DISARMAMENT COMMISSION

GUIDELINES FOR APPROPRIATE TYPES OF CONFIDENCE-BUILDING MEASURES
AND FOR THE IMPLEMENTATION OF SUCH MEASURES ON A GLOBAL OR
REGIONAL LEVEL

Working paper: Federal Republic of Germany

DRAFT CONCLUSIONS OF THE WORKING GROUP OF THE DISARMAMENT COMMISSION
AT ITS 1983 SESSION ON THE SUBJECT OF THE ELABORATION OF GUIDELINES
FOR APPROPRIATE TYPES OF CONFIDENCE-BUILDING MEASURES AND FOR THE
IMPLEMENTATION OF SUCH MEASURES ON A GLOBAL AND REGIONAL LEVEL, TO BE
INCLUDED IN ITS REPORT TO BE SUBMITTED TO THE GENERAL ASSEMBLY AT ITS
THIRTY-EIGHTH SESSION

1. In resolution 37/100 D, adopted by consensus at its thirty-seventh session,
the General Assembly requested the Disarmament Commission "to consider the
elaboration of guidelines for appropriate types of confidence-building measures and
for the implementation of such measures on a global or regional level". The
Disarmament Commission was further requested "to submit a progress report on its
deliberations on this item to the General Assembly at its thirty-eighth session".

2. The Disarmament Commission was agreed that the comprehensive study of the
Group of Governmental Experts on Confidence-building Measures, 1/ the Final
Document of the first special session of the General Assembly devoted to
disarmament, the reaffirmation of the latter by the Concluding Document of the
second special session devoted to disarmament, the relevant resolutions of the
General Assembly and the proposals made to the General Assembly by individual
countries 2/ afford a suitable basis for its deliberations.

The following points were considered to be of particular relevance.

- The fact that the concept of confidence-building measures is enshrined in
  paragraphs 24 and 93 of the Final Document of the first special session of
  the General Assembly devoted to disarmament, the latter paragraph stating
  that "in order to facilitate the process of disarmament, it is necessary to
take measures and pursue policies to strengthen international peace and security and to build confidence among States".

- The General Assembly's repeated affirmations since the first special session devoted to disarmament of its support for the world-wide implementation of confidence-building measures and its recommendations to consider the possible introduction of such measures in individual regions with a view to enhancing security between States and facilitating progress in arms control and disarmament.

- The large degree of agreement on the concept of confidence-building measures achieved within the Group of Governmental Experts, whose members came from all parts of the world, as well as the illustrative list of concrete measures unanimously proposed by that Group.

3. The Working Group was agreed that in its deliberations it must seek to give the greatest possible substance to the concept of confidence-building in order to promote the implementation of concrete measures in various regions, in accordance with the recommendations of the General Assembly, and to render those measures more effective. It pointed out that the different regions of the world have different kinds of problems specific to each region, and that the initiation of any confidence-building measures must be preceded by an adequate and careful consideration of the political, military and other conditions prevailing in the respective regions.

With regard to the substance of the guidelines to be elaborated, it was agreed that the study of the Group of Governmental Experts afforded a highly suitable basis since it was most detailed and precise.

4. In view of the limited time available for the consideration of this item, the Commission decided to concentrate during its substantive session in 1983 on a general approach to the question of guidelines for confidence-building measures. However, it is intended to elaborate, as a next step, specific guidelines for a number of measures deemed to be especially suitable and of undeniable importance to international security. It was agreed that the following principles and guidelines were of fundamental importance to the building of confidence among States.

(a) Objectives and purposes of confidence-building measures

- The ultimate objective of confidence-building measures is to strengthen international peace and security and to contribute to the development of confidence, better understanding and more stable relations between nations, thus improving the conditions for the prevention or the settlement of political crises and armed conflicts and for progress in arms control and disarmament.

- The immediate goal of confidence-building measures is to reduce or eliminate the causes of insecurity, mistrust, fear, tensions and hostilities, which are major contributory factors of the international arms buildup and political instability in general.
- One of the major causes of insecurity, mistrust, fear, tensions and hostilities is a lack of reliable information on the military activities of other States and other matters related to mutual security. The destabilization caused by insufficient knowledge about opposing military forces is often aggravated by subjective misconceptions and a resulting lack of trust concerning the intentions of States. Consequently, one of the main purposes of confidence-building measures is to facilitate the exchange of information on military activities and other matters pertaining to mutual security, thereby augmenting openness, transparency and mutual calculability in security matters.

- All means of enhancing communication and information are thus of particular importance. The publication and exchange of information on military strength, structures and activities, as well as regular personal contacts and the establishment of appropriate channels of communication at all levels of political and military decision-making, should be encouraged with a view to achieving a more accurate and reliable reciprocal assessment of security matters and a better understanding of mutual concerns.

- Confidence-building measures can thus help to create a political and psychological climate in which the tendency towards a competitive arms buildup will be reduced and the importance of the military element will gradually diminish. This can greatly facilitate genuine progress in arms control and disarmament negotiations ultimately aimed at general and complete disarmament under effective international control.

