APPLYING CONFIDENCE-BUILDING MEASURES IN A REGIONAL CONTEXT

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It is my intent to provide you with a broad understanding of confidence building measures (CBMs), especially their application in regional contexts. Many of you already have a basic knowledge of confidence building measures. Some of you even have a very unique understanding of these concepts from having personally implemented them. My purpose is to offer a refresher course that, I hope, will adequately address the components that go into making and implementing CBMs.

I will begin with a broad discussion of CBMs. I will touch upon their development, prerequisites, and benefits. I will also highlight different approaches that states could use in implementing CBMs. Lastly, I will look at a few region-specific cases to illustrate some examples of nuclear confidence building

Introduction to Confidence Building Measures

Confidence building measures, broadly defined, can be any set of unilateral, bilateral, or multilateral actions or procedures that act to reduce military tensions between a set or sets of states, before, during or after actual conflict.1 In practice, they function to make the conduct of countries more calculable and predictable, so that states can have certain expectations with regard to the behavior of other states.

Dozens of successful confidence building measures have been applied throughout the world. Approaches vary, but in general there are four main areas: communication, constraint, transparency, and verification.2

- Communication channels between conflict-prone states help to defuse tensions during moments of crisis or provide a more regular consultative mechanism. A prime example is the hotline that was established between national command authorities in Washington and Moscow after the Cuban Missile Crisis.

- Constraint measures are designed to keep certain types and levels of states’ military forces at a distance from one another, especially along borders. These measures could include the advance notice of troop movements above a pre-agreed level, or placing constraints on military exercises. Limited force deployment zones, or “thin-out” zones, also restrict the type and number of military equipment or troops permitted in or near a certain territory or border. An example of this constraint was former President George Bush’s decision to withdraw all deployed ground, air, and sea launched tactical nuclear weapons overseas in the fall of 1991.

- Transparency measures foster greater openness of military capabilities and activities. Such measures may include pre-notification requirements, data exchanges, and voluntary observations of another state’s military exercises and operating procedures. Nuclear transparency measures also include unilateral declarations of nuclear-related data, or exchanges of such
data among parties. Decisions by the United States and the United Kingdom to declassify information about their military fissile material stocks are examples of unilateral transparency measures aimed at confidence building.

- Verification measures are designed to confirm or verify a state’s compliance with a particular treaty or agreement. These can include aerial inspections, ground-based electronic sensoring systems and on-site inspections. Aerial inspections enable parties to monitor compliance with force deployment limitations in restricted zones, to confirm data exchanges, and to provide early warning of potentially destabilizing activities. On-site inspections, in particular, can help verify that states are complying with agreements. Inspections may be carried out by third parties, opposing parties or jointly.

Along the Israeli-Syrian border, the United States has acted as the third party to conduct aerial inspections, as do NATO and former Warsaw Pact members under the terms of the Open Skies Treaty (1988). In the 1975 Disengagement Agreement between Egypt and Israel, electronic sensors were used in the Sinai Peninsula. A prime example of a mature, regional nuclear inspectorate is the Argentine-Brazilian Agency for the Accounting and Control of Nuclear Materials, or ABACC.

The above examples provide a very broad overview of confidence building measures. In practice, CBMs appear to be most useful as a prelude to more comprehensive agreements. They often lead to improved trust and more formal cooperative measures.

Efforts to implement CBMs proceed more smoothly if the countries involved possess the political will to see the measures through to their fruition. States and their leaders must see the benefits of CBMs in order to sustain them through the rocky process of implementation. Moreover, democratic states must also gain the public’s support.

Political will often means being secure in one’s own capabilities. While CBMs strive to eliminate the elements of secrecy in military activity, agreements implementing CBMs must also manage to preserve or enhance, rather than endanger, the involved states’ national security. If participating states are secure in the knowledge that the CBMs do not undermine, or, in fact, may be beneficial, to their own national security, the measures have a greater chance of being sustained and developing into further cooperative activity.

Yet, the motivations behind the negotiation of initial steps need not all be in concert. States also do not require equivalent or balanced military capabilities to take initial steps. In fact, the only shared desire could just be the mutual desire to avoid inadvertent escalation or accidental war. The steps will necessarily be small at the outset if serious grievances must be bridged. Thus, the process begins by identifying shared interests and developing a philosophy of cooperation over time.

