Chapter 3:
# Confidence Building Measures (CBMs) in Peace Processes

Simon J. A. Mason / Matthias Siegfried

## 3.1   Introduction

This chapter argues that the use of Confidence Building Measures (CBMs) can be an effective tool for preparing and deepening peace negotiations and mediation. At the same time, the usefulness of CBMs is often overestimated and this calls for a careful consideration of their limitations. The term "CBMs" can have different meanings in different contexts. This chapter tries to counter a common misunderstanding that sees CBMs as only relevant in the military field, a narrow view that stems from the historical role that CBMs played in the Cold War. [1]

Actors involved in violent, political conflicts have no confidence in each other and will often not even talk together, let alone enter serious negotiations or joint problem solving. However, a minimal degree of confidence in each other and in the negotiation process is indispensable for actors in a conflict to negotiate mutually acceptable outcomes. [2] Mediators assisting negotiations will therefore seek to build confidence in all their efforts and throughout the entire mediation process. [3]

CBMs can improve relationships, humanize the other, signal positive intentions and commitment, and avoid escalation. Through CBMs, mediators try to "humanize" the conflict parties and to break down the image of an impeccable villain, usually incarnate beyond redemption. [4] The aim of CBMs is not to make people like each other or to address the root causes of the conflict. Rather, the idea is to help build a working trust by addressing easier issues, which will then allow parties to address the root causes of a conflict through substantive negotiations. [5] CBMs are therefore not an end in themselves, but rather useful

*"CBMs are not intended to deal with the root causes of conflicts, but advocates argue that these measures are the first step in turning hostile relationships into more accommodating ones. It is often said that 'if CBMs won't work, nothing else will'."*

**Marie-France Desjardins**
(1996)

steps in the ladder to negotiating and implementing peace agreements that address the key strategic concerns of the parties.

However, CBMs are not a magic answer to protracted conflicts: where there is no political will for negotiations, CBMs alone are unlikely to make the difference. So, while they are one important tool for mediators seeking to build confidence, CBMs are not the only tool to build confidence, and lack of confidence is not the only obstacle in negotiations.[6]

To use CBMs effectively mediators must know what CBMs are; the possible aims of CBMs; the different types of CBMs and the different types of actors involved in them; and when they can be used. This chapter also highlights some of the main challenges and limitations in the use of CBMs, as well as various options to deal with these challenges. It concludes with ten guidelines on how to design, mediate and use CBMs – thereby summarizing the essential points of this chapter.

## 3.2  What are CBMs?

**CBMs can be understood as a series of actions that are negotiated, agreed and implemented by the conflict parties in order to build confidence, without specifically focusing on the root causes of the conflict.**

Although broader than a purely security oriented definition of CBMs, this definition is narrower than many other definitions of CBMs, as it is focused on *negotiated actions*.[7] The reason for this is twofold: firstly, if CBMs are defined too broadly they can mean anything and nothing, thereby losing their conceptual clarity; secondly, a series of jointly agreed actions is better for building confidence than a single event, a unilateral action or a purely verbal CBM. Confidence can be built through dialogue alone, but there is always the danger of misunderstandings and the possibility of intentionally misleading each other with words. Actions can also be misinterpreted in a hostile environment, yet because actions require greater effort than words, they are generally more credible and useful in helping conflict parties read each other's intentions.[8] At the same time, mediators ought to avoid automatically considering all concrete actions in a peace process, such

as prisoner exchanges, as CBMs. Parties might have certain motives for such acts that have nothing to do with building confidence. Thus, it is only when the purpose behind a given action is to increase confidence between parties or their constituencies that they can be considered real CBMs.

## 3.3  Why use CBMs?

**CBMs aim to build confidence. Confidence is a psychological state, whereby actors make themselves vulnerable and ready to take risks based on the expectation of goodwill and positive behaviour from a counterpart.[9]**

There are three objectives to the use of CBMs:

* **To prevent escalation**
CBMs can be used to avoid a conflict escalating, even if no negotiation process is to be started in the short term. As such, preventing escalation has value in itself and may also help start a process later on. CBMs can also be used as a conflict prevention tool, for example if actors from different communities engage in joint service delivery projects, even if they are in denial of any tensions that could escalate. Joint service delivery projects initiated in the 1990s in northeast Kenya helped to prevent inter-community tensions from escalating (see Box 1). More formal CBMs were also used between Guatemala and Belize to prevent disputes from escalating (see Box 2).

* **To initiate and deepen negotiations**
Negotiations involve a process of decision-making and strategizing in which parties jointly seek mutually acceptable outcomes. Successful negotiations require risk-taking by the parties, in order to seek new ways of addressing the conflict. That is why a minimal degree of confidence is needed for negotiations to commence and develop. For the parties, CBMs are attractive because they are seen as low-cost and low-risk activities, since they can be implemented with limited resources and calculated risks. As CBMs are usually reciprocal in nature, one actor is not going out on a limb without the other also doing so. Costs are minimal

*"When people are in denial that there is a conflict and do not accept mediation, you can work on structural, underlying tensions by doing joint service delivery projects, for example water points, which are co-owned, co-managed across the conflict cleavages."*

**The late Dekha Ibrahim Abdi** (interview, 2011)

**Box 1**
**Kenya : CBMs on the local, regional and national level**

In the 1990s, there was recurring famine and drought in northeast Kenya, yet limited governmental management of the situation and growing inter-clan tensions. In this context, a series of innovative CBMs were launched on a track II and III level. Women's groups, in collaboration with traditional elders, religious leaders, youth groups, business actors and local authorities, developed a series of joint service delivery projects including establishing a system regulating access to market places (irrespective of clan affiliations) ; the creation of education and job opportunities ; and the implementation of an early warning and early response monitoring system. These types of CBMs were developed as a result of dialogue between the different actors and went hand-in-hand with different local and regional peace agreements. Similar systems were later replicated in other parts of the country. [10]