- Another purpose of confidence-building measures is to facilitate the verification of arms control and disarmament agreements. Whilst the implementation of verification measures does, of course, have a confidence-building effect of its own, confidence-building measures cannot, however, replace verification measures, which are an inseparable and indispensable part of genuine arms control and disarmament.

- Apart from improving information and communication, confidence-building measures can go a step further and, under appropriate circumstances, place certain constraints on military options without impairing the overall military potential, thus ensuring that existing potentials cannot be used for aggressive purposes. Such mutual constraints could, for example, take the form of limitations of military activities, including measures of verification.

- In this way confidence-building measures can inhibit political decisions to use military force contrary to the rules of international law.

- Whilst confidence-building measures can help to bring about progress in arms control and disarmament, they cannot, however, replace measures which would directly limit and reduce military potentials.
(b) **Principles and characteristics**

- States must decide freely and in the exercise of their sovereignty whether a confidence-building process is to be initiated and, if so, which measures are to be taken and how the process is to be pursued.

- Strict observance of the principles of the Charter of the United Nations, such as the renunciation of the use or threat of use of force, and other relevant instruments of international law is both a prerequisite and a fundamental source of confidence-building.

- In order to maintain and strengthen the security of States and build confidence it is essential to observe the principles of equality and undiminished security between those participating in the confidence-building process.

- Confidence-building is a process based on certainty and experience with regard to the conduct of States in specific situations. It is therefore only on concrete actions which can be examined, assessed and verified that confidence can be founded. This implies that neither declarations of intent nor a reiteration of generally recognized principles nor mere pledges of future conduct satisfy the exigencies of removing perceptions of threat and suspicion.

- A specific measure will become all the more effective, the better it is attuned to the perception of a particular threat or the confidence requirements of a given situation.

- The seriousness, credibility and reliability of a State's commitment to confidence-building can only be demonstrated by the continuous, regular and full implementation of confidence-building measures.

- In the progressive building of confidence it should be a general rule to proceed from less to more restraining measures until there is a comprehensive network of confidence-building measures that provides the sound basis on which more extensive agreements in the field of international security can be reached.

- As many, if not most, problems of security and the perceptions thereof derive from regional factors and elements, a regional approach to confidence-building is both desirable and feasible.

- An arrangement between two or more neighbouring States can serve as the nucleus of a regional arrangement, in that it is gradually extended by the accession of other States.

- Stressing the importance of the regional approach does not signify, however, that efforts towards a wider global approach should be neglected.

- Once the confidence-building process in a particular region has been consolidated, consideration should be given to enhancing the gain in regional security thus achieved by broadening the geographical scope of suitable confidence-building measures to form interregional arrangements.
Development and perspectives

- One possible method of developing confidence-building measures is to enhance the quantity and quality of military information exchanged. A case in point may be the establishment of rules for the treatment of observers at manoeuvres enabling the observers to make a proper assessment of the manoeuvres. Attempts should also be made to refine progressively the indicators of routine military activities with a view to improving their value for warning purposes.

- Another possible method is to expand, in an appropriate manner, the scope and area of application of existing confidence-building measures, thus greatly enhancing their value. For instance, commitments to notify major military movements in a restricted area could be broadened so as to include all militarily relevant movements within a larger area. Similarly, commitments to notify only major manoeuvres and other military movements can be widened by including notification of manoeuvres and other military movements of a smaller scope.

- A very important qualitative step in enhancing the credibility and reliability of the confidence-building process may consist in strengthening the degree of commitment with which the various confidence-building measures are to be implemented. Voluntary or unilateral measures should, as soon as possible, be reciprocated and developed into mutual and balanced politically binding provisions, and the latter then - if appropriate - into legally binding obligations.

- Statements of intent and declarations which in themselves do not contain a commitment to the application of concrete and verifiable measures and are therefore only a preparatory step on the path towards confidence-building measures must be followed up and rendered more concrete by negotiations on clearly defined, applicable measures.

- The continuous and regular application of politically binding measures may create a practice which ultimately establishes the conviction of the participating States that only conduct in keeping with this practice can be regarded as lawful. A politically binding confidence-building measure, implemented consistently and uniformly over a substantial period of time, may develop into an obligation under customary international law.

- After a sufficient consolidation of the confidence-building process, an international convention establishing a number of basic and universally applicable obligations for the implementation of confidence-building measures may eventually be considered.

Opportunities

- One important opportunity for the introduction of confidence-building measures exists in conjunction with joint efforts to prevent and contain international conflicts. Confidence-building measures can considerably
improve the capacity for effective international crisis management. A primary requirement is, however, that communication and contacts between the parties to a conflict are not broken off at any time, but are improved instead.

- Appropriate confidence-building measures such as adequate communication channels, including "hot lines", should be provided especially during crises, since they can have an important stabilizing effect and supplement existing instruments of international crisis management.

