

## GIGA and ESIWA Workshop

# ***“Geopolitics, militarisation and risk - a new case for Confidence Building Measures in the Indo-Pacific”***

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## Workshop paper

**Session 3: Evaluating the effectiveness of existing fora and CBM regimes in the region and how they cope with new technologies. Is there scope for European contributions?**

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GIGA-ESIWA Workshop  
**Frozen in Time? Confidence and Security Building Measures in  
 Southeast Asia**

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Confidence and security-building measures (CSBMs) trace their origins from our earlier understanding of arms control measures. In short, arms control comprises structural (i.e. quantitative and qualitative limitations on armaments) and operational (i.e. limitations imposed on the employment of armaments). What used to be called confidence-building measures (CBMs) and operational arms control measures then become more collectively known as CSBMs, which generally refer to “arrangements designed to enhance assurance of mind and belief in the trustworthiness of states and the facts they create.”<sup>1</sup> Such measures do not seek to impose limits on the type and quantity of armaments acquired but only targeted at restraining freedom of military action and entail certain limitations on the use of military force.<sup>2</sup>

Generally, CSBMs can be promulgated at the bilateral and multilateral levels, and they seek to accomplish the following: 1) to reduce or eliminate misperceptions of and concerns about potentially threatening military activities; 2) promote openness or transparency; in other words, on the exchange of information though the concept of constraining military activities are also considered to be of value; and 3) to convey the absence of hostile intentions, through the communication of credible evidence of the absence of feared threats.<sup>3</sup> But there are also criticisms against CSBMs, especially with respect to their actual utility of restraint should the political decision be made to proceed with use of force as incentivized by other factors; and whether they could even materialise in a climate of non-détente and lack of political will among the parties involved. This is not to mention transgressions against agreed CSBMs, for instance selective compliance and deception.<sup>4</sup> Moreover, CSBMs are time-consuming, fraught with uncertainties and yet do not necessarily guarantee results. While some CSBMs are legally binding in nature, many are not. This means that at any point of time, parties to the arrangements may renege on their commitments out of political expediency.

Nonetheless, CSBMs continue to be relevant notwithstanding their limitations. But in Southeast Asia, CSBMs have a mixed record. Several factors impede the growth of CSBMs in the region.

- Practical security cooperation against common security challenges, especially of non-traditional, transnational nature, dominates defense and security engagements.
- The ASEAN approach to interstate differences has largely been premised on political dialogues and where applicable, legal recourse via international bodies.
- Strong national prerogatives of defense planning and armament precede not only structural arms control but also, more robust forms of CSBMs seen to inhibit freedom.
- Southeast Asian CSBMs tend to adopt an incremental, “building block” approach to take into account extant geopolitical sensitivities, especially sovereignty concerns.

Still, Southeast Asian countries have promulgated, either at the intramural level (usually, more of between individual member states than broad, ASEAN frameworks) or with extra-regional actors. In general, CSBMs can be categorized into declaratory; transparency and constraint (also known as “stabilisation” or “security-building,”<sup>5</sup> hence the functionally broader term CSBM as opposed to just CBMs) measures (see Table 1).

**Table 1: Typology of Confidence and Security-Building Measures**

Categories	Declaratory Measures	Transparency Measures	Constraint Measures
Sub-Categories	- General principles that promotes interstate amity and concord	<u>Information Measures</u> - Dialogues - Participation in arms registry	<u>Risk Reduction Measures</u> - INCSEA-type pacts - Special communication procedures

