

# EXPLORING OSCE-TYPE CBMS IN NORTHEAST ASIA

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## 1. Introduction

There has been an appreciation for the potential value of multilateralism to supplement the bilateral relations that have traditionally characterized security relations in Northeast Asia. Adherents to multilateralism believe that mutual security cannot be achieved through bilateral relationships, but rather more efficiently achieved through collective action based on mutually accepted norms and principles. Thus, a European type of multilateral security cooperation has been sought after in Northeast Asia. In pursuit of this, the CSCE/OSCE is regarded as a working model for Northeast Asia.

For this reason, the idea of transplanting a European type of multilateral security cooperation in Northeast Asia has been cherished for a long time. However, this vision has not yet materialized. This can be attributed to the following characteristics of Northeast Asia, which differ from Europe: numerous ideological and territorial conflict that have yet to be resolved, four of the world's most powerful nations the U.S., Russia, China and Japan vying for its own national interests in Northeast Asia and on the Korean Peninsula, and the region's lack of experience in erecting a security regime with which to address these conflicts. These factors have impeded multilateral security cooperation in Northeast Asia.

North Korea's nuclear issue is at the focal point of our discussion here. It has been a key security issue in Northeast Asia over the last decade. It is true that North Korea's nuclear issue has represented the most critical test case for multilateralism's relevance to Northeast Asia. In the same vein, the ongoing Six-Party Talks on North Korea's nuclear issue are likely to increase the possibility of multilateralism in Northeast Asia. It is expected that the habit of multilateral security dialogue gained from the talks will incrementally enhance mutual confidence among the states in Northeast Asia, and consequently will lead to multilateral

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negotiations for security regime formation. Once the initiative has been taken for multilateral negotiations in Northeast Asia, CBMs will be put forward as a *prima facie* agenda.

Given this fact, the theme, exploring OSCE-type CBMs in Northeast Asia is relevant and timely. For discussion in this context, the notion of CBMs needs to be conceptually clarified. In general terms, CBMs include both formal and informal measures, whether unilateral, bilateral or multilateral that address, prevent or resolve uncertainty among states, including both military and political elements. Multilateral CBMs may be more effective in managing issues that are also multilateral in nature, i.e., those issues that involve more than two countries such as North Korea's nuclear issue. CBMs could be undertaken both at the track one (official) and the track two (unofficial) levels of interaction between countries. CBMs could include a myriad of political, economic and environmental arrangements, which in sum indirectly contribute to regional confidence and security.

In narrower terms, however, CBMs can be seen as attempts to make clear to concerned states through the use of a variety of measures the true nature of potentially threatening military activities. CBMs aim to provide assurance by reducing uncertainties and by constraining opportunities for exerting pressure through military activity. They contribute to the reduction of misperception and suspicion and thereby help lessen the probability of armed confrontation. CBMs can be categorized into three classes, namely, declaratory measures, transparency measures and constraining measures.

Underlying this article's search for CBMs in Northeast Asia is the assumption that European experience should be a source of inspiration for similar developments in CBMs in Northeast Asia. Since the inception of CBMs in the Helsinki Final Act of 1975, CBMs have been evolved as an underpinning device to prevent a surprise attack from occurring in Europe. In parallel with this evolution, the possibility of similar developments has been explored in other regions. However, it should be noted that the presence of some initial conditions does not always lead to the same result. Given the fact that a security regime formation is the product of its particular historical situation, to transplant a security regime developed in a certain region under certain conditions to other regions and other conditions may be entirely unsuccessful. In this sense, the experiences of the OSCE may have only limited implications for Northeast Asia. Therefore, Northeast Asia needs to develop its own CBMs that would suit the region.

Against this backdrop, this article aims to explore the possibility of multilateral CBM regime formation in Northeast Asia in light of European experiences. To this end, this article consists of three parts. The first part reviews European experiences focusing on the negotiations leading to the Helsinki CBMs; and the evolution of CBMs with their implications drawn from the European experiences. The second part examines the possibility of multilateral CBMs in Northeast Asia, focusing on the emerging patterns of multilateral security cooperation and bilateral CBMs in Northeast Asia. Finally, to conclude, the third part highlights the prospects for multilateral CBMs in Northeast Asia by examining preconditions.

## **2. European Confidence-Building Experiences**

### *2.1 The Negotiations Leading to the Helsinki CBMs*

The political and military aspects of security in the CSCE were contained in Basket I of the Helsinki Final Act, entitled Questions Relating to Security in Europe. This section of the CSCE mandate, presently known as Decalogue and CBMs is simple, even ambiguous, but it took almost three years of intense and uninterrupted negotiations to render it generally acceptable for all participants. Negotiations took place mainly at the Multilateral Preparatory Talks in Helsinki (22 November 1972-28 June 1973) and Stage II in Geneva (18 September 1973-21 July 1975).

