GSDRC Applied Knowledge Services Governance · Social Development · Humanitarian · Conflict

Helpdesk Research Report

Lessons from confidence building measures

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Question

Please can you produce a short document on confidence building measures to identify lessons learned, what has worked and what has not in conflict-affected countries, and points to consider when designing CBMs including the effectiveness of different track approaches. In particular, please identify risks around ceasefires and how these have been mitigated in other conflicts.

This is for a piece of work on Yemen so concrete examples from Yemen/the wider MENA region are important.

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1. Overview

This query identifies lessons on how to design confidence building measures (CBMs) in conflict-affected countries.

There are different **definitions** and uses of the term CBMs. This query uses the World Bank's 2011 World Development Report definition of confidence building as 'building trust between groups of citizens who have been divided by violence, between citizens and the state, and between the state and other key stakeholders (neighbors, international partners, investors) whose political, behavioral, or financial support is needed to deliver a positive outcome' (World Bank, 2011, p.116). The general concept of CBMs emerged

during the Cold War with an aim of increasing transparency between countries to reduce the risk of nuclear attacks.¹ It has subsequently broadened to include other thematic areas – both military (*inter*-state and *intra*-state) and non-military (with political, economic, societal, environmental, and cultural initiatives), explains an OSCE Guide on non-military CBMs (OSCE, 2012). This query focusses on *intra*-state military CBMs, and non-military CBMs.

There is a small amount of **literature** focussed on this subject – much of the literature explores *inter*-state military CBMs, rather than *intra*-state CBMs, and non-military CBMs. The majority of the literature focusses on continental European countries as the Organization for Security and Co-operation in Europe (OSCE) is a key actor in this area. There is some OSCE literature that focusses on MENA countries – if the broadest definition of MENA is used (i.e. including: Armenia, Azerbaijan, and Western Sahara).

Due to the focus on lessons, the majority of this literature is policy and practitioner orientated, and published by donor organisations or think tanks. There is a limited amount of evaluative donor literature publically available on this. However, it is important to note that at its broadest understanding, any action that has an objective of increasing confidence between actors could be considered a CBM. Therefore, examples could be drawn from a much wider pool of literature that does not reference CBMs. For definitional coherence, this query only includes literature that explicitly identifies activities as CBMs.

Key points that emerge from this rapid literature review include:

When designing CBMs, lessons include:

Link CBMs to wider peace- and state-building processes or negotiations; locally design CBMs according to local context; use CBMs in situations where trust is low; start CBMs in non-controversial, or symbolic, issue areas; design CBMs with long-term, incremental approaches; combine several CBMs at different track levels, and in different sectors.

When mediating the design of CBMs, lessons include:

 CBM beneficiaries should be diverse and not always the same people; keep CBMs simple, low-cost, easy to control, monitor and verify; make the impacts visible to the target audience; clarify the consequences for violating the conditions of the CBMs; apply culturally sensitive CBMs in several sectors; CBMs should build confidence, but not determine future steps of wider negotiations; and they should have an equal impact on all parties.

The roles for international actors in CBMs include:

 Funding, technical and logistical support in designing CBMs; capacity building; political/diplomatic support; implementation; and monitoring and verification.

When implementing CBMs, lessons include:

CBMs are easier to apply where there are already channels of communication between the parties; perceived and real security threats to beneficiaries should be examined; CBMs may be undermined by spoilers, that do not want an end to hostilities; avoid vague and unrealistic CBMs; be wary of CBMs that strengthen the status quo; the closer CBMs come to politics the more likely it is that the actors, and the CBM process, will become politicised; flexible CBMs are necessary – especially if they occur around or during peace talks; deciding when and how to approach the parties to set up a CBM is highly sensitive; including CBMs in public policy can increase support and legitimise a process; understand the risks of unilateral and asymmetrical CBMs.

¹ See - http://www.un.org/disarmament/convarms/infoCBM/

When verifying and monitoring CBMs, lessons include:

 Verification and monitoring systems are CBMs in themselves, and essential elements to verify and monitor CBMs; they can generate mutual understandings, expectations, and confidence in the process; and in conflict situations, it is common that one side reneges on CBM commitments – which is often counterproductive and can undermine the limited confidence that existed.

2. Types of confidence building measures

The concept of confidence building tends to feature more in political and economic analysis, and less frequently in development circles (World Bank, 2011). In a handbook on managing peace processes for African Union practitioners, Mason and Siegfried (2013, pp.59-61) outline three objectives of CBMs, when used in a development context:

- To prevent conflict escalation.
- To initiate and deepen peace negotiations.
- To consolidate the peace process and its outcome.