During the Kenyan post-election crisis in 2008, the *Seven point agenda for peace, truth and justice of the Concerned Citizens for Peace* highlighted that : "Deliberate efforts need to be undertaken to re-build trust and confidence between and among political players to enhance the capacity for dialogue and constructive engagement." As a consequence, the following CBMs were suggested : media CBMs (250,000 Short Message Service [SMS] messages were sent by mobile phone to shun hatred and tribalism) ; social CBMs (the establishment of joint mourning sites, common flowers laid in Uhuru Park, and cross-party funerals, as well as different educational programmes) ; cultural CBMs (Kenyan music celebrities encouraging peace and tolerance) ; and humanitarian CBMs (humanitarian assistance with the Red Cross and efforts to host displaced people). [11] These CBMs, which were initiated by civil society, helped to complement the international peace mediation effort by Kofi Annan as well as the efforts of the Kenyan army to pacify the country.

as CBMs are usually non-binding or politically binding. In some cases, such as a prisoner release or protection of negotiators, they may be legally binding, but this is rarer. The incremental use of CBMs means commitments can be revoked if they are not seen as being beneficial, and this also helps to minimize concerns about using them. In stalled peace processes, for exam-

ple in the Western Sahara case, CBMs can be useful in minimizing the negative impact of the conflict and in showing some goodwill to try and push the negotiation process forward (see Box 3 on how CBMs are used to deepen negotiations in the Western Sahara process).

• **To consolidate the process and its outcome**
Wider constituencies may view a peace process with scepticism, before, during and after peace negotiations. Humanitarian CBMs can help those directly in need while communication CBMs can help inform civil society of the agreement (as was the case in the Nuba Mountains Ceasefire Agreement, Box 4). Once an agreement is signed, CBMs may also be needed to consolidate confidence in order to help implement the agreement.

**Box 2**
**Belize and Guatemala : Multi-sector CBMs as a way of keeping small conflicts from escalating**

The territorial dispute between Belize and Guatemala goes back to colonial times. A series of CBMs were agreed to ease tensions and facilitate the conciliation process that was initiated in 2000 under the auspices of the Organization of American States (OAS). After an agreement on territorial issues was rejected by the governments of Belize and Guatemala in 2003, the OAS facilitated an agreement on CBMs between the parties with the aim of facilitating a new round of talks. These CBMs included military and police patrols ; contacts between defense ministries ; co-operation in response to natural disasters ; promotion of community-to-community contacts ; and prevention of illegal activities in the Adjacency Zone (the territory located within one kilometre east and west of the disputed North-South Adjacency Line). The agreement requested the General Secretariat of the OAS to monitor the implementation of the agreement, which it did through a civilian peacekeeping mission (this involved verification, following-up incidents, early action to avoid escalation and communication with key actors). The verification of CBMs helped to avoid small conflicts from escalating. However, political negotiations did not end the dispute. Rather, in 2008, the Secretary General of the OAS recommended that the parties submit the dispute to the International Court of Justice.

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## 3.4   Who should be involved in CBMs?

**Three different types of actors can be involved in CBMs: negotiators, decision-makers and the wider constituencies.**

The **negotiators** representing the parties to a peace process can be involved in CBMs with the aim of building enough working confidence among negotiators to start, or deepen negotiations (see Box 6).

However, even if the negotiators trust each other and are working towards an agreement, their constituencies and superiors may have no confidence in, and may distrust, the entire peace process. CBMs involving these actors can help to create support for the process.

Beyond the formal negotiation table, therefore, the second group that can be involved in CBMs includes the elite and political, security, economic and social decision-makers. Since they are **decision-makers**, they may need to be involved in CBMs even if they are not actually at the negotiation table. Often negotiators will be receiving their negotiation mandate from these decision-makers and will refer back to them for key decisions (see Box 7).

The third group that can be included in CBMs are the **wider constituencies** who are affected by the negotiations, and who will also need to develop confidence across conflict cleavages if the peace agreement is to be supported and accepted by them.[12] Many initiatives that bring together representatives from the wider constituencies on both sides can help to create an atmosphere of trust between them, as well as confidence in the peace process. CBMs can also be developed by these representatives who support the peace process on the Track I level (see Box 1).

## 3.5   Different types of CBMs

**CBMs can be sorted into those associated with the political, security, economic and social sectors – even if a neat categorisation is not possible or even desirable.**

Care is needed to distinguish between "actors" and "activities" when looking at the various types of CBMs. For example, a prisoner exchange has a humanitarian dimension, but if the prisoners are politicians or military personnel then such an exchange will also affect the other sectors. The cross-sector links

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are positive and should be reinforced.[14] CBMs vary greatly in terms of subject matter. Nevertheless, clustering CBMs into the various sectors is useful to help mediators understand their potential relevance at different moments in a process, as well as in response to particular characteristics of a conflict.[15]

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- **Political CBMs**

The strategic purpose of political CBMs is to create trust between the parties in order to find political solutions to the conflict. Therefore, they can focus more narrowly on the negotiators in the peace process, or more broadly on the political landscape. CBMs between negotiators during the negotiations are essential to create the minimal trust for negotiations to work. Being accommodated at the same venue and having informal exchanges over lunch, for example, can help to create a better atmosphere. Joint events, such as watching football games together, are further examples (see Box 6). Those politicians not present at the negotiation site can also get involved in CBMs, for example, through exchange visits. Anwar Sadat's visit to Jerusalem in 1977 is a case in point, as it broke a long-standing Arab taboo of not dealing with the Israeli state. As well as affecting political decision-makers, political CBMs can also focus on wider constituencies. Parties can agree on a media style that allows for the development of an atmosphere of trust in society. In the Nuba Mountain Ceasefire Agreement, for example, the parties agreed to stop defamatory propaganda against the other side, and actively communicate the content of the agreement to the wider population (see Box 4). If an agreement is subsequently reached, constituencies will be familiar with its content and will be more willing to back it.