#### The Decalogue

First of all, ten principles, which earmarked the superstructure of the CSCE security regime, were destined to present the political aspects of security. The objective of these principles was to promote better relations among participating states and to ensure conditions in which the people can live in peace, free from any threat or attempt against their security. To this aim, the CSCE participating states reaffirmed the fundamental principles, which they were to respect and apply in their relations, irrespective of their political, economic or social systems. This respect and implications was to occur equally and unreservedly, in all aspects of their mutual relations and cooperation. For this reason, the

principles needed to be universally accepted, based on rules already in existence. However, the declaration of principles entailed many problems such as the question of reference to the sources of the principles, and the selection of the principles.

As far as the question of reference to the sources of the principles was concerned, the West and Neutral/Non-aligned countries referred to the United Nations Charter and the UN Declaration on Friendly Relations as the source of the principles. Meanwhile, the East suggested as the basis of the principles, the United Nations Charter, the UN Declaration on Friendly Relations, the Declaration on the Strengthening of International Security and finally appropriate formulations of the agreements made between the states in view of a lessening of international tensions and to ensure security in Europe. This problem was resolved in favour of the West. Reference was only made to the United Nations Charter and the Declaration on Friendly Relations with the exclusion of other sources, but with a broader terminology: the purposes and principles of the United Nations.

The controversy over selection of the principles concentrated on the inviolability of frontiers and territorial integrity, as well as human rights and the rights of peoples to self-determination. A glance at the numerous proposals for the principles is enough for one to realize that the East emphasized the inviolability of borders, whereas the East had human rights and self-determination as its priority. The URSS was reluctant to recognize the principle of human rights as a norm for international relations because it saw human rights declarations as a matter of internal interference. The URSS was also oppose to self-determination, as this was in contradiction to the Brezhnev Doctrine. Meanwhile, the West was reluctant to recognize the inviolability of frontiers because this implied its recognition of territorial and political changes, which occurred during the Second World War. After painstaking negotiations, however, a compromise was made between the East and the West, and finally the ten principles on the Swiss list were registered. Hence the accepted principles were: (i) Sovereign equality, respect for the rights inherent in sovereignty; (ii) Refrain from the threat or use of force; (iii) Inviolability of frontiers; (iv) Territorial integrity of States; (v) Peaceful settlements of disputes; (vi) Non-intervention in internal affairs; (vii) Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; (viii) Equal rights and self-determination of people; (ix) Cooperation among States; (x) Fulfilment in good faith of

obligations under international law. The definitions of the ten principles were to be elaborated at the Geneva negotiations.

### CBMs

Negotiations on the military aspects of security in the CSCE security regime merit close attention since they provide a rare example of successful multilateral negotiations on military issues. It should be kept in mind that the participating states had different interests and aims in the negotiations from the beginning.

To begin with, the NATO allies wanted to deal with military measures within the context of the CSCE, but with some restrictions. They were not interested in including the military question of force and weaponry levels in the CSCE security regime, as this was supposed to be covered by other security regimes such as SALT and the MBFR. For this reason, the allies viewed confidence-building measures as the most appropriate content for the military aspects of the CSCE security regime.

In the same vein as the overall approach to the Conference, the WTO allies (excluding Romania) did not want concrete military measures to be placed in the CSCE. They also stressed the MBFR as the primary locus for military negotiations in Europe, and even sought to exclude confidence-building measures from the negotiations.

In contrast, the Neutral and Non-aligned group, not being protected by a military alliance, had different intentions. For them, the CSCE was the only forum for discussion of European military security, where their security interests could be reflected. They even envisioned the CSCE as a pan-European collective security regime, which could replace existing military alliances. From this point of view, their objectives were definitive: first to inject as much military content as possible into the CSCE, and second to create some form of linkage between the CSCE and the MBFR.

When it came to the specific CBMs, the general differences described above became more pronounced. NATO, on the basis of the concept of openness of military activities, perceived CBMs in political rather than military terms. In contrast, the WTO (excepting Romania) objected to openness, seeing it as a means of instituting a form of legal espionage. Meanwhile, the Neutral and Non-aligned group, basically endorsing the Western initiative, advocated other CBMs to the Mediterranean region as a whole, self-restraint of military activities, disarmament, and linkage between the CSCE and the MBFR.

