

D. Confidence Building Measures

64. Confidence building measures are measures intended to help demonstrate that a State Party is in compliance with an agreement. As such measures are discussed at length in a separate paper⁶, they will not be afforded detailed attention here.

65. It should be noted that confidence building measures are based on the assumption that states are in compliance and wish to demonstrate that fact to other States Parties. This being the case, (essentially voluntary) confidence building measures are unlikely to be able to detect deliberate and purposefully concealed non-compliance, and may therefore be ineffective as a means of verifying the CCW Convention. They can, however, be crucially important to the confidence-building process.

E. Recommended First Phase Procedure

66. Based on the foregoing analysis, this report recommends that:

- A two-track approach be adopted in which international and non-international armed conflicts are initially treated differently.
- With respect to verifying CCW compliance in the context of international armed conflict, on-site fact-finding and confidence buildings be adopted.
- With respect to non-international armed conflict, only confidence buildings be implemented.
- With respect to both types of conflict, confidence building measures be implemented to reduce perceptions that intrusive compliance monitoring is a "risk" to any state's sovereignty or security.
- That provision be made for the gradual extension of the more effective on-site verification measures to non-international armed conflicts.

VIII. The Evaluation Process

A. Introduction

67. The final phase of the verification process is the evaluation phase. It is at this point that a determination is made regarding the extent to which allegations of non-compliance are true. It should be noted that not all verification regimes require a decision to be made. Some merely require the facts to be disseminated to the parties to allow them to come to a decision.

⁶ *Supra*, note 2.