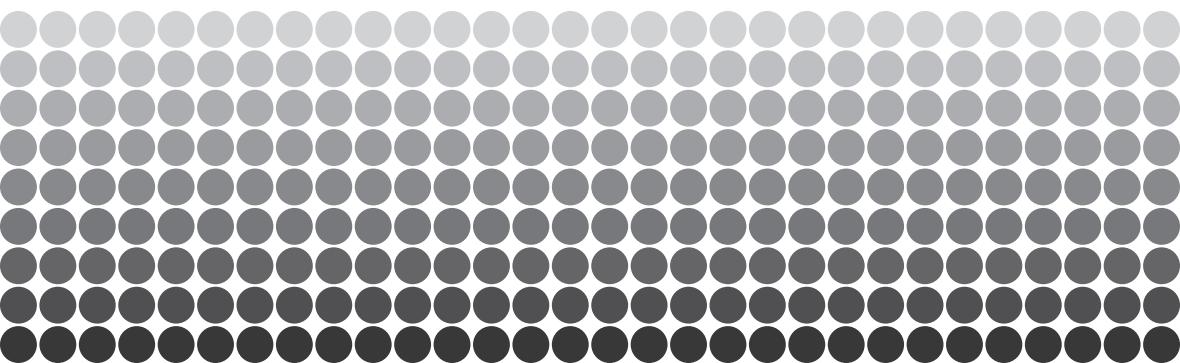**sipri**

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Confidence- and security-building measures
in Asia

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Contents

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IV. Confidence- and security-building measures in Asia

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Asia is a region with a significant number of bilateral and subregional tensions, unresolved conflicts that periodically lead to deadly incidents, and disputes over land and sea borders.[1] Nevertheless, although several Asian initiatives include confidence- and security-building measures (CSBMs) as part of their agenda, in general there is no strong mandate or institutional structure supporting CSBMs in Asia.[2] This section describes CSBMs in Asia, with a focus on South and South East Asia. Although there are similar tensions and conflicts in East Asia, the mandates and structures for support of CSBMs are much less developed there than elsewhere in the region.

South Asia

In South Asia, India and Pakistan have agreed on a significant number of CSBMs since their 1971 war, most importantly in the framework of the 1972 Simla Agreement and the 1999 Lahore Declaration.[3] A joint survey conducted in 2012 by Indian and Pakistani experts and former officials identified nine existing military CSBMs as being of primary importance, while six others that have been proposed by either India or Pakistan have not been adopted.[4]

The CSBMs in force include permanent communication channels between the Director General of Military Operations (DGMO) in both countries and between the paramilitary forces responsible for maritime security; advance notification of information on certain military exercises and troop movements, and on ballistic missile tests; joint border patrols on demarcated stretches of the international border; and biannual meetings of the border security forces of each side.[5] However, these CSBMs have not been implemented consistently and have not prevented violent confrontations between Indian and Pakistani military and paramilitary forces in

[1] On the fragile peace in East and South East Asia see chapter 1, section II, in this volume.

[2] CSBMs are defined here as measures undertaken by states to promote confidence and security through military transparency, openness, constraints and cooperation. They are militarily significant, politically binding, verifiable and, as a rule, reciprocal.

[3] Simla Agreement, signed 2 July 1972, entered into force 4 Aug. 1972, <http://www.jammu-kashmir.com/documents/simla.html>; and Lahore Declaration, signed 21 Feb. 1999, <http://cns.miis.edu/inventory/pdfs/aptlahore.pdf>.

[4] Atlantic Council, 'India–Pakistan military CBMs project, phase 1: final report', 25 Sep. 2012, <http://www.acus.org/files/Final Project report - Phase 1_Sept 25.pdf>.

[5] Atlantic Council (note 4); and Creative Associates International, *Preventing and Mitigating Violent Conflicts: A Revised Guide for Practitioners* (Creative Associates: Washington, DC, [1997]), 'Tool category C: military measures, confidence and security-building measures (CSBM)', <http://www.creativeassociatesinternational.com/CAIIStaff/Dashboard_GIROAdminCAIIStaff/Dashboard_CAIIAdminDatabase/resources/ghai/toolbox5.htm>.

the border area.[6] The CSBMs that have not been implemented include a permanent communication channel between the respective air forces and navies and a 2011 agreement in principle to establish a hotline between the interior ministers.[7]

During a sixth round of expert-level talks on conventional CSBMs, in December 2012 in New Delhi, progress was made on one issue: the measures agreed in 2003 to respect the informal ceasefire along the Line of Control separating Indian and Pakistani forces in Kashmir.[8] Since 2008 both sides have complained about the increasing frequency of violations and have stressed the need to check future violations by both sides, and at the December meeting the countries agreed on the need for stricter observance. Together with the use of the direct communication hotline between the DGMOs, the CSBMs have been credited with limiting the consequences of clashes between Indian and Pakistani forces at the end of 2012.[9]

Tensions between China and India over their disputed border have increased in recent years. Few CSBMs have been agreed between the two countries and the small-scale bilateral Chinese–Indian military exercises, which had been held in 2007 and 2008, were cancelled in 2010 by India. The visit of the Chinese Minister of National Defence, Liang Guanglie, to India in September 2012 led to some expectations that such exercises would resume in 2013 and other CSBMs would be agreed.[10] However, by the end of 2012 no progress appeared to have been made.

