First Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

Final Document

PART I

Organization and Work of the Conference
Final Document of the First Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

I. ORGANIZATION AND WORK OF THE CONFERENCE

INTRODUCTION

1. Paragraph 1 of Article VIII of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques reads as follows:

"Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of paragraph 1 of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques."

2. By resolution 37/99 I, adopted on 13 December 1982, the General Assembly, bearing in mind that the Convention would have been in force for five years on 5 October 1983, noted that the Secretary-General, as Depositary of the Convention, intended to convene the Review Conference at the earliest practicable time after that date and that, to that end, he would hold consultations with the Parties to the Convention with regard to questions relating to the Conference and its preparation, including the establishment of a preparatory committee for the Conference.

3. Following such consultations, it was agreed that a preparatory committee, open to all States Parties to the Convention, would convene at the United Nations Office at Geneva on 30 April 1984.

4. The Preparatory Committee held one session at Geneva from 30 April to 2 May 1984. The following States Parties to the Convention participated in the Preparatory Committee: Bangladesh, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Finland, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, India, Italy, Japan, Kuwait, Mongolia, Netherlands, Norway, Poland, Romania, Spain, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

5. At its 1st meeting, on 30 April, the Committee elected Ambassador Keijo Korhonen of Finland as its Chairman. At the same meeting, the Committee elected Ambassador S. Yurbaniski of Poland and Mr. J.H. Noirfalisse of Belgium as Vice-Chairmen. The Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

6. The Secretary-General of the United Nations was represented by Mr. Arpád Prandler, Deputy to the Under-Secretary-General for Disarmament Affairs, who opened the session of the Preparatory Committee. Ms. Aida Luisa Levin, Senior Political Affairs Officer, Department for Disarmament Affairs, served as Secretary of the Committee.
7. The Committee decided to take its decisions by consensus.

8. The Committee, taking note of their written requests, decided to invite the representatives of three States Signatories of the Convention, Australia, Brazil and Turkey, to participate in its discussions without the right to take part in the making of decisions.

9. In the course of its session, the Committee considered the following questions relating to the organization of the Review Conference:

   (a) Date and duration
   (b) Provisional agenda
   (c) Composition of the General Committee
   (d) Draft Rules of Procedure
   (e) Background documentation
   (f) Final document(s)

10. At its last meeting, on 2 May 1984, the Preparatory Committee adopted its final report, which was issued as a pre-session document of the Conference (ENMOD/CONF.I/1). The report contained, inter alia, the Provisional Agenda and the Draft Rules of Procedure for the Conference (Annexes I and II, respectively).

11. The Committee decided to request the Secretariat to circulate a revised estimate of the cost of the Conference reflecting the actual cost of the session of the Preparatory Committee, which is contained in document ENMOD/CONF.I/3.

12. The Committee decided to request that the following two background papers be issued as pre-session documentation for the Conference:

   (1) A summary of negotiations leading to the conclusion of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques and of subsequent developments related to the Convention; and

   (2) A compilation of official communications regarding the implementation of the objectives and provisions of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

The above papers were subsequently issued as documents ENMOD/CONF.I/2 and ENMOD/CONF.I/4, respectively.

Organization of the Conference

13. In accordance with the decision of the Preparatory Committee, the Conference was convened on 10 September 1984 at the Palais des Nations in Geneva.

14. At its 1st meeting, on 10 September, the Conference elected by acclamation Ambassador Keijo Korhonen, Permanent Representative of Finland to the United Nations in New York, as its President.

15. At the same meeting, a message from Secretary-General of the United Nations Javier Pérez de Cuéllar, was read out by the Special Representative of the Secretary-General, Mr. Jan Martenson, Under-Secretary-General of the United Nations for Disarmament Affairs.
16. The Conference adopted its agenda as recommended by the Preparatory Committee (ENMOD/CONF.1/I/5).


18. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (ENMOD/CONF.1/I/6). The Rules of Procedure provided for (a) a General Committee, chaired by the President of the Conference and composed of the Chairman of the Drafting Committee and of the Credentials Committee, as well as the 17 Vice-Presidents of the Conference; (b) a Drafting Committee, composed of representatives of the same 20 States Parties represented on the General Committee; (c) a Credentials Committee, composed of a Chairman and Vice-Chairman elected by the Conference, and five other members appointed by the Conference on the proposal of the President.

19. The Conference elected by acclamation 15 Vice-Presidents from the following States Parties: Bangladesh, Cuba, Democratic Yemen, Egypt, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, India, Japan, Mongolia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America. The Conference elected by acclamation the Chairman and the Vice-Chairman of the Drafting Committee, as follows:

Chairman:    Amb. S. Turbanski (Poland)

Vice-Chairman: Mr. S.K. Sharma (India)

The Conference also elected by acclamation the Chairman and the Vice-Chairman of the Credentials Committee, as follows:

Chairman:    Amb. M. Depasse (Belgium)

Vice-Chairman: Mr. I.A. Hassan (Egypt)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Australia, Bulgaria, Byelorussian SSR, Cuba and Sri Lanka.

20. The Conference confirmed by acclamation the nomination of Miss Aida Luisa Levin as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations, following an invitation by the Preparatory Committee.

Participation at the Conference

21. Thirty-five States Parties to the Convention participated in the Conference as follows: Australia, Bangladesh, Belgium, Bulgaria, Byelorussian SSR, Canada, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Finland, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, India, Ireland, Italy, Japan, Kuwait, Mongolia, Netherlands, New Zealand, Norway, Poland, Romania, Spain, Sri Lanka, Sweden, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.
22. In addition, four States which have signed the Convention but have not yet ratified it participated in the Conference without taking part in its decisions, as provided in Rule 43 of the Rules of Procedure: Brazil, Ethiopia, Iran (Islamic Republic of) and Turkey.

23. Four additional States, Algeria, Argentina, Peru and Switzerland, neither Party nor Signatory of the Convention, applied for Observer status in accordance with Rule 44. Such status was granted to them by the Conference.

24. The United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) applied for Observer Agency status in accordance with Rule 46. Such status was granted to them by the Conference.

25. Two non-governmental organizations attended the Conference under Rule 47.

26. A list of all delegations to the Conference, including States Parties, Signatories, Observer States, Observer Agencies and non-governmental organizations is contained in Annex II.

27. The Credentials Committee met on 13 September and reported on the credentials of representatives of States Parties and Signatories (ENMOD/CONF.I/9). At its eighth plenary meeting on 20 September the Conference took note of the report.

Work of the Conference

28. The Conference held eight plenary meetings between 10 and 20 September when it concluded its work.

29. The general debates, in which 24 States Parties made statements, took place at the fourth to sixth plenary meetings held from 11 to 12 September. At its seventh plenary meeting, on 13 September, the Conference reviewed the provisions of the Convention article by article, followed by consideration of the preamble and purposes of the Convention.

30. The Drafting Committee met between 14 and 19 September, and submitted its report to the Conference on 20 September (ENMOD/CONF.I/11). The Conference, at its eighth plenary meeting, on 20 September, took note of the report.

Documentation

31. A list of the documents of the Conference is attached in Annex I.

Conclusion of the Conference

32. At its eighth and final plenary meeting on 20 September, the Conference adopted its Final Document as recommended by the Drafting Committee in document ENMOD/CONF.I/11. The Final Document consists of three Parts:
I. Organization and work of the Conference; II. Final Declaration; and
III. Summary Records of Plenary Meetings of the Conference.
First Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

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PART II

Final Declaration
II. FINAL DECLARATION

The States Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, having met in Geneva 10-20 September 1984 under the provisions of Article VIII to review the operation of the Convention, with a view to ensuring that its purposes and provisions are being realized and in particular to examine the effectiveness of the provisions of paragraph 1 of Article I in eliminating the dangers of military or any other hostile use of environmental modification techniques:

Continuing to be guided by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare,

Reaffirming their determination to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

Considering that the Convention constitutes a contribution to the strengthening of trust among nations and to the improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations,

Recognizing the continuing importance of the Convention and its objectives, and the common interest of mankind in maintaining its effectiveness in prohibiting the use of environmental modification techniques as a means of war,

Affirming their belief that universal adherence to the Convention would enhance international peace and security,

Considering also that universal adherence could further the use of environmental modification techniques for peaceful purposes and facilitate international co-operation in such use, in the interest of all States, including in particular developing States,

Appealing to all States to refrain from any action which might place the Convention or any of its provisions in jeopardy,

Declare as follows:

Purposes

The States Parties to the Convention reaffirm their strong common interest in preventing the use of environmental modification techniques for military or any other hostile purposes. They reaffirm their strong support for the Convention, their continued dedication to its principles and objectives and their commitment to implement effectively its provisions.

Article I

The Conference confirms that the obligations assumed under Article I have been faithfully observed by the States Parties. The Conference is convinced that the continued observance of this Article is essential to the objective, which all States Parties share, of preventing military or any other hostile use of environmental modification techniques.
Having re-examined the provisions of paragraph 1 of Article I, the Conference is convinced that, taking into account the relevant understandings and the present state of technology, they remain effective in preventing the dangers of military or any other hostile use of environmental modification techniques. The Conference recognizes the need to keep under continuing review and examination the provisions of paragraph 1 of Article I, in order to ensure their continued effectiveness, taking into account any developments which might take place in the relevant technology, and having regard also to the different views expressed in the course of the debate on this Article on the question of expanding its scope.

Article II

The Conference reaffirms its support for this Article containing the definition of the term "environmental modification techniques". The Conference is of the opinion that this definition, taken together with the understandings relating to Articles I and II, is adequate to fulfil the purposes of the Convention.

Article III

The Conference reaffirms that Article III is without prejudice to any rules of international law which may apply to environmental modification techniques used for peaceful purposes. The Conference notes with satisfaction that the implementation of the Convention has not hindered the economic or technological development of States Parties. The Conference recalls that States Parties have undertaken to facilitate the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. The Conference further calls upon States Parties also to provide and facilitate the fullest possible exchange of scientific and technological information on the research on and the development of such environmental modification techniques. Furthermore, and in order to ensure the widest possible exchange of such information, the Conference invites the Secretary-General of the United Nations to receive such information for dissemination. For this purpose the Conference requests the Secretary-General to utilize to the maximum extent the United Nations agencies with competence in environmental topics. The Conference also calls upon States Parties in a position to do so to continue to contribute to and strengthen, alone or together with other States or international organizations, international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

Article IV

The Conference notes the provisions of Article IV, which requires each State Party to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control, and invites States Parties which have found it necessary to enact specific legislation, or take other regulatory measures relevant to this Article, to make available the appropriate texts to the United Nations Department for Disarmament Affairs, for the purposes of consultation.

Article V

The Conference notes with satisfaction that no State Party has found it necessary to invoke the provisions of Article V dealing with international complaints and verification procedures. The Conference reaffirms the importance of paragraph 1 of this Article, which contains the undertaking of States Parties to consult one
another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention and of paragraph 2, which provides for the convening of a Consultative Committee of Experts. In the view of the Conference the provisions of Article V, paragraphs 1 and 2, do not exclude the possibility of consideration, by States Parties, of the summary of findings of fact of the Consultative Committee of Experts.

The Conference also notes the importance of Article V paragraphs 3 and 4, which, in addition to the procedures contained in Article V paragraphs 1 and 2, provide that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council, and under which each State Party undertakes to co-operate in carrying out any investigation which the Security Council may initiate.

The Conference considers that the flexibility of the provisions concerning consultation and co-operation on any problems which may arise in relation to the Convention, or in the application of the provisions of the Convention, should enable complaints or disputes to be effectively resolved.

**Article VI**

The Conference notes that during the operation of the Convention no State Party has proposed any amendments to this Convention under the procedures laid down in this Article.

**Article VII**

The Conference re-affirms that the Convention should be of unlimited duration.

**Article VIII**

The Conference notes with satisfaction the spirit of co-operation in which the Review Conference was held.

The Conference, recognizing the importance of the review mechanism provided in Article VIII, decides that a second Review Conference may be held at Geneva at the request of a majority of States Parties not earlier than 1989. If no Review Conference is held before 1994 the Depositary is requested to solicit the views of all States Parties concerning the convening of such a Conference in accordance with Article VIII paragraph 3 of the Convention.

**Article IX**

The Conference stresses that the six years that have elapsed since the date of entry of the Convention into force have demonstrated its effectiveness.