Improving mutual confidence and trust in the political domain can create more effective CBMs. Governments are especially leery of taking any steps that can be viewed as conciliatory, or politically damaging, in the face of continuing provocations. Yet, small steps are useful and necessary to foster an improved political climate, before more elaborate steps are taken.
The initiatives must be feasible. For instance, if a CBM involves third-party agreements or assistance, mechanisms for its implementation must be compatible with the foreign policies of the third parties. With many of the more substantive initiatives involving nuclear capabilities, technical feasibility must also be addressed.4

**Region Specific Cases**

CBMs are flexible enough to be adapted to specific regional security environments, yet similar enough in concept so that worldwide, regions can learn from one another’s experiences. The experiences of CBMs in one region can stimulate problem-solving approaches in other regions.

But, there are limits on transplanting an experience from one region to another. CBMs cannot be transposed wholesale from one region to another. Each region has its own unique culture and history. Adaptation is possible, because concerns over border security, surprise attack, accidental war, and unintended escalation are felt in many regions, but there are no “one-size-fits-all” recipes.

**India-Pakistan** The initiatives discussed and implemented in South Asia offer sobering insights for other regions. India and Pakistan are nuclear powers with a history of conflict. Their history is interspersed with war, conflicts on issues of bilateral importance, and a simmering territorial dispute over Kashmir. These conflicts have created a situation where each country expects the worst of the other.

The South Asian environment is a crisis-prone region and consequently, averting another war is essential, particularly one that could escalate to a nuclear exchange. In an ideal situation, India and Pakistan would develop stabilizing measures to address the variety of nuclear-related issues between them. These include preventative measures to minimize conflict escalation; measures to assist in crisis management at times when tensions are heightened, and perhaps when conventional conflict is already in progress; and measures to manage de-escalation, and bring the regional parties back from the brink of nuclear conflict.

India and Pakistan have developed CBM-like structures and agreements since the countries’ independence. Since then, most of the CBMs now in place were prompted by the wars in 1947-48, 1965, and 1971, and by periods of high tension associated with military exercises conducted between 1986 and 1991.

The first observation about the India-Pakistan relationship, and their attempts to ease tension, is that the parties have been more reactive than proactive in seeing that conflict does not break out again. A lesson is that CBMs cannot be forced upon parties that are still infused with such raw emotion and mistrust.

The first nuclear CBM was the Prohibition of Attack Against Nuclear Facilities, which was signed by Indian Prime Minister Rajiv Gandhi and Pakistani Prime Minister Benazir Bhutto on December 31, 1988. It was ratified in 1991 and implemented in January 1992.5 The bilateral agreement prohibits attack, directly or indirectly, against nuclear installations or facilities in either country. In an effort to be more transparent, the agreement also requires an annual exchange of lists detailing the location of all nuclear-related facilities in each country. Lists of the facilities covered by this agreement are now exchanged periodically, but often have not been wholly accepted by the other side.6
Over the years, both countries have made their own separate initiatives to decrease tension. At times, Pakistan has proposed bilateral nuclear arms control measures with India, declaring, for example, that it would be prepared to join the NPT or accept other non-proliferation measures if India did so. But India has rejected these proposals, arguing that they do not address the nuclear threat it faces from China, and that nuclear disarmament questions should be addressed as global rather than regional issues.

India released its draft nuclear doctrine in August 1999. The document states that: “In view of the very high destructive potential of nuclear weapons, appropriate nuclear risk reduction and confidence building measures shall be sought, negotiated and maintained.” Pakistan has yet to formalize its own nuclear doctrine or respond to India’s offer.

India’s doctrine also intends to abide by the “no first use” of nuclear weapons. India states the fundamental purpose of its nuclear weapons “is to deter the use and threat of use of nuclear weapons by any state or entity against India and its forces. India will not be the first to initiate a nuclear strike, but will respond with punitive retaliation should deterrence fail.” Pakistan has yet to issue a similar no first use declaration, and, based on its smaller conventional forces compared to India, is unlikely to do so.