- **CBMs in the Security Sector**

In the security sector, CBMs in inter-state conflicts can be differentiated from CBMs in intra-state conflicts. Classical military CBMs focus on avoiding escalation triggered by a misunderstanding of signals.[16] In a highly hostile atmosphere, any behaviour of the other side is generally interpreted as being hostile, rather than as being a deterrent. The aim of these kinds of CBMs is to clarify the difference between an intended aggressive behaviour and the background noise of normal military activities, in order to avoid unintended escalation. Examples include communication hotlines, exchange of military maps, joint training programmes, information on troop movements, exchange of military personnel, establishment of a demilitarized zone, border tension reduction through joint patrolling, or no fly zones.[17]

In the context of peace processes between a government and an armed non-state actor, security issues can be dealt with simply as technical questions, or they can be used in a CBM logic to build trust and a working relationship between former adversaries. Joint monitoring teams, for example, have a specific security goal as they verify ceasefire violations. At the same time, security personnel from both sides of the divide work together and can thereby build trust. From a mediator's point of view, joint monitoring teams, as well as other

**Box 4**
**The Nuba Mountains Ceasefire Agreement of 2002, paving the way for the North South Negotiations**

In the post 9/11 context, US special envoy John Danforth approached the Government of Sudan (GoS) with a four point confidence building agenda, in order to test their willingness to negotiate an end to the North-South civil war. One of the four initiatives was a humanitarian ceasefire to end hostilities in a clearly defined area in Sudan. In January 2002, the Sudan People's Liberation Movement/Army (SPLM/A) and the GoS negotiated and signed the Nuba Mountains Ceasefire Agreement in Switzerland, mediated by the Swiss and the USA. The Nuba Agreement included numerous CBMs that benefited the population which had been directly affected by the conflict and also strengthened the trust, and showed goodwill between, the main parties. A key aspect was to freeze the forces so they could not be used in the conflict that was still ongoing in other areas in Sudan. CBMs included a Joint Military Commission that monitored the ceasefire but was also used strategically in the peace process as the parties began to work together, thereby developing a working trust between high-level military personnel. CBMs which benefited the affected population involved an agreement to open humanitarian corridors, provide access to the International Committee of the Red Cross, remove mines, and an agreement to communicate the Agreement to the civilian population so as to increase acceptability and outreach. The Agreement also had a media CBM aiming to stop defamatory propaganda. The Nuba Agreement was successful in the area it was designed for, and was key to building trust between the parties and between the GoS and the USA before the more complex and strategically important North-South negotiations were re-energized (between 2002 and 2005).[18]

security arrangements, should not be seen as only increasing security. They have significant potential to create trust and help parties develop a working relationship across the conflict cleavage. Designed and used in a "CBM logic", they can have positive spillover effects into the political sector [19] (see Box 4 on how the Joint Military Commission helped to create trust between the parties in the Nuba Mountains).

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- **Economic and environmental CBMs**

Economic and environmental CBMs focus on joint economic endeavours or activities dealing with natural resource management and environmental challenges. Opening trade routes can help to ease tensions and benefit both actors. Co-operation over economic issues can often be a first step in collaborating across conflict lines. In Somalia, for example, actors from different clans and ideological inclinations are often very pragmatic about working together when it comes to doing business, for example trading in livestock across conflict lines. These economically-motivated collaborations can be seen as CBMs that could provide the building blocks for a bottom-up approach to a more comprehensive peace process. Other examples of economic CBMs include agreements to allow actors from different groups to access markets safely (for example, in the Kenya border area); agreements to open trade routes (for example, for pastoralists to access water points, or opening international transport routes to facilitate trade); joint economic development projects (such as the Korean Kaesong industrial region, or ideas for international pipelines); joint preparation against natural disasters; or peace parks (for example, in Southern Africa).[20]

### Box 5
### "Ping-Pong-CBMs" between the U.S. and China to build trust and highlight common ground

In the late 1960s, both the U.S. and China became eager to improve bilateral relations in order to balance the growing Soviet power. CBMs provided one of the ways in which trust could be established in this process of "rapprochement" despite some strong opposing positions on certain issues (namely regarding Taiwan). Both parties began sending public signals and started to open private communication channels. Shortly afterwards, initial visits took place including a Chinese invitation to the U.S. National Table Tennis Team that built some trust and created momentum for negotiations. These CBMs helped assure both sides that – despite fundamentally opposing positions – they had some political interests in common. Later on, both parties dropped their preconditions and an agenda was set in order to begin a high-level negotiation process including President Nixon's first, unexpected visit to Beijing in 1972.[21]

- **Social, humanitarian and cultural CBMs**

Some of the very first CBMs used, even before negotiations begin, are typically humanitarian CBMs. If parties agree on some basic humanitarian principles, not using anti-personnel mines for example, they signal commitment to international norms and possibly their preparedness to also try political means to reach their goals. Such CBMs help the affected population, but also provide conflict parties with the fresh start that is needed if they seek to try negotiations. Through such CBMs, they can signal to the other side an intention to change the status quo. A prisoner exchange is another typical humanitarian CBM (for example, the Gilad Shalit Fall 2011 exchange between Israel-Palestine, even if the trust-building goal did not seem to be the main or only motivation). Humanitarian ceasefires, that often include CBMs, can indicate the readiness of both sides to test an alternative approach (see Box 4). The negotiations surrounding such CBMs also help prepare the parties for future political negotiations, as negotiators pick up the necessary skills and know-how when negotiating the CBMs. Some of the Southern Sudanese actors involved in negotiating the Operation Lifeline Sudan in 1989 gained negotiation expertise that proved very helpful later on in the Sudan North South CPA negotiations.[22]

Social CBMs can include the release of information on missing persons (for example, in Bosnia Herzegovina), or allowing family visits (see box 3 for the Western Sahara example and box 8 when it comes to North-South Korea). Joint cultural events or student exchange programmes are other opportunities that can be used at all levels of society to humanize the other and build relationships. Joint sports activities have also been used in numerous cases to ease frozen relations and pave the way for negotiations (for example, between China and the U.S., see Box 5). Agreements which allow minorities to have rights to their religion and language can also be used as CBMs, even if they often go further than normal CBMs in terms of addressing the root causes of a conflict. In the implementation phase, joint language and educational projects may help to create trust throughout the wider society.

