DISARMAMENT COMMISSION
Agenda item 8

SUBSTANTIVE CONSIDERATION OF THE QUESTION OF NAVAL ARMS RACE
AND DISARMAMENT: CHAIRMAN'S PAPER ON AGENDA ITEM 8

1. At its fortieth session, the General Assembly, by its resolutions 40/94 F and
40/94 I of 12 December 1985, respectively entitled "Study on the naval arms race"
and "Curbing the naval arms race: limitation and reduction of naval armaments and
extension of confidence-building measures to seas and oceans", inter alia,
requested the Disarmament Commission to give consideration to the issues involved
and to report its deliberations and recommendations to the General Assembly at its
forty-first session.

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

3. On 9 May 1986, the Chairman, reflecting his consultations, stated that in
considering the item the most appropriate way would be, at this juncture, for him
to hold, under his responsibility, substantive and open-ended consultations on the
subject. The Chairman delegated the actual conduct of the substantive
consultations to a "friend of the Chairman", in case, the representative of
Indonesia.

4. Pursuant to that decision, the Chairman and the representative of Indonesia
convened seven meetings of the consultation group on the item.

5. While substantive reservations were expressed on various aspects of the study
on the naval arms race (A/40/535), there was agreement that the study, together
with subsequent comments and separate proposals put forward by Member States, had
provided a starting point for discussions on this new and complex range of issues.

6. In the course of the consultations a number of representatives expressed their
views and submitted proposals or suggestions on the subject. Several significant
elements were recognized. The accumulation and qualitative development of naval
forces and naval arms systems were part of the global arms race, but had their own particular characteristics. A great part of naval operations took place on the high seas, which were open for use by all who had interests in the peaceful uses of the sea and the peaceful development and exploitation of its resources. Freedom of navigation on the high seas, a right explicitly recognized in international law, should therefore be exercised by all States with due regard for the interests of other States in the peaceful uses of those seas. Additionally, it was noted that there had been increasing nuclearization of the world's oceans and seas, both in weapons and propulsion systems, which together with the great mobility of naval forces had led to another unique feature of the naval arms race, namely the geographical dispersion of nuclear weapons. Furthermore, other aspects of the maritime domain, such as widened national responsibilities that will flow from the entry into force of the United Nations Convention on the Law of the Sea, would increase the need for improved and more effective, internationally accepted ocean management policies.

7. Such considerations made it worthwhile for the international community to devote a more informed and focused attention to the naval dimension of the global arms race and related issues.

8. During the discussions a number of other views were expressed. It was observed that the further build-up of naval fleets and the intensification of their activities were fraught with the danger of upsetting stability on a global scale and within individual regions. At the same time, it was noted that the development of naval forces could not be isolated from the global security context and legitimate security needs of States. Another feature of the naval situation was that more countries had now significant naval forces, partly also as a result of recent technological advances. Separately, some naval activities in regions or areas far from the territory of the State or States concerned had given rise to regional or subregional tensions. The view was also expressed that a distinction should be drawn between the naval arms build-up in the global context and the legitimate right of States to have naval forces for self-defence.

9. Participants in the consultations concurred that efforts in the areas under examination should be governed by certain basic principles. It should be understood that the accumulation and qualitative development of naval forces and naval arms systems were part of the overall arms race; therefore, any efforts directed towards arms limitation, disarmament and confidence-building measures at sea should proceed as an integral part of the overall objective of halting and reversing the arms race in general and in accordance with the disarmament strategy set out in the Final Document (General Assembly resolution S-10/2). However, this should not preclude the possibility of trying to resolve specific problems of naval disarmament or to agree on confidence-building measures in the naval environment that might be identified and would be generally acceptable.

10. Furthermore, it was understood that, inter alia, the following principles should guide future work. First, disarmament measures should be balanced and should not diminish the security of any State. As naval forces were not independent of other military forces, they should be considered in their general military context. There was no such thing as an independent naval balance or
parity. Disarmament measures in the maritime field should thus be balanced in that general sense. Second, 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. Third, because of the comprehensive nature of the United Nations Convention on the Law of the Sea, such measures should not take the legal form of amendments to the Convention. They should be embodied in separate legal instruments in harmony with the Convention. Fourth, as in all arms control and disarmament, appropriate, universal and non-discriminatory verification and complaints procedures were essential for the proper implementation of agreed measures.

11. Against this background, participants began consideration of measures for naval arms limitation and disarmament as outlined in the study and grouped under the headings of quantitative restraints, qualitative or technological restraints, geographic and/or mission restraints and confidence-building measures. Varying views were expressed, in the written submissions of Governments and in the statements of delegations, on the desirability and practicability of such measures. Specific mention was made of certain possibilities for measures in the regional context and the positive prospects for extending confidence-building measures at sea. In that context the possibility could be pursued of negotiating a multilateral agreement corresponding to the existing bilateral agreement between the Union of Soviet Socialist Republics and the United States of America on the Prevention of Incidents on and over the High Seas. Among other issues raised was the need to consider the updating of the laws of sea warfare.

12. The question of the appropriate forums in which further action and eventual negotiation might take place, whether at the bilateral, regional or multilateral levels, was also raised, including consideration by the Conference on Disarmament.

13. Participants felt that the Disarmament Commission should give further consideration to this item at its next substantive session.