The Conference notes that 45 States have become Parties to the Convention and a further 19 States have signed but have yet to ratify the Convention. The Conference notes with concern that the Convention has not yet achieved universal acceptance. Therefore the Conference calls upon all signatory States which have not ratified the Convention to do so without delay, and upon those States which have not signed the Convention to adhere to it as soon as possible and thereby join the States Parties thereto in their efforts to prohibit effectively military or any other hostile use of environmental modification techniques. Such adherence would be a significant contribution to international confidence and to the strengthening of trust amongst nations.
First Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

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PART III

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Submission of the Final Report of the Preparatory Committee
Election of the President
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Adoption of the agenda
Adoption of the Rules of Procedure
Confirmation of the nomination of the Secretary-General of the Conference
Election of Vice-Presidents and of the Chairmen and Vice-Chairmen of
the Drafting Committee and the Credentials Committee
Appointment of the Credentials Committee

2nd meeting
Election of Vice-Presidents, and of Chairmen and Vice-Chairmen of the
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Credentials of representatives to the Conference:
(a) Appointment of the Credentials Committee
Applications for observer status
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Programme of work
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A. General debate (continued)

5th meeting
A. General debate (continued)

6th meeting
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A. General debate (continued)

7th meeting
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Credentials of representatives to the Conference (continued)

(b) Report of the Credentials Committee

Report of the Drafting Committee
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SUMMARY RECORD OF THE 1st MEETING

held at the Palais des Nations, Geneva,
on Monday, 10 September 1984, at 10.30 a.m.

Acting President:  Mr. MARTENS (Under-Secretary-General for Disarmament Affairs)

President:  Mr. KORHONEN (Finland)

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Opening of the Conference by the Chairman of the Preparatory Committee

Submission of the Final Report of the Preparatory Committee

Election of the President

Message from the Secretary-General of the United Nations

Adoption of the agenda

Adoption of the Rules of Procedure

Confirmation of the nomination of the Secretary-General of the Conference

Election of Vice-Presidents and of the Chairmen and Vice-Chairmen of the Drafting Committee and the Credentials Committee

Appointment of the Credentials Committee

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Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.
The meeting was called to order at 11.05 a.m.

OPENING OF THE CONFERENCE BY THE CHAIRMAN OF THE PREPARATORY COMMITTEE (item 1 of the provisional agenda)

SUBMISSION OF THE FINAL REPORT OF THE PREPARATORY COMMITTEE (item 3 of the provisional agenda)

1. The ACTING PRESIDENT, after extending a welcome to all delegations participating in the Review Conference, suggested that items 1 and 3 of the provisional agenda (ENMOD/CONF.I/1, annex I) should be considered concurrently.

2. It was so decided.

3. Mr. KORHONEN (Chairman of the Preparatory Committee) declared open the First Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

4. In submitting the Preparatory Committee's Final Report (ENMOD/CONF.I/1), he noted with great satisfaction that all of the Committee's decisions and recommendations had been reached by consensus, as a result of the exemplary spirit of goodwill and co-operation displayed by all delegations participating in the Committee's work. After paying tribute to the contribution made by the other members of the Bureau and expressing appreciation for the assistance given to the Preparatory Committee by the Secretary-General and by the Under-Secretary-General for Disarmament Affairs, he drew attention to other documents before the Conference which had been prepared at the request of the Preparatory Committee (ENMOD/CONF.I/2, ENMOD/CONF.I/3 and ENMOD/CONF.I/4).

ELECTION OF THE PRESIDENT (item 2 of the provisional agenda)

5. The ACTING PRESIDENT invited nominations for the office of President of the Conference.

6. Mr. TURBANSKI (Poland), speaking on behalf of the group of socialist countries, nominated Mr. Korhonen (Finland) for the office of President.

7. Mr. MIDDLETON (United Kingdom), speaking on behalf of the group of Western and other countries, and Mr. SHARMA (India), speaking on behalf of the group of non-aligned countries, supported the nomination.

8. Mr. Korhonen (Finland) was elected President by acclamation.

9. Mr. Korhonen (Finland) took the chair.

10. The PRESIDENT, thanking the Conference for the confidence it had shown in him personally and in his country, said he took that confidence to be an expression of appreciation for Finland's active policy in matters of arms control and disarmament. As a small, neutral country, Finland was always greatly interested in multilateral disarmament efforts in all forums available to it, particularly the United Nations, the Conference on Disarmament, and conferences for the elaboration and review of multilateral disarmament treaties.
11. The present Conference was being held in accordance with article VIII of the Convention and pursuant to General Assembly resolution 37/99 I. The objective was to review the operation of the Convention with a view to ensuring that its purposes and provisions were being realized. In particular, the Conference was entrusted with the task of examining the effectiveness of the provisions of paragraph 1 of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques. The Convention was a valuable, if limited, measure of arms control. It constituted an important step towards precluding the possibility of using environmental modification techniques, and it thus furthered the cause of arms control and disarmament in general. Accession to the Convention was still rather limited, the number of States Parties at present being 45. In addition, 19 States had signed the Convention but had not yet ratified it.

12. The Conference offered the first opportunity to evaluate the effectiveness of the obligations laid down in the Convention. It was to be hoped that the general debate and the review of the various provisions of the Convention would serve as a useful basis for constructive consideration of the Convention’s effectiveness and would also provide the reference material for the preparation of the final document or documents of the Conference.

13. The review of the Convention should take into account the general considerations set forth in the preamble to the Convention as well as the operative provisions. By helping to promote the Convention’s objectives, the review would thus contribute to the cause of halting the arms race and saving mankind from the dangers inherent in the use of new means of warfare. The Conference could also play a major role in the further work of excluding the potential use of environmental warfare in general and the use of environmental modification techniques for military purposes in particular. He counted on the full support of all delegations to the Conference in securing the fulfilment of that objective.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

14. Mr. MARTENSON (Under-Secretary-General for Disarmament Affairs), read out the following message from the Secretary-General.

"It gives me great pleasure to extend my greetings and best wishes to all the delegations participating in the First Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

"Your Conference is entrusted with the important task of reviewing the operation of the Convention with a view to ensuring that its purposes and provisions are being realized and examining, in particular, the effectiveness of the provisions of article I of the Convention in eliminating the dangers of military or any other hostile use of environmental modification techniques. I am confident that your Conference will so discharge its mandate as to promote wider adherence to the Convention.

"The Convention imposes on States Parties the obligation not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects and causing destruction, damage or injury to any other State Party. The potential danger inherent in the development of these techniques through scientific and technical advances hardly needs any emphasis. The Convention was designed to spare mankind from the disastrous consequences of environmental warfare. This purpose needs to be kept constantly in mind."
"In the 1960s and 1970s, a number of agreements, of which the ENMOD Convention is one, were concluded on partial measures of arms limitation and disarmament. Though limited in scope, such measures can play a significant role in fostering confidence and stimulating progress towards the adoption of further measures of disarmament. In the preamble to the Convention, the States Parties expressed their wish to contribute to the cause of halting the arms race and of bringing about general and complete disarmament under strict and effective international control.

"It is a matter of profound and urgent concern that the Convention and other agreements have not yet been followed up by meaningful measures of disarmament. Indeed, the arms race, particularly the nuclear arms race, has continued unabated at an ever-accelerating speed. The world has witnessed a remorseless arms build-up and the continuous advent of new and more destructive weapons, as well as the qualitative refinement of existing ones. We are no closer to the goal of general and complete disarmament than we were at the time the Convention was concluded. An end to this situation is long overdue; we must halt the arms race and initiate the process of disarmament. It is my earnest hope that this Conference will inspire a sense of renewed commitment and dedication to this aim.

"I wish you all success in your deliberations."

ADPTION OF THE AGENDA (ENMOD/CONF.I/1, annex I)

15. The agenda was adopted.

16. The PRESIDENT suggested that the Conference should take note with appreciation of the Preparatory Committee's Final Report (ENMOD/CONF.I/1).

17. It was so decided.

ADPTION OF THE RULES OF PROCEDURE (agenda item 4)

18. The rules of procedure (ENMOD/CONF.I/1, annex II) were adopted.

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL OF THE CONFERENCE (agenda item 7)

19. The PRESIDENT, after referring to rule 10 of the rules of procedure and to paragraph 19 of the Final Report of the Preparatory Committee, said that the Secretary-General of the United Nations had nominated Ms. Levin, Senior Political Affairs Officer, Department for Disarmament Affairs, as provisional Secretary-General of the Review Conference. In the absence of objections, he would take it that the Conference wished to confirm that nomination.

20. It was so decided.
21. The President drew attention to paragraph 14 of the Final Report of the Preparatory Committee (EMOD/CONF.I/1), setting forth the Committee's decisions concerning the composition of the General Committee and the geographical distribution of the posts on the Committee. In the absence of objections, he would take it that the Conference wished to confirm those decisions.

22. It was so decided.

23. The President, referring to the subject of the appointment of the Credentials Committee, drew attention to rule 5 of the rules of procedure, which provided that the Committee should be composed of a Chairman and a Vice-Chairman elected by the Conference and of five other members appointed by the Conference on the proposal of the President. On the basis of the precedent established at other Review Conferences, he proposed that the geographical distribution of those seven posts should be as follows: Africa 1; Asia 1; Eastern Europe 2; Latin America 1; and Western Europe and other States 2. In addition, consideration of agenda items 5 and 6 (a) should be deferred to allow time for further consultations.

24. It was so decided.

The meeting rose at 11.35 a.m.
SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva, on Monday, 10 September 1984, at 4 p.m.

President: Mr. KORHONEN (Finland)

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Election of Vice-Presidents, and of Chairmen and Vice-Chairmen of the Drafting Committee and the Credentials Committee

Credentials of representatives to the Conference:

(a) Appointment of the Credentials Committee

Applications for observer status

Programme of work

Adoption of arrangements for meeting the cost of the Conference

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Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

GE.84-65345
The meeting was called to order at 4.25 p.m.

ELECTION OF VICE-PRESIDENTS, AND OF CHAIRMEN AND VICE-CHAIRMEN OF THE DRAFTING COMMITTEE AND THE CREDENTIALS COMMITTEE (agenda item 5) (E/NMOD/CONF.I/5)

1. The PRESIDENT said that, under rule 5 of the Rules of Procedure, the Conference must elect 17 Vice-Presidents, a Chairman and a Vice-Chairman of the Drafting Committee and a Chairman and Vice-Chairman of the Credentials Committee. Under rule 8 of the Rules of Procedure, the General Committee of the Conference should be composed of the President, the 17 Vice-Presidents, the Chairman of the Drafting Committee and the Chairman of the Credentials Committee. At the preceding meeting, the Conference had confirmed the geographical distribution of the membership of the General Committee drawn up by the Preparatory Committee of the Conference (E/NMOD/CONF.I/1, paragraph 14), namely, Africa 3; Asia 5; Eastern Europe 4; Latin America 2; Western Europe and other States 6.

2. After consultations in the regional groups, on the basis of that geographical distribution, the representatives of the following countries had been proposed as Vice-Presidents, on the understanding that the two posts for which no candidates had been put forward could be filled later:

   Africa: Egypt, Ghana  
   Latin America: Cuba  
   Asia: Bangladesh, Democratic Yemen, India, Japan, Mongolia  
   Western Europe and other States: Germany, Federal Republic of, United States of America, Greece, United Kingdom of Great Britain and Northern Ireland  
   Eastern Europe: Hungary, German Democratic Republic, Union of Soviet Socialist Republics.

3. The proposal was adopted by acclamation.

4. The PRESIDENT invited the Conference to elect the Chairman and Vice-Chairman of the Drafting Committee and the Chairman and Vice-Chairman of the Credentials Committee. After consultations in the regional groups, Mr. Turbanski (Poland) had been nominated as Chairman of the Drafting Committee and Mr. Depasse (Belgium) as Chairman of the Credentials Committee. Mr. Sharma (India) had been nominated as Vice-Chairman of the Drafting Committee and Mr. Hassan (Egypt) as Vice-Chairman of the Credentials Committee.

5. Mr. Turbanski (Poland) was elected Chairman of the Drafting Committee by acclamation.

6. Mr. Depasse (Belgium) was elected Chairman of the Credentials Committee by acclamation.

7. Mr. Sharma (India) was elected Vice-Chairman of the Drafting Committee by acclamation.

8. Mr. Hassan (Egypt) was elected Vice-Chairman of the Credentials Committee by acclamation.
CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE (agenda item 6)

(a) APPOINTMENT OF THE CREDENTIALS COMMITTEE

9. The President noted that, under rule 3 of the Rules of Procedure, the Conference must establish a Credentials Committee composed of the States Parties represented by the Chairman and the Vice-Chairman and five other States appointed by the Conference on the proposal of the President. On the basis of consultations, he wished to propose that the representatives of Australia, Bulgaria, Puglowszian Soviet Socialist Republic, Cuba and Sri Lanka should be appointed to the Credentials Committee.

10. It was so decided.

11. The President requested those delegations which had not already done so to submit their credentials to the Secretary-General of the Conference as soon as possible.

APPLICATIONS FOR OBSERVER STATUS

12. The President stated that the Governments of Argentina, Peru and Switzerland had applied to the Secretary-General of the Conference for observer status. If there was no objection, he would take it that the Conference granted their request in accordance with rule 44 of the Rules of Procedure.