With these different approaches, the three groups of actors assumed different positions on the substantive provisions of CBMs. The debates were concentrated on the three CBMs: prior notification of major military maneuvers, exchange of observers, and prior notification of major military movements. The prior notification of major military maneuvers was agreed to a substantive measure defined by the following parameters: the type of maneuvers to be included; the geographic area within which notification would be required; the size of the maneuvers considered major and thus subject to notification; the amount of advance notification time to be required; and the content and modalities of the notification. It was also agreed that the exchange of observers should be conducted voluntarily, bilaterally, regardless of scope, without any specific period of advanced notice and in the spirit of reciprocity and goodwill. Meanwhile, the prior notification of major military movement was accorded a lesser status in the agenda. It was agreed that the question of prior notification of major military movement should be further studied as part of a follow-up to the CSCE in light of the implementation of the other CBMs in the CSCE security regime. This wording reflected the opposition of the Soviet Union to a confidence-building measure on notification of movement.

## *2.2 The Evolution From Helsinki to Vienna*

The primitive CBMs have evolved into more sophisticated ones as the CSCE/OSCE process proceeds. A brief review of the generational evolution process with a view to exploring applicable types of CBMs to Northeast Asia is warranted.

The first generation of CBMs, which was enshrined in the Helsinki Final Act of 1975, was intended to increase predictability through openness and transparency. As mentioned above, the measures were of a voluntary nature and include only prior notification of major military maneuvers (21 days in advance for all maneuvers of 25,000 troops); voluntary exchange of observers; and a few other measures such as visits of military personnel by invitation. The zone of application for CBMs was the territory of all European participating states, as well as a 250 km. wide strip on the territory of those states extending beyond Europe.

The second generation of CBMs, which was derived from the Stockholm Conference on Confidence and Security Building Measures and Disarmament in Europe (CDE) in 1986, was envisioned to extend the application zone of CBMs, lower the notification threshold, introduce on-

site inspection provisions, and contain constraining measures. Specifically, the resulting Stockholm Document provided for obligatory notification of military activities; lower thresholds for prior notification to 13.000 troops or 300 tanks; a 42-day notification period for military activities; obligatory invitations to observers to activities including more than 17.000 troops; lower thresholds on amphibious and airborne forces for notification (3.000 troops) and observation (5.000 troops); annual calendars for planned notifiable military activities; a constraining provision prohibiting activities with more than 40.000 troops unless notified in the current calendar, or more than 75.000 unless notified in the previous year's calendar; and verification of military activities by compulsory on-site inspection.

The third generation of CSBMs dates back to the Vienna Document of 1990 which was adopted at the Vienna follow-up CSCE meetings from 1986-89. The Vienna Document created a new set of mutually complementary CSBMs. The Document contained some further information exchange provisions such as static information on existing forces, including structure, deployment, peacetime strength and major weapons and equipment systems; planned deployments of major weapons and equipment systems; annual military budgets; one obligatory evaluation visit of notifiable formations or units per year; and one airbase visit every five years. The Document also provided a mechanism for consultation and cooperation regarding unusual military activities and hazardous incidents of a military nature. In addition, it set up a computer-base CSCE/OSCE communications network for CSBM information exchange and established the Annual Implementation Assessment Meeting (AIAM) for all participating states to review and discuss implementation of the regime. At the same time, the Paris CSCE meeting in November 1990 established permanent institutions, including the Conflict Prevention Center (CPC), which serves as the focal point for the implementation of CSBMs.

According to the Charter of Paris for the New Europe in 1990, the CSBM negotiations reconvened under the same mandate and were concluded in 1992, just prior to the CSCE Helsinki Follow-up Meeting (March 24-July 8, 1992). The Vienna Document of 1992 built on existing CSBMs, supplementing them with more detailed parameters, and introduced a set of new measures. The new CSBMs were devised to cope with the new security problems rising in the post-Cold War era.

The Helsinki Follow-up Meeting established the Forum for Security Cooperation (FSC) as the successor to the CSBM Negotiations

and the CFE Negotiations. According to the Helsinki decision, the FSC would have the following objectives: (i) negotiate concrete measures aimed at keeping or achieving the levels of armed forces to a minimum, commensurate with common or individual legitimate security needs within Europe and beyond; (ii) harmonize agreed on obligations among participants states under the various existing instruments concerning arms control, disarmament and confidence-and security-building; (iii) develop the 1992 Vienna Document; and (iv) negotiate new stabilizing measures with respect to military forces and new confidence-and security-building measures.

