DISARMAMENT COMMISSION

STUDY ON THE NAVAL ARMS RACE

Addendum

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REPLIES RECEIVED FROM GOVERNMENTS

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GABON

[Original: French]

[1 April 1986]

1. It is surprising to find that the study in document A/40/535 on the naval arms race contains no tables enumerating the nuclear tests carried out in the world between 1945 and the present, when naval disarmament forms part of a comprehensive whole which also includes the land and the air, in the context of comprehensive and global co-ordination among weapons systems.

2. The world has in fact registered over 1,370 nuclear tests carried out, in the main, by the five permanent members of the Security Council, together with India and, representing Europe's vital interests, South Africa.

CHAPTERS III, IV AND VI AND ANNEX III

3. In order to place the present situation of absence of war, which is not peace, in its proper context, annex III should have contained maps showing the movements of the fleets of the Soviet Union, the United States and the other major military Powers, as well as their points of support, land and naval troop bases, naval bases including colonial bases, reconnaissance, communication and navigation facilities, nuclear arsenals, and navies operating world-wide, together with a table on the naval power of the United States and the Soviet Union.

4. In the context of the strategic planisphere, it is not at all a question of comparing the naval forces and naval weapons systems of the above countries but rather of drawing attention to the different navies (world-wide, coastal and high seas) and the balance of military forces. The public must be informed about the real situation.

5. The work done in this area by the Stockholm International Peace Research Institute (SIPRI) is regarded as authoritative internationally and the other members of the group of experts should have dealt forcefully and vigorously with the issue.

6. This would have made the study more consistent than it is at present. There is in fact a conflict between the written part and the unwillingness to include one or more maps to substantiate that part and illustrate what it is that everyone is protesting about.

Lines of communication

7. In order to visualize the situation with regard to lines of communication, the study should have presented the North and South Atlantic as the busiest economic crossroads, fleet activities on the major shipping routes and also the main strategic points of passage; the two parts of the Mediterranean with the principal
hydrocarbons route passing around the coast of South Africa, the Caribbean Sea, the
South Pacific; the Indian Ocean with the bases and facilities of the United States,
the Soviet Union and their allies, and the petroleum routes from the Indian Ocean
to the North Atlantic (Europe-North America) via the South Atlantic, the door to
which is South Africa in the geopolitical and geostrategic context of Europe.

**Foreign naval bases (para. 272)**

8. The group of experts should have included in paragraph 272 General Assembly
resolution 39/42 of 5 December 1984 adopted as a follow-up to the report of the
Fourth Committee on the activities of foreign economic and other interests which
are impeding the implementation of the Declaration on the Granting of Independence
to Colonial Countries and Peoples in Namibia and in all other Territories under
colonial domination and efforts to eliminate colonialism, apartheid and racial
discrimination in southern Africa.

9. A resolution adopted by the General Assembly must not be the subject of any
negotiation or compromise.

**South African connection**

10. Annex III should have presented South Africa as a major shipping route via the
Cape, a point connecting Asia and the Middle East via the Indian Ocean on the
one hand, and Europe and North America via the South Atlantic on the other. This
strategic position enables Pretoria to maintain its external security, principally
at the commercial level, with Japan, the Federal Republic of Germany, the United
Kingdom, France and the United States with regard to its mineral resources.

**CHAPTER VII**

11. Paragraph 295 (a). Mention should have been made of the ban on the existence
of nuclear weapons in international waters with a view to the preservation of the
marine environment in accordance with the provisions of Part XII of the Convention
on the Law of the Sea.

**Establishment of peace zones or nuclear-weapon-free zones (paras. 295 (c) and (d))**

12. The establishment of a genuine peace zone or nuclear-weapon-free zone (General
Assembly resolution 3472 (XXX) of 11 December 1975) is based on the fulfilment of
two basic conditions.

13. Before the adoption of a legal instrument to this effect, one vital
pre-condition for the creation of a peace zone or nuclear-weapon-free zone is the
actual absence of all nuclear weapons. This situation is then maintained by a
commitment entered into by the States parties and verified by an international
control mechanism.