South East Asia

The elaboration of CSBMs played an important role in the development of the main Asian organization dealing with conflicts and tensions, the Association of Southeast Asian Nations (ASEAN) Regional Forum (ARF). Established in 1994, with participation by 23 Asian countries, Canada, the European Union, Russia and the United States, the ARF focused on discussing CSBMs until 2009.[11] Since that time, preventive diplomacy and conflict

[6] Stimson Center, 'Confidence-building and nuclear risk-reduction measures in South Asia', [n.d.], <http://www.stimson.org/research-pages/confidence-building-measures-in-south-asia-/>.
[7] 'Hotline between India-Pak home secys soon', *Hindustan Times*, 13 May 2012.
[8] India and Pakistan also held talks on nuclear CSBMs in 2012. In Feb. 2012 the countries agreed to extend the Agreement on Reducing the Risk from Accidents relating to Nuclear Weapons, which was signed on 21 Feb. 2007, for another 5 years. Sajjad Syed, B., 'Accord on reducing risk of nuclear accidents extended', *Dawn*, 22 Feb. 2012. Although both sides advanced proposals for new nuclear CSBMs at their Dec. 2012 talks, no new agreements were reached. Lodhi, M., 'Balancing hard and soft issues', *The News* (Karachi), 8 Jan. 2013.
[9] See e.g. 'India DGMO speaks to Pakistan counterpart on cross-LoC attack', *Economic Times* (Delhi), 9 Jan. 2013.
[10] Bedi, R., 'Chinese defence minister visits India to improve ties', *Jane's Defence Weekly*, 12 Sep. 2012, p. 16.
[11] For a full list of participants in the ARF see annex B in this volume.

resolution have become core objectives. The ARF meets annually at the level of foreign ministers and has become a framework for organizing working meetings of defence officials and other expert meetings on diverse issues. The ARF has two unofficial support mechanisms—the Council for Security Cooperation in the Asia Pacific (CSCAP) and the ASEAN Institute of Strategic and International Studies (ASEAN-ISIS).[12] While the ARF can itself be considered a CSBM, the catalogue of agreed CSBMs is small despite many proposals put forward by, for example, CSCAP for consideration.[13]

ASEAN asserts that CSBMs are 'important instruments in conflict prevention' both within ASEAN and for relations with non-ASEAN states.[14] However, direct international arbitration or (bilateral or multilateral) negotiations between the states involved have played a more important role in managing or solving intra-regional territorial disputes than has ASEAN.

In recent years a growing number of incidents of various kinds have occurred in the South China Sea that, taken together, have contributed to growing maritime tension among states in the region (see table 9.2). These incidents include patrols and exercises by navies and other maritime security agencies, interference with commercial attempts to exploit maritime resources of various kinds in contested maritime areas, and the establishment of structures on contested islands, reefs and shoals. Recent analyses have drawn attention to the negative impact that the increasing number of such incidents is having on regional security. As more maritime assets (civil and military) are being deployed in the South China Sea, these incidents may continue to increase in number and seriousness and 'over time, the risks are growing of any particular incident leading to miscalculation or the use of force'.[15]

Most of the incidents involve commercial ships or law enforcement authorities from ASEAN member states on the one hand and China on the other, and maritime CSBMs have been discussed in the ASEAN–China

[12] ASEAN Regional Forum (ARF), 'ARF objectives', <http://aseanregionalforum.asean.org/about/arf-objectives.html>; and Australian Department of Foreign Affairs and Trade, 'ASEAN Regional Forum (ARF)', <http://www.dfat.gov.au/arf/index.html>.

[13] E.g. an agreement to publish regular white papers on defence has resulted in only a handful of such documents since 2002. The ARF website lists just 6 papers from 5 countries. ASEAN Regional Forum (ARF), 'ARF defense white papers', <http://aseanregionalforum.asean.org/library/arf-activities/arf-defense-white-papers.html>.

[14] Association of Southeast Asian Nations (ASEAN), *ASEAN Political-Security Community Blueprint* (ASEAN Secretariat: Jakarta, June 2009).

[15] Medcalf, R., 'Recommendations to boost security in the South China Sea', Paper presented to the Conference on Maritime Security in the South China Sea, Center for Strategic and International Studies, Washington, DC, 28 June 2012, <http://www.lowyinstitute.org/publications/recommendations-boost-security-south-china-sea>; and International Crisis Group (ICG), *Stirring up the South China Sea (I)*, Asia Report no. 223 (ICG: Brussels, 23 Apr. 2012). On transfers of arms to South East Asian states see Wezeman, S. T., 'The maritime dimension of arms transfers to South East Asia, 2007–11', *SIPRI Yearbook 2012*.