After intense negotiations, the FSC adopted four additional documents in 1993: (i) Defense Planning, which obliged participating states to provide information on their defense policies and doctrines, force planning previous expenditures and budgets; (ii) Programme for Military Contacts and Cooperation, including joint military exercises and training, the provision of experts, and seminars on cooperation; (iii) Principles Governing Conventional Arms Transfers, which emphasized transparency and restraint, and took into account respect for human rights and fundamental freedoms in the recipient country; and (iv) Stabilizing Measures for Localized Crisis Situations, a non-obligatory catalogue intended to facilitate the adoption of measures in the event of local crisis.

The Vienna Document was again revised in 1994 and 1999. The Vienna Document of 1994, which was adopted in Budapest, strengthened compliance and effectiveness of CSBMs in crisis situations and improved the operation of existing measures. Meanwhile, the Vienna Document of 1999 integrated an additional set of CSBMs with measures already agreed to in the Vienna Documents of 1990, 1992 and 1994, as well as a chapter on regional matters. Another important achievement was the Code of Conduct on Politico-Military Aspects and Security. Adopted in Budapest, the Code of Conduct was a new, politically binding norm to regulate the role of the armed forces in democratic societies. The most recent Document on Small Arms and Light Weapons, adopted in November 2000, aims at combating illicit trafficking of small arms and reducing and preventing the destabilizing accumulation and uncontrolled spread of small arms and light weapons.

### *2.3 The Implications*

First and foremost, the European CBMs are a historical product of the particular situation in the division of Europe. The Helsinki CBMs

might not have been initiated without the pre-existence of NATO and the Warsaw Pact. In fact, the Helsinki CBMs were initiated in an effort to prevent a pre-emptive attack from occurring in Europe, where the two military alliances confronted each other. Thus, we may draw the implication that a minimum condition for CBM regime formation be that conflicts must exist over a specific issue, as well as common interest in cooperation among the states directly concerned.

Second, the European CBM regime was incubated under a period of detente. It was during the detente period, rather than during the Cold War, that some of the favourable preconditions for the Helsinki CBM regime developed. The climate of detente in the late 1960s and early 1970s made it possible to consider that finding a more acceptable *modus vivendi* between the East and the West might be more successful now than earlier ambitions. It was the Cuban missile crisis of 1962 in particular which brought about a turning point from the Cold War to a detente. This turning point led to a period of greater relaxation between the East and the West, which ultimately enabled a multilateral security forum to be initiated to discuss and negotiate matters of security and cooperation in Europe. Thus, we can draw the implications that a state relaxed of tensions provides more favourable initial conditions for CBM regime formation.

Third, the initiation of the Helsinki CBM regime was possible only after territorial disputes were settled. Since World War II, the German question had been an obstacle to the normalization of relations between the East and the West. However, just before the initiation of the CSCE in 1972, this problem was resolved. This leads us another initial condition: there must exist a general consensus on the recognition of the status quo among the prospective member states of the security regime. Consensus must exist as to where geographical boundaries of the region are and where the territorial borders of states within the region should be. Such serious obstacles as territorial disputes would likely prevent any form of security regime from being initiated.

Fourth, it is significant to note that the Helsinki CBM regime was initiated on recognition of the power symmetry among the major states concerned. For instance, the nuclear symmetry between the two superpowers in the early 1970s was a decisive factor in the East-West rapprochement in 1972, which culminated in producing a Declaration on Basic Principles of U.S.-Soviet Relations; a Treaty on the Limitation of Antiballistic Missile Systems; an Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms; agreement on

prevention of incidents at sea and cooperation in science and technology, space, health, and environment; and decisions to open the second round of SALT negotiations. This was manifested by President Nixon's words on November 4, 1972: "It is precisely the fact that the elements of balance now exist which gives us a rare opportunity to create a system of stability that can maintain the peace, not just for a decade, but for a generation and more". The 1972 Moscow Summit laid a cornerstone for the initiation of the CSCE. This was partially attributed to the existence of nuclear power parity between the superpowers. In this sense, it can be concluded that the existence of power symmetry provides a favourable condition for CBM regime formation.

Fifth, it should be noted that a value affinity in relative terms to the states concerned was an important factor in CBM regime formation. Despite differing value systems between the East and the West, the negotiations were not derailed by the irreconcilable values among the participants. This was because there was an agreement on 'universally acceptable resources' drawn from the United Nations Charter and the UN Declaration on Friendly Relations. This is significant because the universal principles provided a framework under which CBMs could be agreed upon. Among other things, principles such as the inviolability of frontiers, the territorial integrity of states, the non-use of force, and non-intervention in internal affairs were essential for CBMs. In their absence, CBMs could hardly have been instituted.