	<ul style="list-style-type: none"> <li>- National politico-legal acceptance of international laws, e.g. UNCLOS III</li> <li>- Non-aggression pacts</li> <li>- Nuclear weapons-free pacts</li> </ul>	<ul style="list-style-type: none"> <li>- Military-to-military contacts</li> <li>- Seminars and workshops</li> <li>- Personnel exchanges</li> <li>- Exchanges of calendar on military activities</li> </ul> <p><b><u>Communication Measures</u></b></p> <ul style="list-style-type: none"> <li>- Common inter-military communication procedures</li> <li>- Crisis management communication links</li> <li>- Conflict prevention centres</li> <li>- Mandatory consultation on unusual or dangerous military activities</li> </ul> <p><b><u>Notification Measures</u></b></p> <ul style="list-style-type: none"> <li>- Military manoeuvres or movements</li> <li>- Military alerts</li> <li>- Mobilisation of reserves</li> <li>- Weapon test-launches</li> <li>- Naval accidents at sea</li> <li>- Scientific activities in disputed zones</li> </ul> <p><b><u>Observation/Inspection Measures</u></b></p> <ul style="list-style-type: none"> <li>- Invitation of observers to military exercises</li> <li>- Surveillance and control zones</li> <li>- Open skies treaties</li> <li>- Military force separation and monitoring</li> <li>- Sensors/early-warning stations</li> </ul>	<ul style="list-style-type: none"> <li>- Emergency communication procedures for ships and aircraft crossing or entering disputed maritime boundaries</li> <li>- Submarine underwater communications for close-contact contingencies</li> </ul> <p><b><u>Exclusion/Separation Measures</u></b></p> <ul style="list-style-type: none"> <li>- Demilitarized zones</li> <li>- Disengagement zones</li> <li>- Keep-out/in zones</li> <li>- Nuclear weapon-free zones</li> </ul> <p><b><u>Constraints on Personnel, Equipment and Activities</u></b></p> <ul style="list-style-type: none"> <li>- <u>Personnel</u>: national limits; category limits and zone limits</li> <li>- <u>Equipment</u>: deployment limits (by geographical area or numbers); category/type limits; storage/monitoring limits; and nuclear weapons types/deployment</li> <li>- <u>Activities</u>: manoeuvre/movement limits (by geographical area or force size); advance notification for movements, exercises and alerts; limits on force readiness; bans on simultaneous exercises/alerts and/or certain force/unit types; nuclear weapons</li> </ul>
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Source: Based on and compiled from: *Comprehensive Study on Confidence-building Measures*, United Nations Department for Disarmament Affairs Report for the Secretary-General, A/36/474 (NY: United Nations, 1982); John Borawski, "The World of CBMs," in John Borawski (ed.), *Avoiding War in the Nuclear Age: Confidence-building Measures for Crisis Stability*, Westview Special Studies in National Security and Defense Policy (Boulder and London: Westview Press, Inc.: 1986), 11-13; Richard Fieldhouse, "Naval forces and arms control: a look to the future," in Richard W. Fieldhouse and Shunji Taoka, *Superpowers at Sea: An Assessment of the Naval Arms Race*, SIPRI Strategic Issue Papers (Oxford; New York: Oxford University Press, 1989), 164; James L. Lacy, "Within and Beyond Naval Confidence-Building: The Legacy and the Options," The RAND Note, N-3122-USDP (Santa Monica, CA: The RAND Corporation, 1991), 28-29; Andrew Mack, "Arms Control at Sea," in Hugh Smith and Anthony Bergin (eds.), *Naval Power in the Pacific: Toward the Year 2000* (Colorado; London: Lynne Reiner, 1993), 93; Stanley B. Weeks, "Chapter 4: Incidents at Sea Agreements and Maritime Confidence-Building Measures," in Sam Bateman and Stephen Bates (eds.), *The Seas Unite: Maritime Cooperation in the Asia-Pacific Region* (Canberra: Strategic and Defence Studies Centre, Research School of Pacific and Asian Studies, The Australian National University, 1996), 88-89; Rory Medcalf and Raoul Heinrichs with Justin Jones, "Crisis and Confidence: Major Powers and Maritime Security in Indo-Pacific Asia," Lowy Institute for International Policy, June 2011, 26-30.

This list of CSBMs is certainly non-exhaustive, while all three categories may be ranked in an ascending order of difficulty and comprehensiveness in the process of negotiations and implementation.<sup>6</sup>

Declaratory measures are comparatively easiest because they are essentially political and do not entail technical-operational restrictions on militaries. Not all of such instruments are legally binding in nature. The onus lies on the signatories to keep to these declarations as an article of faith, or to risk otherwise especially in the absence of legal provisions that enforce compliance. This is also one reason why declaratory measures are the most commonly-adopted CSBMs in Southeast Asia, for example the ASEAN Treaty of Amity and Cooperation (TAC),<sup>7</sup> which is also open to accession by extra-regional actors. Signing onto the TAC is often symbolic for not only ASEAN member states but especially extra-regional actors who seek to express support for the bloc's centrality in the regional security architecture. While the Southeast Asian Nuclear Weapon-Free Zone (SEANWFZ) Treaty should rightfully be classified as a constraint measure, its provisions make this instrument more akin to a declaratory measure instead. However, there had been recent efforts by ASEAN countries to turn SEANWFZ into a more robust mechanism that can be properly deemed as a constraint measure. Besides inviting non-ASEAN countries to accede to it, ASEAN had proposed for instance to implement a Control System to verify compliance by parties to the Treaty.<sup>8</sup>