Table 9.2. Main South China Sea incidents, 2011–12

Date	Incident
Mar. 2011	Chinese patrol vessels interfere with a Philippine oil exploration ship near Reed Bank; the Philippine Government announces strengthening of garrison on the Spratly Islands and acquisition of maritime assets
May 2011	Chinese patrol ships interfere with Vietnamese oil exploration ships near the Spratly Islands
Mid-May–31 July 2011	China's annual fishing ban in the South China Sea[a]
June 2011	Chinese naval exercise around the Spratly Islands; the Philippines renames the South China Sea, changing the name to the West Philippine Sea
22 July 2011	China warns Indian warship near southern Viet Nam to stay out of Chinese waters
Apr. 2012–Sep. 2012	China–Philippines confrontation at Scarborough Shoal
Mid-May–31 July 2012	China's annual fishing ban in the South China Sea;[a] Philippines and Viet Nam protest and declare the ban invalid
11 July 2012	Chinese warship runs aground on Half Moon Shoal (Hasa Hasa Shoal), part of the Spratly Islands archipelago
July 2012	The Vietnamese Parliament passes a law on sea borders, including the Spratly and Paracel islands
July 2012	China officially establishes garrison command on the Paracel Islands

[a] Since the late 1990s, China has proclaimed a temporary (mid-May–31 July) ban on all commercial fishing (by both Chinese and foreign vessels) in the South China Sea areas it claims belong to China. Chinese law enforcement agencies harass Philippine and Vietnamese fishing vessels and have arrested crew members. China claims that the ban is to protect fish stocks, but other countries regard it as illegal.

Sources: Buszynski, L., 'The South China Sea: oil, maritime claims, and U.S.–China strategic rivalry', *Washington Quarterly*, spring 2012, pp. 139–56; various media reports; and annex C in this volume.

dialogue since the late 1990s. In 2002 ASEAN and China made a joint political Declaration on the Conduct of Parties in the South China Sea (DOC), which was intended to open the way to agreement on a binding code of conduct.[16] An ASEAN–China joint working group was subsequently established to discuss implementation, and Guidelines to Implement the DOC were agreed in July 2011.[17] However, agreement on a binding code of conduct has proved elusive.

After July 2011, senior ASEAN officials elaborated a draft code of conduct that was circulated in January 2012, but the procedure for developing the code emerged as a contentious issue inside ASEAN in 2012. Prior to the

[16] Declaration on the Conduct of Parties in the South China Sea, signed 4 Nov. 2002, <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>.

[17] Guidelines on the implementation of the DOC, July 2011, <http://www.asean.org/portal.asean.org/archive/documents/20185-DOC.pdf>. See also Khalik, A. and Nurhayati, D., 'South China Sea guidelines agreed', *Jakarta Post*, 21 July 2011.

elaboration of a joint ASEAN text, China had argued that maritime issues should be discussed bilaterally by affected states. However, when a joint draft document was circulated, China requested to join the discussion. The Chinese request drew mixed reactions from ASEAN states: some argued for inclusive talks and others argued that a common ASEAN text should first be elaborated and then presented jointly to China.[18] In July ASEAN foreign ministers agreed the Proposed Elements of a Regional Code of Conduct in the South China Sea and also agreed that this document should be offered as the basis for talks with China.[19] In response, China underlined that the main priority was to implement the agreed DOC, while being open to discussing the proposed code of conduct with ASEAN countries. At the end of 2012 Brunei Darussalam, the incoming chair of ASEAN, confirmed that developing a binding code of conduct was a top priority for 2013.[20]

Prospects for CSBMs in Asia

While states in Asia emphasize that disagreement over territory and other matters need to be solved in a peaceful manner, the increasing tensions between them and the military build-up in the region heighten the potential for accidental or planned violent confrontations. CSBMs have been recognized in Asia, as in other regions, as effective mechanisms to prevent, manage and solve such potential violent incidents. However, CSBMs and the infrastructures in which they can be developed are still weak in Asia.

There have been some encouraging recent steps in parts of Asia towards developing CSBMs or mechanisms that can discuss and adopt them. However, most improvement hinges on cooperation among all Asian states, as well as the USA. Considering the current situation, a rather slow incremental process seems to be the most effective path to CSBMs in the region.

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[18] For detailed discussion of the process of elaborating the draft code of conduct and an analysis of the content of the text (which is not public) see Thayer, C. A., 'ASEAN'S code of conduct in the South China Sea: a litmus test for community-building?,' *Asia–Pacific Journal*, 20 Aug. 2012.

[19] Severino, R., 'A code of conduct for the South China Sea?', *PacNet*, Pacific Forum CSIS, 17 Aug. 2012.

[20] 'New ASEAN chair Brunei to seek South China Sea code of conduct', GMA news, 14 Jan. 2013, <http://www.gmanetwork.com/news/story/290271/news/world/new-asean-chair-brunei-to-seek-south-china-sea-code-of-conduct>.