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Agenda item 5

**Practical Confidence-Building Measures in the field of
conventional arms**

Chairman's working paper

I. Introduction

1. The Working Group was entrusted with the task of dealing with agenda item 5, entitled "Practical Confidence-Building Measures in the field of conventional arms". The references to confidence-building measures made by the Working Group are neither mandatory nor prescriptive.
2. The ultimate goal of confidence-building measures in the field of conventional arms is to strengthen international peace and security and to contribute to the prevention of war. Its objectives are to reduce the dangers of misunderstanding or miscalculation of military activities, to help prevent military confrontation as well as covert preparations for the commencement of armed conflict, and to reduce the risk of surprise attacks and of the outbreak of war by accident. By doing so, confidence-building measures, adopted at different levels, complement each other and contribute to strengthening peace, security and stability at all levels.
3. States need a peaceful and stable environment in which international relations are governed by clear, predictable and strictly observed norms of international law, including the Charter of the United Nations, so that optimal conditions are created for relations with other States, thereby promoting the social, economic and cultural well-being of their peoples. Shared security can bring about positive change in relations among States.
4. The improvement of the overall international security situation is the most important condition for the establishment of confidence-building measures. Therefore, States should establish a new security concept centred on mutual trust, mutual benefit, equality and cooperation and the settlement of disputes through dialogue, and never use or threaten to use force against other countries whatsoever the pretext.

5. A better relationship between States in the political, economical, military, institutional, cultural, educational, social and other fields, with broad participation of all sectors of society generates confidence based on shared interests in a common future. In this context confidence-building measures play a key role, whose efficiency would be improved if they were part of a broader integrated approach which would encompass various aspects.

6. Significant progress has been made in the field of confidence-building measures and important work has been done and continues to be developed at different levels and forums, including at the United Nations.

7. Regional and global approaches are not contradictory, but rather complementary and interrelated. The relationship between the development of confidence-building measures and the international security environment can also be mutually reinforcing.

II. Scope

8. Confidence-building measures must be neither a substitute nor a precondition for disarmament measures, nor divert attention from them. Yet their potential for creating favourable conditions for progress in the disarmament field should be fully utilized in all regions of the world, insofar as they may facilitate, and do not impair in any way, the adoption of disarmament measures.

9. 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. The evolution of politically binding confidence-building measures into obligations under international law can also be envisaged.

10. By helping to create a climate in which the importance of the military element is gradually diminished, confidence-building measures could in particular facilitate and promote the process of arms limitation and disarmament, especially at the regional and subregional levels. Given the enhanced awareness of the importance of compliance, confidence-building measures may also serve the additional objective of facilitating the verification of arms limitation and disarmament agreements.

11. The confidence-building process would be facilitated by good governance and the rule of law, particularly arms transparency, and by openness in military matters. Transparency and accountability can enhance confidence and contribute to reducing regional and international tensions, thereby promoting international peace and security. Openness and cooperation in military matters would also reduce uncertainty and unpredictability as well as reinforce the peaceful declarations and intentions of States.

12. Measures to build confidence must be tailored to specific situations. The effectiveness of a concrete measure will increase the more it is adjusted to the specific perceptions of threat or the requirements of a given situation or a particular region.

13. In considering the introduction of confidence-building measures in particular regions, the specific political, military and other conditions prevailing in the region

should be fully taken into account. Confidence-building measures in a regional context should be adopted on the initiative and with the agreement of the States of the region concerned.

14. The implementation of confidence-building measures should take place in such a manner as to ensure the right to each State to undiminished security, guaranteeing that no individual State or group of States obtains advantages over others at any stage of the confidence-building process.

III. Principles

15. Practical confidence-building measures in the field of conventional arms should fully respect the purposes and principles of the Charter of the United Nations. In particular, and as a prerequisite for enhancing confidence among States, the following principles enshrined in the Charter must be strictly observed: 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; peaceful settlement of disputes; and the sovereign equality of States.

16. Confidence-building measures must be developed and applied on a voluntary and reciprocal basis and need to be developed at a pace with which States participating in the process are comfortable.

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

18. The relevant principles contained in guidelines previously adopted by the United Nations Disarmament Commission are also applicable, as under:

- Paragraph 8 of the “Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N”, adopted in 1999;¹
- Paragraph 14 of the “Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991”, adopted in 1996;²
- Paragraphs 9 to 31 of the “Guidelines and recommendations for regional approaches to disarmament within the context of global security”, adopted in 1993;³
- Paragraph 21 of the “Guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level”, adopted in 1988.⁴

IV. Existing practical confidence-building measures in the field of conventional arms

19. The building of confidence is a dynamic process: experience and trust gained from the implementation of early, largely voluntary and militarily less significant measures can facilitate agreement on further and more far-reaching measures. While in a specific situation the implementation of far-reaching arrangements at an early

stage might be attainable, it would normally appear that a gradual step-by-step process is feasible.