- As the nuclear Powers bear a special responsibility for world peace, they should consider all possible means to avoid political conflicts escalating into crises and to prevent political crises from developing into armed conflicts. Besides "hot lines" it is conceivable that where circumstances permit the establishment of jointly staffed "crisis management centres" might have a stabilizing effect. Such centres could be either permanent or established ad hoc according to rules agreed upon in advance.

- A particular opportunity might arise upon the introduction of peace-keeping forces into a region. Thus it might be useful to supplement a peace-keeping agreement by confidence-building measures.

- A statement of political intent envisaging the pursuit of confidence-building measures once the peace-keeping forces have taken up their tasks may greatly help to consolidate the situation. Under such circumstances the parties should at the earliest possible time envisage the establishment of an adequate mandated mechanism.

- Another opportunity for agreements on specific confidence-building measures may arise on the cessation of hostilities between States.

- In the context of arms limitation negotiations, certain confidence-building measures may form part of the envisaged agreement itself (e.g. associated measures in the framework of mutual and balanced force reductions).

- Other confidence-building measures may supplement the arms control agreement concerned. Both types can have a positive effect on the parties' ability to achieve the purposes and goals of the respective negotiations and agreements by creating a climate of co-operation and understanding, by facilitating measures of verification and by fostering reliable and credible implementation.

- Conferences for the review of existing arms limitation agreements could provide an opportunity to strengthen such agreements by the development and incorporation of confidence-building measures. Such confidence-building measures as may be agreed upon could be included in the concluding documents of those conferences, without the need for a formal amendment of the agreements.
- Still further opportunities may arise in conjunction with agreements among States for co-operation in other fields of international relations. Confidence-building measures, or at least a statement of intent to develop them in future, could be included in any form of political declaration on goals shared by two or more States.

- Opportunities for building confidence may also arise in connection with joint development projects, especially in frontier areas.

(e) The role of United Nations organs

- All organs of the United Nations should participate in promoting the process of confidence-building. In particular, the Security Council and the General Assembly can further this process by adopting recommendations containing suggestions and requests to States to agree on and apply confidence-building measures.

- Depending on the nature of the measure in question, such decisions and recommendations can be directed at all States or only at certain States in a particular region or - in the event of an imminent crisis - at those States directly affected.

- The Security Council would primarily be responsible for measures having a direct bearing on the maintenance of international peace and security. This would, among other activities, include the promotion of confidence-building measures in the context of peace-keeping initiatives and of arrangements for the cessation of armed conflicts. A large number of measures adopted in connection with peace-keeping operations of the United Nations and the introduction of peace-keeping forces, observers and mediators are practical and well-established examples of measures that increase confidence.

- The General Assembly would include in its activities those measures which might be applied in the political, legal, economic and social fields. This, however, would in no way limit the General Assembly's right to recommend any confidence-building measures which fall within the scope of the Charter of the United Nations. To fulfil this task, it is essential that the General Assembly and, through it, all relevant United Nations organs be kept duly informed of negotiations and agreements on confidence-building measures.

- Both the Security Council and the General Assembly could, inter alia, recommend the evaluation of certain confidence-building measures which have been applied for a period of time and, on the basis of such evaluations, propose their continuation, modification or - in the case of regional measures - their extension to other regions.

- The Committee on Disarmament, which is the sole multilateral negotiating body in the field of arms control and disarmament, should identify and negotiate such confidence-building measures as are related to or included in agreements on disarmament and arms control that are being negotiated in the Committee. Of these measures, the ones designed to enhance the verification of existing agreements or to facilitate the conclusion of new agreements would be of primary importance.

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- The Secretary-General might support, when acting in accordance with Article 99 of the Charter in bringing to the attention of the Security Council a matter which may threaten the maintenance of international peace and security, such confidence-building measures as may seem appropriate to ease existing tensions and to stop the emergence of new ones, thereby preventing the development or aggravation of a crisis.

- The specialized agencies of the United Nations could, in their respective fields of activity, contribute significantly to the process of confidence-building. In particular, the United Nations could, in programmes of aid to developing countries, help to alleviate through its specialized agencies political, economic and social inequalities, thereby reducing existing tensions and distrust and laying the basis for better understanding and co-operation in these areas. One way of achieving this would be to support regional co-operation.

5. The Disarmament Commission proposes that the General Assembly should lend its support to the guidelines set out in this report by incorporating them in a resolution for adoption at its thirty-eighth session.

The Disarmament Commission also calls upon all States to make further tangible contributions towards building confidence worldwide.

Notes

1/ United Nations publication, Sales No. E.82.IX.3.

2/ Including the working paper on confidence-building measures within the United Nations system, prepared by the Federal Republic of Germany for the second special session devoted to disarmament (A/S-12/AC.1/38) and the memorandum on measures to improve the reliability and objectivity of information in the military area, prepared by Austria for the second special session devoted to disarmament (A/S-12/AC.1/59).