence attention is most often devoted to regional approaches. For confidence-building purposes, a region could embrace states, which do not meet the geographical criteria of a 'region' but are linked economically or politically. Arrangements initiated by neighbouring states may subsequently attract more distant states as well. Regional confidence-building measures cannot be imposed by outsiders; they must be freely negotiated and agreed to by states in the region. It is only these states that can address the causes of their specific security problems and determine the type, scope and area of application of the required undertakings. In one region, distrust and tension could be generated by a lack of reliable information about the military activities of neighbouring states and the inadequacy of channels of communication among political decision-makers. In another region, distrust and tension could be generated by the absence of agreed restraints on the behaviour of the armed forces and uncertainty about compliance with international obligations.

Confidence building to promote better communication and understanding among the parties may include: (a) exchange of information about military expenditures, strength of armed forces, arms production and arms transfers; (b) open presentation and clarification of defence doctrines; (c) prior notification of military manoeuvres and major military movements, including their scope and extent; (d) the establishment of a mechanism to check the accuracy of the data provided; (e) the presence of foreign observers at military exercises; (f) exchanges of visits by military officers; (g) exchanges of cadets between military academies; and (h) the establishment of direct, rapid communication links - 'hotlines' - for crisis management.

Confidence-building measures that impose military constraints may include: (a) abstaining from
certain specified military activities in border areas; (b) disengagement of armed forces by
establishing zones between neighbouring countries that are partly or fully demilitarized; (c)
voluntary submission to inspections to demonstrate compliance with agreed standards of behaviour;
and (d) formalized commitment to the peaceful settlement of disputes.

Security cannot be obtained by promoting measures solely in the field of military affairs; it
embraces economic and social factors as well. However, the military factor is of prime importance,
as the absence of war constitutes a prerequisite for non-military CSBMs. Since the 1980s CSBMs
have been adopted in relations among several Asian states, mainly in order to diminish military
tensions along the disputed borders. Those considered most important are described below.

**The 1988 Indian-Pakistani Nuclear Agreement**

On 31 December 1988 India and Pakistan reached an agreement not to cause the destruction of or
damage to each other's nuclear installations. The parties exchange annually information about the
location of their nuclear-related facilities.

**The 1992 Indian-Pakistani Chemical Weapons Agreement**

On 19 August 1992 India and Pakistan adopted a joint declaration, by which they committed
themselves not to develop, produce, or otherwise acquire, or use chemical weapons. They also
undertook not to assist, encourage or induce anyone to engage in development, production,
acquisition or use of these weapons.

**The 1996 Shanghai Agreement**

On 26 April 1996 Russia and three Central Asian republics bordering on China - Kazakhstan,
Kyrgyzstan and Tajikistan - constituting the Joint Party and China signed, in Shanghai, the
Agreement on Confidence Building in the Military Field in the Border Area. The signatories
committed themselves not to attack the other party or carry out any military activity threatening the
other party and disturbing the tranquillity and stability in the border area between Russia,
Kazakhstan, Kyrgyzstan and Tajikistan, on the one hand, and China, on the other. They decided to
exchange information on the agreed components of the armed forces and the border troops; not to
conduct military exercises directed against the other party; to limit the scale, geographical scope
and number of military exercises; to give notification of any large-scale military activity and troop
movements resulting from emergency situations; to give notification of the temporary entry of
troops and weapons into the 100-kilometre geographical zone on both sides of the border between
the Joint Party territories and China; to invite observers to military exercises on a reciprocal basis;
to give notification of the temporary entry of the parties' river-going combat vessels of navies or
naval forces into the 100-kilometre geographical zone on both sides of the eastern part of the
Russian-Chinese border; to take measures to prevent hazardous military activity; to make inquiries
about unclear situations; to strengthen friendly contacts between military personnel of the armed
forces and the border troops in the border area and carry out other confidence-building measures
agreed upon by the parties.

Moreover, the border troops should not use inhuman or rough treatment in dealing with border
violators. The use of weapons by the border personnel would be determined by the domestic
legislation of the parties and the corresponding agreements of Russia, Kazakhstan, Kyrgyzstan and
Tajikistan with China.

The Agreement was concluded for an indefinite period of time, but each party has the right to
terminate it. Also each state of the Joint Party has the right to withdraw from the Agreement, but the
Agreement will remain in force as long as at least one state of the Joint Party and China remain
parties to it.