CBMs can involve three types of actors: negotiators; decision-makers; and wider constituencies (Mason & Siegfried, 2013).

Different types of CBMs

Military/security CBMs often take different forms for conflicts *between* states, and *within* states. The aim tends to be to reduce misunderstandings of military actions that could lead to an escalation of conflict. Examples of security CBMs include: communication hotlines; exchange of military maps; joint training programmes; information on troop movements; exchange of military personnel; demilitarised zones; joint border patrolling; no fly zones; and joint ceasefire monitoring teams. (Mason & Siegfried, 2013).

Political CBMs aim to create trust between the parties to find political solutions to a conflict. Examples include: negotiations occurring at the same location, away from distractions; informal in addition to formal exchanges; joint events; exchange visits; agreeing on a common media campaign (e.g. releasing joint press statements on progress) (Mason & Siegfried, 2013).

Economic and environmental CBMs aim to generate confidence to improve cooperation over shared environmental and economic interests. Examples include: opening trade routes; agreements to allow actors safe access to markets; opening transport routes; joint economic development projects; joint preparation for natural disasters; or peace parks (Mason & Siegfried, 2013).

Humanitarian, social, and cultural CBMs. Agreements on basic humanitarian principles are often the first CBMs implemented in conflict-affected situations. The aim of these CBMs is to improve human safety, and to signal good intentions. Social and cultural CBMs aim to foster confidence at grass-roots levels between people and groups. Examples include: not using anti-personnel mines; prisoner exchanges; releasing information about missing people; joint cultural or sports events; student exchange programmes (Mason & Siegfried, 2013).

3. Lessons from confidence building measures

Designing CBMs

Understanding context and need. CBMs should be integrated into a broader strategy of peace- and statebuilding, reconciliation, or development. CBMs need some sense of consistency to be credible (OSCE, 2012). A conflict assessment can underpin thinking about CBMs. This will explore conflict causes, dynamics, and actors. It should examine the relationships, levels of trust, and communication between actors. This can help identify: common interests, differences, allies and spoilers (OSCE, 2012). Mason and Siegfried (2013, p.58) argue that for CBMs to be used effectively, the mediators must know: 'what CBMs are; the possible aims of CBMs; the different types of CBMs and the different types of actors involved in them; and when they can be used'.

CBMs should be used in situations where trust is low. They should not be used in other situations when there is trust, and the problem is instead a lack of political will, or lack of a shared understanding of the conflict (Mason & Siegfried, 2013). An effective CBM should be designed so that the parties are aware and engage because of the mutual interest and the confidence building element, rather than a zero-sum personal benefit (OSCE, 2012, p.36). OSCE (2012) recommends, first, starting CBMs in non-controversial, or symbolic, issue areas. Second, looking for areas of common interests between groups that would benefit from collaboration, and that both sides are interested in beyond the CBM. Third, looking for areas of cooperation that can be built up (OSCE, 2012). CBMs should be practical, with concrete aims and results, and should meet the priorities of all parties (UN-EU, 2012).

No one-size fits all. CBMs have to be tailored to the specific context in which they are being implemented.² Best practice from one context will not necessarily work in another (OSCE, 2012). During the launch event for the OSCE paper, it was highlighted that CBMs are 'seldom successful' if they are imposed from the outside.³ If they are not locally appropriate, they will not generate confidence and trust (Mason & Siegfried, 2013). An in-depth understanding of the operating environment is necessary (UN-EU, 2012).

Long-term, incremental approaches. At the OSCE launch event, it was stressed that CBMs are 'most likely to succeed if their implementation is reciprocal, incremental, long-term, predictable, transparent, and verifiable'.⁴ Where CBMs are successful, these should be built on and expanded with more substantive engagement (UN-EU, 2012). An incremental approach to CBMs means that commitments can be revoked if they are not met by the other side, or if they are seen not to be useful (Mason & Siegfried, 2013). As CBMs are generally non-binding, this can encourage parties to experiment with them, with the understanding that they can be revoked. Long-term thinking also means that CBMs should improve the capacity of all parties to continue to engage in cooperative actions and joint work (UN-EU, 2012).

