DISARMAMENT COMMISSION

DRAFT CONCLUSIONS OF THE WORKING GROUP OF THE DISARMAMENT COMMISSION AT ITS 1984 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-NINTH SESSION

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I

General considerations for the elaboration of guidelines for confidence-building measures

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. In resolution 38/73, adopted by consensus at its thirty-eighth session, the General Assembly requested the Disarmament Commission "to continue and conclude at its 1984 session the consideration of the item entitled "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 report on its deliberations on this item, containing such guidelines, to the General Assembly at its thirty-ninth session".

3. The Disarmament Commission agreed that the following afford a suitable basis for its discussions: the Final Document of the first special session of the General Assembly devoted to disarmament, the validity of which was unanimously and categorically reaffirmed by all Member States at the second special session devoted to disarmament, the relevant resolutions adopted by consensus by the General Assembly, / the replies received from Governments informing the Secretary-General
of their views and experiences regarding confidence-building measures, 2/ the comprehensive study by the Group of Governmental Experts on Confidence-building Measures 3/ and the proposals made to the General Assembly by individual countries at the second special session. 4/

4. The following points were considered to be of particular relevance:

(a) 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, which state 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" (para. 24) and 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. Commitment to confidence-building measures could significantly contribute to preparing for further progress in disarmament". (para. 93);

(b) The belief expressed by consensus by the General Assembly that confidence-building measures, where appropriate conditions exist, will significantly contribute to facilitating the process of disarmament, its conviction that commitment to such measures could contribute to strengthening the security of States and, based upon this, its recommendations to consider the introduction of such measures with a view to enhancing security between States and facilitating progress in arms limitation and disarmament;

(c) 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.

5. While relating in principle to a wide spectrum of government activities beyond the military field, confidence-building measures bear a close relationship to disarmament, as expressed in the Final Document of the first special session devoted to disarmament and the relevant General Assembly resolutions. So as not to render confidence-building measures undistinguishable from other measures in inter-State relations through selection of an excessively comprehensive strategy and in the light of the mandate of the Commission, as contained in paragraph 118 (a) of the Final Document, namely "to consider and make recommendations on various problems in the field of disarmament", the Commission decided therefore to focus mainly on measures relevant to the security field.

6. Nevertheless, the Commission is aware of the fact that the concept of confidence-building measures, if it is to yield lasting results, must be incorporated into an overall network of political relations marked by the will to co-operate constructively. It therefore expresses the view that measures designed to increase confidence in the non-military and non-security-related areas should be further studied and developed in other appropriate United Nations bodies.
7. With regard to the substance of the guidelines to be elaborated, it was agreed that the study by the Group of Governmental Experts afforded a highly suitable basis since it was detailed and precise.

8. It was agreed that the following guidelines were of fundamental importance to the building of confidence among States.

II

Guidelines for appropriate types of confidence-building measures and for their implementation on a global and regional level

General considerations and principles

1. The importance of confidence-building is growing in a world which is characterized by political tension, mistrust and fear and an increasing recourse to the threat or use of force on the one hand and the escalation of the world-wide arms build-up on the other.

2. As a prerequisite for enhancing confidence among States, the principles enshrined in the Charter of the United Nations must be strictly observed, particularly the following:

   (a) Refraining from the threat or use of force against the territorial integrity or political independence of any State;

   (b) Non-intervention and non-interference in the internal affairs of States;

   (c) Peaceful settlement of disputes;

   (d) Sovereign equality of States and self-determination of peoples;

   (e) Co-operation among States in solving international problems and in promoting respect for human rights.

3. Confidence-building measures must neither be a substitute nor a pre-condition for disarmament measures nor divert attention from those. Yet their potential for creating favourable conditions for progress in this field should be fully utilized in all regions of the world.

Objectives

1. The ultimate goal of confidence-building measures is to strengthen international peace and security, thus creating and improving the conditions for fruitful international co-operation.

2. Their immediate objective is to reduce or even eliminate the causes of mistrust, fear, misunderstanding and miscalculations with regard to military activities of other States, factors which impair security and encourage the continuation of the international arms build-up.

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3. Thus confidence-building should in particular facilitate the process of arms limitation and disarmament as well as the prevention or the settlement of international disputes and conflicts.

4. Confidence-building measures may serve the additional objective of facilitating verification of arms limitation and disarmament agreements.

Conversely, adequate verification measures and co-operation in implementing them have a considerable confidence-building effect of their own.

Confidence-building measures cannot, however, supersede verification measures, which are an inseparable part of arms limitation and disarmament.

5. Action in pursuit of these objectives will enhance rationality and stability in international relations and contribute, in accordance with the Charter of the United Nations, to inhibiting the use or threat of force.

In so doing, they help to create a political and psychological climate in which the momentum towards a competitive arms build-up can be reduced and in which the importance of the military element is gradually diminished.

Thus, confidence-building measures can be conducive to meaningful progress in present and future negotiations on the limitation and reduction of armaments and armed forces ultimately aimed at general and complete disarmament under effective international control.