At the next level of difficulty, transparency measures require greater commitment towards actual implementation and in many cases, involve the defence establishments right down to operational units in the field. Within this category, information measures are perhaps the most commonly practiced, as seen in the proliferation of senior officials' and military practitioners' dialogues and exchanges. Communication, notification and observation/inspection measures are by nature more difficult to accomplish, though ASEAN has attempted to enter into such pacts at the bilateral and multilateral levels. The ASEAN Direct Communications Infrastructure (DCI) was a case in point. The initiative was first raised in a concept paper for the ASEAN Defence Ministers' Meeting (ADMM) in 2014, before it was promulgated in 2017. The plan was to expand ADI to the ASEAN-Plus dialogue partners. ADI envisages a permanent, rapid, reliable and confidential means by which any two ASEAN Defence Ministers may communicate with one another and arrive at mutual decisions in handling crisis or emergency situations.<sup>9</sup>

Constraint measures are the most intrusive of all CSBMs due to specific restrictions placed on personnel, equipment and activities that may clash with countries' own preferences and priorities. This creates potential hurdles during negotiations, especially when it concerns verification instruments to ensure compliance. Therefore, constraint measures are more challenging to be agreed upon and be adopted (partially or in full), relative to the other two categories, because they would entail the prospects of having to give up some sovereignty and freedom of action. Generally to say, the level of difficulty rises when CSBMs require greater commitments; if they impose restrictions on the political and operational freedom of action; and perhaps most daunting to some countries especially those in the Indo-Pacific which abhor external interferences – the unthinkable prospects of having to relinquish some sovereignty as part of the commitment to accept intrusive verification mechanisms.

If ASEAN succeeds in pushing for its current action plan on SEANWFZ, it would be a good example of exclusion/separation measures, though the process is likely to be challenging – especially if such measures are seen as excessively restrictive by nuclear weapon states as constraining their freedom of action. Other than this, the most common subcategory of constraint measures would be risk reduction. The Code on Unplanned Encounters at Sea (CUES), a non-binding, voluntary mechanism signed onto by navy chiefs at the Western Pacific Naval Symposium in 2014, was one such example. Measures for risk reduction and for constraints imposed on personnel, equipment and activities have found some salience in the ongoing negotiations on a proposed Code of Conduct in the South China Sea (CoC). However, these provisions were not commonly proposed by the 11 parties involved in the process, instead the focus has largely been on promoting practical security cooperation, whereas CSBMs do not appear to have been given the same emphasis.<sup>10</sup>

Given the diversity of stakeholders in Southeast Asia and involvement of extra-regional actors in the regional security architecture, CSBMs are desired yet challenging to accomplish, both as a process of negotiation and implementation due to the often conflictual national interests. The irony is also

that, while CSBMs are aimed at ameliorating interstate tensions and promoting transparency and trust, in the regional context the overall strategic trust deficit often stands in the way of promoting CSBMs. This is especially so the case for some of the CSBMs found in Southeast Asia.

What would be the role for extra-regional actors, given their stakes in Southeast Asia? Major players such as China, Europe and the U.S. for example would seek to drive the agenda for CSBMs and notwithstanding the oft-cited ASEAN centrality, there would be more of an ancillary instead of steering role that would be played by the 10-member bloc. This is compounded by the very fact that the consensus-based approach to institution-building by ASEAN can also be a hindrance to formulation of CSBMs. ASEAN's mixed record of handling thorny regional security issues, such as the case of the SCS disputes for example, also puts paid to extra-regional actors entrusting the bloc to drive CSBM conversations – besides mainly lip service to the contrary. In this respect, it is also important to note the converse: putting aside the oft-cited ASEAN approach of inclusivity, there is definitely some distrust or wariness amongst ASEAN member states towards extra-regional actors' desire to steer CSBM initiatives. That ASEAN dialogue partners have only given in-principle endorsement of the Guidelines on Air Military Encounters for example,<sup>11</sup> shows how extra-regional actors do not tend to subscribe to ASEAN-led initiatives that may not necessarily suit their broader interests.

And while emerging technologies with potential military applications should have propelled broader discussions between ASEAN and extra-regional actors on new CSBMs, the contrary appears to have happened so far – which points to a rather gloomy picture ahead where it comes to a common framework that governs the actions of all these players. Notably, the G7 agreed in December on the world's first comprehensive international guidelines for generative artificial intelligence.<sup>12</sup> There is yet an equivalent push by ASEAN but it does also appear that individual member states are eyeing their own national AI guidelines. Indonesia for example was finalizing its own set of ethical guidelines governing industrial use of AI.<sup>13</sup> At the same time, Jakarta appears to be eyeing a bigger international stature in the AI discourse, by calling for “especially South-South cooperation, in the hopes of realizing a more inclusive and beneficial AI development.”<sup>14</sup> Malaysia is another example of ASEAN member states deciding to mainly “go alone” in crafting AI guidelines.<sup>15</sup>

The complexities surrounding CSBMs in Southeast Asia underline the complex geopolitics of the region and diversity of stakeholders. There is no way to derive a one-size-fits-all framework that can apply across the entire region, including extra-regional actors. The foreseeable reality is to make do with this hodgepodge of CSBMs, each with its own designed purpose and set of participants, that could hopefully be effective as a collective sum. Existing initiatives or promulgated mechanisms might eventually serve as the building blocks for bolder regional attempts to derive a more robust, broader CSBM framework, even if such a pathway remains fraught with persistent geopolitical dynamics evolving in Southeast Asia and its adjacent neighbourhood.