Currently both India and Pakistan are voluntarily maintaining a moratorium on further nuclear testing. Sustaining such a moratorium helps limit the expansion of nuclear weapons capabilities in the region. These unilateral commitments illustrate one of the highlights of CBMs, in that, CBMs are often easier to achieve than formal arms control agreements. CBMs are flexible enough that they can be tacit and informal, such as India and Pakistan’s general understanding about testing, or quite specific, such as the Prohibition of Attack Against Nuclear Facilities.

After the 1998 nuclear tests, India and Pakistan had to confront more openly the reality of their now nuclearized neighborhood. In February 1999, India’s Prime Minister Vajpayee and Pakistan’s Prime Minister Sharif met in Lahore, Pakistan, and agreed to: a Joint Statement by the Prime Ministers; a Memorandum of Understanding (MOU) by the Foreign Secretaries; and the Lahore Declaration itself, again made by the Prime Ministers. The nuclear concerns identified in the Lahore documents are nuclear safety, security, use control, limits on threat, and alert status. A series of CBMs were proposed to address these concerns.

In the ministerial statement, the Prime Minister’s recognized that: “the nuclear dimension of the security environment of the two countries added to their responsibility of the avoidance of conflict between the two countries.” The text of the MOU concerned the terms of nuclear risk reduction. It emphasized measures to improve nuclear security and prevent an accidental nuclear exchange. One of the measures sought to prevent the accidental or unauthorized use of nuclear weapons. Another called for the creation of communication mechanisms similar in some aspects to those required by the Convention on Early Notification of a Nuclear Accident.

Specifically, the two sides committed to exchange information on their nuclear doctrines and security concepts; prevent accidental nuclear crises; work on measures to improve control over their nuclear weapons; review existing CBMs and emergency communications (hotlines) arrangements “with a view to upgrading and improving these links”; and strengthen India and Pakistan’s unilateral
moratoriums on nuclear testing by making their commitments binding “unless either side…decides that extraordinary events have jeopardized its supreme interests.” 10

But just three months later, fighting broke out over Kargil and the technical details to the Lahore document were never worked out.11 As is often the case between India and Pakistan, implementing the agreements suffered setbacks and became hostage to political tensions over territory. This absence of trust and confidence among the leaders of India and Pakistan, as evident during the Kargil crisis of May-July 1999, is a major cause of tension in South Asia and undermines the significance of CBMs agreed to by New Delhi and Islamabad. Until the details are finalized and the pledges made at Lahore are implemented, nuclear risk reduction in South Asia will remain rhetorical.

An important lesson is that the emphasis of Indian and Pakistani leaders on declaratory measures is not that productive in an atmosphere devoid of trust. A no-first-use policy is low on substance and difficult to verify without intrusive measures to demonstrate a reduced state of readiness, including keeping warheads separate from delivery vehicles and other indications of recessed deterrence. What are needed are nuclear risk reduction measures that are specific, substantive and easily verifiable. As mentioned earlier, improving mutual confidence and trust in the political domain is the first order of business for creating effective CBMs. Thus, establishing even a modicum of trust is necessary in order to stabilize their adversarial relations. The two countries must rethink the process of CBM measures as necessary for the resolution of their conflicts.12

The Middle East In the aftermath of the Persian Gulf War, participants in the Middle East peace process, gathered together in October 1991 in Madrid.13 Five multilateral groups were formed shortly after the opening round focusing on an array of issues from refugees to the environment.14 The only group devoted exclusively to security issues was the Arms Control and Regional Security (ACRS) working group. The purpose of ACRS was to apply confidence building measures to the region and broadly discuss a nuclear-weapons or other weapons-of-mass-destruction free zone.

Chaired by the United States and Russia, early ACRS sessions sought to build knowledge of CBMs among the regional participants. Until mid-1993, the working group focused primarily on familiarizing the regional parties with arms control and with one another. The parties were presented with explanations of the histories and provisions of arms control agreements implemented in the Middle East and in other regions.

Expert-level meetings focused principally on CBM discussions in five areas: declaratory measures, communications, maritime agreements, military information exchanges, and conflict prevention/regional security. There were a number of special site visits, as well. In October 1994, several parties visited a German nuclear power plant and discussed the interaction between the IAEA and its regional verification authority, EURATOM. Parties also toured a Swiss chemical weapon verification laboratory and a Finnish chemical weapon verification-related training facility as a party of a workshop on implementation of the Chemical Weapons Convention.

