



General Assembly

UNITED NATIONS
DEPARTMENT FOR DISARMAMENT AFFAIRS
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Distr.
GENERAL

A/CN.10/139
3 May 1990

ORIGINAL: ENGLISH

DISARMAMENT COMMISSION
1990 substantive session
New York, 7-29 May 1990
Agenda item 7

NAVAL ARMAMENTS AND DISARMAMENT

Promoting global progress in the field of disarmament
and confidence- and security-building measures at sea

Working paper submitted by Finland, Indonesia and Sweden

A. Assessment of the current situation

1. Since naval forces are interdependent with other military forces, it is recognized that disarmament measures in the naval field must be considered in their general military setting.
2. The present international situation is characterized by rapid progress in the negotiations in the European context, affecting mainly conventional weapons, and encompassing primarily land and air forces.
3. An important factor which would contribute to further significant progress in international peace and security as well as to the promotion and consolidation of détente would be the widening of the spectrum of future negotiations to involve also certain nuclear as well as conventional naval forces.
4. For many States, naval forces play an important role in the protection of their security. The relative significance of conventional and nuclear naval forces now becomes more pronounced as a result of priority accorded to the reduction of air and land-based forces in disarmament negotiations.
5. The qualitative improvements in range, mobility, firepower and flexible use of modern weapon systems have increased the interdependence of naval, air and land-based forces. From a military point of view there is less and less reason to consider these forces as separate categories. This is a factor of increasing importance for the security of many coastal States.

6. Seaborne strategic nuclear weapons are subject to bilateral negotiations between the United States and the Soviet Union. However, the short- and medium-range seaborne nuclear weapons intended for targets at sea, as well as on land, are not addressed in these negotiations; nor is the widespread deployment of increasingly sophisticated sea-based nuclear armed cruise missiles.

7. The proliferation of sub-strategic nuclear weapons at sea is disturbing, since their early use in a conflict may be encouraged by the theoretical possibility to use such nuclear weapons in a military encounter at sea without causing direct damage to civilian life or property. Against this background unilateral changes in the direction of reducing the number of tactical nuclear weapons deployed at sea are to be welcomed. Nuclear weapons intended for targets at sea threaten to bring about a lowering of the nuclear threshold and, consequently, have implications for international peace and security as a whole.

8. The link between military use of the sea and related potential ecological hazards is becoming increasingly obvious as illustrated inter alia by nuclear reactor accidents at sea.

B. Principles

9. At this year's session of the Disarmament Commission, principles which should guide future negotiations concerning naval forces should continue to be elaborated. Such principles should include inter alia:

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

(b) The geographically different situations of States could require different measures of constraint for naval forces and weapons;

(c) Such measures should be embodied in legal instruments, as appropriate, in harmony with general principles of international law, including the United Nations Charter.

10. The objectives of naval confidence- and security-building measures should be inter alia to increase security by lowering the risks for incidents and confrontations at sea. They should also enhance the security for non-military activities at sea. At the same time, they should improve the security of coastal States and vessels belonging to non-belligerent States or States neutral to a conflict.

11. Greater attention is devoted by the General Assembly to the need for openness and transparency in all military matters as reflected inter alia in resolutions on objective military information. In this connection, the nuclear-weapon States should reconsider their current practice of neither confirming nor denying the presence or absence of nuclear weapons on board any particular ship at any particular time.

12. Although it is recognized that all ships, whether surface vessels or submarines, have the right to exercise freedom of the high seas, the right of

innocent passage through the territorial sea, the right of archipelagic sea lanes passage and the right of transit passage, these rights should not be exercised in any manner prejudicial to the security of the coastal State.

13. In this regard, it should be noted that the Convention on the Law of the Sea contains balanced provisions, which meet the security needs of both flag States and coastal States, provided that 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.

14. Efforts to achieve progress in the military field should be co-ordinated with efforts to eliminate potential ecological hazards at sea.

C. Issues for further consideration and possible action in the naval domain

15. An important measure in the nuclear sphere would be to seek the prohibition of all nuclear weapons on all ships, whether surface vessels or submarines, other than those classes specifically designated by agreement. Such a ban should include all sea-launched cruise missiles with nuclear warheads and could be achieved either through negotiations or through reciprocal unilateral measures.

16. In parallel, negotiations should be undertaken to ensure that progress achieved in agreements involving land and/or air forces - conventional as well as nuclear - are not circumvented by measures affecting naval forces.

17. Measures in order to increase openness and transparency concerning the navigation of vessels carrying nuclear and conventional weapons should furthermore be considered.

(a) The possibilities for exchange of information and greater openness concerning all types of military structures and major activities, including amphibious operations and joint operations of land, air and/or naval forces, should be further explored, drawing on experiences gathered inter alia within the framework of the Conference on Security and Co-operation in Europe.

(b) The possibilities to share information gathered through observation by satellites or other observation means over international waters should be studied separately as well as in conjunction with similar projects involving national territories.

18. The experience gained from bilateral agreements on the prevention of incidents at sea beyond territorial sea is encouraging. The proposal at the 1989 session of the Disarmament Commission for a multilateral agreement on the prevention of incidents at sea (A/CN.10/129) should be subject to appropriate negotiations. In this context it should be noted that a multilateral agreement is not intended to replace or supersede existing bilateral agreements.

19. By posing a threat to the marine environment, nuclear-powered vessels present particular problems. Several reported accidents involving nuclear-propelled submarines demonstrate the need to extend the existing régime concerning the notification of nuclear accidents to include accidents with nuclear-powered military vessels in international waters even if these accidents do not have transboundary effects. In addition, safety guidelines for seaborne nuclear reactors should be considered.

20. A certain modernization of the law of naval warfare could be considered in order to enhance security at sea and to protect civilian maritime activities. Existing laws of naval warfare are in some respects outdated owing to technical developments. A case in point is the 1907 Hague Convention Relative to the Laying of Automatic Submarine Contact Mines.

21. Steps to ensure respect for existing international law with regard to the rights of vessels belonging to non-belligerent States or States neutral to a conflict could be envisaged.

22. Rules guiding naval activities when in conflict with civilian activities in accordance with the current law of the sea should be elaborated.
