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### DISARMAMENT COMMISSION

#### CONFIDENCE-BUILDING MEASURES AND THEIR APPLICATION: GUIDELINES FOR EFFECTIVE IMPLEMENTATION

Working paper: Bahamas

#### INTRODUCTION

The mandate of Working Group IV has its source in paragraphs 3 of General Assembly resolutions 37/100 D and 37/78 H respectively. The elements or directives contained in the mandate are as follows:

- (1) "to consider the elaboration of guidelines for appropriate types of confidence-building measures";
- (2) the determination of what constitutes "appropriate types";
- (3) "guidelines ... for implementation of such measures";
- (4) the determination of their application or "implementation" "on a global" level, on a "regional level", or, at both global and regional levels; and
- (5) the directives under the previous four directives are to be complied with via "concrete recommendations" (General Assembly resolution 37/78 H, para. 3).

The General Assembly's request for concreteness therefore makes indispensable a clear and precise definition of confidence-building measures and their characteristics before guidelines can be determined or their implementing procedures and mechanisms isolated.

General Assembly resolution 37/100 D, a consensus resolution, notes further that "the findings of the comprehensive study on confidence-building measures" (A/36/474), and, because of "the important role that confidence-building measures can play with regard to regional and world-wide stability as well as to progress in disarmament" urged "all States to encourage and assist all efforts designed to

explore further the ways in which confidence-building measures can strengthen international peace and security". The Assembly, in the same resolution in encouraging States to embark upon this endeavour, invited "all States to consider the possible introduction of confidence-building measures in their particular regions and, where possible, to negotiate on them in keeping with the conditions and requirements prevailing in respective regions", as well as to include "a reference to, or an agreement on, confidence-building measures, as appropriate, in any joint statements or declarations of a political nature".

Taking into consideration the debate so far in the Working Group and the elements for the nature, scope and development of confidence-building measures found in the study, the Working Group therefore recommends to the General Assembly through the Commission the adoption of the following framework of guidelines for effective implementation of concrete confidence-building measures in order to promote the implementation of the Assembly's resolution 37/100 D.

#### GUIDELINES FOR EFFECTIVE IMPLEMENTATION OF CONFIDENCE-BUILDING MEASURES

##### PREREQUISITES

- Cognizance of an agreement on the object circumstances of the current, international situation in which confidence-building measures are being implemented or intended.
- The parameters for confidence are, initially, restrictive yet open-ended depending on the perceptions and requirements of potential participants and their scope: modest, step-by-step, progressively more positive within the framework of the definitional guidelines of appropriate policies and international commitments, based on the primary sources of the Commission namely the Final Document (SSOD-I), the Charter of the United Nations and the relevant resolutions of the United Nations.

##### PRINCIPAL DEFINITIONAL CHARACTERISTICS (ELEMENTS)

- (1) contribution to the creation of favourable conditions for the adoption of additional disarmament measures (para. 4 of the Final Document);
- (2) furtherance of relaxation of international tension (ibid);
- (3) the facilitating of the process of disarmament (para. 93 of FD; General Assembly resolution 36/97 F, operative para. 7);
- (4) significant contribution to preparing for further progress in disarmament (Ibid., General Assembly resolution 37/100 D, preambular para. 3);
- (5) elimination of the sources of tension by peaceful means and thereby to contribute to the strengthening of peace and security in the world (preambular para. 3 of resolution 33/9 B); preambular para. 2 of General Assembly resolution 34/87 B; preambular para. 3 of General Assembly resolution 37/100 D);

- (6) not a substitute for disarmament but significant in achieving disarmament (Ibid., preambular para. 5);
- (7) the diminishing of the danger of armed conflicts resulting from misunderstanding or misinterpretations of military activities (General Assembly resolution 33/91 B, preambular para. 6; General Assembly resolution 34/87 B, preambular para. 4; para. 29 of A/36/474);
- (8) reduction and eventual elimination of potential causes for mistrust, misunderstanding, misinterpretation and miscalculation (General Assembly resolution 36/96 F, operative para. 6);
- (9) reinforcement of confidence where it already exists (para. 25 of A/36/474); and
- (10) translation of universally recognized principles in accordance with the United Nations Charter (para. 40 of A/36/474 which subsumes all references to the purposes and principles of the United Nations Charter as well as to other existing international obligations treaty and customary and the considerations detailed in paras. 90 and 136 of the Study).

#### GUIDELINES FOR EFFECTIVE IMPLEMENTATION

- (1) clarity (para. 42 and 43 of A/36/474. In this context the observation of the Government of Peru in its reply (para. 26 of A/35/397) is pertinent. That is: "Factors which favourably or adversely affect confidence must also be identified");
- (2) precision, concreteness (paras. 39, 40, 42 and 16 of A/36/474);
- (3) objectivity (para. 44 of A/36/474);
- (4) informed by past experience and specificity of the objective circumstances of potential participants (paras. 20, 40 and 166 of A/36/474);
- (5) security-enhancing (para. 43 of A/36/474);
- (6) consistent, uniform and full application by all (para. 41 of A/36/474) and finally
- (7) capable of being measured, assessed or verified (paras. 40 and 161 of A/36/474);
- (8) criteria (non-exhaustive) for measurement, assessment and verification:
  - volume and quality of concrete results achieved in the light of goals set;
  - use and/or introduction of monitoring and evaluation machinery or mechanisms at all levels of statal and inter-State relations where confidence-building measures are being attempted;
  - use of time-limited goals.