As parties came to articulate their concerns, the nuclear asymmetry of the region proved to be a focal point. A wide gap between Israeli and Arab priorities on arms control emerged. Israel proposed that the first steps toward arms control consist of transparency CBMs, while Egypt suggested that all parties in the region first sign existing nuclear, chemical, and biological weapons
treaties and allow international inspections. Israel maintained that CBMs were a prerequisite to any steps toward denuclearization. Thereafter, Egypt and Israel remained at loggerheads in the ACRS talks about how best to initiate a process of confidence building in the region.\textsuperscript{15}

Egypt and Israel also differ in their requirements for a future nuclear-weapons free zone (NWFZ) in the region. Israel does not have confidence in IAEA safeguards provided under the NPT and insists upon a tight and complementary regional verification regime, whereas Egypt maintains that the existing IAEA regime is sufficient.

Because of the fundamental clash between Israel and Egypt, ACRS has not held a formal plenary meeting since September 1995. Still, the group continues to pursue informal activities and many regional parties attend Track II events as well.

**Latin America** Latin America, and more specifically the Argentine-Brazilian experience of nuclear rapprochement, is universally heralded as a successful example of reducing regional nuclear tensions through CBMs. Much will be discussed today and tomorrow on this region’s experience with bilateral inspections and historic commitments banning unsafeguarded nuclear activities, but what should not be left out of this discussion is the initial steps taken to begin this process: in other words, how the volatile politics of the two countries abated to allow this historic and groundbreaking process to proceed.

Argentina and Brazil fought just one war in its history, and that was in the 1820s. Afterwards, the two countries had periodic flare-ups, but nothing that came close to war again. However, rivalries between the two countries plagued their relationship.

In September 1962, Brazil, which was then under a civilian government, proposed the idea of a Latin American Nuclear Weapon Free Zone. At the time, Argentina was under a military government and was disinterested. But in the aftermath of the Cuban Missile Crisis, the Latin American nations realized that the prospects for a nuclear war were too close. This concern became the catalyst for the negotiation of the Tlatelolco Treaty that took place in Mexico City between 1963 and 1967. The treaty was successfully concluded in 1967, but both Argentina and Brazil remained outside of the treaty for the next 25 years. Although both nations were not parties to the treaty, both countries agreed to take no actions contrary to the intent of the treaty.

University of Virginia Associate Professor John Redick has said that this commitment set the political context for their nuclear rapprochement. The process was groundbreaking, in that for the first time, the two rival nations began to talk about sensitive nuclear issues and develop common positions. Redick defines the Tlatelolco negotiations as the first step in the long confidence building process between the two.\textsuperscript{17}

Several issues, however, prevented progress on nuclear issues. Former Argentine Ambassador Julio Carasales identified the last serious difficulty between the two countries occurred regarding the management of water resources on the River Parana, which flows from Brazil into Argentina. That dispute was solved by a 1979 agreement. Carasales points out that, “until that problem was solved, it was unrealistic to expect advances in any field, including the nuclear field.”\textsuperscript{18}
Progress on economics and trade also proceeded before the nuclear issue. However, at a certain point there was a realization that the nuclear issue had to be included on the agenda in order to proceed with the overall rapprochement process. Nuclear affairs were considered an important part of the entire political climate that encompassed a range of foreign policy issues, not a separate or isolated phenomenon. A nuclear dimension in any regional conflict will likely always be on the agenda, because nuclear concerns go to the heart of a country’s insecurities.

The first attempt to improve relations between Argentina and Brazil in the nuclear field took place in 1980 when then-President of Brazil, General Figuereido, made a state visit to Argentina, then also under a military regime, led by General Videla. At that meeting, several agreements were signed, including an Agreement on Cooperation for the Development and Application of Peaceful Nuclear Uses of Nuclear Energy. The underlying motivation for this agreement was a shared view that modern technology—a powerful symbol of an advanced economy and prosperity—was unjustly dominated by a few highly developed nations. Consequently, Brazil and Argentina viewed collaboration in the nuclear field, rather than competition, as the best means to surmount the barriers of the nuclear nonproliferation regime.19

However, the return of democracies in the middle 1980s was critical to resolving the nuclear issues. The militaries in each country mistrusted each other too much to make significant progress in this area.