13. It was so decided.

14. The President said that the United Nations Environment Programme had applied to the Secretary-General of the Conference for observer agency status in accordance with rule 46 of the Rules of Procedure. If there was no objection, he would take it that the Conference granted that request.

15. It was so decided.

PROGRAMME OF WORK (agenda item 9)

16. The President suggested that the Conference should follow the usual practice of requesting the General Committee to consider the Programme of Work and make recommendations thereon.

17. It was so decided.

ADOPTION OF ARRANGEMENTS FOR MEETING THE COST OF THE CONFERENCE (agenda item 10) (EMCD/CONF.1/3)

18. The President recalled that the Preparatory Committee had requested the secretariat to circulate, before the opening of the Review Conference, a revised estimate of the cost of the Conference reflecting the actual costs of the session of the Preparatory Committee. The revised estimate of costs, which was contained in document EMCD/CONF.1/3, had been prepared with due regard for the need for economy in making arrangements for the Review Conference. The financial arrangements for meeting the costs of the Conference were set out in rule 12 of the Rules of Procedure.

The meeting rose at 4.45 p.m.
SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 September 1984, at 10.30 a.m.

President: Mr. KORHONEN (Finland)

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Programme of work

Application for observer agency status to the World Meteorological Organization

General debate

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The meeting was called to order at 10.40 a.m.

PROGRAMME OF WORK (agenda item 9) (ENMOD/CONF.I/7)

1. The President drew attention to the programme of work (ENMOD/CONF.I/7) recommended by the General Committee. If there were no objections, he would take it that the Conference approved the recommendations.

2. It was so decided.

APPLICATION FOR OBSERVER AGENCY STATUS TO THE WORLD METEOROLOGICAL ORGANIZATION

3. The President proposed that the World Meteorological Organization should be granted observer agency status under rule 45 of the rules of procedure.

4. It was so decided.

5. At the invitation of the President, the delegation of the World Meteorological Organization took a seat in the Conference hall.

GENERAL DEBATE (agenda item 11 (a))

6. Mr. Meiszter (Hungary) said that, in view of the worsening international situation, his Government was redoubling its efforts for the preservation of peace and security, the easing of tensions and the elimination of the threat of war, particularly nuclear war. Its sincere commitment to that cause was reflected in the fact that Hungary was a party to all international arms limitation and disarmament agreements and had helped to elaborate a number of them, including the Convention currently under review.

7. Despite the unceasing attempts of certain imperialist circles to upset the balance of power and achieve military superiority, the Hungarian Government was anxious to maintain a dialogue in order to prevent the escalation of the nuclear arms race. In constructive, honest and equitable negotiations to reach agreement on comprehensive or partial measures, it was essential to consolidate previous achievements as well as break new ground. The political objectives of the Convention were even more vital now than when the Convention had been drawn up.

8. The Hungarian Government had been one of the first to sign and ratify the Convention, which made a modest but effective contribution to the curtailment of the arms race. The Convention had been duly implemented, and there had been no allegations of non-compliance with its main provisions. A particularly valuable section provided for the exchange of information on peaceful uses of environmental modification techniques and for economic and scientific co-operation for the preservation of the environment.

9. His country fully supported the Convention in its current form and was anxious that more States should accede to it. His delegation therefore stood ready to work towards the success of the Review Conference and contribute to a substantive final document reaffirming the States Parties' continued support for the Convention and in particular their commitment to the principles expressed in article I. The final document should include a firm appeal for more States to become parties without further delay.

10. Mr. Issraelian (Union of Soviet Socialist Republics) said that the problem of prevention of war, cessation of the arms race and disarmament unquestionably occupied a central place among the global issues facing civilization today.
only the peaceful development of mankind but mankind's very existence depended on solving that problem. The world was already more than saturated with a vast array of instruments of death and destruction. The threat of nuclear catastrophe was growing all the time. The Soviet Union, regarding it as the prime objective of its foreign policy to prevent a nuclear catastrophe, to bring about a genuine change for the better in the development of world events and to ensure the implementation of practical measures of arms control and disarmament, had put forward a series of major proposals aimed at achieving new agreements in that field. At the same time, the task of maintaining and strengthening existing agreements had lost none of its urgency; indeed, in the situation of growing tension produced by the imperialist forces' policy of militarism, rejecting détente, hampering social progress and violating the rights and freedoms of peoples, it was more urgent than ever.

11. Among the immensely valuable agreements concluded in the 1960s and 1970s the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques occupied a rightful place. The Convention was conducive to the strengthening of international security, the beneficial process of détente and the conservation of nature. The conclusion of the Convention convincingly proved yet again that, given goodwill, complex disarmament problems could be resolved. By preventing the spread of the arms race to a new sphere — that of the human environment — the Convention had helped to release for constructive purposes not only significant funds, but also the talents of thousands of scientists and engineers. By so doing, it obviously served the interests of all peoples throughout the world, including, of course, those of the developing countries. A further reason for the importance of the Convention was that, only a short time before it had been concluded, one Power had made attempts to modify the environment of Indo-China for military purposes. In other words, the threat averted by concluding the Convention had not, as had been asserted in certain quarters, belonged to the realm of fantasy. Without the Convention, the sphere of the forces of nature would have remained open to the arms race. The Convention had thus been a timely and essential measure, especially in the light of the current pace of scientific and technical advances.

12. As a sponsor of the Convention and as a State Party, the Soviet Union strictly observed its provisions and noted with satisfaction that in almost six years since the Convention had entered into force, the main obligations, particularly those set forth in article I, had been conscientiously fulfilled by all States Parties. His country attached great importance to the provisions of the preamble to the Convention affirming that the States Parties were guided by the interest of consolidating peace, wished to contribute to the cause of halting the arms race and of bringing about general and complete disarmament under strict and effective international control and of saving mankind from the danger of using new means of warfare, and were determined to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament. In its foreign policy, the Soviet Union worked incessantly towards those ends, as was testified by its renunciation of first use of nuclear weapons and the proposals it had submitted in the United Nations and other international forums in connection with the nuclear weapons freeze, the nuclear test ban, the limitation and subsequent elimination of various weapons, especially nuclear weapons, and its proposals for military détente and international confidence-building.
measures. The adoption of the Soviet proposals would undoubtedly help to remove the threat of nuclear war, strengthen international peace and security and, at the same time, guarantee the preservation of the natural environment.

13. The period since the Convention's entry into force had convincingly demonstrated its effectiveness. Not a single complaint had been made by a State party regarding any breach of its provisions. Nor, so far as he was aware, had any suspicions arisen in that connection. Another positive fact was that there had been no occasion to bring into operation the unique investigation mechanism provided for in article V which established a variety of international procedures, including the services of appropriate international organizations as well as of a Consultative Committee of Experts.

14. The Convention had been a powerful incentive for the application of environmental protection measures. In that regard, a number of important steps had been taken in the Soviet Union in recent years. After referring to articles 18, 42 and 67 of the Soviet Constitution, which set forth the rights and duties of Soviet citizens and of the State in connection with the conservation of natural resources, he mentioned the nature conservation commissions established in both chambers of the Supreme Soviet of the USSR, the Standing Commission on Nature Conservation and Rational Utilization of Natural Resources, set up in 1981 within the Presidium of the Council of Ministers of the USSR, and the USSR State Committee on Hydrometeorology and Environmental Control established in 1979. A special Air Protection Act had been adopted in 1980 and a State Inspectorate, incorporating a vast network of pollution control units, had been instituted.

15. The Soviet Union had sponsored or was an active party to many international agreements on environmental protection, such as the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, the Convention on Long-Range Transboundary Air Pollution and the Declaration on Low- and Non-Waste Technology. In accordance with article III of the Convention, the Soviet Union consistently facilitated the fullest possible exchange of scientific and technological information on environmental modification techniques for peaceful purposes and contributed significantly towards international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world. It also took an active part in the work of many international organizations such as UNESCO, UNEP, ECE, WM and others and in the implementation of global and regional programmes connected with environmental protection problems.

16. As well as pursuing broad and fruitful co-operation in environmental matters on the basis of multilateral and bilateral agreements and joint long-term programmes with other member States of the Council for Mutual Economic Assistance, his country was also engaged in scientific and technical co-operation with France, the United States of America, Sweden, Denmark, Finland and other countries. It participated in UNESCO's Man and Biosphere Programme, the WH and UNEP World Climate Programme and a number of other international scientific projects, took part in many international conferences, symposia and seminars, and published joint scientific reports and collections of articles. All these activities related exclusively to problems of improving the interrelation between man and his natural environment, and fully corresponded to the Convention's objectives and provisions.
17. The Soviet Union was constantly alive to the problem of protecting the natural environment from harmful military effects and took appropriate steps at the international level to ensure such protection. Thus, it had sponsored a resolution adopted at the thirty-fifth session of the General Assembly proclaiming the historical responsibility of States for the preservation of nature for present and future generations. It had supported the adoption of the World Charter of Nature and had taken active part in work undertaken in that connection under the auspices of UNEP. It had also participated in the elaboration of several international instruments comprising a nature conservation element, such as the 1977 Protocol to the 1949 Geneva Conventions and the Convention on the Prohibition of Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (1981).

18. While putting forward proposals for various disarmament measures, the Soviet Union was eager to consolidate every success already achieved in that direction. It therefore considered that the main task of the present Conference should be to confirm the effectiveness of the Convention, which, in his delegation's view, required no changes. The Soviet Union's policy of principle was to support the strengthening of the Convention by consistent and effective application of its provisions and by increasing the number of States Parties. It was regrettable that by no means all States, and not all the major ones, had thus far acceded to the Convention; the present number of States Parties was only 65, a further 20 States having signed but not yet ratified it. Full accession to the Convention would represent a gain for each and every State without exception. It would therefore be a most useful step for the Conference to address an appeal to States not yet parties to the Convention to accede to it as soon as possible.

19. Lastly, his delegation accepted the Final Report of the Preparatory Committee and the recommendations contained therein, and was ready to co-operate constructively with the delegations of other countries in the interests of assuring the success of the Conference.

20. Mr. KEISALO (Finland) said that the Review Conference offered a suitable framework for the consideration of the Convention's impact in the field of arms control and disarmament and also provided an opportunity to assess how the Convention served its objective of excluding the use of environmental modification techniques for military or other hostile purposes.

21. Developments in arms control and disarmament in general since the Convention's entry into force had fallen far short of expectations. In fact, the Convention constituted one of the tangible achievements of multilateral disarmament efforts in the form of a legally binding instrument but since 1976, the main multilateral disarmament negotiating body, now known as the Conference on Disarmament, had proved unable to negotiate a single disarmament treaty. At the same time, the arms race had intensified and continued unabated. Awareness of the dangers inherent in the existing situation should at last lead to renewed efforts to resolve existing differences. The arms race should be halted, so that all efforts might be aimed at negotiating further arms control and disarmament agreements. General and complete disarmament under effective international control remained the ultimate objective of all disarmament efforts. Even limited disarmament measures, regardless of the nature of the weapons or their military purpose, were significant in their own right and were a step towards that final goal.
22. Notwithstanding its limited nature and its possible shortcomings, the Convention had made a useful contribution to arms control. It had served the collective interests of the States Parties, as well as the international community at large, by outlawing certain technical possibilities for modifying the environment for hostile purposes. The Convention's success was best illustrated by the fact that the clauses for consultation and co-operation concerning compliance with the Convention had never been invoked. Against such a background it seemed justifiable to say that the provisions of the Convention during the period under review had been fulfilled.

23. The fact that the Convention was a limited arms control measure, and as such could be perceived as having only limited value, had led to differing judgements about its usefulness. That situation was perhaps reflected in the rather small number of States Parties to the Convention. The divergence of views related mainly to article II, which defined the scope of the prohibition incorporated in the Convention. Admittedly, the "threshold" approach which, after long negotiations, had finally been adopted as the basis for the Convention, was not ideal. Nevertheless, his delegation considered it to be reasonably realistic. In theory, it might no doubt be possible to conduct military environmental modification activities which would not be prohibited under the Convention. So far as he was aware, however, no developments had occurred in the meanwhile to make the Convention any less viable as an arms control measure. Finland still took the view that, in practice, the Convention prevented modification of the environment for military or any other hostile purposes. It was none the less conceivable that future technological developments might affect the advisability of the threshold approach. The Review Conference thus afforded a welcome opportunity to examine whether technological developments were or had been of significance from the standpoint of the Convention, and particularly its scope.

24. The in-built flexibility of article II and of the understanding relating to it deserved to be emphasized. The list of examples of phenomena which could have environmental modification effects was not exhaustive and others which might have similar effects could be included in the article. It was the Conference's task to consider whether article II and the understanding relating to it were still in keeping with the needs of the Convention. Again, the implementation of the Convention had not stood in the way of any activities for peaceful purposes, and it would be of interest to the Conference to receive information on possibilities of environmental modification techniques being used for such purposes.