**Links between sectors:** The links between sectors, and how CBMs in one sector relate to other sectors, is one of the most vital aspects for mediators to be aware of and consider. Synergies and traction can be created through these links. At the same time, links between the sectors have to be clarified to avoid doing any harm. Links can also be developed by cross-matching activities and actors. Examples would be to have military actors involved in economic activities or businessmen involved in security CBMs.[23] Lists of CBMs are useful in showing how creative and diverse CBMs can be, but care is needed so as not to suggest that ideas can be copied and used on any given conflict. Template

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solutions and CBMs that are not developed with the parties will not fit the given case, not be owned by the parties, and will not build trust. Since a mediator is the hub that connects the various topics and experts in the peace process, he or she is responsible for making sure the links between the different CBMs are used well. Clustering different types of CBMs and learning from other cases can be useful to develop ideas, but in the end it is vital that mediators design CBMs with the parties to ensure they are tailored to the specific conflict.

## 3.6   When should CBMs be used?

**CBMs can be used in all phases of a peace process, but their nature and function changes if they are used before, during or after peace negotiations.**

Many processes today are more complex than the classical, linear phase model of peace negotiations (informal talks, pre-negotiations, negotiations and implementation) with different actors being involved in different phases that take place at the same time. Nevertheless, the phases still give some orientation as to when to use CBMs:

• **Before a peace process begins and during pre-negotiations**
Even before a peace process begins, CBMs can be envisioned without necessarily focusing on using them to initiate a negotiation process. They can simply aim to build bridges between conflicting parties and minimize the damage of the conflict, even if the parties are not considering negotiations. In this early

*"Building the parties' confidence in each other, in the mediator and in the process of negotiation is what the mediator ought to be looking for all the time at every stage of the game."*

**Laurie Nathan**
(interview, 2011)

phase, CBMs are likely to be non-binding, social and humanitarian, but could possibly also include partial steps in the security field (such as a non-binding cessation of hostilities to allow a market to happen or to allow a celebration to occur). It is hard for any conflict actor to disagree with minimal humanitarian principles and actions and this is the reason why simple humanitarian agreements can often be a starting point (for example, not using anti-personnel mines). Economic CBMs (such as allowing access to the market place in Wajir, Kenya), which build on an economic rationale, can also be useful. In the "pre-negotiation" phase, parties are starting to consider negotiations more seriously as a credible strategy to solve their conflicts, even

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**Box 6**
**CBMs in the Sudan North-South process**

In the Sudan North-South negotiations, both the representatives of the Government of Sudan and the SPLM/A watched international football games together on a large TV screen. This kind of CBM has nothing to do with the conflict, but can be vital for breaking the ice and humanizing the negotiators. Later on in the process, the mediators also organised picnics and football games on site at the negotiation venue, of course making sure that the competitive element was minimized, that the teams were mixed, and that it was not the North playing against the South. These examples illustrate the types of CBMs used with negotiators in a process that had a framework agreement early on (the Machakos Framework in 2002 which was based on the principle to favour unity but provided the option for separation by referendum), but where trust was still low. The CBMs were useful to humanize the actors involved in the negotiations and thereby facilitate the negotiations.[24]

if it is not yet clear how, when and under which mediation framework this will happen. In addition to humanitarian and economic CBMs, the importance of political and security CBMs increases in this phase. The aim is for the parties to signal to each other their intention of testing negotiations and to show a certain degree of goodwill to try and enter the negotiation process.

• **During negotiations**
During the negotiation phase, CBMs that increasingly address aspects of the conflict can help to push the process forward. Depending on the nature of the conflict and design of the mediation process, CBMs will play a different role. In some cases, parties can agree to key fundamental principles in a very general manner at the outset of a negotiation process, before the "sticky" details are negotiated. Through the initial agreement on principles, some trust is created. In this scenario, CBMs may still be used and may be important but they are not the only, or main, way to build trust. The Sudan North-South process between 2002 and 2005 successfully used CBMs to "humanize" the negotiators and push the process forward, even if there was an agreement early on about some of the key principles (see Box 6).

In other processes, which do not have such an initial framework agreement on basic principles, trust will be built more incrementally and they will thus rely more heavily on CBMs. In the incremental approach, a series of agreements are used to slowly tackle the more difficult core issues later on. In this approach, CBMs are used as stepping stones to create traction.[25] Agreements on CBMs early on help to build trust and interest in negotiating more complex agreements at a later stage. In this sense, CBMs represent opportunities for parties to collaborate on something that is not strategically important to them and, in so doing, build the trust needed to subsequently address the strategic issues. CBMs pull parties away from the obstacle they are blocked on, the rock they can't get off the road. Once there is confidence, it is then easier to later address this obstacle.[26] The metaphor of steps in the ladder also highlights the incremental nature of building trust which takes time and an accumulation of small steps. This is the reason why some practitioners speak about a confidence building process.[27] Once a first set of CBM has been established, more comprehensive undertakings can be developed. The peace process between Israel and Jordan illustrates the incremental use of CBMs (see Box 7).

Box 7
**CBMs paving the way for the Israeli-Jordanian peace treaty**

CBMs were an important element in the negotiations leading to the formal signing of the Israeli-Jordanian peace agreement in 1994. Examples of CBMs, such as mutual high-level visits across the border (including the late King Hussein, Crown Prince Hassan, and the late Prime Minister Rabin) signaled a change in attitude and relationship well beyond the political elite. At first, these meetings were taking place in a secret setting, but later on they become more public and regular. The CBMs built trust between the two countries and helped pave the way for a comprehensive peace agreement. Even after the signing of the peace treaty, CBMs (such as more frequent visits at various levels, including a crucial condolence visit by King Hussein in March 1997 after the killing of seven Israeli girls by a Jordanian soldier) continued to play an important role in this peace process and helped consolidate the transition from war to peace. As an example, visits among business actors encouraged some Israeli textile firms to move some operations into Jordan, thus providing employment for ordinary Jordanians.[28]

Box 8
**CBMs on the Korean Peninsula: easing tensions, but no political breakthrough**