As economic progress between the two countries increased, a Joint Declaration on Nuclear Policy was issued that stressed the exclusively peaceful purposes of the nuclear programs of both countries and the intent to cooperate very closely in this area. This declaration also established a joint working group under the responsibility of the Argentine and Brazilian Foreign Ministries to study and propose concrete measures to implement the declared bilateral nuclear policy. The nuclear rapprochement process was a gradual, step-by-step process that included seminars, scientific and economic cooperation, and joint work on the peaceful applications of nuclear energy and on related topics.

There were frequent reciprocal head-of-state visits to sensitive nuclear sites, which improved the climate of mutual trust and confidence. Following each visit, a specific declaration of common nuclear policy was signed, thus giving the visits important political meanings and objectives.

The process was first and foremost designed to address indigenous and bilateral concerns. Once those had been addressed, the time was ripe to address regional concerns, as well. When those were addressed, the concerns of the international community could be satisfied.

Korean Peninsula The prospect of new momentum in inter-Korean dialogue has brought renewed calls of inter-Korean CBMs. In 2000, the Korean peninsula witnessed dramatic shifts in the North-South relationship. After the historic June summit, which concluded with a Joint Declaration, the two Koreas have held family reunions and ministerial talks. Perhaps soon there will be a reciprocal visit by Chairman Kim Jong-il to Seoul. It remains to be seen whether a true inter-Korean rapprochement may be consolidated, but it is certain that an inter-Korean peace process will not go far without serious efforts to tackle inter-Korean arms control, transparency, and verification issues through the application of CBMs.
A particular value of CBMs is that they can be small steps that pave the path for more elaborate, formalized agreements. Yet, on the Korean peninsula, the process has often been reversed. In several cases, the approach to confidence building has started with calls for the establishment of broad, “top-down” political agreements among the respective political leaderships, to be followed by an implementation process in which the parties themselves will simply change their behavior in accordance with a new political understanding. A more productive approach often involves confidence building from a “bottom-up,” incremental, approach in which progress in implementation builds further confidence among the parties concerned, and stimulates additional CBMs.¹⁹

Two broad and ambitious agreements were initiated in December 1991, but implementation has been delayed by competing visions of reunification and suspicions over North Korea’s nuclear program. The first agreement signed by the two Koreas was the Basic Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation. It committed the two Koreas to build confidence and improve relations in political, security, trade and other areas. It specifically states that both Koreas “shall establish a South-North Joint Military Commission...shall discuss problems and carry out steps to build up military confidence and realize arms reduction...mutual notification and control of large-scale movements of military units and major military exercises, the peaceful utilization of the DMZ, exchanges of military personnel and information, phased reductions in armaments including the elimination of weapons of mass destruction and attack capabilities, and verifications thereof.”²⁰

The Basic Agreement is comprehensive in that it lays the foundation for not only inter-Korean tensions reduction, but also sets the stage for the process of confidence building that would ultimately lead to integration and eventual political reunification.

On December 31, 1991, North and South Korea signed the Joint Declaration on the Denuclearization of the Korean peninsula. The ultimate purpose of the Joint Declaration was to eliminate the danger of nuclear war and to create an environment favorable to peace. With this in mind, North and South Korea agreed to a detailed list of actions including: a ban on the possession and use of nuclear weapons including any testing, manufacturing, production, storage or deployment of those weapons; a commitment to use nuclear energy solely for peaceful purposes; and a ban on the possession of nuclear reprocessing and uranium enrichment facilities. The two Koreas also agreed to establish and operate a South-North Joint Nuclear Control Commission (JNCC), which would be responsible for conducting inspections of “particular subjects chosen by the other side and agreed upon between the two sides”; and implementing the declaration as soon as South and North Korea exchanged the “appropriate instruments” of ratification.

