Confidence-Building Measures (CBMs) cover a broad range of mutually reinforcing activities in a number of different contexts [such as: political, military, economic, social, humanitarian and cultural,] and at all levels, unilateral, bilateral, regional and global. Working Group II was tasked to deliberate and present recommendations on practical CBMs in the field of conventional weapons. The working group reaffirmed the validity of the UNDC Guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level of 1996. Deliberations were based on documents adopted by the General Assembly, including its Special Sessions on Disarmament and previous sessions of the UNDC and working papers submitted.

Objectives

The ultimate objective of CBMs is to contribute to international peace and security at bilateral, regional and global levels and to enhance greater transparency and dialogue in the field of conventional weapons [on a voluntary basis], [without prejudice to the priority accorded to nuclear disarmament, as agreed by consensus at the First Special Session of the General Assembly devoted to Disarmament 1978, should be recognized.] CBMs therefore also contribute to reducing or even eliminating the causes of mistrust, fear, misunderstanding and miscalculation with regard to conventional weapons related activities.

[Application of appropriate CBM consistent with national security needs, would promote mutual confidence and good faith, with are essential to reducing the likelihood the likelihood of conflicts between States and enhancing prospects for the peaceful settlement of disputes.]
CBMs may support the process of disarmament and arms control measures and contribute to the development of politically binding provisions and, if appropriate, of legally binding obligations, [but should not be seen as an alternative to disarmament.]

Principles [and general considerations]

In pursuit of the objectives, Member States should undertake the CBMs in accordance with the following principles:

1. In the pursuit of the objective, CBMs should be undertaken in full conformity with the United Nations Charter, in particular the purposes and principles contained in the Articles I and II:

   – Refraining from the threat or use of force against the territorial integrity or political independence of any State;
   – Non-intervention and non-interference in the internal affairs of States; Non-intervention in matters which are essentially within the domestic jurisdiction of any State;
   – Peaceful settlement of disputes;
   – Sovereign equality of [all UN Member] States
   – [Developing friendly relations among nations based on respect for the principle of equal rights] and self-determination of peoples.]

[1bis. The respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States.]

[2. The right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples.]

[2alt. Refraining from the threat or use of force against the territorial integrity or political independence of any State; Non-intervention in matters which are essentially within the domestic jurisdiction of any State; Peaceful settlement of disputes; Sovereign equality of all UN Member States; Developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.]

[3. The inherent right to individual or collective self-defence as recognized in Article 51 of the Charter of the United Nations.]

[3bis. The inadmissibility of acquisition of land by war and which threaten peace, provoke, prolong or aggravate acts of aggression, or foreign occupation, or other breaches of the peace.]
4. The right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations.

5. CBMs should be consistent with international law including, as applicable, international humanitarian law, covering, among others, all the provisions of the 1949 Geneva Conventions, and international human rights law.

[5alt. CBMs should be consistent with international law applicable to all States]

[In addition, in pursuit of the objectives, Member States should undertake the CBMs in accordance to the following considerations:]

6. CBMs are agreed and initiated on a voluntary, consensual and reciprocal basis, as appropriate, taking into account the principle of undiminished security to all, guaranteeing that no individual State or group of States obtain advantages over others at any stage of the confidence-building process.

7. CBMs should be developed at a pace that all States participating in the process consider comfortable/appropriate, considering they are a step by step process in which it should be taken into account the prevailing circumstances and capacity of States.

8. CBMs should be developed taking into account specific national and regional conditions and characteristics, while taking advantage of the complementarity of CBMs at different levels.

9. CBMs may facilitate the process of disarmament and arms control agreements, taking into account the needs of all States in protecting their security.

10. CBMs may promote transparency in the transfers of conventional weapons, in order to prevent their diversion into the illicit market/the illicit trade and trafficking in conventional weapons.

[11. CBMs may be enhanced by transparency in conventional weapons by building of/consolidating trust and confidence among States and reduces the likelihood of misunderstanding and miscalculation of military activities and intentions, thus leading to increased international peace and security.]

[11alt. CBMs should contribute to the reduction of misunderstandings and miscalculations of military activities and intentions of participating States]

[12. CBMs are facilitated by good governance at the international/all levels and the rule of law [by implementing relevant multilateral disarmament instruments.]]

