DISARMAMENT COMMISSION
Agenda item 8

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

Working paper: India

1. The General Assembly, in its resolution 37/100 D, adopted at its thirty-seventh session, 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 thirty-eighth session".

2. The Final Document of the Tenth Special Session of the General Assembly, devoted to disarmament, provides the basis for the elaboration of the objectives, concepts and approaches to confidence-building measures as well as for the consideration of appropriate types of such measures and for their implementation on a global or regional level. The Final Document, in paragraph 24, recommends that "collateral measures in both the nuclear and conventional fields, together with other measures specifically designed to build confidence, should be undertaken in order to contribute to the creation of favourable conditions for the adoption of additional disarmament measures and to further the relaxation of international tension". The disarmament measures mentioned in this paragraph and to the adoption and implementation of which confidence-building measures can make significant contribution are additional to those mentioned in paragraph 22 of the Final Document. These disarmament measures are required to be adopted on a priority basis and are themselves indispensable for the building of confidence.

3. Paragraph 93 of the Final Document states that:

   "In order to facilitate the process of disarmament, it is necessary to take measures and pursue the policies to strengthen international peace and security and to build confidence among States. Commitment to confidence-
building measures could significantly contribute to preparing for further progress in disarmament).

Paragraph 93 then goes on to list certain measures of confidence-building.

4. A study on confidence-building measures has also been carried out by a group of governmental experts whose recommendations, though confined merely to the narrow military field, may also be taken into account along with the relevant resolutions of the General Assembly and the proposals made to the General Assembly by individual countries.

5. In resolution 37/100 D the General Assembly states that "confidence-building measures cannot serve as a substitute for concrete disarmament measures". They can, however, "play a very significant role in achieving disarmament". They are, therefore, in the nature of collateral measures, i.e. parallel or contributory to disarmament measures.

6. Confidence-building measures cannot be a goal or end in themselves. Nor can they be pursued autonomously or in isolation from the process of arms limitation and disarmament.

7. At a time when there is no disarmament taking place and when the nuclear-arms race is continuing at an accelerated pace, priority attention must be given to those measures which will help in halting the nuclear-arms race and moving towards nuclear disarmament. It is hardly the time to shift attention to confidence-building measures of marginal significance.

8. Confidence-building is not a narrow, restrictive and regulatory concept. Regulatory measures are provided for in the Charter of the United Nations. In this sense, it is by scrupulously observing the Charter of the United Nations that States can best promote confidence among themselves.

9. Confidence-building is a positive concept involving a commitment by States, as undertaken in paragraph 3 of the Final Document, to "the dynamic development of détente, encompassing all spheres of international relations in all regions of the world, with the participation of all countries".

10. Any approach to confidence-building in the wider sense of the term must be a comprehensive one involving the adoption and implementation of measures in the political, economic and social fields. These should include removal of political tensions, progress towards disarmament, restructuring of the world economic system in order to establish the new international economic order and elimination of racial discrimination and foreign occupation.

11. In the disarmament field, nothing is more conducive to confidence-building than measures to halt the nuclear-arms race and to move towards nuclear disarmament. Pre-eminent among such measures are those designed for preventing nuclear war, prohibition of the use or threat of use of nuclear weapons, an immediate freeze on the production, stockpiling and deployment of nuclear weapons and a comprehensive ban on the testing of nuclear weapons.
12. Decisions further to escalate the nuclear-arms race and the introduction of new dangerous doctrines such as winnable nuclear war cannot but have a shattering effect on confidence. Renunciation of such doctrines will go a long way towards restoring and inspiring confidence.

13. The major Powers have a special responsibility in improving the climate of trust and confidence among States. Among the measures they should adopt to accomplish this are:

(a) Dismantling of all foreign military bases;

(b) Dissolution of military alliances;

(c) Removal of their military presence from various regions of the world.

14. As matters relating to disarmament and international security are of concern to all States, international confidence will improve if multilateral negotiations on all disarmament issues become the accepted norm. The United Nations should be permitted to play a central role and assume primary responsibility in the field of disarmament.

15. A multilateral approach to international security and disarmament will enhance international confidence. Confining disarmament negotiations on matters of vital concern to all nations to major Powers cannot but result in lack of confidence and erosion of trust. The association of the countries of the non-aligned movement in all disarmament negotiations which have a bearing on the very survival of mankind and removal of international tension and preservation of peace will go a long way towards restoring confidence.

16. Confidence-building is a form of co-operation voluntarily embarked upon in a spirit of trust and good will. It can, therefore, be both unilateral as well as bilateral and multilateral. It can also very well assume the form of a declaration of intent which need not be followed by specific and concrete commitment.

17. A collateral measure like a confidence-building measure cannot have a legal identity separate from the legal basis or framework of the disarmament measures the adoption and implementation of which it is supposed to contribute to. For that very reason, there cannot be politically binding or legally enforceable confidence-building measures. Politically binding or legally enforceable confidence-building measures are a contradiction in terms. If a measure is politically binding or reinforceable, it can never inspire confidence.

18. It is none of the function of confidence-building measures to facilitate verification of arms limitation and disarmament measures. On the contrary, the verification procedures provided for in disarmament agreements will themselves build and inspire confidence. Paragraph 31 of the Final Document states: "Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties". Paragraph 91 of the Final Document states: "In order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements".

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19. There is also no direct link between confidence-building measures and security. Security, including the principle of undiminished security, applies to measures of disarmament and cannot be extended to collateral measures for confidence-building.

20. While it is true that the promotion of confidence-building measures in different regions must be based on the specific situation prevailing in those regions, a regional approach to confidence-building measures cannot be pursued in isolation from the global approach, nor can regional confidence-building measures be seen as a starting point for global measures. In an age of nuclear weapons and in an international political environment characterized by global rivalry and confrontation among the major Powers and the alliance systems built by them, one cannot really speak of a regional threat to security. Today, the greatest threat to our security, i.e. the nuclear threat, emanates not only from our neighbourhood or region but mainly from beyond the oceans. This implies that there can be no confidence in a region unless and until the overwhelming and all-encompassing threat of nuclear war is eliminated and the major Powers undertake to give up their policy of global rivalry and spheres of influence and remove their military presence, including military bases and facilities, from the region.

21. Confidence-building measures in a regional context should be adopted on the initiative and with the agreement of the States of the region concerned. In resolution 37/100 D the General Assembly speaks of "confidence-building measures freely arrived at by the States concerned".

22. Exchange of information and data relating to military strength by itself can be only of a limited and marginal value in building confidence. Questions relating to exchange of information and data can be best solved in the course of negotiations on concrete measures of disarmament and must be related to the scope of the intended measures. They cannot be considered in the abstract or in isolation, nor made a precondition for the adoption of disarmament measures.

23. The United Nations can contribute most effectively to increasing confidence among States by playing the central role and discharging its primary responsibility in the field of disarmament assigned to it by the international community. It will be a distortion of priority and a waste of resources if the Security Council or the General Assembly starts dealing specifically with confidence-building measures. This applies with equal, if not greater force to the consideration of this subject by the Committee on Disarmament.