25. At the time of the Convention's adoption, the articles relating to compliance provisions and the Depositary had marked a new approach in multilateral disarmament agreements. Indeed, the Convention had been the first to outline detailed provisions for the role to be played by the Secretary-General of the United Nations and the United Nations as a whole. The Convention also included fact-finding provisions representing an innovative approach which, to some extent, had been used as a point of reference in later discussions. The system provided for in article V was not perhaps ideal, but it afforded an effective and credible framework for initiating and pursuing consultations in cases where a Party was suspected of having breached its obligations under the Convention. That fact, together with the record of nearly six years in which no Party had had recourse to the compliance procedure, indicated that article V was a viable means of ensuring future compliance with the Convention so far as investigation procedures were concerned.
26. Review conferences had become a permanent feature of international arms control and disarmament efforts and, as such, had already proved their value. As to article VIII of the Convention, he was of the opinion that a second Review Conference would be useful, but the timing could be left open for further consideration in accordance with paragraphs 1 and 2 of article VIII.

27. In terms of the number of States Parties, the Convention had so far gathered only rather limited support. The present Review Conference provided an opportunity to address that issue by considering how the Convention could be made more acceptable to a larger number of countries. Under paragraph 1 of article VIII, the Conference was mandated to examine the effectiveness of the provisions of paragraph 1 of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques. A comprehensive consideration of that question was the Conference's most important task in evaluating the effectiveness of the Convention. If it was found that the Convention had lived up to the expectations at the time it had been adopted, then the Convention could be said to have accomplished its objectives. His delegation believed that such was indeed the case.

28. The best way of furthering the objectives of the Convention would be to create conditions that would make States which so far had chosen to stay outside the Convention to reconsider their position. A successful Review Conference would encourage new States to accede to the Convention and would induce signatory States to ratify it in the not too distant future.

29. Mr. BTZOLD (United States of America) said that the United States had from the start participated in the preparation of the draft text and the subsequent negotiations that had brought the Convention into being; naturally, it continued to have a strong interest in maintaining the Convention's effectiveness and increasing the number of its States Parties. As a result of the vision of a number of individuals and groups throughout the world, including the American Senator, Claiborne Pell, and the submission of identical drafts by the United States and the Soviet Union, the Convention had been opened to signature in May 1977 - a signal accomplishment in arms control. The Convention had effectively precluded abuse of developing technologies, had limited the scope of weapons which combatants might use, against one another, and had protected the world community against the environmental harm that might accompany such use.

30. His country had observed with satisfaction that no complaint had been lodged regarding breaches of the Convention's provisions, which it took as a welcome sign that the Convention operated effectively. When the Convention had been before the United States Senate for consent to ratification, officials had expressed the view that it would be an effective instrument for eliminating all significant hostile or military use of environmental modification techniques. Not all States had agreed with them initially: some had voiced concern that the "threshold" provision contained in article 1 would permit some environmental modification techniques to be used for military or hostile purposes, so long as their effects were not "widespread, long-lasting or severe". But because of the careful way in which article 1 had been phrased, any activities which fell beneath the threshold would offer no significant military advantage to a State attempting to exploit environmental modification techniques. The formulation had thus struck the correct balance - it outlawed all significant military or hostile uses of environmental modification techniques, yet did not seek to impose a prohibition that might erode the Convention's effectiveness by opening the door to frivolous complaints.
31. In diplomacy, excessive attention to processes could obscure objectives, but so far, the Convention's objectives had been met. The provisions of article 1 had been effective, and fears that they might contain loopholes had proven groundless. His delegation therefore believed that changes in the scope of the prohibition contained in article 1 were unnecessary. Since one of the Review Conference's specific obligations was to examine the effectiveness of article 1 in eliminating the dangers of military or any other hostile use of environmental modification techniques, he hoped that the issue would be discussed in full and the debate would reveal that States parties generally agreed with the United States concerning the effectiveness of that article.

32. As to the untested mechanisms for consultations and handling complaints arising under the Convention, his delegation believed that article V would be adequate for those purposes and saw no reason to alter it, especially since no complaints had been raised and no deficiencies found in its operation. The United States was, naturally, interested in hearing the views of other delegations on that subject.

33. It was sometimes easy to confuse change with progress by assuming that change must be for the better. In 66 A.D., Petronius Arbiter had written that any new situation tended to be handled by reorganization, which was a wonderful means of creating the illusion of progress. Like Petronius, the Review Conference should have the good sense to leave well enough alone in reviewing the over-all effectiveness of the Convention's operation.

34. His delegation noted some room for improvement with respect to increasing the number of States parties. Universal accession to it would provide an opportunity to accomplish the Convention's most fundamental purpose: to end the threat of environmental warfare. His Government was sure that, through the collective actions of the international community, the world would be brought to understand and appreciate that goal. The Review Conference should indicate to States which were not yet parties that the Convention was believed to be worthwhile and effective. His Government was eager that such States should come to share that belief and encouraged to accede to the Convention. The Review Conference certainly had much to do and his delegation looked forward to sharing in that work and to the successful outcome of those endeavours.

35. Mr. IWATI (Japan) said that the Convention reflected the generally acknowledged need to take appropriate measures to prohibit the development and use of certain types of weapons. Such measures were part of arms control and disarmament activities and paralleled the negotiations on the prohibition of radiological weapons being held by the Conference on Disarmament.

36. The Convention did not prohibit the development of environmental modification techniques; rather, it emphasized that they must never be put to military or hostile use. Most of the techniques for artificially modifying the natural environment were still under study and were not ready to be put to practical use. Various beneficial effects could certainly be expected from them, provided that satisfactory long-term assessment of environmental modifications could be ensured. If, however, such techniques were employed for military or other hostile purposes,
the environment would be seriously imperilled. The Convention was clearly very important for that reason. His country had not only complied with the Convention but had also refrained from developing any environmental modification techniques that could be used for military or hostile purposes. It had no intention whatsoever of developing such techniques in the future. His delegation hoped that the practice of exchanging information and instituting international co-operation for the peaceful use of environmental modification would be established and pursued within the United Nations.

37. In view of the nature of the environmental modification techniques which had been under study when the Convention had been negotiated - techniques which were not precisely definable even today - it was inevitable that some of the expressions used in the Convention were fairly ambiguous. Amendments were unnecessary, however, at least at the present stage, and the Conference of the Committee on Disarmament's understanding was a very useful tool for interpreting the Convention.

38. It was gratifying to note that the terms of the Convention had never been breached and that it had remained effective throughout the six years it had been in force. At the same time, Japan hoped that the Review Conference would provide an opportunity for maintaining and strengthening the Convention's effectiveness, that all participating States would reconfirm their common position, thus facilitating the smooth adoption of the Final Document, and that many States which were not parties would recognize the importance of the Convention and accede to it as soon as possible.

39. Japan had participated constructively in the negotiation of the Convention and become a party to it precisely because it endorsed the goals expressed in the first and second paragraphs of the preamble. Regrettably, the current state of disarmament was such that it did not readily allow hopes for realization of those goals.

40. There was no doubt about the importance of preventive measures and of prohibiting the military or hostile use of techniques that were not yet fully developed, but it was unquestionably more urgent to pursue the need for proper control and reduction of existing weapons which could annihilate mankind many times over. Japan therefore called upon the United States and the Soviet Union, which possessed almost all of the existing nuclear arsenals as well as the majority of modern non-nuclear weapon systems, to recognize their special responsibilities to mankind and to take concrete, effective and verifiable disarmament measures. Japan particularly hoped that the United States-Soviet bilateral nuclear negotiations, which had long been suspended, would be resumed soon and that substantial progress would be made in them. It therefore urged the Soviet Union to return to the negotiating table at the earliest possible date.

The meeting rose at 12.05 p.m.
SUMMARY RECORD OF THE 4TH MEETING

Held at the Palais des Nations, Geneva, on Tuesday, 11 September 1984, at 3 p.m.

President: Mr. KOKKONEN (Finland)

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Review of the operation of the Convention as provided for in its article VIII

General debate (continued)

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GE.84-65371
The meeting was called to order at 3.15 p.m.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE VIII (agenda item 11) (continued) (E/CONF.1/1)

A. GENERAL DEBATE

1. Mr. VEJVODA (Czechoslovakia) said that his country attached great importance to all negotiations aimed at curbing the arms race and eliminating the danger of the outbreak of nuclear war. Czechoslovakia and the other socialist countries had fully supported the initiative taken by the Union of Soviet Socialist Republics for the conclusion of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. The question of the protection and preservation of the environment was one of the most important problems of the time, both at the national and international levels.

2. The destruction of crops and forests in enemy territory had been an act of aggression for millennia and, in the early 1970s, environmental modification for hostile purposes had become a reality. Studies on experiments conducted in that area made it clear that irreversible environmental damage had been caused and that such acts of destruction had serious long-term consequences for human population.

3. The Convention was thus an important international instrument whose effectiveness had been demonstrated by the fact that no breach of its provisions had been reported in the six years since it had entered into force. The principal result of the Review Conference should therefore be the confirmation of the Convention's validity.

4. The Conference should also ensure that the Convention's provisions were being respected, particularly those of article V, which provided that the States Parties undertook to co-operate in solving any problems which might arise in relation to the objectives of, or in the application of the provisions of, the Convention. The fact was that there had been no need to resort to the verification system and that indicated that the provisions adopted in that connection were adequate.

5. Czechoslovakia also attached great importance to the provisions of article III on the use of environmental modification techniques for peaceful purposes and was taking part in international co-operation for the preservation, improvement and peaceful utilization of the environment. It had adopted many scientific and technical measures which were, for example, designed to restructure the utilization of energy resources, build nuclear power stations and heating plants and prevent air pollution and which had already yielded positive results. A large construction project for a desulphurization plant had been launched in co-operation with the Soviet Union and programmes for scientific co-operation with a number of Western European countries were being drawn up.

6. Since the importance of the Convention would continue to increase in proportion to new scientific and technological developments, it was regrettable that only 45 States had acceded to it. All countries which were not yet parties to the Convention should, in their national interest, seriously consider the possibility of becoming parties to it. The international community could then be sure that environmental modification techniques would never be used for hostile purposes.
7. Mr. MIDDLETON (United Kingdom) said the fact that his country had been one of the first to sign and ratify the Convention showed how much importance it attached to that instrument. Although developments in agriculture, industry and transport were of great benefit, they could cause serious environmental pollution and, for that reason, the Convention was as relevant as ever.

8. The effects of peaceful activities on the environment were often insidious, whereas military activities could have more immediate catastrophic effects. Increasing attention was now being paid to the unprecedented dangers to man and his environment which were posed by nuclear war and highlighted the need for all States to act fully in accordance with the commitments they had undertaken under the Charter of the United Nations relating to the maintenance of international peace and security. The United Kingdom and the NATO member States were fully aware of those dangers and had pledged never to use their weapons except in response to attack and to work to achieve disarmament.

9. As its preamble clearly indicated, the Convention was set in the context of general and complete disarmament and was designed specifically to prohibit any deliberate manipulation of natural processes for military purposes. The Conference, whose task was to ensure that the Convention's provisions were being implemented, could note with satisfaction that, in seven years, no violations of its provisions had been reported and that the States Parties had never had recourse to the comprehensive and rigorous consultative procedures which it established.

10. The report by the Stockholm International Peace Research Institute on the Seminar on Environmental Warfare, which had been held in Geneva in April 1984, indicated that, since 1977, there had been no major technological changes that would make it possible to use the environment for military purposes. A number of techniques involving the use of nuclear weapons could be envisaged and any such use of nuclear weapons would have extremely dangerous consequences, but such techniques were still more in the realm of theory than of practice. That did not, however, make the Convention any less valuable and potential dangers in that crucial field must not be underestimated.

11. The Conference could also consider any amendment to the Convention which the States Parties might submit. The United Kingdom had no amendments to suggest and no other State Party appeared to have proposed any amendments. His delegation was, however, prepared to study with care any proposals designed to strengthen the Convention.

12. The relatively low number of States Parties might be explained by the fact that some States considered that the techniques described in the Convention lay far beyond their capabilities and that their membership was, consequently, of little importance. All States could, however, benefit from the prohibitions laid down in the Convention and an increase in the number of States Parties would strengthen the commitment of States to disarmament. His delegation therefore hoped that States which were not yet parties to the Convention would reconsider their position. In that connection, it was particularly pleased that Sweden, Australia and New Zealand had recently acceded to the Convention.