14. Once the establishment of the zone has been laid down in a legal instrument,
and in order to guarantee the effectiveness of the objective legal régime
established, those in possession of nuclear weapons must undertake not to change the status quo. This undertaking takes the form of a legal commitment to respect the zone's status and not to renew the threat or resume use of nuclear weapons against States in the zone.

15. Consequently, if the concept of zones of peace and nuclear-weapon-free zones is to have any validity, it is essential to provide for a ban on the existence, transit and transportation of nuclear weapons as a prerequisite for the establishment of zones of peace and nuclear-weapon-free zones.

16. Moreover, a control system applicable to the naval units of the military Powers situated in zones of peace and nuclear-weapon-free zones must be established.

Confidence-building measures (para. 298 (g))

17. Legal rules to be determined that prohibit the introduction of nuclear weapons on the territory of States that do not have such weapons must be adopted and implemented.


19. However, in accordance with the relevant provisions of the above-mentioned Convention, we believe that it is necessary to:

(a) Reaffirm the illegality of the emplacement of nuclear weapons and other weapons of mass destruction on the continental shelf of an unindustrialized coastal State;

(b) Place restrictions on the freedom of navigation of ships and submarines carrying nuclear weapons or other weapons of mass destruction;

(c) Restrict access for ships and submarines carrying nuclear weapons or other weapons of mass destruction to zones over which unindustrialized States have exclusive jurisdiction for the purpose of exploration for and the exploitation of living and non-living marine resources, it being understood that entry into these zones by such ships and submarines impairs the exercise of such jurisdiction;

(d) Also limit the entry by ships and submarines carrying nuclear weapons or other weapons of mass destruction into a security zone parallel to the outer limit of the exclusive economic zone and to the waters above the continental shelf, regardless of whether or not the shelf extends further than 200 miles;

(e) Define the concept of "peaceful purposes" when applied to the seas, since Gabon believes that the term "peaceful purposes" means non-military purposes.

20. The International Sea-Bed Authority has the right to regulate activities in the zone and is the guarantor of such activities.

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CHAPTER V

Freedom of navigation (paras. 183-185)

21. We are aware that the purpose of conquering the seas is not to occupy them but to establish control over them and that the chief purpose of the struggle for supremacy is to gain mastery over the seas.

22. Furthermore, the principal naval forces of the maritime Powers represent true military sea powers and exercise a kind of itinerant sovereignty that can be affirmed through naval shows of force, blockades and landings.

23. Lastly, East-West supremacy in this field, which is based on control over virtually all maritime exchanges, enables the Powers in question to engage in international arbitration of agricultural, mining and industrial products. Free and equal access to the living resources of the high seas, which is summed up by the formula "whoever wishes to fish, may do so", is therefore nothing but an expression of the egoistic principle "whoever can fish, will do so".

24. Accordingly, we do not believe that there is any reason to speak of the needs of the materially underdeveloped countries and the maritime interests of the wealthy countries, which is a form of discrimination that violates the principle of the common heritage of mankind.

25. All States have needs and maritime interests, and there is no question of endeavouring to legitimate the principle of the freedom of navigation as a means for the maritime Powers to arrogate to themselves the supposed right to engage in maritime activities as they see fit, without being subject to any control whatsoever and while committing violations with impunity.

26. It is therefore important to legitimate the above-mentioned principle for all States, taking particular account of the provisions of the United Nations Convention on the Law of the Sea referred to below.

27. The freedom of the high seas is characterized by the difference in the legal status of superjacent waters, res communis under the control of the Authority and the subsoil of the zone, which is indivisible and inalienable and is the property of the Authority.

28. According to the provisions of article 137 of the Convention, the area set aside for mankind as a whole is not subject to any appropriations, the legal consequence of which is a dual obligation:

   (a) An obligation for States to refrain;

   (b) An obligation for the International Sea-Bed Authority to take action, which means that all State claims are destined to be illegal.