Sixth, the evolution of the European CBMs has proven to be a gradual process, in which the second or third step should not be planned before the first. The first step, however, may trigger the next ones. Each aspect of progress was made possible on the basis of solid implementation of the agreed CBMs. This implies that confidence building cannot be achieved in a short time. Rather, it may require a series of incremental steps.

As mentioned at the outset, any attempt to transplant the CSCE/OSCE type of CBMs into Northeast Asia would be unsuccessful. Therefore, they should be considered simply as a valid working model, which can be applicable *mutatis mutantis* to Northeast Asia. It is also necessary to understand that CBMs are not a cure-all for international security problems. They constitute part of the outcome of a wider cooperative process of reconfiguring inter-state relations rather than creating them. Confidence is a fair-weather feature and can hardly exist in a state of crisis or conflict. On the other hand, once implemented and proven, CBMs can contribute to a better shielding of fair-weather

conditions against a revival of international crisis and conflict. This balanced view of CBMs would aid in the exploration for more realistic confidence-building measures in Northeast Asia.

### **3. Northeast Asian Confidence Building in the Making**

#### *3.1 Multilateral Confidence Building at Test*

As many observers have noted, in principle, multilateralism would be desirable for Northeast Asia not because multilateralism brings about inherent practical or normative advantages, but because it addresses security issues in Northeast Asia more effectively. This is supported by the following reasons:

First, multilateralism would facilitate the necessary mutual accommodation of interests and objectives, as it would dismiss the risks of polarization and broaden the opportunities for trade-offs, hence package deals. Second, the interests of the regional powers in Northeast Asia are fundamentally compatible with each other: all are concerned with stability and thus prefer the status quo over changes, but all would also prefer peaceful and orderly change towards a new status quo, obviously much preferred to uncontrolled, possible highly dangerous forms of change. Third, the conflicting issues on the Korean Peninsula, as far as outside powers are concerned, are not necessarily antagonistic. In fact, they are rather unlikely to be so, as recent developments show: shared interest in stability much outweighs conflict over influence. In short, the configuration of revealed interests, objectives and even strategies of external powers on and around the Korean Peninsula does not equate to a zero-sum game.

Over the last few years, the logic of multilateralism has been prevalent in Northeast Asia. Now we can observe a rapid proliferation of multilateral processes in Northeast Asia. There currently exist a variety of multilateral security mechanisms in Northeast Asia. These mechanisms include the ASEAN Regional Forum (ARF), the Six-Party Talks, and the Korean Energy Development Organization (KEDO), the Trilateral Coordination and Oversight Group (TCOG) in the official/governmental level (Track I) and the Council of Security Cooperation in the Asia Pacific (CSCAP) and the Northeast Asian Security Dialogue (NEACD) in the unofficial/nongovernmental level (Track II). They all deserve a brief

illustration in that they are considered emerging patterns of multilateral confidence building in Northeast Asia.

First of all, the ARF, established in 1994, is working as the only inter-governmental forum for discussing security issues in the Asia-Pacific region. It is intended to evolve from a forum for confidence building to preventive diplomacy and ultimately to a mechanism for resolving conflicts in the region in the long term. As it evolves, the ARF undertakes programs both at the official and the unofficial levels. While the ARF is an official forum, as it is the foreign ministers of regional countries who attend its annual meeting, it also sponsors Track II seminars and workshops, which involve academics and officials in their personal capacities. The ARF has repeatedly touched upon developments on the Korean Peninsula, and in 2000, North Korea formally joined the ARF. Another official context with potential to contribute to confidence building and preventive diplomacy has been the recently institutionalized annual summit meeting of the ASEAN heads of states and government and the three Northeast Asian states China, Korea and Japan, which has begun to spin off trilateral cooperation on specific issues among the three Northeast Asian participants in that process .

The Six-Party Talks that took place in Beijing from August 27 to 29, 2003 are to date, the largest multilateral talks devoted to the Korean Peninsula issue. The Beijing Talks also marked the first ‘two plus four’ formula in which the two Koreas and the four great powers (China, Japan, Russia and the U.S.) sat at the same conference table to hammer out a peaceful solution to the North Korean nuclear issue. The six countries failed to agree on a joint statement of any kind; and they did not succeed in fixing a firm date and venue for the next round of talks. Instead, they came up with a consensus of the six parties. At the time of this writing there is a better than ever chance that the second round of the Six-Party Talks will be held in Beijing in the foreseeable future. It was reported that North Korea is prepared to consider President George W. Bush’s offer of security assurances within a multilateral security guarantee in return for dropping its nuclear program. These verbal commitments may serve as a promising stepping stone to an eventual agreement on substantive, reciprocal measures that will satisfy the minimum needs of both sides namely, a complete, irreversible, and verifiable dismantling of the North’s nuclear weapons program, as stated by the U.S. and a trustworthy, perhaps legally binding, security guarantee coupled with energy and food assistance for the North. It is expected that North Korea’s abandonment of its nuclear program through the Six-Party Talks and the subsequent

commencement of the peace process on the Korean Peninsula will present an unprecedented opportunity to dramatically enhance multilateral confidence building in Northeast Asia.