**The 1996 Sino-Indian Agreement**

On 26 November 1996 China and India signed the Agreement on Confidence-Building Measures in
the Military Field along the Line of Actual Control in the India-China Border Areas. It was a
follow-up to their Agreement on the Maintenance of Peace and Tranquillity along the Line of Actual Control in the India-China Border Areas, signed on 7 September 1993.

The signatories to the 1996 Agreement agreed that neither side should use its military capability against the other side. No armed forces deployed by either side in the border areas along the line of actual control, as part of their respective military strength, may be used to attack the other side or engage in military activities that threaten the other side or undermine the peace, tranquillity and stability in the India-China border areas. The two sides reiterated their determination to seek a fair, reasonable and mutually acceptable settlement of the boundary question. Pending an ultimate solution to this question, they reaffirmed their commitment to strictly respect the line of actual control. They also reaffirmed that they would reduce or limit their military forces, within mutually agreed geographical zones along the line of actual control in the border areas, to minimum levels compatible with the friendly and good-neighbourly relations and consistent with the principle of mutual and equal security. Reductions or limitations concerned the number of field army, border defence forces, paramilitary forces and any other mutually agreed category of armed force deployed in mutually agreed geographical zones. The major categories of armament to be reduced or limited were: combat tanks, infantry combat vehicles, guns (including howitzers) with 75-mm or larger calibre, mortars with 120-mm or larger calibre, surface-to-surface missiles, surface-to-air missiles and any other weapon system mutually agreed upon. Data were to be exchanged on the military forces and armaments to be reduced or limited. The ceilings on military forces and armaments to be kept by each side within mutually agreed geographical zones were to be determined with due consideration given to parameters, such as the nature of terrain, road communication and other infrastructure, as well as the time needed to induct troops and armaments.

China and India undertook to avoid holding large-scale military exercises, those involving more than one division (approximately 15,000 troops), in close proximity to the line of actual control in the border areas. However, if such exercises had to be conducted, the strategic direction of the main force involved was not to be towards the other side. If either side conducted a major military exercise, involving more than one brigade group (approximately 5,000 troops), in close proximity to the line of actual control in border areas, it would have to give the other side prior notification with regard to the type, level, planned duration and area of exercise, as well as the number and type of units or formations participating in the exercise.

Both sides must take adequate measures to ensure that air intrusions across the line of actual control do not take place. Combat aircraft (to include fighter, bomber, reconnaissance, military trainer, armed helicopter and other armed aircraft) may not fly within 10 kilometres of the line of actual control. If either side is required to undertake flights of combat aircraft within 10 kilometres, it must give the relevant information to the other side through diplomatic channels. No military aircraft of either side may fly across the line of actual control, except by prior permission. Unarmed transport aircraft, survey aircraft and helicopters are to be permitted to fly up to the line of actual control. Neither side is allowed to open fire, cause biodegradation, use hazardous chemicals, conduct blast operations or hunt with guns or explosives within 2 kilometres of the line of actual control.

Detailed implementation measures were to be decided through mutual consultations in the India-China Joint Working Group on the Boundary Question. The India-China Diplomatic and Military Expert Group was to assist the Joint Working Group in devising implementation measures under the Agreement.

The 1997 Moscow Agreement

On 24 April 1997, as a follow-up to the 1996 Shanghai Agreement, Russia, Kazakhstan, Kyrgyzstan and Tajikistan, constituting the Joint Party, and China signed, in Moscow, the Agreement on the Mutual Reduction of Armed Forces in the Border Area. The signatories agreed on the following measures.

The parties’ armed forces stationed in the border area should not be used to attack another party or
to conduct any military activity that threatened the other party or disturbed the tranquillity and stability in the border area.

The parties should reduce and limit the number of personnel and the quantities of basic types of armament and military equipment of the ground forces, air forces and air defence aviation, deployed within the geographical zone of application (GZA) of the Agreement, that is, in the geographical area extending to a distance of 100 kilometres from either side of the border between Russia, Kazakhstan, Kyrgyzstan and Tajikistan, on the one side, and China, on the other side. Certain limited areas within the GZA of the Agreement are to be considered sensitive areas. In the Eastern Sector (the eastern part of the state border between Russia and China), on the Russian side, these are the Khabarovsk sensitive area and the Vladivostok sensitive area.