## Notes

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<sup>1</sup> Johan Jorgen Holst, “Confidence-Building Measures: A Conceptual Framework”, *Survival*, 25 (1), 1983, pp: 2-15; see also Zdzislaw Lachowski, “Confidence and Security Building Measures in New Europe”, SIPRI Research Report No.18, (New York: Oxford University Press, 2004).

<sup>2</sup> *Comprehensive Study on Confidence-building Measures*, United Nations Department for Disarmament Affairs Report for the Secretary-General, A/36/474 (NY: United Nations, 1982), p. 27.

<sup>3</sup> See for example, United Nations Department for Disarmament Affairs, *Disarmament: Confidence and Security-building Measures in Asia*; based on materials from a regional meeting held at Kathmandu, Nepal, 29-31 January 1990 (New York: United Nations, 1990); Johan Jorgen Holst and Karen Alette Melander, “European Security and Confidence-Building Measures,” *Survival*, 19 (4), July/August 1977, p. 147; and John Borawski, “The World of CBMs,” in John Borawski (ed.), *Avoiding War in the Nuclear Age: Confidence-building Measures for Crisis Stability*, Westview Special Studies in National Security and Defense Policy (Boulder and London: Westview Press, Inc., 1986), pp: 9-39.

<sup>4</sup> For a good critique of the usefulness of CSBMs, read for example Jim E. Hinds, “The Limits of Confidence,” in John Borawski (ed.), *Avoiding War in the Nuclear Age: Confidence-building Measures for*

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*Crisis Stability*, Westview Special Studies in National Security and Defense Policy (Boulder and London: Westview Press, Inc., 1986), pp: 184-98; and Marie-France Desjardins, "Rethinking Confidence-Building Measures," *Aldephi Paper* 307, (London: Oxford University Press for the International Institute for Strategic Studies, 1996).

<sup>5</sup> Borawski, "The World of CBMs," p. 13.

<sup>6</sup> Lodgaard and Holdren for example classified naval CSBM approaches in more or less ascending order of difficulty and comprehensiveness. Of the seven key approaches proposed by them, clarifying rules of behaviour is ranked at the bottom whereas limiting nuclear weapons at sea being at the top. Sverre Lodgaard and John P. Holdren, "Chapter 1: Naval Arms Control," in Sverre Lodgaard (ed.), *Naval Arms Control* (International Peace Research Institute, Oslo; London: SAGE Publications, 1990), pp: 16-17.

<sup>7</sup> *Treaty of Amity and Cooperation*, ASEAN Secretariat, at: <https://asean.org/our-communities/asean-political-security-community/outward-looking-community/treaty-of-amity-and-cooperation-in-southeast-asia-tac/>

<sup>8</sup> How this would be done, however, is not laid out in specifics – quite characteristic of ASEAN documents including the supposedly more detailed plan of action. Plan of Action to Strengthen the Implementation of the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (2023-2027), adopted by the SEANWFZ Commission on 2 August 2022, at: <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/southeast-asia-nuclear-weapon-free-zone-seanwfz/>

<sup>9</sup> *Concept Paper on Establishing the previously termed Direct Communications Link (DCL) in the ASEAN Defence Ministers' Meeting Process*, ASEAN Secretariat, 2014, p. 2, at: <https://admm.asean.org/index.php/2012-12-05-19-05-19/admm1/concept-papers.html>

<sup>10</sup> CSBMs should hopefully be given greater emphasis as the CoC process is reinvigorated following the post-pandemic opening up. *Single Draft Code of Conduct in The South China Sea (CoC) Negotiating Text* as of 25 June 2018, p. 2. [Author's personal copy obtained from ASEAN diplomatic sources]

<sup>11</sup> "U.S., China, others tentatively agree to multilateral air encounter code," *Reuters*, 20 October 2018.

<sup>12</sup> Mayumi Hirose, "G7 agrees on first comprehensive guidelines for generative AI," *Nikkei Asia Review*, 2 December 2023.

<sup>13</sup> "Circular to provide ethical guidelines on AI use in Indonesia," *Antara News*, 13 December 2023.

<sup>14</sup> "Indonesia calls for more global AI involvement: Deputy minister," *Antara News*, 3 November 2023.

<sup>15</sup> "MOSTI to present full framework for AI code of ethics in Q1 2024 – Chang," *Bernama News*, 4 December 2023.