DISARMAMENT COMMISSION
1989 substantive session
New York, 8-31 May 1989
Agenda item 8

NAVAL ARMAMENTS AND DISARMAMENT

Chairman's Paper

1. At its forty-third session, the General Assembly by resolution 43/75 L of 7 December 1988, entitled "Naval armaments and disarmament", inter alia, requested the Disarmament Commission to continue, at its forthcoming session in 1989, the substantive consideration of the question and to report on its deliberations and recommendations to the General Assembly at its forty-fourth session.

2. In its consideration of the item, the Commission had before it the following documents:

   (a) Report of the Secretary-General containing the study on the naval arms race (A/40/535);

   (b) Study on the Naval Arms Race - replies received from Governments (Argentina, Bulgaria, China, Indonesia, Lesotho, Mexico and Sweden - A/CN.10/77; Australia and Norway - Add.1; Gabon - Add.2; Denmark, Netherlands, United Kingdom of Great Britain and Northern Ireland - Add.3);

   (c) Working paper submitted by China (A/CN.10/78);

   (d) Working paper submitted by Bulgaria, German Democratic Republic and the Union of Soviet Socialist Republics (A/CN.10/80);

   (e) Chairman's paper on agenda item 8 (A/CN.10/83);

* Reissued for technical reasons.
(f) Working paper submitted by Finland (A/CN.10/90/Rev.1);

(g) Working paper submitted by Bulgaria, the German Democratic Republic and the Union of Soviet Socialist Republics (A/CN.10/92);

(h) Working paper submitted by Sweden (A/CN.10/101/Rev.1);

(i) Chairman's paper on agenda item 8 (A/CN.10/102);

(j) Working paper submitted by Bulgaria, the German Democratic Republic and the Union of Soviet Socialist Republics (A/CN.10/109);

(k) Chairman's paper on agenda item 8 (A/CN.10/113);

(l) Working paper submitted by Bulgaria, the German Democratic Republic and the Union of Soviet Socialist Republics (A/CN.10/119);

(m) Working paper submitted by Sweden (A/CN.10/121);

(n) Working paper submitted by Sweden (A/CN.10/129);


3. At its 133rd meeting, on 8 May 1989, the Disarmament Commission decided to follow last year's course of action and hold substantive and open-ended consultations on the subject. Pursuant to that decision, the Chairman delegated the actual conduct of the substantive and open-ended consultations to a "friend of the Chairman", in casu, the representative of Indonesia, Ambassador Nana Sutresna. The Consultation Group held seven meetings on the item. Mr. Lin Kuo-Chung of the Department for Disarmament Affairs served as Secretary of the Consultation Group and Mr. Jack Gerardi-Siebert from the same Department acted as Deputy Secretary.

4. In the course of the consultations participants continued their consideration of various aspects of the question including the possibility of measures of naval arms limitation and disarmament, as well as the desirability of applying confidence-building measures at sea.

5. Participants reaffirmed that the significant elements and principles that were identified in the papers arising from the consultations held in 1986, 1987 and 1988 (A/CN.10/83, A/CN.10/102 and A/CN.10/113 respectively) remained valid and provided a good basis for further consideration of the subject. It was acknowledged that, as stated in the Final Document of the Tenth Special Session, in the task of achieving the goals of nuclear disarmament, all nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, bore a special responsibility, and that States with the largest military arsenals also had a special responsibility in pursuing the process of conventional arms reductions: these principles were equally applicable to the naval dimension of the global arms race and related issues.
6. It was recognized that, as stated in the Study on the Naval Arms Race, naval forces are not independent of other military forces and that they should be considered in their general military context. There is no such thing as an independent naval balance or parity. By the same token, the reduction of naval nuclear forces and naval non-nuclear forces falls within the framework of nuclear and conventional disarmament respectively, and therefore should follow the general approaches of nuclear and conventional disarmament efforts.

7. In connection with this point, a number of participants drew attention to the aspect, also stated in the Study on the Naval Arms Race, that disarmament measures in the maritime field should be thus balanced in that general sense. This fact combined with the very differing geographical situations of States could require multilateral measures of restriction for naval forces and weapons to be numerically asymmetrical in order to maintain an overall military situation in balance.

8. There was widespread concurrence of view that, at this stage, confidence-building measures of various kinds, both in the global and the regional context, would be more amenable to further consideration and possible negotiation in the appropriate forums. It was recognized that a fundamental feature of the global maritime environment, both military and non-military, was freedom of navigation and that naval confidence-building measures should be in harmony with current law of the sea.

