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Agenda item 5

**Practical confidence-building measures in the field  
of conventional arms****Working Paper submitted by Sweden on behalf of the  
European Union\*****Introduction**

1. The primary goal of confidence-building measures (CBMs) is to reduce the risk of armed conflicts by building trust and reducing misperceptions and miscalculations in international relations, thereby contributing to international peace and security. The European Union (EU) believes that transparency, cooperation and predictability are key elements in all confidence-building measures. While the topic under consideration in Working Group II is limited to practical confidence-building measures within the field of conventional weapons, the European Union acknowledges the equal importance of a broad range of other measures which can contribute to conditions favourable to peace and stability. The member States of the European Union are actively engaged in the building of confidence and security within the Organization for Security and Cooperation in Europe (OSCE) and the United Nations.

**The Organization for Security and Cooperation  
in Europe**

2. The work conducted within the framework of the Conference for Security and Cooperation in Europe (CSCE), later the Organization for Security and Cooperation in Europe (OSCE) has contributed significantly to the building of security and stability on the European continent, as well as from Vancouver to Vladivostok. More than a quarter of a century ago, in 1975, the Helsinki Final Act was signed, which in itself was an important confidence-building measure. Over time, new documents and new tools and instruments have been developed in order to meet new challenges and threats. Today, a primary task of OSCE is conflict prevention, inter alia, through giving support to the process of democratization in member States.

3. The "first generation" of CBMs from Helsinki has been reviewed and improved several times. The notion of confidence- and *security*-building measures (CSBMs) was introduced at the Stockholm Conference in 1984-1986. The adoption in the early 1990s of the treaty on Conventional Armed Forces in Europe, the Open Skies Treaty and the Vienna Document 1992 constituted a big step in OSCE work in this area. The Conventional Armed Forces in Europe (CFE) Treaty and the Vienna Document have been subsequently

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\* The Central and Eastern European countries associated with the European Union (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) and the associated countries Cyprus, Malta and Turkey align themselves with this working paper.



improved, the most recent version adopted in Istanbul 1999.

4. In addition to these documents, an important achievement of OSCE is the Code of Conduct on Politico-Military Aspects of Security, adopted in Budapest in 1994. The Code breaks new grounds by formulating norms, particularly regarding the role of armed forces in democratic societies. The Code is the most important example of a new category outside the more traditional CSBMs, sometimes referred to as norms and standard-setting measures (NSSMs). The latest development within the organization is the OSCE Document on Small Arms and Light Weapons, adopted last November. This document also includes important norms on transparency measures.

5. The system of confidence- and security-building measures in OSCE now constitutes a stable and effective foundation for a culture of transparency, cooperation and predictability as regards military political matters for the 55 member States of the organization.

#### **United Nations**

6. On a global level, the European Union is committed to the work carried out within the United Nations system. All member States of the European Union contribute to the United Nations Register of Conventional Arms. The European Union advocates the widest possible participation in the Register and is also committed to improving its effectiveness.

7. The European Union is engaged in the work leading up to the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons. It believes that provisions on CBMs should be included in the programme of action resulting from the Conference.

8. The European Union is also engaged in important confidence-building work, which is conducted within the framework of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW). Provisions requesting reports and annual meetings of States parties to Revised Protocol II of the Convention constitutes a framework for information-sharing.

#### **European Union**

9. The European Union has several arrangements dealing with confidence-building measures in the field of conventional arms. The EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms, adopted in 1997, is one of them. It calls upon EU member States to strengthen their efforts against the illicit trafficking in arms, particularly small arms, on and through their territories. Its aim is to promote cooperation and coordination between law enforcement agencies and improve information exchange on illicit trafficking in arms. Another important example is the EU Code of Conduct on Arms Exports, adopted in 1998. The Code contains common criteria for arms exports and also certain practical elements where the focus is on exchange of information between Member States and a consultation mechanism.

#### **Comments on the Chairperson's non-paper**

##### **Structure**

10. The European Union thinks that it would be useful if regional and national experiences could be reflected in a separate chapter, which could include information on various CBMs, their main characteristics, frequency etc.