The 1991 Basic Agreement included a chapter on "Exchanges and Cooperation", that provided the basis for non-military CBMs between North and South Korea. These non-military CBMs, e.g. economic projects and social activities (family reunion, tourist visits) progressed better than the envisioned military CBMs. By separating economics from politics, private-sector-led economic interaction was used by South Korea to engage North Korea and build trust, especially under the Sunshine Policy of South Korean President Kim Dae-Jung (1998–2003). After the inter-Korean summit of June 2000, progress was made in easing relations between North and South Korea through reunions of separated families, promotion of economic co-operation (for example, the Kaesong Industrial Complex, that involved an agreement on taxes between North and South Korea, cheap labour from North Korea, investment and management from South Korea) and various other forms of exchanges (such as those associated with sports, health and the environment). The CBMs, however, did not lead to breakthroughs on the political level. Tensions escalated as North Korea felt the USA was seeking forceful regime change (for example, the "axis of evil" speech of George W. Bush)[29] and the USA and South Korea increasingly felt North Korea was not serious about reciprocating CBMs and engaging in de-nuclearization, increasingly so after 2008 with the change of the South Korean administration. However, even when tensions have escalated, the Kaesong Industrial Complex has still continued.[30]

• **During the implementation**
During the implementation phase, CBMs can also be useful to maintain and increase the level of trust. In addition to external guarantees, external force and clear implementation modalities, this trust is vital to implementing and reinforcing peace agreements. CBMs among the wider public are important as benefits from the peace agreement affecting the broader community may not be tangible immediately. CBMs that deliver something tangible to the parties can help the constituencies live with the consequences of a peace agreement.

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As the peace process develops, the nature of CBMs generally moves from non-binding, to politically-binding and sometimes even to legally-binding. In a similar manner, unilateral signals of good intention should develop into reciprocal CBMs that are balanced between the parties.

## 3.7    Challenges and options

Five challenges need to be considered when planning to use CBMs in a peace process.

- **Challenge 1: Avoid using CBMs when lack of trust is not a core problem**

Mediators are often confronted with at least three major obstacles in their work: the parties lack trust between each other and in the mediation process; the parties lack the political will to change the status quo[31]; and the parties lack a common understanding of the conflict and how to address it.[32] These three obstacles are strongly interdependent; for example, trust tends to increase the better the actors understand each other. At the same time, the greater the trust, the easier it is to listen and develop common understanding. An actor's will to change the situation can also develop hand-in-hand with an increase in trust and common understanding. Nevertheless, these three obstacles are also distinct from each other. In some conflicts, there is common understanding and even trust, but no political will to change the status quo. The UN-led peace talks on Cyprus seem partially to illustrate this dynamic, even if this dynamic was also greatly influenced by the incentives set by the European Union (Greek EU membership without agreement on Cyprus).[33] In other cases CBMs can help to ease tensions and pave the way for negotiations (such as the U.S. – China rapprochement in the 1960s outlined in Box 5 or the Nuba Mountain Ceasefire Agreement outlined in Box 4).

*"There is an illusion amongst many mediators when it comes to CBMs: they believe that if only the parties get to trust each other, all conflicts could be solved peacefully – this is a psychological 'goody-goody' notion about mediation and simply naïve."*

**I. William Zartman**
(interview, 2011)

This differentiation is important, because it only makes sense to use CBMs in cases where lack of trust is a key factor in hindering negotiations. In cases where trust exists, but there is lack of common understanding (which also includes factual knowledge, for example on technical issues) or will, CBMs are not the right tool. In such cases techniques such as capacity-building workshops, dialogue workshops seeking to clarify misunderstandings related to different perceptions, bringing in experts with technical expertise and bringing in moral authorities to discuss values that shape the will to change the status quo, may be more appropriate.

One way to deal with this challenge, is to assess how far lack of trust, lack of will and lack of common understanding are hindering the process, and then to design appropriate measures.

- **Challenge 2: Take care that CBMs are not used as a stalling or cover-up tactic**

Another aspect to assess when considering CBMs is the possibility that parties will use CBMs as a stalling tactic and as an excuse for not negotiating. CBMs can be used by parties to signal to the international community or their constituencies that "they are doing something" even if, in reality, they have no intention of changing the status quo or listening to the other side. In this way, parties can jeopardize the very idea of CBMs – to build trust – if they only use them as a cover up for stalling. CBMs can also be used to deflect or postpone negotiations on more significant issues.[34] In some cases, it seems CBMs were used to play for time, while in fact a military strategy to solve the conflict was pursued. For example, in the Ivory Coast in 2005, a so-called "Confidence Zone" had been established that ran across the country to separate the rebel-held north and the government-held south. The zone should have provided for basic security of ordinary citizens living in the zone. Over time the situation deteriorated and gave rise to citizens' feeling of insecurity, rather than increased confidence.[35] In other cases, the actual negotiations of the CBMs took so long, that it stole away time for negotiating more substantive issues. For example, on numerous occasions in the Cyprus peace process this seemed to be the case, even if one can also argue that the parties may not have wanted to address the substantive issues and so working on CBMs was better than doing nothing.[36]

*"Parties are often suspicious about CBMs because they are seen as the beginning of a 'slippery slope' leading to constraints and reductions of autonomy"*

**Marie-France Desjardins**
(1996)

A mediator's main option in dealing with this challenge is to clarify the motivations of the parties for using CBMs, whether bilaterally with the parties or together in plenary meetings.