13. His delegation would play its full part in the consideration of the Convention's provisions and hoped that the Conference would adopt by consensus a declaration reaffirming the value of the Convention and encouraging more States to become parties to it.
14. Mr. GREKOV (Byelorussian Soviet Socialist Republic), noting that his country had signed the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques on the day it had been opened for signature and had subsequently ratified it, said that the Convention offered an effective solution to the problem with which it dealt. It specifically prohibited the use of techniques "having widespread, long-lasting or severe effects as the means of destruction, damage or injury" to States Parties because it was precisely those effects that should be most feared. Its effectiveness had been proved by the fact that there had been no question of any breach of its provisions in the six years since it had entered into force. The verification system established in the Convention guaranteed its reliability. The Convention also left ample room for economic and scientific co-operation in the use of the environment for peaceful purposes and, as a State Party to international instruments such as the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and the Convention on Long-Range Transboundary Air Pollution, his country fully supported such co-operation. It was playing an active role in the work being carried out by a number of international organizations in that area, including the UNESCO programme on "Man and the Biosphere". In May 1983, the city of Minsk had hosted the first International Congress on Biosphere Reserves.

15. At a time of unprecedented escalation of the arms race, particularly nuclear arms whose use would have far-reaching ecological and genetic consequences and would destroy the very foundations of human life, the Convention continued to be as relevant as ever. The problem was, moreover, not confined to nuclear weapons, since new types of weapons were being developed and they were capable of causing ecological imbalance and were just as destructive. In such circumstances, it was essential not only to preserve international instruments such as the Convention, but also to adopt without delay new measures aimed at the limitation of all types of weapons and at disarmament. The States of the Socialist group had proposed effective and realistic measures; the matter was now in the hands of the western side.

16. The Convention constituted a genuine step towards the limitation of the arms race; it contributed to the strengthening of international peace and security and had become a vital factor in the preservation of the human environment. The current Conference of States Parties should confirm the effectiveness of that agreement, which had given practical proof of its viability and required no amendment. The circle of States Parties to the Convention still had to be widened and the Conference should make an appeal to that effect in its final document.

17. Mr. MELESCANU (Romania) said that the Conference was meeting at a time of crisis and tension which endangered peace throughout the world. The arms race, particularly the growing nuclear arms race, and the existence of two opposing military blocs in Europe served only to increase the risk of a world war, which would, in present circumstances, inevitably become a nuclear war. For that reason, the President of the Socialist Republic of Romania, Mr. Ceausescu, had recently declared that "the number-one problem of our time is to halt the arms race, to initiate disarmament, particularly nuclear disarmament, and to safeguard the supreme right of peoples to existence, life, liberty, independence and peace".

18. On the basis of that position of principle, Romania had stated that it was in favour of the prohibition and elimination of all weapons and means of mass destruction, including the use of environmental modification techniques for military purposes. Under current circumstances, the greatest threat to the
environment and to the very existence of human civilization was posed by nuclear weapons and by the substantial increase in the danger of nuclear war. The only way to prevent such a war and the disastrous effects it would have on the environment and life in general was to work for the immediate adoption of measures to halt and reverse the nuclear arms race in order to ban nuclear weapons entirely and make them illegal.

19. Romania had often emphasized at the highest levels that everything possible must be done to halt the deployment of United States medium-range missiles in Europe; such deployment had been the reason for the counter-measures announced by the Soviet Union. It had stated that it was in favour of the resumption of negotiations between the Soviet Union and the United States of America on an agreement to eliminate medium-range missiles and, subsequently, all nuclear weapons on the European continent. Romania considered that there was no justification for the deployment of new nuclear weapons. It was more essential than ever to convene a conference in which all nuclear-weapon States would take part with a view to halting the production of new nuclear weapons and gradually limiting and finally eliminating nuclear weapons altogether.

20. Current international difficulties called for increased efforts by all States in all bodies that dealt with disarmament issues. Like other conferences whose task was to review disarmament agreements, the current one had to work in the context of such efforts and make a genuine contribution to the reduction and elimination of nuclear weapons and other weapons of mass destruction. His delegation therefore considered that the aim of the Conference's work was to conduct a thorough review of the operation of the Convention during its six years of existence with a view to the adoption of measures to guarantee the implementation of all its provisions.

21. The review being carried out should lead to the adoption of decisions designed to widen the scope of the Convention, which should prohibit the use of the environment for hostile purposes against any country, and not merely the States Parties to the Convention; to strengthen the obligations provided for in article I of the Convention in order to prohibit the use of any environmental modification techniques for military or other hostile purposes, and not only techniques having "widespread, long-lasting or severe" effects; to prohibit research and development activities on environmental modification techniques for military or other hostile purposes; and to establish a system which would, as a first step, facilitate the full exchange of information between States Parties concerning the use of environmental modification techniques for peaceful purposes, in accordance with the provisions of article III, paragraph 2. His delegation was convinced that the adoption of such measures would arouse the interest of other countries in the Convention and lead to a considerable increase in the number of States Parties.

22. Mr. FERRARI BRAVO (Italy), noting that his country had taken an active part in the negotiation of the Convention in the Conference of the Committee on Disarmament (CCD), said that, although the final text of the Convention was not perfect, it was satisfactory. Italy hoped that the number of accessions and ratifications would increase in the near future and that the countries which had expressed doubts about the effectiveness of the Convention at the time of its negotiation would become States Parties and thus ensure that it was properly implemented.
23. His delegation was well aware of the relationship between the Convention and other aspects of the problems involved in the achievement of disarmament under strict and effective international control; that relationship was, moreover, mentioned in the preamble to the Convention. That did not, however, mean that the Review Conference should deal with matters now being considered by the Committee on Disarmament and other bodies or that the Conference should become a platform for political declarations on broader and more complex disarmament issues. The Conference's work should be confined to matters relating to the Convention itself, if only because many of the participants in the disarmament negotiations were not present at the Conference.

24. His Government saw no need to amend the Convention. When the Convention was being negotiated, Italy had expressed concern about the relatively high threshold of application indicated in article I and about the relative ambiguity of the terms "widespread, long-lasting or serious effects" in paragraph 1 of that article. That concern had been alleviated by the understanding reached in the Conference of the Committee on Disarmament on the interpretation of those terms and that interpretation had virtually become an integral part of the Convention (ENMOD/CONF.I/2, para. 36).

25. The same comments applied to article III, on which an understanding had also been reached in the CCD. Italy was fully aware of the dangers to other countries that might be caused by the careless use of environmental modification techniques, even if they were intended only for peaceful purposes. It took article III to mean that the Convention did not embody legal rules on the use of environmental modification techniques for peaceful purposes inasmuch as such use was governed by other rules of customary and conventional international law. The trend was now towards the codification of international law in that field.

26. With regard to article V of the Convention, his delegation noted that no complaints had so far been lodged with regard to the implementation of the Convention by the States Parties. That was definitely a good sign, but the fact that the verification system had not yet been tested made it impossible to reach any positive or negative conclusions about its effectiveness. At least for the time being, no amendments were necessary. It should, however, be stressed that that system, which might be suited to the needs of the Convention, should not necessarily be regarded as a model for other disarmament conventions, such as the one currently under negotiation in the Committee on Disarmament, since the different types of weapons to be prohibited would require different verification systems suited to the nature, quality and quantity of possible violations of the conventions in question.

The meeting rose at 4.05 p.m.
SUMMARY RECORD OF THE 5TH MEETING

Held at the Palais des Nations, Geneva, on Wednesday, 12 September 1984, at 10.30 a.m.

President: Mr. KOHONEN (Finland)

CONTENTS

General debate (continued)

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GE.84-65376
The meeting was called to order at 10.45 a.m.

GENERAL DEBATE (agenda item 11(a)) (continued)

1. Mr. ROSE (German Democratic Republic) said that he agreed with those speakers who had already pointed out that the Convention had been implemented successfully. The Convention reliably barred the way to any possible hostile use of environmental modification techniques. It was an important factor in efforts to maintain international security and to preserve the human environment, and formed part and parcel of the system of arms limitation and disarmament agreements.

2. Ten years earlier, when the USSR had taken the initiative of suggesting the conclusion of an international convention to outlaw action to influence the environment for military purposes, there had been a real danger that means of modifying the environment might be used for military ends. Thanks to the farsightedness reflected in the Soviet proposal, that development had been brought to a halt. Together with many other States, the German Democratic Republic had lent its support to the initiative from the outset. As a member of the Conference of the Committee on Disarmament, it had been instrumental in drawing up the Convention and had been among the first to sign it in 1977, since which time no further agreement had been worked out by the multilateral negotiating forum on disarmament.

3. In the light of the history of the Convention, three conclusions seemed inescapable. First, it was possible and, indeed, imperative for measures to be taken to prevent the spread of the arms race to new areas. The path embarked upon by the adoption of the ZEMLConvention had to be pursued - for instance, by prohibiting the development and production of new weapons of mass destruction, including the neutron weapon, and by precluding the militarization of outer space. Second, the Convention testified to the fact that arms limitation and disarmament measures were conducive to detente, which, in turn, set the stage for successful negotiations. What more, the Convention demonstrated that negotiations could yield results if, as had been the case with a number of arms limitation steps in the 1970s, all parties were guided by the principle of equality and equal security and took account of each other's justified security interests. Third, the Convention rested on the understanding that all efforts to preserve man's natural environment would come to fruition only if peace could be maintained. Any effective environmental policy which met the needs of mankind required peaceful co-operation among States.

4. Those conclusions were particularly relevant today. In speaking of the ZEML Convention it was certainly correct to emphasize that nuclear weapons posed the most serious and acute threat to man and his environment. The danger of nuclear war had increased further as a result of the confrontation and arms drive policies pursued by imperialist circles; it was essential, therefore, to do everything to prevent a nuclear inferno and to safeguard peace. That was one of the basic principles by which his country had been guided in the conduct of its foreign policy in the 35 years of its existence. As Mr. Honecker, Chairman of the Council of State of the German Democratic Republic had recently stated on the occasion of World Peace Day, the German Democratic Republic regarded as an important objective the continuation and broadening of the political dialogue among all those who cherished peace and worked together with all those who realized that there was no reasonable alternative to peaceful co-existence among countries with different social systems.
5. Elimination of the danger caused by the deployment of new United States first-strike weapons in Western Europe was a matter of particular urgency. The stationing of those weapons had to be stopped, and the ones already in place had to be removed. That would enable the socialist countries to engage in the negotiations of which the representative of Japan had spoken at the third meeting of the Conference. All avenues had to be explored in order to save mankind from a nuclear catastrophe. For that reason, in international disarmament bodies his country advocated urgent steps to prevent a nuclear war, to halt the arms race and to achieve nuclear disarmament. The proposals made by the States Parties to the Warsaw Treaty, recently reiterated in a declaration issued at the Moscow summit of member States of the Council for Mutual Economic Assistance, constituted a realistic programme and testified to the goodwill of the countries concerned. Measures calling for priority were renunciation by all nuclear-weapon States of the first use of nuclear weapons, cessation of nuclear-weapon tests, a freeze on nuclear arsenals and prevention of the militarization of outer space.

6. Together with the overwhelming majority of members of the Conference on Disarmament, in 1984 the German Democratic Republic had again spoken in favour of starting pertinent multilateral negotiations, an attitude that was in keeping with the preamble to the ENMOD Convention, in which the States Parties committed themselves to continuing negotiations with a view to achieving effective progress towards further measures in the field of disarmament. Unfortunately, it had not proved possible to make effective headway at the 1984 session of the Conference on Disarmament, whose report to the General Assembly reflected the situation and also made clear where the fault lay.

7. Because of the rapid advances in science and technology, man was now in a position to modify the environment in unpredictable ways. There was a real danger that scientific and technological findings in the area of environmental research might be employed to the detriment of human society. The Convention effectively barred such abuse and, moreover, furthered international co-operation in the conservation, improvement and peaceful uses of the environment. His country had always paid great attention to the environment. As far back as in 1970, it had passed a Law on the Systematic Implementation of Socialist Environmental Policies, thus providing a broad legal basis for nature conservancy subsequently reinforced by further legislation. The German Democratic Republic actively participated in international environmental protection efforts and was a party to numerous agreements, such as the Convention on the Protection of the Marine Environment of the Baltic Sea Area and the Convention on Long-Range Transboundary Air Pollution. Moreover, in co-operation with UNEP and UNESCO, it had for several years been conducting environmental management courses for specialists from developing nations.

8. His delegation expected the Conference to contribute to the strengthening of the Convention. The final document should stress the useful role played by the Convention and call for the conclusion of further arms limitation and disarmament agreements, as envisaged in the preamble. It should also draw attention to the fact that the Convention had demonstrated its viability and had served its purpose. Similarly, the document should note that all States Parties had complied with the Convention's stipulations, that there had been no complaints whatsoever about acts contrary to the Convention's terms and, consequently, no need to set in motion the procedure provided for in article V, something which bore out his delegation's view that the verification provisions should be retained in their present form. Furthermore,
it should be underlined that 45 States were parties to the Convention and, in that connection, an appeal should be made to other countries to accede to the Convention as early as possible.

9. In conclusion, he reaffirmed his delegation's readiness to help to make the Conference a success, so that the Convention might be rendered even more effective.