**Characteristics**

1. Confidence is the result of a dynamic process, based on past experience, present perceptions and future expectations. It will increase to the extent that the concrete conduct of States gives reason to expect the continuance or renewal of the desired non-aggressive and co-operative behaviour in the future.

2. Confidence-building requires a consensus of the States participating in the process. States must therefore 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.

3. Confidence-building measures can only achieve their desired stabilizing effect and contribute to progress in disarmament if they give tangible evidence of a non-aggressive political and military posture.

4. Favourable experience, which is the essential prerequisite of the growth of confidence, is gained by actions only, not by mere promises.

This implies that neither mere declarations of intent nor a repetition of generally recognized principles can effectively dispel perceptions of threat and suspicion.

It is ultimately only on concrete actions which can be examined, assessed and verified that confidence can be built.
5. While statements of intent cannot in themselves be regarded as a confidence-building measure, they may in specific situations have some value as part of a confidence-building process, providing, inter alia, for the identification and authoritative recognition of common vital interests, the formulation of certain common goals, as for instance in the Declaration of the Final Document, and as a collateral measure to genuine confidence-building measures.

6. The effectiveness of a concrete measure will increase the more it is adjusted to the specific perceptions of the threat or the level of confidence required in a given situation. Hence, confidence-building measures should be attuned to the regional requirements of the States concerned.

7. One of the major causes of distrust, insecurity and threat perception is the lack of reliable information on the military activities or other States and other matters pertaining to mutual security.

The distrust 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, confidence-building measures should provide for reliable information by enhancing knowledge of military activities and other matters pertaining to mutual security.

Besides facilitating the dissemination and exchange of pertinent information, regular personal contacts at all levels of political and military decision-making should be encouraged.

8. If the circumstances of a particular situation and the principle of undiminished security allow, confidence-building measures could go further and, while leaving the overall military potentials intact, limit the permissible use of military forces.

Approach

1. Several possible approaches to confidence-building measures exist. Since many, if not most, problems of security and the perceptions thereof derive from regional factors, in most cases a regional approach to confidence-building will be the most effective.

The initiative on confidence-building will almost invariably have to be taken on a regional basis. In order to determine what might be a suitable "region", it will not suffice to apply strictly geographical and security considerations. Since confidence-building measures are mainly concerned with security perceptions, such additional factors as the prior existence of cultural, economic, ideological and/or political links will have to be borne in mind.

2. Stressing the importance of a regional approach does not mean, however, that interactions among different regions or between the regional and global levels can be disregarded.
Measures creating and strengthening confidence in one region will usually have a stabilizing effect at a wider level. Conversely, international developments may be relevant to a regional security situation.

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

**Legislative options**

1. Confidence-building measures can be adopted in various forms. They can be agreed upon with the intention of creating legally binding obligations, in which case they represent international treaty law among the parties.

   They can, however, also be agreed upon through politically binding commitments.

2. Although agreement on legally binding measures would undoubtedly be of the greatest value in confidence-building, political commitments to specific means would also be of great significance.

   An advantage of a purely political commitment to such measures is that they could take effect without the need for a complex and often lengthy ratification process. They can thus in a particularly speedy manner help to deal with the relevant security problems and be adapted more easily to changing security requirements.

**Implementation**

1. For the implementation of confidence-building measures it is indispensable that the factors which favourably or adversely affect confidence among States in a specific situation should be identified with the highest possible degree of clarity.

2. Since States must be able to assess the progress made in implementing confidence-building measures and to verify the proper implementation by the other participating States of a confidence-building arrangement, it is indispensable that the parameters of the established confidence-building measures should be defined as precisely and clearly as possible.

3. Long-term confidence cannot be built by the implementation of one specific confidence-building measure. The seriousness, credibility and reliability of a State's commitment to confidence-building should be demonstrated by the continuous, regular and full implementation of confidence-building measures. Confidence grows as experience increases.

4. The implementation of confidence-building measures should take place in an equitable and uniform manner which ensures the right of each State to undiminished security and which guarantees that no individual State or group of States obtains advantages over others at any stage of the confidence-building process.

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5. In the step-by-step process of confidence-building it should be a general rule that mutually implemented steps are built up gradually until there is a comprehensive network of confidence-building measures that provides the sound basis on which more far-reaching agreements in the field of international security can be built.

6. Obligations undertaken in agreements on confidence-building measures must be fulfilled in good faith.

**Opportunities**

1. Opportunities for the introduction of confidence-building measures are manifold. The following compilation of some of the main possibilities may be of assistance to States wishing to define what might present a suitable opportunity in their region.

2. Confidence-building measures should not be developed and implemented only when the political climate improves, when the internal and external political conditions are particularly conducive to their introduction and development. There is a particular need for appropriate measures, such as adequate communication channels, including "hot lines" or bilateral and multilateral fora for crisis prevention or crisis management, at times of political tension, when they can have an important stabilizing effect.

3. A particular opportunity might arise upon the introduction of peace-keeping forces into a region or on the cessation of hostilities between States.