20. Confidence-building requires a consensus among 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.

21. Bearing in mind that the process of confidence-building at the different levels is in constant evolution, the following existing confidence-building measures taken on a voluntary basis are merely illustrative and not intended to be exhaustive:

(a) **Measures and Guidelines as adopted by the General Assembly**

- United Nations standardized system of reporting on military expenditures (1980);⁵
- United Nations Register of Conventional Arms (1991);⁶
- Guidelines and recommendations for objective information on military matters (1992);⁷

(b) **Measures developed and implemented at the regional, subregional, bilateral and unilateral levels**

- *Confidence-building and security-building measures in the political, economic, social, environmental and cultural fields, such as:*
 - Information-sharing among law enforcement agencies in sensitive or disputed border areas, joint border and customs control activities
 - Adherence to relevant United Nations resolutions and guidelines in the field of conventional arms
 - National legislation and administrative regulations on arms export, import, transit, re-export and diversion
 - Providing information to the Secretary-General of the United Nations regarding destruction programmes of surplus, confiscated or collected weapons
 - Joint actions of armed forces in civilian emergency situations, including cooperation programmes in the event of natural disasters or to prevent such disasters, based on the request and authorization of the affected States and joint activities for sea rescue and in sea mine clearance
 - Consultations on the limitation and control of conventional weapons
 - Establishment of regional registers for small arms and light weapons
 - Promotion of adherence to and universality of global legal instruments dealing with conventional arms, as well as regional, subregional and bilateral Conventions and/or Agreements that are already in place
 - Identification and carrying out of activities and common economic projects to promote cooperation among neighbouring countries along their border regions
 - Establishment of demilitarized zones or of zones of peace
 - Increased security and cooperation to face threats like drug trafficking, terrorism, illicit traffic of arms, international organized crime, etc.

- Measures against poverty in the context of addressing causes of conflict
- Development and adoption of a standardized methodology for defence expenditures measurement
- *Exchange of information on armed forces and military activities, such as:*
 - Organization structure, size and composition of armed forces
 - Plans for the deployment of major weapon and equipment systems
 - Military disengagement to avoid conflict and ease tension
- *Dissemination of militarily relevant information, for example, on:*
 - Arms transfers
 - Military budgets
 - Defence policy papers, statements, defence White Papers
 - Defence doctrine, planning and expenditures
- *Inspections, prior notification/observations and visits to military facilities and activities, including overflight regimes, and*
 - Gradual adoption of agreements regarding advance notification of military exercises
 - Visits to military bases and/or installations
- *Regional seminars on security issues, involving the participation of civilians and military personnel, such as:*
 - Military doctrines
 - Security policy
 - Regional security perceptions
 - Confidence-building and security-building measures
 - Illegal arms traffic
 - Transfers of conventional arms
 - Laws of armed conflict
 - Defence conversion
 - Defence language school
 - Military medicine
- *Establishment of effective communications between military and political authorities of different States, for example on:*
 - Mechanisms for consultation and joint efforts to deal with unusual military activities or hazardous incidents of military nature (including hotlines)
 - Development and establishment of communications among civilians or military authorities of neighbouring countries in accordance with their border situation

- *Establishment of regional security institutions charged with a variety of tasks affecting the security of States in a region, such as:*
 - Conflict prevention
 - Arms control
 - Elimination of illegal arms traffic
 - Contacts and exchanges among military officials, including heads of defence universities, colleges and institutions
 - Education for Peace programmes
 - Arrangements for observing routine operations and exchange of civilian and military personnel for regular and advanced training
 - Exchange of advisory and financial assistance in safeguarding and improving the control of surplus or obsolete weapons stockpiles, in particular small arms and light weapons storage facilities
 - Joint training for peacekeeping operations

V. The way ahead

22. The primary purpose of the United Nations is to maintain international peace and security. The United Nations constitutes the only universal forum where all Member States contribute to the process of disarmament.

23. Taking into account that the potential of confidence-building measures for creating favourable conditions for progress in the disarmament field should be fully utilized in all regions of the world, the United Nations can contribute to that objective by promoting complementarity between regional and global approaches as well as by establishing effective liaison and cooperation with relevant regional bodies.

24. The collection and dissemination of information regarding confidence-building measures in place by the United Nations, through the Department for Disarmament Affairs, will serve as a valuable source of reference material as well as facilitate future progress in this field.

25. In that regard, the United Nations should promote the provision of information on confidence-building measures, inter alia, through:

- A web site that can serve as a source of information and documentation to be provided by Member States on a voluntary basis (virtual library, event calendar, etc.);
- The organization of workshops, seminars and conferences, at the request of Member States, and with the help of the regional centres;
- The establishment of an informal forum to exchange experiences and hold unofficial debates, that can meet once a year in the margins of the First Committee; and
- The research carried out by the United Nations Institute for Disarmament Research.

Notes

¹ *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 42 (A/54/42), annex III.*

² *Ibid., Fifty-first Session, Supplement No. 42 (A/51/42), annex I.*

³ *Ibid., Forty-eighth Session, Supplement No. 42 (A/48/42), annex II.*

⁴ See *ibid., Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 41.*

⁵ See General Assembly resolution 35/142 B.

⁶ See General Assembly resolution 46/36 L.

⁷ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 42 (A/47/42), annex I.*