10. Mr. LUNDBG (Norway) said that the Convention was a valuable, if limited, measure of arms control. As affirmed in the preamble, the Convention had been concluded in the context of a wish to contribute to the cause of halting the arms race and of bringing about general and complete disarmament under strict and effective international control, as well as in recognition of the fact that scientific and technical advances might open new possibilities with respect to modification of the environment. The Convention thus had a direct bearing on the vital question of preserving the environment, a most important challenge facing the international community in the years ahead. Obviously, military or any other hostile use of environmental modification techniques, as stated in the preamble, could have effects extremely harmful to human welfare.

11. In view of the time that had elapsed since the Convention's entry into force and of developments in the meanwhile, his Government welcomed the opportunity to review the Convention's operation so as to ensure that its purposes and provisions were being realised. Norway had co-sponsored the draft resolution at the thirty-seventh session of the General Assembly, adopted as resolution 37/99 I on 13 December 1982, which called for the present Review Conference. In general, the Norwegian Government was satisfied with the operation of the Convention and considered that, within its scope, it served as a useful arms control instrument. The Conference should therefore confirm the Convention's continuing importance and express firm strong support for it, thus helping to enhance the Convention's status within the international community.

12. An essential fact was that the Convention did not prohibit the use of environmental modification techniques for peaceful purposes and that, under article III, paragraph 2, the States Parties had the right to participate in the fullest possible exchange of scientific and technological information with regard to peaceful uses of such techniques. Nevertheless, it could not be denied that the Convention was rather limited in scope, since it prohibited only certain types of military or any other hostile use of such techniques. It concerned those techniques which had widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party, but not to all States. Comments on the scope of the prohibition should therefore be examined thoroughly at the Conference in accordance with the explicit mandate set out in paragraph 1 of article VIII.

13. The Conference should also examine the complex verification and complaints procedures provided for in article V, which assigned a vital role to the Security Council, and should give careful consideration to any comments made in connection with the article. His delegation, for its part, wished to point out that the provisions had stood the test of time and had not, so far, complicated effective implementation of the Convention.
14. Noting that the number of States Parties had steadily increased since the Convention's entry into force on 5 October 1976, he welcomed Sweden, Australia and New Zealand as the most recent among them. However, the Convention was still far from universal. Norway took the view that further accessions to the Convention would contribute to international confidence, and therefore considered that the Conference should, by consensus, adopt a final declaration containing an appeal to States which had not yet become parties to do so at the earliest possible date. The final declaration should also recognize the importance of the review mechanism provided for in article VIII and should include a decision in principle to hold a second Review Conference in accordance with paragraphs 2 and 3 of that article.

15. Mr. Turbanski (Poland) said that, faithful to the basic principles of its peaceful foreign policy, his country attached great importance to every step made towards the strengthening of international security and arms limitation. In the tormented present-day world, with extremely dangerous international tensions, an ever-growing nuclear arms race and the constant threat of nuclear war, the value of small but gradual steps limiting armaments and leading to disarmament was all too evident. The elaboration of the final draft of the Convention within the framework of the Conference of the Committee on Disarmament in 1976 had been such a step. Yet today, because of the policies of imperialist forces aimed at achieving military superiority, it was extremely difficult to take even a small step forward in the ongoing process of negotiating disarmament agreements. The Convention under review was but one tangible result of multilateral disarmament efforts. Indeed, since 1976, neither the Conference on Disarmament nor its direct predecessors had been able to negotiate and elaborate a single disarmament agreement. His delegation hoped that, through the general debate, the review of the EUNCD Convention would, inter alia, help all States and international public opinion at large to realize the urgent need to lay the foundations for the resumption of a constructive disarmament dialogue in order to halt the nuclear arms race and stop the saturation of the human environment with deadly nuclear and other weapons of mass destruction.

16. As a result of the numerous wars which had ravaged its material, human and spiritual resources, Poland was only too well aware of the price of the losses and sufferings brought by war. It therefore felt a particular moral duty to support all initiatives aimed at strengthening confidence and mutual understanding among nations. Accordingly, considering that the EUNCD Convention was an important agreement in the area of arms limitation and disarmament, his country had taken an active part in preparing the Convention, had welcomed with satisfaction the agreement reached on the text, and had eventually become one of the first States Parties. His Government regarded the Convention as a constructive contribution to the development of instruments of international law to eliminate the threat or use of weapons with destructive effects of particularly incalculable and unforeseeable dimensions.

17. The elaboration of the Convention and the subsequent writings by specialists, had revealed some, if not all, of the terrible potential consequences of warfare involving the use of weapons of mass destruction of the kind with which the Convention was concerned. His delegation fully subscribed to the political objectives formulated in the preamble, particularly those stating that the States Parties were guided by the interest of consolidating peace and wished to contribute to the cause of halting the arms race, of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger
of using new means of warfare. It was also convinced of the importance and
timeliness of those paragraphs of the preamble which called for the continuation of
negotiations with a view to achieving effective progress towards further measures in
the field of disarmament and for the strengthening of trust among nations in accordance
with the purposes and principles of the Charter of the United Nations.

18. With reference to statements by previous speakers who had dwelt on the
Convention's imperfections, he recalled that the final text had been arrived at as
a constructive compromise between the Soviet draft submitted to the General Assembly
in 1974 - a draft in which, it would be remembered, the Soviet Union had advocated a
comprehensive prohibition - and other proposals. In his opinion, the provision in
paragraph 2 of article III whereby the States Parties undertook to facilitate and
had the right to participate in the fullest possible exchange of scientific and
technological information on the use of environmental modification techniques for
peaceful purposes was one of the Convention's most valuable features.

19. Again, the provisions of article V relating to the observance and verification
of compliance with the Convention equally deserved positive consideration. The
possibility of convening a Consultative Committee of Experts, whose functions and
rules of procedure were defined in an annex and constituted an integral part of the
Convention, in itself represented a considerable accomplishment. The fact that, in
the six years or so since the Convention's entry into force, no State Party had had
recourse to the procedure set out in article V showed that the article was a viable
means of ensuring compliance in the future and that it did not require any amendment.
His delegation also took a positive view of the provision appointing the
Secretary-General of the United Nations as the depository of the Convention, a
provision which it regarded as recognition of the role played by the United Nations
in disarmament negotiations and as an expression of the democratization of
international relations and of the disarmament process.

20. For all those reasons, the Convention could be seen as a truly positive
factor in international life, but it was a matter of concern that the Convention had
not yet gained universal acceptance. Accession by all States would be the best and
most efficient means of strengthening the Convention and would, moreover, make a
significant contribution to the building of confidence, so sorely needed in
international life today. His delegation therefore joined all those who had
appealed to States which had not yet become parties to the Convention to do so at
the earliest possible date. Such a course was most desirable in the interest of all
States and nations, as well as the human environment.

21. Mr. DEESLEY (Canada) said that it was appropriate for the Conference to take
stock of the commitments entered into, to evaluate how they had been fulfilled, and
to consider the provisions for monitoring and verifying compliance with the Convention.
One of the major strengths of the Convention was that it dealt with two important
areas of international concern: the imperative need for protection of the environment
and the urgent necessity for verifiable arms control agreements. Another factor
was that it had been supported by the major powers and by a broad cross-section of
the States Members of the United Nations.
22. A number of speakers had pointed to the limited scope of the Convention, which was true. However, in the light of the current situation regarding the relevant technology, the Convention's scope, as defined in article I, seemed sufficiently wide and should be maintained at the present level. Despite its limitations, the Convention was a useful addition to the existing multilateral arms control instruments and played a preventive rather than a remedial role.

23. The Convention had been criticized for banning techniques which did not exist as yet. The same might be said of other treaties, such as the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. Nevertheless, the world did not stand still and scientific and technical advances had made the use of environmental forces for military purposes increasingly likely. In the Conference of the Committee on Disarmament, Canada had submitted a study (document CDI/463) in August 1975 on the use of environmental modification techniques for military or other hostile purposes. The study had explained that the environment was highly complex in structure and that structural discontinuities often involved a significant energy imbalance. With appropriate techniques, it might be possible to harness or modify the energy imbalance in the environment so as to gain military advantages. Indeed, more energy could be obtained that way than was available through nuclear weapons. Clearly, the Convention was intended to foreclose that avenue of weapons developments and, hence, it should not be denigrated.

24. Mr. Kurt Waldheim, the former Secretary-General had cited the Convention as one of a series of international agreements which had been achieved by means of multilateral negotiations, and the first to assign him a role in verification procedures, thereby indicating the intention of the world community to have the United Nations play a more central role in disarmament. That topic might usefully be discussed by the Conference. In his own opinion, the multilateral process had been undeservedly criticized in some quarters. Any assessment of the Convention should recognize its contribution, however limited, to international stability. The Convention had been adhered to and, as many other speakers had pointed out, there had been no breaches or allegations of breaches of its provisions.

25. Compliance and verification procedures were among the most essential issues under consideration by the Conference on Disarmament. The Review Conference might likewise do well to assess the adequacy of such provisions in the Convention currently under review. Some delegations doubted whether the Security Council, in which not all States Parties were represented, was an appropriate body for the purposes of the Convention. In Canada's view, that was still the most practical solution, although the point was open to appraisal both now and in the future.

26. The promotion of multilateral, bilateral and national action to protect and preserve the environment had been a high priority for his Government for many years. For instance, at the 1972 United Nations Conference on the Human Environment, Canada had played an extremely active role in developing the principles of environmental law. The basic requirement for the achievement of an "environmental ethic" was that States should accept responsibility for the effects of their actions on the environment in other States. That concept, founded on the landmark Trail Smelter case, was reflected in Principle 21 of the Declaration on the Human Environment, which had been accepted by consensus. It was also valid for treaties such as the Convention under review, which were significant both as environmental and as arms
control treaties in that their objective was the survival of mankind. The Conference should try to apply the knowledge already gained in current disarmament negotiations, for instance, in the efforts of the Conference on Disarmament to reach an agreement on the banning of radiological weapons. He had in mind, of course, the importance of adequate verification procedures and the viability of multilateral negotiations as a means of achieving arms control.

27. As yet, very few States had become parties to the Convention and it was gratifying to note the recent accession of Sweden, New Zealand and Australia. The issue of wider participation, not only in the Convention but in other instruments, was of great importance, and he had noted Norway's suggestion with interest. Plainly, many more States must be encouraged to accede to the Convention. In view of the disappointing results achieved by the Conference on Disarmament, the Review Conference must adopt an objective and constructive approach to its deliberations and make at least a small contribution to arms control by reaffirming the value of the Convention.

28. Mr. VAN SCHAIK (Netherlands) said that, at The Hague Peace Conference in 1999, a declaration had been signed to prohibit the launching of projectiles and explosives from balloons and by other new methods. A sort of review conference had been held at The Hague in 1907 and a declaration had been adopted in connection with the earlier prohibition. Regrettably, the parties had failed to review the agreement again to take account of the development of aeroplanes, and other States had not been encouraged to become party to the declaration. Such an example showed that an international agreement could lose its relevance unless it was reviewed and, if necessary, adjusted and strengthened. That was particularly true of universal disarmament agreements like the Convention under review, in which the question of new technological developments played a crucial role.

29. The task of the Review Conference was twofold: it should determine whether the prohibitions set forth in article I of the Convention had been effective, taking account of any new techniques, and discuss how the proposed global ban could be made effective world-wide as soon as possible. The three major problem areas were: (1) the scope of the Convention; (2) the distinction between the use of environmental modification techniques for peaceful purposes and for hostile purposes; and (3) ways and means of gaining wider recognition for the prohibitions laid down in article I.

30. When the Convention had been finalized, many delegations had considered that it was too narrow. However, important agreed understandings existed regarding its scope and, in the years in which it had been in operation, no incidents or new techniques had been reported that could possibly come within the scope of a modified Convention. The text specifically prohibited the use of environmental modification techniques which had widespread, long-lasting or severe effects, and a more general prohibition on the use of techniques which did not meet those criteria would not serve any useful purpose. Again, the use of environmental modification techniques for peaceful purposes lay outside the purview of the Conference; even though such use might have grave consequences for other countries. Nevertheless, it was not covered by the Convention, and it was to be hoped that the matter would soon be dealt with in another instrument.

31. Another problem concerned activities, particularly research and development, which might serve both peaceful and hostile purposes. However, it was difficult to decide at the development stage whether a technique could be used only for hostile purposes and prohibition on research for hostile purposes would pose enormous problems. One way to strengthen confidence was for the Parties to make no secret of their
research and development. As far back as 1976, the Netherlands had suggested in the Conference of the Committee on Disarmament that all theoretical research in the field of environmental modification should be openly discussed and freely published in scientific journals. Another course was for countries to announce their plans for field experiments in advance and invite attendance by scientists from other countries. The open register of activities involving weather modification, kept by the World Meteorological Organization, could serve as a model for other activities.