9. In this regard, suggestions of initiatives that might be of relevance included: extension of existing confidence-building measures to seas and oceans especially to areas with the busiest sea-lanes; notification of major naval activities; the invitation of observers to naval exercises or manoeuvres; limitations on the number or scale of naval exercises in specific regions; exchange of information on naval matters; a better flow of objective information on naval capabilities; greater openness and transparency on naval matters in general; strict observance of existing maritime measures which can or are designed to build confidence; rules guiding naval activities when in conflict with civilian activities, in accordance with the current law of the sea; steps to ensure respect for existing international law with regard to the rights of vessels belonging to States neutral to a conflict. Different views were expressed.

10. It was felt that the possibility should be pursued of negotiating a multilateral agreement concerning the prevention of incidents at sea beyond the territorial sea in addition to existing agreements. A multilateral agreement of this nature should be formulated in such a way as to respond to the needs of all interested nations for enhancing safety at sea without diminishing the traditional freedom of navigation. It was also suggested that States with particular concerns may prefer to conclude their own bilateral agreements.

11. A number of participants highlighted the benefits to be derived from the maritime aspects of existing proposals for nuclear-weapon-free zones and zones of peace in certain regions, together with recent developments such as the declaration by the General Assembly of a zone of peace and co-operation in the South Atlantic. The positions of participants on this issue were noted.
12. Further discussion took place on the issue of the practicability of updating some of the existing laws of sea warfare. In this connection specific mention was made of the possibility of updating the Hague Convention VIII of 1907 on Laying of Automatic Submarine Contact Mines, and the possibility of further work on the development of international law concerning exclusion zones with particular reference to the safety of non-belligerent vessels engaged in peaceful maritime activities. It was noted that these issues need extensive consideration in the appropriate forums. In this connection, it was suggested that a protocol on the use of sea mines and torpedoes be added to the existing body of international law. One possibility in this context is an additional protocol to the 1981 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. Some delegations felt existing arrangements sufficient.

13. An exchange of views took place on a number of possible objectives and possible measures. Among the objectives mentioned were strengthening peace and security at a lower level of forces and taking into account the need for States to protect their security; peace-time security in relation to activities by military forces of many States operating at sea to avoid incidents and confrontation; security for non-military activities at sea, such as shipping, fishing, off-shore activities; seaboard security, i.e., security of coastal States against threats and military power projection from the sea; war-time security at sea of vessels belonging to States neutral to a conflict. Such objectives could well be promoted through effective and relevant confidence- and security-building measures. Varying views were expressed on these matters.

14. It was recognized that the harmful effects that conflict at sea could have on the freedom of navigation and other uses of the sea, in accordance with current international law, for States neutral to or otherwise not involved in an ongoing conflict, have been amply demonstrated in recent years. The maintenance of 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. Inter alia, the capacities of the United Nations in the field of peaceful settlement of disputes and peace-keeping could be fully utilized in accordance with the Charter. The view was expressed that in order to secure the freedom of navigation, concrete measures could include the establishment of a United Nations naval force to be recruited from the navies of interested States, and that as an initial step toward such an establishment, a special study could be carried out by the Military Staff Committee. Some delegations felt that such a study would not be justified.

15. The proliferation of nuclear weapons at sea, particularly the aspect of geographical dispersion of such weapons, has given rise to mounting concern on the part of many States. It was recognized that most strategic nuclear weapons are already the subject of certain bilateral negotiations. The view was expressed that early consideration should be given by States to effective measures of curtailing the numbers and deployment of tactical nuclear weapons at sea but some participants noted that such weapons could not be seen in isolation from the overall military balance.
It was suggested by several delegations that the current practice of nuclear-weapon States of neither confirming nor denying the presence or absence of nuclear weapons on board any particular ship at any particular time should be abandoned. Other delegations did not share this view.

16. During the course of discussion, some delegations suggested the elaboration of a reliable system of verification and openness in the naval sphere, including agreements on confidence-building at sea as well as the limitation and reduction of naval armaments. Some delegations suggested that appropriate measures for the verification could include the use of national technical means, measures based on co-operation, on-site inspections and an international verification mechanism under United Nations auspices. Other delegations highlighted the difficulty of establishing an effective verification régime for naval vessels.

17. In order to put the naval issues on a practical track, some delegations suggested that it would be useful to prepare an updated United Nations study on naval problems. Other delegations considered it not justified at present.

18. In light of the views and suggestions made during the course of deliberations on the subject, the Consultation Group agreed that pursuant to General Assembly resolution 43/75 L the Disarmament Commission should make the following recommendation to the forty-fourth session of the General Assembly for consideration:

"The question of naval armaments and disarmaments should be again considered by the Disarmament Commission at its 1990 substantive session in order to continue discussing principles and basic guidelines for future work in the field of naval armaments and disarmaments."

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