

POLAND

Working paper

"Confidence-building measures related to item 5"

1. The principal aim of the Conference on Disarmament is to elaborate new agreements establishing international legal obligations upon States. This basic approach need not, however, prevent the Conference from undertaking other measures, particularly in situations where a stage of negotiations or other considerations could make them advisable and the only ones feasible. Different situations may require different approaches and responses. One of these responses could be confidence-building measures.

The CD Rules of Procedure provide that negotiations can be carried on draft treaties and other draft texts. They provide also that reports of the Conference can contain inter alia conclusions, decisions and other relevant documents. Thus, there is nothing that can prevent the Conference from agreeing on some documents not intended to be yet treaties, but reflecting political commitment and providing political guidance which, if followed, would prompt further co-operation in matters under consideration and facilitate further discussions.

2. Taking into account present difficulties in reaching new agreements for the prevention of an arms race in outer space the Conference could adopt measures aimed at strengthening existing international legal régimes applicable to outer space and at increasing transparency of outer space activities, particularly having military or military-related functions.

Proposed measures would express political will to facilitate further work and contribute to building confidence.

It is assumed that at this stage of discussion on item 5 States should have a certain room of sovereign discretion in the implementation of the proposed measures. Their intended flexibility is stressed by expressions like "State consider", "on a voluntary basis", "in the spirit of reciprocity". The intention is, first of all, to create appropriate procedures which if used would demonstrate co-operative behaviour and contribute to better mutual understanding and confidence.

3. These measures would not have the character of legal obligations but they would be adopted by the Conference as a part of its report on the work on item 5.