32. Many speakers had expressed approval of the Convention, despite its limitations, and he agreed with that view. However, there was no room for complacency. The obligations under the Convention had been observed, but mainly because they related to military techniques which were either non-existent or of marginal military significance. The provisions for consultation and verification had not proved to be inadequate because they had not yet been tested.

33. The main task of the Convention was to close off certain possible avenues for the expansion of the arms race. As such, it was a vital instrument, despite its imperfections. It was essential to gain more general acceptance of the prohibitions laid down in article I, and a positive outcome to the Conference would encourage more accessions. When it had ratified the Convention, his country had declared that it accepted the obligations laid down in article I as extending to States which, although not Parties, acted in conformity with article I. Other States should do the same in order to ensure that the prohibitions set forth in the Convention were generally recognized as part of international law.

34. Mr. WITCREN (Sweden) said that the Convention was an important international instrument in preventing the development or use of potentially devastating methods of warfare. His country had taken an active part in its elaboration, but believed that the final result was not entirely satisfactory. Certain aspects were not in harmony with what was understood to be the Convention's over-all objectives. Sweden was especially concerned about the procedure for verification and compliance. Article V and the annex to the Convention stipulated that, at the request of a State Party, a Consultative Committee of Experts would be established to provide their views on any problem relating to the application of article V, paragraph 1, but article V also entrusted to the Security Council the task of deciding whether or not a breach had occurred. Clearly, that was unsatisfactory, since the members of the Security Council were not necessarily States Parties to the Convention, and the veto power of permanent members of the Security Council could create problems. Assessment of the facts and determination of possible action in the event of a breach of the Convention should plainly be the task of the Parties to the Convention. One way to improve the situation might be to invite States Parties to consider the Consultative Committee's report before the Security Council dealt with the matter; they could then judge the situation independently, before the Security Council came to a final decision.

35. Under article I, the obligations deriving from the Convention related only to other States Parties. The Swedish Government was opposed to limiting the scope of the Convention in that way. International law must be maintained and strengthened. Internationally adopted and accepted rules of warfare were universal in application. Hence, the Parties should fulfill their obligations under the Convention in respect of each and every State, and not only the other States Parties. The Conference should discuss ways of bringing article I, paragraph 1, into harmony with that requirement.
36. The commitment by States Parties not to engage in military or any other hostile use of environmental modification techniques applied to enemy territory as well as to one's own. The "threshold" above which environmental warfare was to be considered a breach of the Convention was far too high. The wide geographical parameter given to the threshold meant that very small States could fall entirely below it, and it might permit an aggressor to use environmental modification techniques quite extensively. That was plainly unsatisfactory in terms of the overall objectives of the Convention, and the States Parties must try to reach agreement on eliminating the threshold, or at least reducing it and defining it more clearly.

37. Despite the Convention's shortcomings, he believed it was a valuable step forward in the process of arms control and disarmament negotiations, and would welcome a far greater number of accessions to it. As to article III, efforts must be made to facilitate the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. Sweden welcomed the opportunity the Review Conference provided for discussing the Convention and technical and scientific developments related to environmental modification for hostile purposes.

38. Mr. ALFARAGI (Egypt) said that, although the Convention was not actually a disarmament measure, it could be viewed as a preventive device restricting the use of environmental modification techniques for hostile purposes, and for that reason it was valuable. All States had a joint obligation to preserve the environment, which was the common heritage of mankind, and everyone agreed that the Convention must be universally acceded to and its provisions complied with in good faith. Many countries had expressed satisfaction that no complaints of breaches of the Convention had been registered, but it was a cause for concern that, in the years it had been in force, less than one-fourth of the States Members of the United Nations had ratified it. The Conference must look into the reasons why more members of the international community had not acceded to the Convention.

39. Some participants had expressed dissatisfaction with the provisions of article I, paragraph 1, on the grounds that the scope of the prohibitions laid down therein were too limited and that the "threshold" might give licence to modify the environment below the given limit. Furthermore, the paragraph simply covered the actual use of environmental modification techniques, but not the threat of their use or their development for military or hostile purposes. Obviously, the prohibitions must be extended to cover those activities.

40. Some delegations had reservations about the fact that the Convention contained inadequate provisions concerning the peaceful use of environmental modification techniques. They believed that close international co-operation should be established in that area, especially in view of the serious environmental problems, such as drought, faced by the developing countries.

41. The system of verification and of handling complaints established in article V was inadequate, since the monitoring body was not a representative organ composed of States Parties to the Convention. Admittedly, a State Party could lodge a complaint with the Security Council, but the shortcomings had to be removed, and appropriate solutions must be found to enhance the Convention's effectiveness and encourage more countries to accede to it. The Convention would then be transformed from a preventive instrument into a prohibitive instrument and one which was part and parcel of the entire system of disarmament measures.

The meeting rose at 12.10 p.m.
SUMMARY RECORD OF THE 6TH MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 12 September 1984, at 3 p.m.

President: Mr. KORHONEN (Finland)

CONTENTS

Application for observer status

Review of the operation of the Convention as provided for in its article VIII
(continued)

A. General debate (continued)
The meeting was called to order at 3.15 p.m.

APPLICATION FOR OBSERVER STATUS

1. The President informed the Conference that the Government of Algeria had applied to the Secretary-General of the Conference for observer status. If there were no objections, he would take it that the Conference agreed to that request, in accordance with article 44 of the Rules of Procedure.

2. It was so decided.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE VIII (agenda item 11) (continued) (ENMOD/CONF.I/5)

A. GENERAL DEBATE (continued)

3. Mr. ELLER (Federal Republic of Germany) said that the Convention, which aimed to eliminate a new form of warfare before the new techniques it presupposed were fully developed, was an important example of the preventive initiatives which could be taken to encourage arms limitation and disarmament. Other bodies concerned with other aspects of disarmament, for instance the Conference on Disarmament, should also consider adopting preventive measures.

4. The Convention also represented a vital contribution to the protection of the biological and ecological environment. The Government of the Federal Republic of Germany, which attached the highest importance to preserving the environment in all its aspects, fully supported the Convention's objectives and noted with satisfaction that its provisions had been respected. No country had attempted to use environmental modification techniques for military or other hostile purposes and no complaints of such attempts had been lodged.

5. During the consideration of the draft of the Convention, his delegation and others had expressed concern about the adequacy of the verification and complaints procedure as contained in article V. Its eventual decision that the Convention as a whole was acceptable did not mean that that procedure could act as a precedent. Disarmament agreements should incorporate verification and complaint procedures appropriate to the issues under negotiation.

6. With the recent accession of Australia and New Zealand, the number of States parties to the Convention had risen to 45. His Government regretted States' slowness in acceding to the instrument, which it hoped would become universal. The Review Conference should appeal to all States Members of the United Nations which had not yet done so to accede to the Convention.

7. Mr. ERDENEBILEG (Mongolia) recalled that his country had taken an active part in drawing up the Convention and had signed and ratified it in 1977. The Convention was one of the tangible results of the efforts towards détente undertaken by the international community in the 1970s. It was an important preventive measure and a considerable contribution not only to the preservation of the environment but also to the limitation of various aspects of the arms race and to disarmament in general. The six years since the Convention's entry into force had confirmed its usefulness and effectiveness as an international instrument. The States parties were respecting its basic principles and fulfilling the obligations it imposed, particularly those entailed by article I. In expressing his gratification that no State party had yet had recourse to the complaints procedure provided for in article V, he observed that paragraph 1 of that article also gave States parties full scope to resolve any problems by means of international consultation. He was pleased that so many members of the international community had acceded to the Convention.
8. His Government attached considerable importance to the objectives stated in the preamble to the Convention concerning disarmament and confidence-building between States. In that spirit, Mongoliia would submit to the General Assembly at its thirty-ninth session a declaration on the right of peoples to peace which would advocate the non-use of force in international relations and the peaceful settlement of disputes. The socialist countries were unting in their efforts to achieve the adoption of real nuclear arms limitation measures, but they were being thwarted by the forces of imperialism, which, in order to continue the arms race, were blocking the negotiations that had been undertaken.

9. He hoped that the Conference would confirm the viability and effectiveness of the Convention, reaffirm the willingness of the States parties to realize its objectives and appeal to all countries which had not yet done so to accede to the Convention.

10. Mr. KOCHUBEY (Ukrainian Soviet Socialist Republic) said that over the years the Convention had proved itself a viable, effective and politically important instrument; the increase in the number of States parties bore witness to its importance as an international legal instrument. Its objectives were being accomplished and it did not need any amendment. The verification procedure laid down in the Convention was sufficiently wide-ranging and effective. Since its entry into force there had been no complaints of breaches of the Convention, which indicated that the States parties were discharging fully their obligations under both paragraphs of article I. The States parties would, he was sure, continue to adhere strictly to the code of conduct laid down in the Convention; that was an especially important point because measures to strengthen security and trust among nations were now more necessary than ever before.

11. The Ukrainian SSR had learned many lessons as a result of the fascist aggression, which had been victoriously defeated 40 years before and it was aware that only vigorous and concerted action could preserve peace and thwart the policies of the imperialist forces which, in their pursuit of military and strategic supremacy, were encouraging the arms race and driving the world to the brink of the nuclear abyss. Recently, there had been talk of extending the arms race into outer space; if such "star wars" were to break out, they would mean environmental disaster and the end of the world. At a time when the very survival of human civilization was in jeopardy, peace initiatives such as that of the Union of Soviet Socialist Republics deserved full approval and support. The Soviet Union had proposed the opening of negotiations to prohibit the militarization of space and the development and deployment of means of war in space. It had also proposed to the other nuclear Powers the negotiation of a code of conduct under which they would undertake in particular not to be the first to use nuclear weapons; never under any circumstances to use nuclear weapons against States which did not have such weapons on their territory and which had undertaken not to produce or acquire them; to prohibit the spread of all nuclear weapons; not to deploy such weapons in countries which did not possess them; and to work for the gradual limitation and ultimate elimination of nuclear weapons.

12. It was with the same constructive approach to disarmament problems that the Soviet Union had, 10 years before, proposed the conclusion of the Convention now under review. The Convention did not preclude the use of environmental modification techniques for peaceful purposes or for the benefit of existing and future generations. His country was, for example, elaborating and employing ways of influencing hydrometeorological processes and was taking part in the work being done on that subject by international organizations such as UNESCO, UNEP, the Economic Commission for Europe and WMO.
13. The final document of the Conference could take the form of a final declaration, one which various review conferences had shown was entirely justified. It should refer to the importance of the Convention as a concrete measure to limit the arms race and strengthen security, record the fact that the Convention had not been breached and appeal to all States which had not yet done so to become parties to the instrument.

14. Mr. ROWE (Australia) said that his country's recent ratification of the Convention bore witness to the Australian Government's firm support for disarmament efforts. On 7 August 1984, the Australian Minister for Foreign Affairs had stated before the Conference on Disarmament that the Australian Government gave absolute priority to nuclear arms control and to disarmament.

15. Australia was also playing an active part in the work being done in the Conference on Disarmament and elsewhere on measures to prohibit nuclear tests, chemical weapons and an arms race in outer space. Those multilateral negotiations were not advancing as quickly as hoped and in some areas there appeared to be a stalemate, but the Australian Government nevertheless remained convinced of their usefulness, while, however, wishing to minimize the value of bilateral negotiations, which were likewise indispensable for complete disarmament.

16. At the Review Conference, which offered an opportunity to evaluate the Convention's impact in the field of disarmament and to determine whether it had achieved its objective, the goal should be to strengthen and reaffirm the instrument. Australia considered that everything possible should be done to ensure that States parties did not engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State party. At the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law in Armed Conflicts, held in Geneva in 1974, the Australian delegation had helped to ensure the inclusion of articles on environmental protection in the draft Additional Protocols to the 1949 Geneva Conventions. Subsequently, the Australian Government had followed closely the elaboration of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques and, at the thirty-first session of the General Assembly, the Australian delegation had voted in favour of resolution 31/72, with which the General Assembly had submitted the Convention to all States for signature. Australia had signed the Convention on 18 May 1977 and ratified it on 7 September 1984.

17. The Convention was a valuable instrument in its present form, but his Government nevertheless considered that the Review Conference could usefully exchange views on the improvements that might subsequently be considered. His delegation had no specific amendments to propose, but it would be willing to consider any suggestion aimed at widening the Convention's scope, which, in some respects, too narrow. Any proposals for change should, of course, be clearly intended to improve and not detract from the effectiveness of the Convention. Improvements might well encourage more countries to accede to the instrument.

18. The fact-finding procedures and the establishment of a Consultative Committee of Experts provided for in article V constituted an important precedent and should enable any complaint about the Convention's application to be satisfactorily resolved without recourse to the Security Council. The fact that, since the Convention's entry into force, no State party had invoked those procedures was gratifying, for it proved that the Convention was an effective instrument contributing to peace and security.
19. Mr. LINEHAM (New Zealand) said that his country fully supported all the disarmament efforts of the international community and regretted that, in the six years since the Convention's entry into force, the arms race had intensified and international relations had seriously deteriorated.