The Joint Declaration entered into force on February 19, 1992, followed by the establishment of the JNCC one month later. The JNCC was tasked with matters “related to the exchange of information for the verification of the denuclearization of the Korean Peninsula,” as well as organizing the composition and operation of inspection teams. Despite the optimistic beginning, the meetings did not last long. The two sides had little experience in defining an adequate bilateral inspection regime, particularly given that their basic relationship was still one of suspicion and mistrust. While the Joint Declaration appeared all-inclusive, the delegates never settled the issues of mutual inspections before signing it.
The South insisted on three elements for an effective inspection regime: an equal number of inspections; no sanctuaries, which meant it could gain access to the North’s military bases; and “challenge” inspections, which could take place on twenty-four-hour notice.21 Pyongyang resisted Seoul’s demand for short-notice inspections and stated that inspections should be limited to verifying that no nuclear weapons existed on the peninsula. JNCC discussions further soured and the group has not convened since 1993.

The impasse of the JNCC should not be viewed as a failure, but nonetheless, one must recognize that attempting to implement reciprocal inspections without prior confidence building measures in place was trying to do too much. The Argentine-Brazilian experience shows the importance of a step-by-step process in enhancing nuclear cooperation between two hostile parties through strong and extensive cooperation, and finally leading to bilateral inspections. That is, countries should implement CBMs at the beginning and thereby foster a politically favorable environment for negotiating bilateral inspections. Some analysts have suggested that, as part of the confidence building process, it will be necessary to educate North Koreans about the practical necessity of Western concepts of arms control and confidence building prior to pursuing a step-by-step implementation process.

Successful efforts at more modest confidence building have been conducted on the multilateral and subregional level. Multilateral settings, such as the ASEAN Regional Forum (ARF), which includes approximately 20 ministers from the ASEAN states and most importantly, now includes North Korea. The ARF participants commit to “foster constructive dialogue and consultation on political and security issues of common interest and concern in order to make significant efforts toward confidence building and security cooperation in the Asia-Pacific region.”22 The ARF has facilitated bilateral dialogue among nations and their official representatives who, for a variety of reasons, would be unable or ill prepared to make arrangements with one another. Just last year, the foreign ministers of North and South Korea were able to meet on the sidelines of ARF.

Another important reminder is that symbolic measures should not be underestimated. It can be as simple as a head of state visit. Likewise, a humanitarian gesture can be just as worthwhile. The inspirational walk by both Koreas in last year’s Olympics under one flag was a small, but significant act.

Yet, regardless of these established institutions and South Korea’s willingness to pursue reconciliation with North Korea, significant progress is not possible without North Korea’s constructive participation. Nor can there be progress without North Korea’s willingness to become more transparent, whether it is on food aid distribution, the energy sector, the economy, or its nuclear program.

Conclusion

Negotiation and implementation of CBMs is tough work, compounded by the fact that the initiatives are often subject to outside political tension, which forestall their progress. Success often depends on the foresight of national leaders, who recognize the benefits of CBMs and work vigorously to pursue them, despite criticism or fear. The need for sustained dialogue to address issues of regional security is likewise important.
In reflecting on the Korean peninsula, one thing stands out. The Korean peninsula is a unique case in that the ultimate goal for both countries is already in concert: the peaceful reunification of the Korean peninsula. With that understood, the agreements and CBMs that will propel the two countries forward seem somehow closer to attain than for some other regions.

6 In January 1992, the first data exchange took place, but was marred by accusations that both sides had failed to list at least one important nuclear plant. Pakistan protested the absence of a gas centrifuge uranium-enrichment facility in Karnataka state from the Indian list, while India objected to Pakistan’s failure to list the Golra enrichment facility near Islamabad. “India and Pakistan Fail to Include New SWU Plants on Exchanged Lists,” Nuclear Fuel, March 30, 1992.
9 Text of the MOU, February 21, 1999, (Internet: http://www.indianembassy.org/South_Asia/Pakistan/mou/html).
10 Text of the Lahore Declaration, February 21, 1999, Internet: http://www.indianembassy.org/South_Asia/Pakistan/ lahoredeclaration.html
13 Participants included Egypt, Israel, Jordan, and the Palestinians; Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates; Algeria, Mauritania, Morocco, and Tunisia. Syria and Lebanon were invited but chose not to participate. Iran, Iraq and Libya were not invited.