- **Challenge 3: Be aware of "overly successful" CBMs that can distract from real negotiations**

Yet another consideration when thinking of using CBMs is to assess whether they will distract from negotiations because they are too successful. CBMs address symptoms of the conflict, rather than the root causes. If CBMs are overly successful, they may take the pressure away from the parties to address the key issues and they may no longer have an incentive to negotiate. In this case, mediators will seek enough successful CBMs to initiate negotiations or move the negotiations on the root causes forward, while avoiding so many CBMs that they can be misused for strong public relations purposes by the parties or they limit the negotiation process only to CBMs. Both having too many CBMs and only focusing on CBMs may take the pressure off the negotiations on substantive issues. Enough dissatisfaction with the status quo is needed to negotiate an agreement. Discussing this dilemma with the parties may be useful to assess the balance needed. [37]

- **Challenge 4: Watch out for unilateral, asymmetric and "false" CBMs**

In some cases, it might be easier for the mediator to ask one of the parties to commence with a unilateral CBM to which the other party can respond in a positive manner. However, there is a risk that, in such a unilateral approach, one of the parties might lose face or might claim victory over the other side. In the Korean peninsula, South Korea felt the CBMs were not being sufficiently reciprocated, especially from 2008 onwards (see Box 8). Premature concessions that are not reciprocated can increase mistrust. [38] In cases where power asymmetry is significant, the more powerful actors can sometimes initiate a change in relationship through a unilateral CBM, and due to their relative power, not risk very much. Thus, in situations where it is the only way to break the deadlock, the mediator might (with the tacit agreement of all parties involved) ask one of the parties to make a unilateral gesture. [39]

In most cases, however, CBMs are most effective if they are designed in a "symmetric manner", whereby all the parties agree to, and implement, a joint CBM at the same time. However, even symmetrical CBMs can lead to asymmetrical impacts, where generally the weaker party is disadvantaged. "False" CBMs are built to look like CBMs but only affect one side instead of both, or all, sides. Even if mediators seek to design balanced CBMs, they may end up as false CBMs, and mediators will end up being perceived as biased. Truly symmetric CBMs should have symmetric impacts, which make it impossible for any one side to either lose face or claim victory. This approach will also help the mediator to preserve impartiality as none of the parties is being seen as responding to a demand of the mediator.

For these reasons, mediators need to carefully plan and discuss the CBMs with the involved parties, and assess their impact on the ground. The timing and degree of commitment needed for the CBMs to work has to be negotiated with the parties. [40] Equality is a key principle in the design of CBMs. However, if equal CBMs lead to unequal impacts, CBMs must be designed in such a way that more is demanded from the party claiming superiority. [41] As mediators take care of the process, and parties of the content, the final responsibility and decision on what type of CBMs will be chosen rests with the parties. Mediators can bring in experts and comparative experiences from other cases but, in the end, the parties need to decide how far they want to go and what risks they are willing to take.

- **Challenge 5: Avoid unrealistic, fuzzy, non-verifiable and non-implementable CBMs**

Agreements on CBMs often lack sufficient details on how they will be implemented and measured. [42] The danger of CBMs that are not clear and not verifiable is that they are not implemented, or that they are asymmetrically implemented. This can lead to greater distrust than before. This is why CBMs need clarity on their implementation, including verification mechanisms such as implementation reviews or Joint Commissions. A modest CBM that has clear implementation modalities is preferable to ambitious CBMs that are unclear in terms of how they will be implemented. Verification mechanisms can be integrated into the CBMs to help the parties measure and report on the implementation. These verification mechanisms ideally involve the parties as well as some acceptable third party. [43]

## 3.8   Ten guidelines for mediating CBMs [44]

The actual form of mediating a CBM agreement between parties is, in general, similar to mediating any other type of agreement. However, there are some specific issues that have to be considered. [45] In the first instance, the mediator should clarify with the parties what CBMs are, what their purpose is, why they are used, and how they can build into a process that aims to deal with the more fundamental issues later on. Mediators may bring up the idea of CBMs as early as the pre-talks stage, outlining how they can be used. Ideally the ideas for CBMs come from the parties, but the mediator may also suggest ideas. Subsequently, the mediator ought to clarify why the parties may be interested in CBMs. The intentions and motivations behind agreeing CBMs are important which is why this has to be explored. As well as these questions, the following 10 guidelines are a useful reminder that CBMs ought to be:

1. **Tailor-made:** CBMs must fit the case. They should not be over-demanding or too complicated. Most CBMs fail because they are too ambitious. The purpose of CBMs should also be clearly articulated.

2. **Simple:** CBMs should be seen by the parties as being simple while being important. Simple CBMs are preferable, especially early on, because tackling complexity too early can lead to mistrust. CBMs should not lead to protracted negotiations.

3. **Visible:** as they seek to signal intent, CBMs should have high visibility among the designated target audience (conflict parties and their constituencies).

4. **Verifiable:** CBMs should be easy to control or monitor. Clarity on verification mechanisms is essential as lack of implementation leads to greater mistrust.

5. **Clear about "what if" scenarios:** CBMs should be clear in terms of what will happen if they are violated. Without such clarity, CBMs will be ineffective.

6. **Linked to a process:** CBMs should either be linked to additional CBMs, or to more substantive negotiations, so that they push the peace process forward. CBMs are a means to something else, and not an end in themselves.

7. **Applied in several sectors:** CBMs should not solely concentrate on one sector (for example, the military). If possible, they should be carried out in the political, security, social and economic sectors and be culturally sensitive.

8. **Low-cost:** CBMs should remain easy to do and not be too costly for the parties. If they are not low-cost, the hurdle to implement them is too big.

9. **Not predetermine the future:** CBMs should build confidence but not predetermine any future steps of the mediated process. They should not limit the scope of the negotiations.

10. **Have equal impact:** CBMs must be level and affect both sides equally. If they only demand effort from one side, they will not create confidence.

## 3.9   Conclusions

CBMs are an important tool which can build trust in a relatively low-cost, low-risk manner. As trust is an essential pre-requisite for effective negotiations, CBMs can help to initiate or deepen negotiations. Even before a peace process begins, CBMs can help to improve relations. In stalled peace processes, where parties are willing to engage with each other but have no will to change the situation, CBMs can simply indicate "we are doing something" and this may be better than nothing. Generally, some form of contact between parties is better than no contact at all, as isolation tends to increase a hardening of logic and distrust as well as the potential for escalation.

Nevertheless, CBMs are not magic bullets. Some indication that parties are willing to try to change the status quo and engage with the other side is useful to measure if negotiations, and CBMs to facilitate negotiations, are appropriate. If CBMs are poorly designed and mediated, they can be misused as a stalling or cover-up tactic, or lead to biased impacts. Keeping some simple guidelines in mind helps to minimize these unintended consequences and maximize the positive impact of CBMs on a conflict situation.

