

Confidence-building Measures

An Overview of Elite-level Options

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Confidence-building measures (CBMs) have the objective to **prevent, manage and resolve crises** that are likely to escalate into violent conflicts between states or between states and non-state actors. To be effective, they require transparent and verifiable actions by the immediate conflict parties in order to establish more predictable, mutually assuring patterns of behaviour. CBMs can thus be **unilateral, bilateral or multilateral** depending on the nature of the conflict. They are often facilitated and supported by third parties, including regional and international governmental and non-governmental organisations. CBMs can be **military, diplomatic, political, or cultural** in their nature and they can be applied equally in **conflicts between, across, and within states**.

Understanding the utility of CBMs requires considering that their purpose changes over time in a conflict cycle. In the **short term**, they aim to arrest an escalating crisis before the outbreak of major violence or to stabilise an immediate post-ceasefire situation. In the **medium term**, CBMs are meant to increase contact and trust between conflict parties and socialise them into a new approach to addressing their dispute. In the **long term**, they can play a crucial role in paving the way to, and sustaining, a meaningful conflict settlement.

The peace process in **Northern Ireland** can illustrate these general points with a few specific examples of generally effective confidence-building measures. A joint declaration in 1993 by the British and Irish prime ministers gave essential commitments to the conflict parties in Northern Ireland about both the principal parameters of a settlement and assured them that no solution would be imposed without their consent. It required a cessation of violence in exchange for inclusive talks. This quasi-unilateral declaration by the two governments thus offered a concrete **inducement**, essentially to Sinn Féin and the IRA to end their campaign of violence and enter a meaningful negotiation process. Following the declaration of an IRA ceasefire, elections were held to determine which political parties commanded sufficient popular support to participate in the negotiations and an independent mediator, former US Senator George Mitchell, was appointed. The IRA ceasefire broke down and was reinstated, Sinn Féin was admitted to the negotiations process, and eventually an agreement was achieved. While this rather brief narrative masks important complications in a five-year process of ups and downs from the 1993 Joint Declaration to the 1998 Agreement, it illustrates two more general points: the need for **reciprocity** in order to achieve progress and the need for **credibility** in order to ensure that offers are seen as genuine and followed up.

Equally importantly, Northern Ireland exemplifies that confidence-building often begins with a **unilateral concession** (in this case by the British and Irish governments). Concessions are significant to build trust if they indicate a genuine willingness to cooperation and to a joint approach to finding a solution to a shared problem. They need not be materially or strategically costly, and often a symbolic gesture is most meaningful if followed up by practical change. The 1955 **Bonn-Copenhagen Declarations**, for example, were coordinated simultaneous unilateral declarations by the West German and Danish governments on the treatment of each other's national minorities which were almost immediately followed with relevant changes in the legal and policy frameworks for the treatment of the German minority in Denmark and the Danish minority in Germany, thus bringing to an end a long-standing disagreement between the two states and removing an important obstacle to West Germany's NATO membership.

Other important unilateral steps aimed at building confidence include **Anwar Sadat's** trip to Jerusalem in November 1977 and his Knesset speech eventually paving the way to the Camp David Accords of 1978, **Mikhail Gorbachev's** speech before the United Nations in 1988 that signalled the end of the Cold War, and more recently (and perhaps as yet unfulfilled in all their aspirations) **Barak Obama's** June 2009 Cairo speech pledging a new beginning between the US and Muslims around the world and his earlier initiative to 'reset' relations with Russia.

Unilateral steps to build confidence often stand at the beginning of eventually more direct and constructive engagement between the immediate conflict parties. Early successes, however, do not make CBMs obsolete later on. Once substantive political negotiations commence confidence-building remains essential if momentum towards

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a sustainable settlement is to be maintained. Here, regional and international organisations play an important role, especially in relation to **security issues**, and it is at this stage that confidence-building often requires and allows a more bilateral approach—that is, the parties are able to agree joint measures and initiatives rather than relying on unilateral, albeit reciprocal steps.

In the 1997 Protocol on Military Issues to end the civil war in **Tajikistan**, for example, the conflict parties requested the United Nations through its observer mission to monitor the process of implementation of their agreements. Agreeing on appointing an impartial third party to monitor and verify implementation of the various negotiated agreements increased both sides' confidence in each other's willingness to uphold their commitments. In the 1996 **Sierra Leone** peace agreement, the parties established an international Neutral Monitoring Group responsible for monitoring and investigating breaches of the ceasefire. The 2006 Comprehensive Peace Agreement for **Nepal**, confined Maoist rebel troops to cantonments under UN supervision.

As a final point and illustration, confidence-building is also important when parties move into formal, substantive negotiations and reach an agreement. Here the main issue is about achieving mutual confidence in the durability of an agreement. In other words, parties need to commit to **guarantees** for their final conflict settlement agreements and third parties can be helpful in adding an international legal dimension to domestic legal and constitutional guarantees. An example of 'pre-negotiation' confidence-building is the 1994 Framework Agreement for the Resumption of the Negotiating Process in **Guatemala** in which the parties agreed on a range of parameters and subjected their commitments to verification by the UN. The 2001 Ohrid Framework Agreement for **Macedonia** included specific amendments to the constitution of the Republic of Macedonia, as well as specifics on individual laws to be changed.

Of equal significance for lasting confidence is a joint commitment by the parties to dispute resolution mechanisms in case of disagreements over the implementation or subsequent interpretation of such a law. This frequently takes the form of references to special domestic or mixed domestic-international dispute resolution bodies (such as the Joint Council established under the 2002 **Aceh** Ceasefire Agreement or the National Human Rights Commission foreseen in the 2006 Comprehensive Peace Agreement for **Nepal**) or the constitutional court or equivalent judicial bodies (such as provided for in the 2001 **Bougainville** Peace Agreement). Dispute resolution mechanisms can also be international in nature, such as those established by the 2003 Comprehensive Peace Agreement for **Liberia** and its reference to dispute settlement through ECOWAS-led mediation in collaboration with the AU and UN, or the 1994 "Quadripartite Agreement on **Abkhazia**" giving a specific role in dispute settlement to the Russian Federation and the UN High Commissioner for Refugees.

More generally, international or regional organisations can assist such confidence-building measures by providing monitoring and verification 'services'. These have a specific and often narrow mandate (including limited duration), and limited enforcement powers, as, for example, illustrated by the EU Observer Mission in **Georgia**, the EU/ASEAN **Aceh** Monitoring Mission, and the UN Verification Mission in **Guatemala**. Beyond their frequent use to verify and monitor ceasefires, disarmament and demobilisation, such international missions are being used frequently in relation to human rights provisions in conflict settlements (such as in the 2006 Comprehensive Peace Agreement for **Nepal**) and more broadly in the monitoring of agreement implementation (such as in the 1999 Lomé Peace Agreement for **Sierra Leone**).

To conclude, confidence-building is an essential element of any sustainable conflict settlement process. It often requires a leap of faith to take the first step and equally to reciprocate. International, third-party efforts can facilitate and support CBMs, but they do require skilled, determined, and visionary leadership on the part of the immediate conflict parties: **skills** to know and understand the domestic and international constraints under which an opposing leader is operating, **determination** to persevere through the inevitable setbacks, and **vision** to inspire political support at home and abroad for a sustainable settlement.