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### NAVAL ARMAMENTS AND DISARMAMENT

Working paper submitted by Finland, Indonesia and Sweden

1. A significant naval arms build-up has continued after the Second World War. The modernization and structural changes of navies and the increased sophistication of naval-based arms systems have created new operational capabilities, especially among nuclear-weapon States and other militarily significant States. New exercise patterns have been adopted and naval activities have been extended to new regions. Nuclear weapons are increasingly deployed at sea, which together with the great mobility of naval forces leads to a geographical dispersion of nuclear weapons.
2. Naval operations often take place on the high seas, which are open for navigation by all. There are therefore risks for conflicting uses of the high seas as well as the exclusive economic zones. Military conflicts at sea have harmful effects on the freedom of navigation and other uses of the sea, in accordance with current international law, for all States neutral to or otherwise not involved in ongoing conflicts. Thus, the maintenance of the freedom of navigation and other uses of the sea is an important objective for all States neutral to or otherwise not involved in such conflicts. Against this background, there has been an increasing international recognition that naval armaments and disarmament should be addressed in both bilateral and multilateral negotiations.
3. In recent decades little attention has been paid in multilateral disarmament negotiations to the security problems caused by the continuing naval arms race. Some useful work in this regard has been done by the General Assembly and the Disarmament Commission. The United Nations study on the naval arms race (A/40/535) and the reports of the Chairmen of the Disarmament Commission (A/CN.10/83, A/CN.10/102 and A/CN.10/113) form a solid basis for further efforts. This year's session of the Disarmament Commission should continue defining principles and basic understandings and start formulating more concrete guidelines for future work in this field.

4. In doing so, the Disarmament Commission should take into account that naval forces are not independent of other military forces and should be considered in their general military context. There is no such thing as an independent naval balance or parity. The following principles should guide future negotiations concerning naval armaments and disarmament:

(a) Naval forces should be considered in their general military context;

(b) This principle combined with the geographically different situations of States could require multilateral measures of constraints for naval forces and weapons to be asymmetrical in order to maintain an overall military situation in balance;

(c) Such measures should be embodied in separate legal instruments in harmony with general principles of international law, including the Convention on the Law of the Sea.

Appropriate, universal and non-discriminatory verification and complaints procedures are essential for the proper implementation of agreed measures in the maritime field.

5. Seaborne strategic nuclear weapons are already the subject of bilateral negotiations between the United States and the Soviet Union. Problems related to long-range cruise missiles are of particular concern to many States and underline the urgency of effective measures for nuclear disarmament. The deployment of tactical nuclear weapons intended for targets at sea gives rise to new problems and concerns. The theoretical possibility to use such nuclear weapons in a military encounter at sea without causing direct damage to civilian life or property may increase the likelihood that they actually will be used. Thus, nuclear weapons intended for targets at sea could bring about a lowering of the nuclear threshold and consequently have implications for international security as a whole. Limitations on all types of nuclear weapons should become the subject of negotiations.

6. Measures relating to constraints on deployment of seaborne tactical nuclear arms, as well as to increased openness and transparency concerning the navigation of vessels carrying such arms, should be considered. Along these lines the nuclear-weapon States should, through negotiations or reciprocal unilateral measures, agree to eliminate tactical nuclear weapons from certain types of ships.

7. While naval forces have the recognized legal right to cruise and operate off the coasts of foreign States, coastal States, particularly those which are small and medium in size, have, on the other hand, a legitimate claim for "seaboard security" and should not be subject to power projection originating from such activities. It should be noted in this regard that the Convention on the Law of the Sea includes balanced provisions which would meet security needs of both flag States and coastal States provided they are strictly implemented. It should also be noted that the security of both categories of States could be further enhanced by means of agreed confidence- and security-building measures in harmony with the Convention and customary international law.

8. Certain developments of international law could be undertaken in order to enhance security at sea and protect civilian maritime activities. The existing laws of sea warfare are in some respects outdated due to technical developments. For this reason, possible additional new regulations in this field could be studied.

9. In aiming for a halt in the naval arms race and enhancing security at sea, naval confidence-building measures should be considered as a first step in this direction. The ultimate goal of confidence-building measures, in general, is to strengthen international peace and security. The immediate objective of such measures is to reduce the danger of military conflict and of misunderstanding or miscalculation of military activities. The measures should improve predictability by covering to the extent possible such features of military deployment and activities which may be conceived as potentially threatening. The specific objectives of naval confidence-building measures should be to increase security by diminishing the risks for incidents and confrontations at sea. They should therefore increase security for non-military activities at sea, such as shipping, fishing and off-shore activities. At the same time, they should increase "seaboard security" of coastal States and war-time security at sea of vessels belonging to States neutral to the conflict.

10. The experience gained from bilateral confidence-building through agreements on the prevention of incidents at sea beyond territorial waters is encouraging. The Disarmament Commission could consider the possibility of recommending the initiation of negotiations, in an appropriate forum on a multilateral agreement in addition to the existing bilateral agreements.

11. Other examples of naval confidence-building measures include:

(a) Exchange of information and greater openness concerning major naval activities and naval armaments, e.g. notification of major naval activities and observation of such activities, exchange of information on naval expenditures, ships procurement and building plans and the deployment of new types of vessels;

(b) Rules guiding naval activities when in conflict with civilian activities, in accordance with the current law of the sea;

(c) Steps to ensure respect for existing international law with regard to the rights of vessels belonging to States neutral to a conflict.

It should be possible to identify a set of measures designed specifically to create confidence between the many States with maritime activities and interest. These measures could be further scrutinized and developed through research by, for example, the United Nations Institute for Disarmament Research.

12. An appropriate forum for negotiations on naval confidence-building measures on a global scale, including a multilateral agreement on the prevention of incidents, could be the Conference on Disarmament.

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