4. Negotiations on arms limitations and reductions may offer another opportunity to agree on confidence-building measures. Certain confidence-building measures may, in this context, form an ingredient of the envisaged agreement itself. Other confidence-building measures may supplement the arms limitation agreement concerned. Both types can have a beneficial effect on the parties' ability to achieve the purposes and goals of their particular negotiations and agreements by creating a climate of co-operation and understanding, by facilitating measures of verification and by fostering reliable and credible implementation.

5. Review conferences of existing arms limitation agreements could provide an opportunity to strengthen such agreements by the development of supplementary confidence-building measures. Such confidence-building measures as may be agreed could form part of the concluding document of those conferences.

6. Still further opportunities may arise in conjunction with agreements among States on co-operation in other spheres of intergovernmental relations, e.g., in the case of joint development projects, especially in frontier areas.

7. Confidence-building measures, or at least a statement of intent to develop them in the future, could also be included in any other form of political declaration on goals shared by two or more States.
Development and prospects

1. 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 measures should, as soon as possible, be developed into mutual, balanced and political binding provisions, and if appropriate, into legally binding obligations.

2. The nature of a confidence-building measure may gradually be enhanced to the extent that its general acceptance as the correct pattern of behaviour grows. As a result, the consistent and uniform implementation of a politically binding confidence-building measure over a substantial period of time, together with the requisite opinio juris, may lead to the development of an obligation under customary international law. In this way, the process of confidence-building may gradually contribute to the formation of new norms of international law.

3. Statements of intent and declarations, which in themselves contain no obligation to take specific measures and can, therefore, only supplement genuine confidence-building measures, must be made more concrete by agreements on specific measures.

4. Taking into account the desirability of global implementation of confidence-building measures and drawing on the experience gained in various regional and international spheres, an international convention to codify a number of basic and universally applicable obligations for the implementation of confidence-building measures may eventually be considered.

The role of the United Nations

1. In carrying out its manifold tasks the United Nations can promote confidence in various ways. All organs and other bodies of the United Nations should participate in encouraging the process of confidence-building. In particular, the General Assembly and the Security Council can further this process by adopting decisions and recommendations containing suggestions and requests to States to agree on and implement confidence-building measures. The Secretary-General could also contribute significantly to the process of confidence-building by suggesting specific confidence-building measures or by providing his good offices, particularly at times of crisis, in promoting the establishment of certain confidence-building procedures.

2. The Conference on Disarmament could identify and negotiate such confidence-building measures as are related to or included in agreements on disarmament and arms limitation under negotiation in the Committee. Among these, measures to enhance the verification of existing agreements or measures to facilitate the conclusion of new agreements would be of primary importance.
Notes

1/ Resolutions 34/87 B, 35/156 B, 36/97 F, 37/100 D and 38/73.

2/ A/34/416 and Add.1-3 and A/35/397.

3/ A/36/474; United Nations publication, Sales No. E.82.IX.3.

4/ See A/S-12/AC.1/59.
Annex

AN ILLUSTRATIVE CATALOGUE OF CONFIDENCE-BUILDING MEASURES

1. **Information and communication of a military nature**

   Publication and exchange of information on
   
   (a) Military activities and other matters related to mutual security;
   
   (b) Matters of arms limitation and disarmament;
   
   (c) Military structures and capabilities;
   
   (d) Military expenditure.

2. **Prior notification of military activities**

   Prior notification of
   
   (a) Major military manoeuvres meeting agreed criteria;
   
   (b) Other military manoeuvres on a voluntary basis;
   
   (c) Major military movements;
   
   (d) All military activities above certain dimensions taking place out-of-garrison.

3. **Observation of military activities, exchanges and visits**

   (a) Invitation of observers in connection with military activities (*inter alia* manoeuvres);
   
   (b) Establishment of observation posts;
   
   (c) Exchange of delegations;
   
   (d) Provision of scholarships in military academies for personnel of other States.

4. **Consultation**

   (a) Regular bilateral or multilateral consultations;
   
   (b) Establishment of consultative mechanisms to promote communication and mutual understanding on security-related issues.

5. **Military conduct**

   Establishment of patterns and standards of routine peace-time military conduct, thereby creating warning indicators.
6. **Constraints**

   (a) Limitations on, or prohibition of, certain military activities;

   (b) Further constraints on the permissible use of military forces, wherever the principle of undiminished security for all States concerned allows.

7. **Further arrangements**

   Establishment, where appropriate, of nuclear-weapon-free zones and zones of peace and co-operation on the basis of arrangements freely arrived at by all States of the region in question, in accordance with the principle of undiminished security of all States and with the relevant recommendation of the Final Document of the first special session on disarmament.

8. **Verification**

   Continued and enhanced elaboration of procedures for verification as an integral part of confidence-building measures and arms limitation and disarmament agreements, as well as co-operation of States in the implementation of such procedures.

9. **Crisis management**

   (a) Establishment of procedures for improving communication and for the reduction of misunderstanding as well as the prevention and containment of conflicts including the establishment of hot lines and multilateral or bilateral communication centres;

   (b) Separation of forces;

   (c) Peace-keeping measures such as the establishment of observation posts.