Upon expiration of the reduction period (see below) the maximum level of personnel of ground forces, air forces and air defence aviation remaining for each party in the GZA of the Agreement should not exceed 130,400 persons, including 115,400 in ground forces, 14,100 in air forces and 900 in air defence aviation. The maximum level of personnel for the Eastern Sector should not exceed 119,400 persons; for the Western Sector (the western part of the state border between Russia and China, as well as the state borders between Kazakhstan, Kyrgyzstan, Tajikistan and China), 11,000 persons. From the date of entry into force of the Agreement, the maximum number of personnel of the border forces for each party within the GZA of the Agreement may not exceed 55,000 persons, including 38,500 for the Eastern Sector and 16,500 for the Western Sector.

The maximum levels of armaments and military equipment remaining for each party within the GZA of the Agreement should include armaments and military equipment located in combat units as well as in storage. Upon expiration of the reduction period, the maximum levels remaining for each party within the GZA should not exceed: 3,900 battle tanks, 5,890 armoured combat vehicles, 4,540 artillery systems, 96 tactical rocket launchers, 290 combat aircraft and 434 combat helicopters.

The reductions provided for in the Agreement had to be brought about within 24 months from the date of its entry into force. The reduction of military personnel was to be carried out by disbanding entire military formations, by reducing the staff size of military formations or by removing military formations from the GZA of the Agreement. The reduction of armaments and military equipment was to be carried out by destroying, dismantling, converting to civilian purposes, placing on permanent display, using as ground or aerial targets, reclassifying into training materiel, or partially removing from the GZA.

In order to reinforce mutual confidence and ensure control over the implementation of the Agreement, the parties should exchange information about the troop formations, the number of personnel in these formations, and the quantity of main types of armament and military equipment deployed within the GZA of the Agreement. The information exchanged must be treated as confidential. Each party has the right to conduct and the obligation to accept inspections within the GZA, with the exception of the specified sensitive areas. The inspecting party should bear the expenses related to the transportation of the inspectors to the established entry/exit points. The inspected party should bear the expenses related to the visit of the inspectors. A Joint Control Group supervises the implementation of the Agreement.

The Agreement does not affect the obligations previously undertaken by the parties in relation to other states and is not directed against third states or their interests. Each party is allowed to terminate the Agreement by notifying the other party of its intention to do so at least six months before the date of the Agreement's expiration, which was set for 31 December 2020. In the absence of such notification, the duration of the Agreement is to be automatically extended for successive five-year periods. Each state belonging to the Joint Party may withdraw from the Agreement by notifying the other party and the other states of the Joint Party of its decision. After such notification the parties should conduct negotiations on the maximum levels of armed forces and border forces in the border area.
**The 1997 Sino-Russian Statement**

As a result of the meeting held in Beijing on 10 November 1997, the Presidents of China and Russia issued a statement on the development of relations between the two countries. In particular, the heads of state stated that all points of contention regarding the demarcation of the eastern section of the Sino-Russian border had been resolved and that the demarcation of the western section would be completed within an agreed period of time. Hope was expressed that a fair demarcation of the border would enhance friendship and good-neighbourly relations between the two countries and contribute to regional stability.

Exchanges of visits by heads of state, regular meetings between prime ministers and consultations between foreign ministers were found conducive to improving mutual communication and understanding, as well as to expanding and deepening cooperation between the two nations in various fields. It was noted that cooperation in the field of military technology was an important component of Sino-Russian relations and that it was not directed against a third country.

**The 1998 Almaty Joint Statement**

In the joint statement issued on 3 July 1998 at Almaty as a result of the five-nation meeting of China, Kazakhstan, Kyrgyzstan, Russia and Tajikistan, the participants undertook to take all the necessary measures to ensure the implementation of the 1996 Shanghai Agreement and the 1997 Moscow Agreement. They valued the positive impact of these agreements on the security in their region and the world at large, appreciated the initiative of the Central Asian countries for the establishment of a Central Asian nuclear-weapon-free zone and reaffirmed the importance of holding regular consultations among themselves.