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77     Chapter 3: Confidence Building Measures (CBMs) in Peace Processes

## Chapter 3: Confidence Building Measures (CBMs) in Peace Processes

1    For a historical overview of how CBMs developed and were defined in different contexts, see Tools for building confidence on the Korean peninsula, A report by Zdzislaw Lachowski, Martin Sjögren, Alyson J. K. Bailes, John Hart and Shannon N. Kile (Stockholm: Stockholm International Peace Research Institute (SIPRI) and Simon Mason and Victor Mauer Center for Security Studies (CSS) at ETH Zurich, SIPRI and CSS, 2007) Available at www.korea-cbms.ethz.chAlyson J. K. Bailes, John Hart and Shannon N. Kile (Stockholm: Stockholm International Peace Research Institute (SIPRI) and Simon Mason and Victor Mauer Center for Security Studies (CSS) at ETH Zurich, SIPRI and CSS, 2007) Available at www.korea-cbms.ethz.ch

2    Negotiations are understood as a process of joint decision-making and interdependent strategizing between the conflict parties, aiming at mutually acceptable outcomes. Mediation is understood as assisted negotiations, by an acceptable third party. Mediators shape the process, but leave the decision making on the content to the parties.

3    The notions of "trust" and "confidence" are often used interchangeably. In some cases, a distinction is used whereby "trust" (i.e. in a family) entails greater risk-taking than "confidence" (i.e. between business partners). According to this understanding, "confidence" does seek some minimal measures or testing period to minimize the risk that it will be misused, while "trust" entails a greater leap of faith. (point mentioned by Jeff Mapendere, UN Ceasefire Mediation and Management Course, 16–26 April 2012, Oslo, Norway). A detailed analysis of the role of confidence (and CBMs) in the overall framework of conflict prevention and conflict resolution is outlined in: Gerald M. Steinberg "The Centrality of CBMs: Lessons from the Middle East", in David Carment and Albrecht Schnabel (eds), *Conflict Prevention – from Rhetoric to Reality*, (NY: Lexington Books, 2004), p.280 onwards.

4    Telephone interview with Laurie Nathan, 22 March 2011.

5    Kelman, H.C. "Building trust among enemies: The central challenge for international conflict resolution", *International Journal of Intercultural Relations*, 29(6) (2005), pp.639–650.

6    Lack of will from the side of the conflict actors is another major obstacle that is shaped by their perception of, and dissatisfaction with, the status quo. The geo-political context may also actively hinder a negotiation process, if regional or global players have vested interests in the conflict. Negotiations may also be impeded by the limitations of the mediator's mandate or a lack of professionalism (for example, impotence, arrogance, partiality, ignorance, inflexibility, haste and false promises). See Brahimi, Lakhdar/Ahmed, Salman. *In pursuit of sustainable peace, the seven deadly sins of mediation*. (New York: Center on International Cooperation, New York University, 2008) Available at http://www.cic.nyu.edu/internationalsecurity/docs/7sinspolicybrief.pdf

7    One broad definition of non-military CBMs was recently presented in the OSCE Guide on Non-Military Confidence-Building Measures (CBMs), Vienna: OSCE, 2012: "…non-military confidence building measures are actions or processes undertaken in all phases of the conflict cycle and across the three dimensions of security in political, economic, environmental, social or cultural fields with the aim of increasing transparency and the level of trust and confidence between two or more conflicting parties to prevent inter-state and/or intra-state conflict from emerging, or (re-) escalating and to pave the way for lasting conflict settlement."

8    The 1982 UN Comprehensive study on CBMs stressed this fact when it noted that, "It is only on concrete actions, which can be examined and assessed, that confidence can be founded. Positive experiences, which are the essential prerequisite of the growth of confidence, are gained by actions only, not by promises." United Nations Centre for Disarmament, Report of the Secretary-General, Comprehensive Study on Confidence-building Measures, (New York, United Nations: 1982).

9    "Trust is a psychological state comprising the intention to accept vulnerability based upon positive expectations of the intentions or behavior of another." Rousseau, D. M., Sitkin, S. B., Burt, R. S., and Camerer, C. "Not so Different After All: A Cross-Discipline View of Trust", in *Academy of Management Review*, 23, (2008), pp.393–404. The text is summarized online in "Trust and Trust building" Roy J. Lewicki and Edward C. Tomlinson, (December 2003) Available at http://www.beyondintractability.org/essay/trust_building/
     Trust correlates positively with co-operation; mistrust with competitive behaviour .Trust generally grows in three instances: if one believes the other has little to gain from untrustworthy behaviour; if one feels one can exert some influence on the other actor's behaviour; and if actors have experienced co-operative behaviour in the past. Conversely, the perception that the other has intentionally caused damage generally increases one's mistrust. See Deutsch, M. "Trust and Suspicion", *Journal of Conflict Resolution*, 2 (4), (1958), pp.265–279.

10   See "The Wajir story, Responding to Conflict" available at http://www.respond.org/pages/films.html This section also draws on information from interviews with the late Dekha Ibrahim Abdi, a mediator who worked in Wajir and other areas in the north-east of Kenya.

11   See the UNHCR website (http://www.unhcr.org/pages/49e4861f6.html). This section also draws on interviews with different UN staff.

12   See, Dekha Ibrahim Abdi and George Wachira, 2008, Concerned Citizens for Peace, available at http://www.rightlivelihood.org/fileadmin/Files/PDF/Literature_Recipients/Dekha_Abdi/Concerned_Citizens_for_peace.pdf

13   Interview of Simon Mason with Julian T. Hottinger, March 2012.

14   In the 1982 UN study on CBMs during the Cold War, the importance of having different types of CBMs beyond the military sector, and the need for tailor-made approaches, was already being highlighted: "Confidence, like security, is a result of many factors, both military and non-military. Consequently, confidence or its absence cannot be based on the same combination of factors for all States and in all circumstances. In that context, it was recalled that a number of Governments from various regions have stressed the special necessity for confidence building in the political, economic or social fields." United Nations Centre for Disarmament, *Report of the Secretary-General, Comprehensive Study on Confidence-building Measures*, (New York, United Nations: 1982), p.5.