The Korean Peninsula Energy Development Organization (KEDO) is a multilateral institution established to implement a bilateral agreement between Washington and Pyongyang, which trades the abolition and dismantling of North Korea's nuclear weapons program for two light water reactors and intermediate deliveries of heavy fuel oil to enhance North Korea's electricity generating capacity. However, recently, KEDO has made it official that it plans to halt construction of the reactors for one year. It was reported that the suspension would start on December 1, 2003, given that the necessary conditions for continuing the construction have not been met by North Korea. The reactor project, a key agreement included in the 1994 Agreed Framework signed by the U.S. and North Korea, came into question when North Korea admitted to running a covert uranium enrichment project in October 2002.

The Trilateral Coordination and Oversight Group (TCOG), established in 1999 at the ministerial level, has been the principal multilateral mechanism for coordinating America, South Korea and Japanese policies towards North Korea. TCOG has consisted of regular meetings between senior officials from the three foreign ministries. Recently, this multilateral framework has also acquire genuine collective security aspects through revisions of the US-Japan Revised Defense Cooperation Guidelines, which have shifted the previously strictly bilateral security and defense cooperation between Tokyo and Washington towards a collective defense, including South Korea.

Unlike the official Track I mechanisms mentioned above, the Council of Security Cooperation in the Asia-Pacific (CSCAP) is a nongovernmental Track II organization established for the purpose of providing a structured process for regional confidence and security cooperation among countries and territories in the Asia-Pacific region. The Council provides an informal mechanism, whereby scholars and even government officials in their private capacities can discuss political and security issues through the convening of regional and international meetings, and the organization of various working groups and study groups. Along this line, five international working groups, namely, (i) Northeast Asia Cooperative Security, (ii) Maritime Safety, (iii) Comprehensive/Cooperative Security, (iv) Confidence-and Security-Building Measures, and (v) Transnational Crimes have been established.

The Council also provides policy recommendations to various intergovernmental bodies on political-security issues.

Another Track II multilateral security mechanism is the Northeast Asian Cooperation Dialogue (NEACD), which was initiated by the Institute of Global Conflict and Cooperation (IGCC), University of California in 1993. This forum involves government officials acting in a private capacity as well as non-governmental academics from China, Japan, North and South Korea, Russia and the U.S. Generally, five representatives from each country participate in the NEACD meetings: one policy-level official each from the foreign and defense ministries, a uniformed military official, and two participants from private research facilities, think tanks, or universities. NEACD has been held 14 times since 1993. North Korea, a founding member of the forum, had not attended the forum until the 13th NEACD, held in 2002 in Moscow. The absence of North Korea had been a serious obstacle in achieving the goal of NEACD. However, with the engagement of North Korea in the forum since 2002, NEACD is gaining momentum as a prospective sub-regional multilateral framework to address security issues in Northeast Asia

In view of the emerging patterns of security regimes in Northeast Asia, it seems that some preconditions for CBM regimes have become ripe. In particular, a breakthrough in the pending North Korea nuclear issue through the Six-Party Talks is likely to increase the necessity for and the possibility of a CBM regime at the regional level. In this case, a modified Six-Party Talks or transformed NEACD may serve as the focal point for multilateral CBMs in Northeast Asia.

### *3.2 The Emerging Patterns of Bilateral CBMs in Northeast Asia*

Given the contextual and geographical characteristics of Northeast Asia, it seems that the applicability of CBMs might call for a step-by-step approach. In other words, CBMs could be applied bilaterally at the initial stages and the multilaterally at the later stages. First, bilateral CBMs could be applied to at least four areas in Northeast Asia: the Korean Peninsula; the Sino-Russian border area; the Sino-Vietnamese border area; and the Northern Territories. Presumably, the successful implementation of bilateral CBMs in these areas would pave the way to the introduction of multilateral CBMs in Northeast Asia.