The parties expressed concern over the tensions in Afghanistan and noted that greater effort should be made to promote a peaceful settlement of the conflicts in that country under the auspices of the United Nations and with the participation of the states concerned. They also expressed concern over the growing tension in South Asia following the nuclear test explosions in that region and called for stopping the nuclear arms race there.

**The 1999 Lahore Memorandum of Understanding**

On 21 February 1999 the Foreign Secretaries of India and Pakistan signed a Memorandum of Understanding identifying measures aimed at promoting an environment of peace and security between the two countries. The parties undertook to engage in bilateral consultations on security concepts and nuclear doctrines with a view to developing measures for confidence building in the nuclear and conventional fields; to take national measures to reduce the risks of accidental or unauthorized use of nuclear weapons under their control; to notify each other immediately in the event of an incident that could create the risk of a fallout with adverse consequences for both sides or an outbreak of a nuclear war between the two countries; to adopt measures aimed at diminishing the possibility of such incidents being misinterpreted by the other side, and to identify or establish appropriate communication mechanisms for this purpose; to abide by their moratoria on nuclear test explosions, unless either side decided that extraordinary events had jeopardized its supreme interests; to conclude an agreement on the prevention of incidents at sea; to periodically review the implementation of the CBMs and, where necessary, set up consultative mechanisms; and to review the existing communication links with a view to upgrading them. The Lahore Memorandum of Understanding has not been carried into effect.

**The 2001 Sino-Russian Good-Neighbourliness Treaty**

On 16 July 2001 Russia and China signed, in Moscow, a Treaty of Good-Neighbourliness, Friendship and Cooperation. The contracting Parties reaffirmed their commitments not to be the first to use nuclear weapons against each other and not to target strategic nuclear missiles on each other; pledged to expand and deepen confidence-building measures in the military field so as to consolidate the security of both countries and strengthen regional and international stability;
promised not to be members of any alliance or bloc nor embark on any action which compromises the sovereignty, security or territorial integrity of the other party, nor allow its territory to be used by third countries to the detriment of the other party; and undertook to cooperate in combating terrorism, separatism and extremism and in fighting organized crime, illegal trafficking in drugs, psychotropic substances and weapons. Should a situation arise which, in the view of either party, might endanger or undermine the peace or affect its security interests, or should either party face the threat of aggression, the parties shall immediately contact and consult each other with a view to averting the danger.

The ASEAN Undertakings

In the 1990s the Regional Forum of the Association of South East Asian Nations (ASEAN) adopted a series of CBMs covering, inter alia, military and defence-related issues. In particular, the Forum's members have developed bilateral exchanges on security perceptions; expanded high-level defence contacts and military exchange/training; submitted annual defence policy statements; prepared defence White Papers; invited observers to and provided notification of select military exercises on a case-by-case basis; and exchanged views on defence conversion programmes. None of these measures is mandatory.

Assessment

Unlike in Europe, the CSBMs in Asia do not cover all the militarily important countries of the continent and have not been followed by substantial, verifiable cuts in the military potential of the participating states. Nonetheless, the CSBMs taken by China, Russia and the Central Asian Republics helped to set aside the disputes over large sectors of their common borders and to put off the final delineation of these borders for an unspecified period of time.

On the other hand, the CSBMs adopted by India and Pakistan have not helped to resolve the most contentious issues, in particular, the issue of Jammu and Kashmir. The continuous armed clashes between the two countries can lead to a large-scale war fraught with disastrous consequences for both regional and extraregional states, including a nuclear exchange, whether deliberate or accidental. It appears therefore necessary for both India and Pakistan, to agree on CSBMs more substantial and more binding than those agreed hitherto. In other words, a new security agenda is needed. Such an agenda would have to be incorporated in a formal, duly ratified document and include the following undertakings by India and Pakistan:

- To give up nuclear-test explosions and refrain from test-firing ballistic missiles of any range without prior notification.
- To reduce the conventional armed forces significantly enough to attenuate Pakistan's opposition to adopting the posture of no first use of nuclear weapons.
- To thin out the forces stationed on both sides of the common borders so as to diminish the risks of armed incidents.
- To entrust impartial observers with the determination of facts in case of alleged breaches of the Line of Control in Kashmir.
- To improve communications at both political and military levels.

The above undertakings could prepare the ground for meaningful talks about the settlement of the several-decades old disputes on the basis of the generally recognized principles of international law.