15   Further examples beyond those given here on economic, environmental, societal, cultural and political CBMs, see chapter III of the OSCE Guide on Non-Military Confidence-Building Measures (CBMs), Vienna: OSCE, 2012.

16   For more on the relationship between non-military CBMs and Confidence- and Security-Building Measures (CSBMs) see: OSCE Guide on Non-Military Confidence-Building Measures (CBMs), Vienna: OSCE, 2012.

17   For more details of some of these examples, see Tools for building confidence on the Korean peninsula, A report by Zdzislaw Lachowski, Martin Sjögren, Alyson J. K. Bailes, John Hart and Shannon N. Kile (Stockholm: Stockholm International Peace Research Institute (SIPRI) and Simon Mason and Victor Mauer Center for Security Studies (CSS) at ETH Zurich, SIPRI and CSS, 2007) http://www.korea-cbms.ethz.ch/part2.htm.

18   Nuba Mountains Ceasefire Agreement, online at www.gurtong.net.

19   See Jeremy Brickhill, "Security and stabilization in Somalia: learning from local approaches", in Mark Bradbury and Sally Healy (Eds.), "Whose peace is it anyway? Connecting Somali and international peacemaking, *Accord* Issue 21 (London, Conciliation Resources, 2010) pp.27–29.

20   For more information see Mediation Support Project, *Mediation Essentials: Business Actors in Mediation Processes,* (Zurich, Bern: swisspeace / CSS ETH-Zurich, 2010). On peace parks, see http://www.peaceparks.org/ On local economic activities in Somalia, see: Peter D. Little, Somalia: Economy Without State (Bloomington and Indianapolis: Indian University Press, 2003). pp.206.

21   This information is drawn from the United States Institute of Peace, *Certificate Course in Negotiation and Conflict Management*, (2010).

22   Point mentioned by Jeremy Brickhill in an interview with Simon Mason, 11 June 2012.

23   The independent, yet related, nature of "actors" and "activities" was highlighted by Julian T. Hottinger in an interview with Simon Mason 27 March 2012.

24   Information drawn from an interview of Simon Mason with Julian T. Hottinger, 27 January 2012.

25   "If parties realise that if they keep on fighting about agreement number 4, they might lose agreements 1, 2 and 3 that are beneficial to each side, they may be more constructive when negotiating agreement number 4", I. William Zartman, telephone interview with Matthias Siegfried, 7 April 2011.

26   Telephone interview with I. William Zartman, 7 April 2011.

27   "Intractable conflicts cannot be resolved with great leaps. They require small steps and time, time for the disputants to alter their image of each other." (Landau, D. and Landau, S., "Confidence-building measures in mediation", *Conflict Resolution Quarterly*, 15 (1997), p.102; "CBMs are now associated predominantly with a 'confidence building process' (…) a process which allows participants to become more aware of their respective positions and concerns – and the basis for their action" Marie-France Desjardins, *The Adelphi Papers*, Special Issue: Rethinking Confidence-Building Measures, Volume 36, Issue 307, (1996), p.18.

28   See Gerald M. Steinberg, "The Centrality of CBMs: Lessons from the Middle East", in David Carment and Albrecht Schnabel (eds.), *Conflict Prevention – from Rhetoric to Reality*, (New York: Lexington Books, 2004), p.291 onwards.

29   George W. Bush, "Bush State of the Union address", January 29, 2002.

30   Source: Tools for building confidence on the Korean peninsula, A report by Zdzislaw Lachowski, Martin Sjögren, Alyson J. K. Bailes, John Hart and Shannon N. Kile (Stockholm: Stockholm International Peace Research Institute (SIPRI) and Simon Mason and Victor Mauer Center for Security Studies (CSS) at ETH Zurich, SIPRI and CSS, 2007) Available at www.korea-cbms.ethz.ch

31   For a more comprehensive discussion of the concept of "ripeness" and when to intervene, see I. William Zartman and Alvaro de Soto, *Timing Mediation Initiatives*, USIP Peacemaker's Toolkit (Washington D.C.: USIP, 2010).

32   The "trust/understanding/will" triangle was highlighted by Julian T. Hottinger in a workshop in October 2009 in Switzerland to show the interdependence of these factors and discuss how negotiators and mediators can address them.

33   International Crisis Group, "Cyprus: Reversing The Drift To Partition", *Europe Report* N°190 (10 January 2008).

34   See Marie-France Desjardins, *The Adelphi Papers*, Special Issue: Rethinking Confidence-Building Measures, Volume 36, Issue 307, (1996), p.62.

35   James Copnall, Ivory Coast's zone of no-confidence, BBC news: 18 May 2005, http://news.bbc.co.uk/2/hi/africa/4556335.stm

36   International Crisis Group, "Cyprus: Reversing The Drift To Partition", *Europe Report* N°190 (10 January 2008).

37   Point mentioned by Julian T. Hottinger in an interview with Simon Mason, 31 October 2011.

38   John Darby, Roger Mac Ginty, *Contemporary Peacemaking: Conflict, Peace Processes and Post-war Reconstruction*, (New York, Palgrave Macmillan: 2008), p.354.

39   For more information see Landau, D. and Landau, S., "Confidence-building measures in mediation", Conflict Resolution Quarterly, 15 (1997), pp.97-103.

40   Telephone interview of Matthias Siegfried with Laurie Nathan, 22 March 2011.

41   Marie-France Desjardins, *The Adelphi Papers*, Special Issue: Rethinking Confidence-Building Measures, Volume 36, Issue 307 (1996), p.33.

42   Marie-France Desjardins, *The Adelphi Papers*, Special Issue: Rethinking Confidence-Building Measures, Volume 36, Issue 307 (1996), p.39.

43   Informal Working Paper on CBMs drafted by the "Mediation Support Unit" (MSU) of the United Nations Department of Political Affairs.

44   Based on an interview of Simon Mason with Julian T. Hottinger, 31 October 2011.

45   Further general issues to consider when designing CBMs are outlined in the OSCE Guide on Non-Military Confidence-Building Measures (CBMs), Vienna: OSCE, 2012.

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143    Endnotes