13. The United Nations, regional organizations, [civil society, including] NGOs and academia, may contribute in promoting CBMs, [where requested].

Recommendations on practical CBMs

A number of practical CBMs have evolved and been implemented in different places. The Commission recommends the following practical CBMs in the field of conventional weapons, [in accordance with the principles outlined above]:
i) [Transparency/] Information Exchange Measures

(It was suggested to delete all subtitles)

Transparency/Information Exchange measures are/can be considered practical CBMs, including in the field of conventional weapons which could contribute to enhance confidence and mitigate misunderstandings. While being voluntary in nature, certain instruments provide a framework for facilitating information exchange and reporting. Member States are invited to report when appropriate to, among others, the following instruments:

[alt: To mitigate misunderstandings, the Commission highlights the importance of information exchange and encourages Member States to take advantage of reporting mechanisms under:]

– [United Nations Register of Conventional Arms taking into consideration its voluntary nature, and the position of certain groups regarding the shortcomings of this instrument as it does not include weapons of mass destruction;]

– [United Nations Report on Military Expenditures taking into consideration decreasing the imbalance between major arms producers/exporters and arms importing states caused by the continuing over production and accumulated stockpiling of conventional arms by those major producers/exporters;]

– [Programme of Action to Prevent, Combat and Eradication the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, including the International Tracing Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.]

Member States are invited/encouraged to consider making/make/consider the feasibility to make publicly available, as appropriate, and in accordance with national laws and policies relevant documents pertaining to security and defence policy, as well as matters in relation to conventional weapons, including their reduction and disposal.

[alt: Member States are invited to enhance information sharing, as appropriate, and in accordance with international laws on matters related to conventional weapons]

Member States are encouraged/invited, as appropriate and in accordance with national laws and policies, to consider drawing lessons learnt from regional information exchange and transparency measures, such as the United Nations Standing Advisory Committee on Security Questions in Central Africa, ASEAN Regional Forum, ASEAN Political-Security Community Blueprint, Pacific Islands Forum Regional Security Committee, OSCE Vienna Document, OSCE Document on small arms and light weapons, Inter-American Convention on Transparency in conventional weapons acquisition.]

ii) Observation and verification measures

(While some delegations expressed their contentment with this paragraph, other delegations suggested deleting or merging it with paragraph iii), or bringing it to a possible annex)
CBMs focusing on observation [and verification] aim at generating trust by allowing participating States to monitor/visit each other’s military facilities and activities. Member States [in a position to do so] are invited, as appropriate, to draw lessons learnt from different regions, such as, invitation of observers to monitor/attend major military exercises [and mission to evaluate] on site the information provided by a Government on their conventional weapons.

iii) Military constraint measures

(While some delegations expressed their contentment with this paragraph, other delegations suggested deleting or merging it with paragraph ii), or bringing it to a possible annex)

CBMs focusing on military constraint are designed to keep certain types and levels of States’ military forces at a distance from each other and to provide assurance against military and surprise attacks. Member States are invited, as appropriate, to draw lessons learnt from different regions/experiences, such as, limiting the number and scope of major military exercises, limitations of troop movements, de-alerting and the establishment of zones free from certain conventional weapons.

[Member States should continue to or consider decreasing the imbalance between major arms producers/exporters and arms importing States caused by the continuing over production and accumulated stockpiling of conventional arms by those major producers/exporters.]

iv) Relationship between CBMs and agreed/other multilateral instruments

CBMs do not replace international legally-binding instruments. Faithful implementation by States Parties, including reporting obligations where relevant, [while being a legal obligation.] can contribute as a practical confidence-building measure. Over the years a number of instruments have been negotiated and entered into force. While some of these have not been developed within the UN framework or adopted by consensus, they remain legally binding for their States Parties. [The following instruments may be considered, among others:]

[alt. The Commission underlines the importance of the faithful implementation of obligation assumed by the States Parties under regional and international instruments on conventional weapons, including their reporting requirements and CBMs among States in the field of conventional weapons.]

[alt. States Parties to the following instruments are invited to fulfil their reporting obligations]

– [Security Council resolutions dealing with acts of occupation, the inadmissibility of acquisition of land by war and which threaten peace, provoke, prolong or aggravate acts of aggression, or foreign occupation, or other breaches of the peace;]

– [Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (adopted by consensus) and its five Protocols;]

– [Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction;]
[Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;]

[Convention on Cluster Munitions.]