Combining several CBMs. It is common that multiple CBMs are used at the same time to help support a holistic, incremental and cumulative process.⁵ CBMs targeted at one objective or area may impact on

² See - http://www.ipinst.org/events/panel-discussions/details/383-possibilities-and-pitfalls-of-confidence-building-measures.html

³ See - http://www.ipinst.org/events/panel-discussions/details/383-possibilities-and-pitfalls-of-confidence-building-measures.html

⁴ See - http://www.ipinst.org/events/panel-discussions/details/383-possibilities-and-pitfalls-of-confidence-building-measures.html

⁵ See - http://www.ipinst.org/events/panel-discussions/details/383-possibilities-and-pitfalls-of-confidence-building-measures.html

another area. Therefore, it is important to evaluate the linkages between areas, and to imagine what intended, and unintended, consequences may emerge.

CBMs can be joint projects that bring actors together. Mason and Siegfried (2013) give the example of joint service delivery projects in northeast Kenya in the 1990s that helped prevent the escalation of intercommunity tensions. These CBMs were developed through dialogue with a variety of actors. They were launched on track II and track III levels.⁶ The activities include: Communication and transparency CBMs (text messages were sent to dissuade people from tribalism); social CBMs (joint mourning sites, laying flowers, cross-party funerals, and educational programmes); cultural CBMs (national musicians promoted peace and tolerance); and humanitarian CBMs (Red Cross assistance and the hosting of displaced people (Mason & Siegfried, 2013).

Different track approaches.⁷ OSCE (2012, p.44) identifies the 'best' CBMs are initiated, or at least involve, different levels within the host country. In a meeting on CBMs in the OSCE area, the meeting report notes that participants suggested that 'CBMs and the political settlement (or status talks) should be pursued on two parallel tracks. Ideally the two processes should be simultaneous and mutually reinforcing; however, absence or lack of political negotiations should not be used as an excuse to halt the CBMs' (Kemp, 2011, p.7).

CBMs design should be bottom-up, as well as top-down (Kemp, 2011). While those groups that have been directly affected by the conflict might be key beneficiaries, they may also be more challenging groups to initiate CBMs with. Care should be taken to ensure that the beneficiaries are not always the same people, but include people from diverse backgrounds, and including those typically marginalised in the specific context (indigenous people, women, disabled, children, etc). Integrating diverse groups may be part of a medium-term strategy with CBMs, where it is not possible to include such diversity from the beginning. CBMs often only involve elites, which means initiative or agreements at this level don't transcend communities. CBMs at the community level are more likely to be non-threatening, low-risk and based on shared interests (OSCE, 2012, p.36).

The role of mediator. The mediator's role is central to facilitating the process, and can play a role in making sure the CBMs link well (Mason & Siegfried, 2013). The mediators should design the CBMs with the parties, and be part of the subsequent monitoring process. Mason & Siegfried (2013) suggest ten guidelines for mediating CBMs:

- Create CBMs tailor made to the context.
- Keep the CBMs simple.
- Make the impacts visible to the target audience.

⁶ Definition from USIP (http://glossary.usip.org/resource/tracks-diplomacy):

Track 1 diplomacy: Official discussions typically involving high-level political and military leaders and focusing on cease-fires, peace talks, and treaties and other agreements;

Track 2 diplomacy: Unofficial dialogue and problem-solving activities typically involving influential academic, religious, and NGO leaders and other civil society actors;

Track 1.5 diplomacy: official and non-official actors work together to resolve conflicts;

Track 3 diplomacy: People-to-people diplomacy to encourage interaction and understanding between hostile communities. Often involving organising meetings and conferences, generating media exposure, and political and legal advocacy for marginalised people and communities.

Multitrack diplomacy: A term for operating on several tracks simultaneously, including official and unofficial conflict resolution efforts, citizen and scientific exchanges, international business negotiations, international cultural and athletic activities, and other cooperative efforts.

⁷ See footnote 6 for a definition.

- Ensure they are easy to control, monitor and verify.
- Clarify the consequences for violating the conditions of the CBMs
- Link CBMs to wider peace- and state-building processes or negotiations.
- Apply culturally sensitive CBMs in several sectors.
- Keep CBMs low cost.
- CBMs should build confidence, but not determine future steps of wider negotiations.
- Have an equal impact on all the parties involved.

The role of international third parties. The roles for international actors in CBMs include: funding, technical and logistical support in designing CBMs, capacity building, political/diplomatic support, implementation, and monitoring and verification (OSCE, 2012). Principles for international actors when working with CBMs include: do no harm, local design and ownership, coherence of donor objectives with the objectives of the CBM, donor coordination and coherence. Divisive international tensions, or competition in country between foreign actors, can make CBMs difficult to implement (OSCE, 2012, p.32). UN-EU (2012) identify the following ways to improve engagement on CBMs between donors: improve knowledge sharing, building on donor comparative advantages; improve communication and cooperation at country and headquarters level between donors; and think creatively about donor visibility concerns.