Most notably, as far as CBMs on the Korean Peninsula are concerned, it was agreed in 1991 that the Basic Agreement was envisioned as the road map for institutionalizing a confidence-building

process between the two Koreas. Similar to the Helsinki Final Act, it conceptualized the process of inter-Korean confidence building in comprehensive terms. The Basic Agreement and the Provisions have some basic CBMs. With the exception of an agreement on a Hot-Line, most CBMs are declaratory in nature and serve as guiding principles for future CBMs. What is required right now is the elaboration of more concrete and detailed CBMs, which can be applicable to the Korean Peninsula.

At the initial stage of building military CBMs, transparency measures accompanied by some constrain measures should be applied first. They can be limited in scope, less intrusive, and to a certain degree, voluntary in nature. This may include: establishment and operation of a hot line; notification of military movements, manouvers, and exercises; exchange of military information; demilitarization and conversion of the DMZ into a peace zone; and relocation of offensive weapons. Based upon successful implementation of these measures first, other CBMs such a maritime measures, denuclearization measures, and the like could be introduced.

In order to implement inter-Korean military CBMs, both Seoul and Pyongyang would need to set up at least four committees in which four substantive CBM areas would be covered. That is, prototype measures, DMZ measures, maritime measures, and denuclearization measures. To be more specific, the prototype CBM would deal with essential declaratory, transparency and constraint measures that were agreed upon in the Basic Agreement of 1991. The maritime CBMs would focus on controlling the maritime boundaries and limiting the risk of explosive confrontations. The DMZ CBMs could aim for peaceful utilization of the DMZ, in particular with regard to the agreement to re-open rail and road links across the DMZ. These CBMs may include the change of North Korea's mode of military deployment, the connection of a military hotline, the destruction of underground tunnels and visual obstacles and the clearing of mine fields. Finally, the denuclearization CBMs would concern all measures to ensure the 1992 Denuclearization Agreement. These CBMs may include a training measure in mutual nuclear inspection and a measure for long-term bilateral verification.

The four committees should be mandated to decide all details of the CBMs such as applied activities, applied zones, periods, thresholds, communication channels, verification methods, etc. They may be housed at a European-type Conflict Prevention Center (CPC) at the DMZ, which would be responsible for the overall support for the implementation of the

CBMs, conflict prevention, early warning and crisis management, and the like.

Secondly, as far as the Sino-Russian border area is concerned, a number of CBMs were agreed upon between the two countries. The CBMs can be categorized into three types: (i) spatial and temporal limitation of military activities, exercises and maneuvers; (ii) military-to-military contracts, joint exercises, exchanges and visits; (iii) prevention of dangerous military activities.

To illustrate briefly, back in November 1993, the Russian and Chinese defense ministers agreed to inform each other for military maneuvers in border districts. The provisions included a pledge of warning preceding military exercises and set limits on the number and types of exercises permitted within 100 km. of the border. In addition, notification prior to maneuvers, and the attendance of exercises by observers were incorporated into the agreement signed by the four CIS states (Russia, Kazakhstan, Kysgyzstan and Tajikistan) and China in April 1996.

They also agreed to provide for regular consultation between the two ministries, establish direct ties between adjoining Russia and Chinese military districts and military exercises, and increase the number of military attaches.

In July 1994, the Russian and Chinese defense ministers signed an agreement to prevent incidents between their armies, such as combat aircraft crossing into other country's airspace. It also regulated unsanctioned missile launches, the use of lasers that could harm the other side and the jamming of communications equipment. These measures were also incorporated in the signed Agreement between the four CIS states and China in April 1996.

Thirdly, as far as the Sino-Vietnamese border area is concerned, there have been no agreed CBMs between the two countries thus far. However, recently, the Sino-Vietnamese Land Border Treaty, which was signed on December 30, 1999, laid the groundwork for introducing CBMs at the Sino-Vietnamese border area. It is necessary for China to apply the same kind of CBMs to Vietnam that have been adopted between Russia and China. There is no doubt this measure would contribute to regional stability and peace in Northeast Asia.

Finally, the Northern Territories dispute between Russia and Japan has served as a diplomatic stumbling block to building confidence as it impedes development in both the military and economic arenas. However, some progress has been made. Russia and Japan signed an agreement on

the Prevention of Incidents at Sea in September 1992 and military officials have been engaging in bilateral security dialogue. Yeltsin and Hosokawa agreed to increase high level exchanges of officials, promote non-proliferation, enhance the role of the United Nations and work to make Russia a part of the Asia-Pacific community . In April 1996, Russia and Japan agreed to enhance transparency and mutual notification of large-scale exercises, and exchange of visits by naval vessels. In May 1997, the two sides agreed to intensify their security dialogue and conduct further exchanges. In July 1998, the first Russian-Japanese naval maneuvers aimed at executing a rescue operation took place in the northeastern part of the Sea of Japan.