[Member States are encouraged/invited to consider the possibility of signing and ratifying the Arms Trade Treaty, [negotiated by a UN Conference and] adopted [without consensus] by the UN General Assembly on 2 April 2013, which will open for signature on 3 June 2013 [taking into account the positions expressed by the 26 States which did not vote in favour of the General Assembly Resolution]]

Member States are urged, [as appropriate] to implement fully the political commitments contained in the Programme of Action on small arms and light weapons, and in the International Tracing Instrument, taking into account the Implementation Plans adopted by the Second Review Conference.

[Member States are encouraged to follow-up on the meetings of the Programme of Action on small arms and light weapons, including the Review Conferences, Biennial Meeting of States and Open-Ended Groups of Governmental Experts.]

Member States are encouraged to increase their efforts to submit voluntarily, on a biennial basis, national reports on the implementation of the Programme of Action, using the template [or the online reporting tool] provided by the Secretariat, where appropriate.

Member States are reminded that, in accordance with the International Tracing Instrument, States should/are encouraged to report on a biennial basis to the Secretary-General on the implementation of this instrument.

[Member States are encouraged to consider ratifying and acceding to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.]

v) Cooperation and assistance related to CBMs in the field of conventional weapons

[International assistance is a key component towards the effective implementation of CBMs.]

[States concerned will provide international assistance in full accordance with the principle of national ownership, starting with the request-of-assistance and including determining the assistance and monitoring of its implementation.]

[Each Member State, in the context of implementing the CBMs, may provide assistance or receive it. Major producers and exporters of conventional weapons shall provide such assistance upon the request of the importing countries.]

[Nothing in the CBMs shall be interpreted as impeding or restricting the technology transfer or manufacture under foreign licence of conventional weapons.]

Cooperation and assistance have the potential to promote trust and confidence among States, at bilateral, regional and global levels. Such assistance includes, among others, activities related to reporting, sharing best practices and organizing
meetings. A number of initiatives and instruments have evolved over the years in order to facilitate enhanced cooperation and assistance at all levels.

[Certain legally-binding treaties on conventional weapons, such as the Convention on Certain Conventional Weapons, Anti-Personnel Mine Ban Convention, and Convention on Cluster Munitions contain extensive provisions for cooperation and assistance.] States Parties, in a position to do so, are encouraged to provide assistance on activities for achieving the respective treaty objective.

[alt. State Parties, in a position to do so, are encouraged to cooperate on activities for achieving the respective treaty objective. In this regard, the Commission notes that certain legally binding treaties on conventional weapons, such as the Convention on Certain Conventional Weapons, Anti-Personnel Mine Ban Convention, and Convention on Cluster Munitions contain extensive provisions for cooperation and assistance, among their State Parties.]

Member States, in a position to do, are encouraged to enhance cooperation and assistance in the implementation of the Programme of Action on small arms and light weapons and the International Tracing Instrument as stipulated by the outcome document agreed by the Second Review Conference.

[Member States, in a position to do so, are encouraged to contribute to United Nations trust funds to facilitate matching needs with available resources in the implementation of CBMs, [to the sponsorship programme under the Convention on Certain Conventional Weapons.]]

[Member States, in a position to do so, are encouraged to provide financial and technical assistance, in coordination with the Office for Disarmament Affairs, to promote capacity-building on the submission of reports and information exchange on CBMs.]

vi) Partnerships for the promotion of practical CBMs

Regional organizations, UNIDIR and the UN regional centres for disarmament, without prejudice to their mandates, as well as [civil society, including] NGOs may contribute in promoting the development and sustainability of CBMs [where requested]. Member States are encouraged, through enhanced cooperation and partnership, as appropriate, to:

– [In implementing the CBM States concerned should provide assistance for the benefit of State Parties which are developing or least developed countries, inter alia, by establishing Technical Assistance Funds with mandatory contributions providing assistance commensurate with the burden relevant to implementation of obligations;]
– Facilitate and support the organization of meetings like seminars, workshops, and conferences aimed at enhancing the knowledge of existing relevant CBMs;
– Support research on new developments in this field;
– Conduct exchanges and dialogue with academia and civil society in order to enrich the discussions of CBMs.