Communication channels. Communication is an essential, but not sufficient, aspect of building trust and confidence (Kemp, 2011). CBMs are easier to apply where there are already channels of communication between the parties. Where there are not, this can be a useful means to initiate communications (OSCE, 2012, p.32). The need for clear communication about the CBMs is highlighted in the literature, with the positive example of communication CBMs used around the Nuba Mountains Ceasefire Agreement in Sudan, which kept civil society informed of the details of the agreement. In this agreement, the negotiating parties also agreed to a common media campaign, and not to make polarising comments about the other (Mason & Siegfried, 2013).

Perceived and real security threats. CBMs that involve actors physically moving to another actor's territory should be carefully designed with the security of individuals as priority. Security threats should be disaggregated according to the vulnerability of the individual (OSCE, 2012, p.33).

Spoilers. CBMs may be undermined by spoilers, who do not want an end to hostilities, and/or may benefit from it (OSCE, 2012, p.32). Alternatively, CBMs that include spoilers, and help bridge their differences, are of key interest in a conflict context.

Avoiding vague and unrealistic CBMs. A common problem is that CBMs are vague, lack concrete details on how they will be implemented, or lead to asymmetrical outcomes (Mason & Siegfried, 2013). If they cannot be implemented or verified, this undermines confidence in the process, and between the actors. A more realistic CBM that can be implemented and verified is preferable (ibid). It is important to establish realistic timeframes for CBMs. Confidence building is a medium- and long-term process – therefore, patience is necessary, and forcing short-cuts can be counterproductive (OSCE, 2012, p.40). CBMs that are not implemented, or that promise to deliver too much, may undermine confidence between actors (OSCE, 2012, p.37). Actors should be careful that CBMs are not misused either to the benefit of, or to undermine, one of the parties. Parties may not actually intend to implement CBMs that have been agreed (OSCE, 2012, p.36).

Avoid strengthening the status quo. CBMs can make the status quo more acceptable by improving the situation, and this can undermine wider efforts of structural change (OSCE, 2012, p.36). They can also

distract attention away from negotiations, and away from addressing the structural causes of the conflict (Mason & Siegfried, 2013).

Politicisation. The closer CBMs come to politics (close in terms of proximity to political actors, or in terms of thematic subject), and divisive issues, the more likely it is that the actors, and the CBM process, will become politicised. This can lead to CBMs being 'hijacked' by an actor – this risk should be considered in the design and implementation stages (OSCE, 2012, p.39). OSCE (2012) highlights an example where a civil society dialogue network in Armenia and Azerbaijan became politicised as the network met with the OSCE, and this undermined the confidence that had previously been generated between the members. ICG (2012, p.29) explains how in Yemen while the negotiating parties agreed on the need for transitional justice, a key area of dispute was the timeframe this should apply to – with politicians tending to 'select the date based on which acts of violence impacted their group most'.

Implementing CBMs

Communicating CBMs can be used to inform people of the agreements made – which can foster understanding of the actual situation and prepare people to be able to support the process; this can foster confidence in the process, and the actors.

Flexible CBMs are necessary as the nature and function of CBMs can change overtime – especially if they occur around or during peace talks (Kemp, 2011). CBMs need to be monitored and continually evaluated in line with a fluctuating operating environment. They should be able to be changed flexibly as necessary. CBMs may also change according to progress made in building confidence, and may become more ambitious over time (OSCE, 2012).

Plan the 'first move' carefully. Deciding when and how to approach the parties to set up a CBM is highly sensitive. The suggestion could be made privately or through a public declaration (singularly or jointly by a third party, one or more of the conflict parties, a mediator, or actor not involved in the conflict) (OSCE, 2012).

Including CBMs in public policy – by involving members of parliament, journalists, civil society and academics – can increase support and legitimise a process (OSCE, 2012). Initiating low-key, closed door CBMs to start can increase confidence between elites first, before the CBMs are communicated to the public, or included in public policy.