In short, the emerging patterns of bilateral CBMs shed light on the applicability of multilateral CBMs in Northeast Asia. Of course, the pursuit of multilateral CBMs in Northeast Asia calls for prior resolutions to all bilateral issues mentioned above, between the states concerned. The remaining question is how to meet the preconditions for multilateral CBMs in Northeast Asia in the future.

#### **4. Conclusion: Prospects for Multilateral CBMs in Northeast Asia**

As seen from the European experiences, the development of multilateral CBMs requires prior satisfaction of some preconditions. The first precondition is the existence of conflict over a specific issue and a common interest in cooperation among the states directly concerned. In Northeast Asia, there are many conflicting security issues, which cannot be resolved without multilateral cooperation among the states concerned. Among other things, North Korea's nuclear issue is the most salient case in point. Development of multilateral CBMs in Northeast Asia promises a successful resolution to this problem.

The second precondition is a relaxing of tensions in Northeast Asia. At the moment, it appears that the security environment in Northeast Asia heavily relies on how North Korea's nuclear issue will be resolved. With regard to this, two scenarios come to mind. The first is escalation. This scenario involves the nuclear issue not being resolved within the framework of the Six-Party Talks. As a consequence, tension escalates on the Korean Peninsula. The U.S. may adopt a military containment policy against North Korea; and North Korea may resort to brinkmanship as it has done before in 1994. This unintended situation aggravates security relations overall in Northeast Asia, which may make

the option of multilateral CBMs unthinkable. The second scenario is de-escalation. This scenario involves North Korea's nuclear issue being resolved within the framework of the Six-Party Talks. This situation brings stability and peace to the Korean Peninsula, and furthermore to Northeast Asia as a whole. The Six-Party Talks are likely to be transformed into a multilateral security framework in which multilateral CBMs would be addressed as a subsequent step.

The third precondition is the recognition of a status quo among the prospective member states in a multilateral CBM regime. As shown earlier, there exists a number of territorial disputes in Northeast Asia. No doubt, they are the biggest stumbling blocks in the development of multilateral CBMs in Northeast Asia. However, it is also true that there are ongoing dialogues and bilateral CBMs to resolve these disputes. Therefore, we should not necessarily be pessimistic about the process for multilateral CBMs in Northeast Asia. Multilateral confidence building is a long-term process to be pursued with endurance. The European experience demonstrates this lesson eloquently.

The fourth precondition is the recognition of power symmetry among the major states concerned. In Northeast Asia, it is true that there exist such unfavourable conditions as an asymmetric power balance and sharp asymmetries in economic performance. Particularly, the hegemonic rivalry between the U.S. and China presses for arms races and trade frictions among the regional powers. Hegemonic rivalries can be harmful to a conciliatory international environment, which is necessary for initiating multilateral CBMs in Northeast Asia.

The fifth precondition is the existence of a certain degree of value affinity. Northeast Asia is characterized by heterogeneous political, economic, social and cultural structures. This heterogeneity is surely an unfavourable, but not fatal, factor in CBM regime formation. The OSCE's experiences show that participating states with heterogeneous values developed the European CBMs. This lack of value affinity was overcome by adopting universally accepted principles based on rules already in existence. This lesson can be applied to Northeast Asia as well.

The sixth precondition is an agreement on initial CBMs, dubbed prototype CBMs in this article. Once the initial CBMs are agreed upon and implemented, they tend to evolve incrementally into more sophisticated ones. Confidence gained from these initial CBMs consolidates confidence among the member states. Further consolidated certitude makes the introduction of more sophisticated CBMs possible. This may be called a confidence building chain effect. In Northeast Asia,

some initial CBMs have already been introduced and implemented, even though they are limited in scope and bilateral in nature. Nevertheless, when the preconditions are met in the future, they may evolve into more sophisticated CBMs, even possibly at multilateral level.

In conclusion, multilateral confidence building in Northeast Asia is far from being unrealistic. It is in the making; it is just a matter of time. Indeed, if this is the case, the prospective members need to embark on discussions of Northeast Asia CBMs from a realistic perspective. Given the contextual and geographical characteristics of Northeast Asia, Northeast Asian CBMs should include not only land-based CBMs, but also maritime and nuclear CBMs. In addition, in view of the existing multilateral mechanism in Northeast Asia, the NEACD appears to be the most appropriate arrangement for addressing the matter. In this sense, the next NEACD, which was agreed to be held as a Track 1.5 dialogue in early 2004 in Washington, offers a precious opportunity and challenge to multilateral confidence building in Northeast Asia.