##### **Section I**

11. The European Union proposes slightly revised versions of paragraphs 5 and 7, which would not change the message but put it forward in a more direct form, as follows:

##### *Paragraph 5*

“CBMs should not be regarded as a substitute or a precondition for disarmament measures, nor should it divert attention from them. On the other hand, they have considerable potential for creating favourable conditions for progress in the disarmament field.”

##### *Paragraph 7*

“CBMs can take various forms. Some CBMs are intended by the parties to create legally binding obligations and to this extent they are considered

to have the character of international treaty law as between these parties. In other cases, CBMs may be agreed as politically binding commitments. Politically binding confidence-building measures may also evolve into obligations under international law.”

12. The European Union agrees with the general thrust of *paragraphs 8 and 9* and the different elements included in them, and maintains that good governance, transparency and accountability facilitates the confidence-building process.

13. *Paragraph 8* could be further improved by adding the word “cooperation” in the second part of the first sentence. The sentence would then read: “The confidence-building process would be facilitated by good governance, particularly arms transparency, and by openness and cooperation in military matters”.

## Section II

14. First, as a general observation the European Union proposes that chapter II be renamed “Principles and Characteristics” as some of the elements are of a more descriptive nature. The European Union considers it important to describe the characteristics of various CBMs, and agrees with other delegations on moving some elements from section III to section II. The European Union proposes to move paragraphs 1, 2 (amended as suggested below), 4, 5 and 6 of section III to section II.

### *Paragraph 1*

15. The European Union wishes this paragraph to clearly reflect that **all** principles and purposes of the Charter of the United Nations should be fully respected. Selective quoting takes away from this.

16. Regarding paragraph 2, the European Union suggests developing the paragraph to further state that CBMs cannot be imposed on countries, as follows:

### *Paragraph 2 (two parts)*

“CBMs, by their nature, cannot be imposed, and therefore must be developed and implemented on a voluntary basis. CBMs can be developed at different levels: unilateral, bilateral, subregional, regional and multilateral. Reciprocity can be an important aspect of CBMs.

“CBMs should be developed at a pace with which those States participating in the process are comfortable. Implementation of CBMs should be carried out according to the terms agreed among the parties to them.”

17. The European Union proposes that *paragraphs 1, 2, 4, 5 and 6* be moved from section III to section II, and that *paragraph 3* of III be deleted. The content of the deleted paragraph would then be included in the suggested amended version of the existing paragraph 2 of section II, as described above, which clearly spells out the voluntary nature of CBMs.

18. The European Union also proposes that *paragraph 2* of section III be moved to section II and amended as follows:

“The building of confidence is a dynamic process, and a gradual step-by-step approach will often prove more productive. While the implementation of far-reaching arrangements at an early stage may be possible in specific situations, it is more generally the case that experience and trust gained through the implementation of more narrowly focused, voluntary and less sensitive measures can facilitate agreement on further and more far-reaching measures in the longer term.”

## Section III

19. The European Union is content for the non-paper to include a broad range of examples of CBMs in this section, although it is understood that the list cannot be exhaustive.

20. With regard to the introductory paragraphs and as mentioned above, the European Union believes the introduction can be made more clear and that, as indicated above, paragraphs 1, 2, 4, 5 and 6 could be moved to section II. Paragraph 3 of section III could be deleted. Section III could thus start with paragraph 7.

21. To further develop this section, the European Union suggests including a reference to politico-military aspects of security and proposes the following new sub-subsection to be inserted under section III (b):

### *“Politico-military aspects of security”*

22. Below the heading, the following examples could be listed:

- “• Effective control over armed forces by constitutionally established authorities vested with democratic legitimacy.
- Legislative approval of military expenditures.
- Instruction of armed forces personnel in international humanitarian law and rules governing armed conflict.
- Transparency and public access to information related to the armed forces, with due regard to national security requirements.”

#### **Section IV**

##### *Paragraph 1*

23. The European Union proposes that paragraph 1 be further developed as follows:

“The primary purpose of the United Nations is to maintain peace and security. **To this end the United Nations provides a forum for Member States to engage in dialogue and cooperation in conflict prevention and resolution. It also undertakes a broad range of further measures, which can contribute to conditions favourable to peace and stability, and to developing CBMs.** The United Nations also constitutes the only universal forum where all Member States contribute to the process of disarmament”

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