Risks of unilateral and asymmetrical CBMs. It may be easier (politically, or logistically) for one party to implement a CBM unilaterally before the other party does (Mason & Siegfried, 2013, p.74). This is particularly relevant in situations where power is held asymmetrically between the parties, and a unilateral move can break the deadlock. However, it can be risky if the CBM is not reciprocated by the other side, or if it is interpreted to be deceitful, a sign of weakness, or a power grab to manage a dispute (OSCE, 2012, p.37). Mason and Siegfried (2013) highlight that CBMs are most effective when designed symmetrically, and when the agreements are entered into at the same time by all the parties. CBMs should also be monitored according to how symmetrical the benefits are to the parties. If they lead to the advantage of one group over another, this can foster distrust in the process and the other party.

Verification and monitoring of CBMs

Verification and monitoring systems are CBMs in themselves. They can generate mutual understandings, expectations, and confidence in the process. CBMs can be quickly undermined by the failure of a party to

comply with agreed conditions, to deliver on commitments, or to misinterpret the agreement. 'Low-trust environments require strong signals of real change' (World Bank, 2011, p.100).

There should be a joint commitment by all parties involved to establish a dispute-resolution mechanism, in case of disagreements (Kemp, 2011). These can be specially created domestic or mixed domestic-international dispute-resolution mechanisms. Examples of this in regards to ceasefires include: the Joint Council established under the 2002 Aceh Ceasefire Agreement and the National Human Rights Commission set up in the 2006 Nepal Comprehensive Peace Agreement (Kemp, 2011).

Verification and monitoring systems are essential in mitigating against these risks, and should be agreed on and integrated from the beginning. They can serve as a reliable and trusted source of information. And they can deter non-compliance (OSCE, 2012).

Verification and monitoring by the Organisation for American States of CBMs between Guatemala and Belize in 2003 is credited by Mason and Siegfried (2013) of helping to ensure that small conflicts did not escalate. The CBMs aimed to ease tensions between the two countries and included: military and police patrols; contact between both defence ministries; cooperation on natural disaster response; promotion of contacts between communities; and prevention of illegal activities near to disputed border areas. Other examples include: the EU Observer Mission in Georgia, and the EU/ASEAN Aceh Monitoring Mission (Kemp, 2011).

Reneging on commitments. In conflict situations, it is common that one side reneges on CBM commitments. This is often counterproductive and can undermine the limited confidence that existed. OSCE (2012, p.43) suggests that this risk can be addressed by generating support for the CBMs in peace constituencies (both inside the process and third parties outside the process), and by listening and monitoring the grievances of those critical of the CBMs. Action should be taken immediately to limit the damage, should a party renege on commitments.

Effectiveness of CBMs

The **effectiveness of CBMs is limited by**: the political will of people in country to actually want to generate more confidence between parties; a lack of resources (financial and human); and the level of confidence already existing in the country – a basic level of confidence is required to initiate CBMs (OSCE, 2012).

OSCE (2012, pp.23-25) also identifies a number of **obstacles** which can impact on effectiveness: weak rule of law and administration of justice (e.g. people will not participate in CBMs if it risks arrest); spoilers; hard-line public declarations by elites that undermine confidence between groups; legal requirements that restrict CBMs; policy changes; and violence.

CBMs in Yemen

Since the Arab Spring protests starting in 2011, Yemen has struggled to maintain peaceful relations between groups in the country. A few key concerns dominate: the future status for southern Yemen, the structure of the Yemeni state, and the deteriorating security and economic circumstances (Gaston, 2014; ICG, 2013).

In 2013, the National Dialogue Conference (NDC) preparatory committee proposed 'twenty points'⁸ for urgent action to address civil unrest. Eleven of these points address specific Southern grievances. In

⁸ This appears to be the 20 points agreed - http://www.yemenfox.net/nprint.php?sid=4016

response, the NDC's Southern issue working group suggested additional confidence-building measures (the 'eleven points'), to increase the buy-in from the South, including: delaying the sale of new oil and gas concessions (during the transition period) and of Southern lands (until work by the land committee is terminated) (Gaston, 2014; ICG, 2013, p.6).

ICG (2013, p.7) found that only one of these points had been fully implemented, and that its slow and opaque implementation is interpreted as evidence that the government and transitional process cannot be trusted. ICG (2013, p.7) also note that 'Some potential confidence-building measures – such as resolving complicated land ownership issues and returning Southerners to government jobs – face considerable obstacles, requiring significant time and resources the government lack'. Gaston (2014) notes that the weak and fractured transitional government lacks the capacity to implement these type of changes. ICG (2013) further criticise the process arguing that the government should have proposed a clear implementation plan (including suggesting agencies responsible for monitoring each action), funding streams, and oversight mechanisms.

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