20. The environmental modification techniques dealt with in the Convention were by no means fully developed and it would undoubtedly be preferable to give priority to the control and limitation of existing weapons. However, his Government did not underestimate the Convention's importance and had accordingly acceded to the instrument on 7 September 1984. While the Convention was not a perfect arms control instrument, it was important that the largest possible number of States should accede to it.

21. New Zealand and some other States had not been completely satisfied with the negotiation process and had had serious doubts about the way in which the text had been presented to the international community. Moreover, the text itself had occasioned certain problems. For example, the meaning of the expression "having widespread, long-lasting or severe effects", used in article I, was still not clear. On according to the Convention, the New Zealand Government had stated clearly its interpretation that nothing in the instrument limited the obligation of States to refrain from using environmental modification techniques that were contrary to international law.

22. His Government noted with pleasure that no breach of the Convention's provisions had been reported and that it had not been necessary to apply the verification procedures. Those procedures and certain key provisions of the Convention could usefully be improved; such improvements would doubtless lead to an increase in the number of States parties. It was, however, essential to ensure that amendment of the Convention did not weaken support for the principles it embodied.

23. His Government earnestly hoped that more States would accede to the Convention and that the Review Conference work would help to bring that about.

24. Mr. TEMLALOV (People's Republic of Bulgaria) said that the fundamental objectives of his country's foreign policy were to help to eliminate the danger of nuclear war, to strengthen international peace and security, to halt the arms race and to bring about disarmament. It was vitally important that disarmament negotiations should be conducted in an atmosphere of mutual trust and respect for the legitimate interests of all countries. The People's Republic of Bulgaria had been one of the first countries to sign and ratify the Convention, which it considered an outstanding international legal instrument for strengthening trust among nations, limiting the arms race and helping to protect and improve the environment for the benefit of present and future generations.

25. His delegation was pleased to note that no breaches of the Convention had been reported since its entry into force. It urged the Conference to appeal to States which were not yet parties to the Convention to become so as soon as possible and it would support all efforts to increase co-operation with, for example, UNEP, WHO and WMO, bodies which played a useful role in ensuring compliance with the Convention.
26. His delegation would contribute fully to the drafting of a final document that would reinforce the role and importance of the Convention.

27. Mr. McCarthy (Ghana) said that his country was glad to be a party to the Convention, whose adoption had been a significant step on the road to complete disarmament and the protection of the environment.

28. His delegation had noted that, of the some 50 African States, only six were parties to the Convention and only two of those were represented at the Conference. It was vitally important that as many States as possible should participate in efforts to preserve humanity and ensure disarmament. The two nuclear super-Powers, the Soviet Union and the United States of America, had a duty to continue their disarmament negotiations in order to prove to the rest of the world, particularly to those States which were not parties to the Convention, that complete disarmament was feasible. His delegation appealed to the Soviet Union to resume negotiations and to the United States of America to prove that it had the political will to ensure a successful conclusion to the nuclear disarmament negotiations.

29. The Convention was extremely important to West African countries, which in recent years had suffered seriously from the consequences of natural and climatic phenomena. Such a situation, which had occasioned considerable loss of life and property, was a perfect example of what the use of environmental modification techniques for hostile purposes might entail.

30. His delegation was glad that article III, paragraph 1, of the Convention permitted the use of environmental modification techniques for peaceful purposes. It appealed to the developed countries, with their great technological potential, to turn their attention to devising techniques for the beneficial modification of the environment in those parts of the world that were threatened by natural phenomena.

31. The President warmly thanked all delegations which had contributed to the progress of the Conference. He declared the general debate closed.

The meeting rose at 4.25 p.m.
SUMMARY RECORD OF THE 7th MEETING

held at the Palais des Nations, Geneva,
on Thursday, 13 September 1984, at 5 p.m.

President: Mr. KORHONEN (Finland)

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B. Articles I-X

C. Preambular paragraphs and purposes of the Convention

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should be sent within one week of the date of this document to the Official Records
Editing Section, room EN106B, Palais des Nations, Geneva.

Any corrections to the record of this meeting and of other meetings will be
issued in a corrigendum.
The meeting was called to order at 3.25 p.m.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE VIII
(agenda item 11) (continued) (ENMOD/CONF.I/2)

B. ARTICLES I-X

Article I

1. Mr. AL HASHIM (Kuwait) asked that the words "or non-hostile" should be inserted after the words "any other hostile" in paragraph 1 of the article.

2. Mr. HASSAN (Egypt) said that it was vital to keep the provisions of the article, particularly paragraph 1, under constant review so as to ensure that the Convention remained applicable to all possibilities of using environmental modification techniques for hostile purposes.

3. Mr. EKREUS (Sweden) commented that, under article I, States parties only undertook not to engage in hostile uses of environmental modification techniques against other States parties. However, the law of war, being international law, was applicable to all States without exception; States parties should therefore give the undertaking in question with regard to all States. He urged the Conference to include a statement to that effect in its final document.

4. In the understanding concerning paragraph 1 of the article, it had been agreed to interpret "widespread effects" to mean effects encompassing an area on the scale of several hundred square kilometres. There were, however, States whose total area was smaller than that; could they reasonably be asked to adhere to the Convention when, under that provision, an aggressor could resort with impunity to the use of environmental modification techniques on their territory? Clearly, thresholds of the kind in question should be scrapped, or at least lowered and more precisely defined. The Conference should take the opportunity open to it to remedy the Convention's deficiencies, as that was the only way the instrument would become universal.

5. Mr. KONISHI (Japan) thought that the negotiations leading to the conclusion of the Convention had made the meaning of the phrase "widespread, long-lasting or severe effects" sufficiently clear. While it was not an integral part of the Convention, the understanding regarding article I provided a guideline for use in determining whether a given technique would or would not produce the effects referred to in paragraph 1 of the article. The understanding was, therefore, useful and should be maintained unchanged.

6. Mr. ZAKHAROV (Union of Soviet Socialist Republics) considered that the phrase "widespread, long-lasting or severe effects" was broader in scope than it appeared at first sight, since it also prohibited the use of techniques that met only one of the three stipulated conditions, for example techniques whose effects, albeit highly localized or transitory, were none the less severe. An alternative to the fixing of explicit thresholds in had been done in paragraph 1 of article I might have been to ban research and development relating to environmental modification techniques for hostile purposes, as the Soviet Union had proposed in its initial draft convention; that would, however, have made it considerably more difficult to decide whether a given technique was covered by the Convention or not. It was, of course, not easy to devise provisions encompassing all aspects of a subject as vast as that of environmental modification, for environmental modification techniques could serve as weapons of mass destruction and, even when
employed for peaceful ends, could cause very serious damage if the consequences of such use had not been properly evaluated; furthermore, environmental modification was a constantly developing area of science. The scope of article I none the less corresponded to the present state of knowledge regarding possible environmental modification techniques and their probable effects. For those reasons, he considered that the article fully met the requirements and objectives of the Convention.

7. Mr. AKKERMAN (Netherlands) observed that, since the Convention had come into force, there had been neither any case of hostile use of environmental modification techniques not covered by the Convention nor any discovery of a new environmental modification technique justifying the amendment of the instrument. Given the lack of concrete examples, it was difficult to undertake a critical examination of the extent to which the objectives of the Convention had been met and to decide whether its provisions should be modified. There was, however, nothing to prevent that question being left open.

Article III

8. Mr. HASSAN (Egypt) regretted that article III provided no organic framework for the exchange of scientific and technical information on peaceful uses of environmental modification techniques that was so important for developing countries affected by natural disasters. The omission should be remedied by, for example, asking the Secretary-General of the United Nations to collect information of the kind in question from States parties and to transmit it to others.

9. Mr. BLACK (United States of America) considered that the intent of the first paragraph of the article had been met. The United States had, for its part, lived up to its undertaking pursuant to paragraph 2 of the article regarding the exchange of scientific and technological information on the use of environmental modification techniques for useful purposes and fully supported the continuation of such an exchange. In that connection, he drew attention to a document prepared by the United States National Oceanic and Atmospheric Administration which had been distributed to delegations, and which summarized the United States Government's weather modification programmes. It could be seen that financial support for such programmes had declined considerably over the past decade and that scientific and technical knowledge was thought inadequate to support large-scale practical applications of weather modification techniques in the foreseeable future.

10. Mr. AKKERMAN (Netherlands) opined that the first provision contained in paragraph 2 of the article, namely that States parties should facilitate the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes, had helped to ensure the greatest possible degree of "transparency" of scientific and technological activities in that field. States parties could usefully be asked to uphold the principle of "transparency" and to provide as much information as possible with regard to research and development on uses of environmental modification techniques for military or other hostile purposes. The results of basic research on environmental modification techniques should be published in scientific journals for it was important that the international community should know about them and discuss them openly. In addition, countries could give advance notice of, and invite scientists from other countries to watch their field experiments.
11. Mr. ZAKHAROV (Union of Soviet Socialist Republics) said that his country was endeavouring to improve environmental modification techniques for peaceful purposes and was carrying out a number of research projects, particularly in the field of hydrometeorology. In addition, and in accordance with article III, paragraph 2, of the Convention, it was making an important contribution to international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, taking due account of the requirements of developing countries. It was, for example, playing an active part in the work of international organizations implementing environmental preservation programmes such as UNESCO, UNEP and WMO and collaborating closely in the spheres of hydrometeorology and environmental protection with CMEA countries and several Western countries, including France, Sweden, the United States of America, Denmark and Finland.

12. The Soviet Union also provided scientific and technological information, equipment and technology for the implementation of international research projects. In the past 10 years, it had taken part in over 400 symposia, exhibitions, seminars, expert meetings and international conferences. It was currently participating in the elaboration of a convention to outlaw all modifications of the ozone layer in the upper atmosphere.

13. All those activities undertaken directly by the Soviet Union or with its assistance aimed to improve the relationship between man and nature and were thus perfectly in accordance with the aims of the Convention.

14. Mr. KOCHUREY (Ukrainian Soviet Socialist Republic) remarked that his country took an active part in the activities of UNESCO, WMO, UNEP and ECE regarding the protection and peaceful use of the environment. With reference to the exchange and dissemination of information, he considered that the international organizations should try to keep the public better informed; he therefore proposed that the Conference should, in its final document, invite international organizations to carry out that useful task of spreading information, which would doubtless induce a larger number of States to adhere to the Convention.

15. Mr. KOREUS (Sweden) said that he agreed completely with the representative of Egypt that efficient machinery should be set up to facilitate exchanges of information on environmental modification techniques, taking due account of the requirements of developing countries.

Article IV

16. There were no comments on article IV.

Article V

17. Mr. KOREUS (Sweden) said that paragraph 3 of the article, whereby any State party which had reason to believe that any other State party was acting in breach of obligations deriving from the provisions of the Convention could lodge a complaint with the Security Council of the United Nations, was not entirely satisfactory: on the one hand, the members of the Security Council, who, under the paragraph, were empowered to decide whether or not there had been a breach of the Convention, were not necessarily States parties to the Convention and on the other hand, if the country accused of breaching the Convention was a permanent member of the Security Council, it might well use its right of veto to prevent any serious examination of the complaint lodged against it.
18. While the possibility of recourse to the Security Council, which ought to have the power of decision in the last resort, should be maintained, it would be advisable to adopt a procedure enabling States parties to the Convention to examine the facts and make a completely independent decision. Provision might, for example, be made for the convening, at the request of a majority of States parties, of meetings of all such States to examine the reports from the Consultative Committee of Experts.

19. Mr. THIELICKE (German Democratic Republic) said that he saw no need to change verification and complaint procedures that were sufficiently flexible and completely met the requirements of the Convention. For its part, the procedure under discussion was completely in accordance with the Charter of the United Nations, which had conferred on the Security Council primary responsibility for the maintenance of international peace and security. The proposal by the delegation of Sweden seemed all the more unjustified in that it was open to every State party to take part in the work of the Consultative Committee of Experts.

20. Mr. HASSAN (Egypt) agreed with the representative of Sweden that machinery should be established whereby States parties to the Convention could, without precluding recourse to the Security Council, examine all complaints of breaches of the instrument.

21. Mr. KRASULIN (Union of Soviet Socialist Republics) said that article V provided for efficient and comprehensive verification machinery; that machinery, which had never been used because no breach of the Convention had been notified, needed no modification. With regard to the role of the Security Council, it should be remembered that that organ was the only international organ to have official responsibility under the Charter of the United Nations for maintaining international peace and security. The States parties to the Convention, which were all Members of the United Nations Organization, had signed the Charter and should accordingly abide by all its provisions, particularly with regard to the role of the Security Council. Article V provided for recourse to the Security Council only when environmental modification techniques had been used for military or hostile purposes, but did so then because such use would pose a threat to international peace and security. A further objection to change was that States which were not parties to the Convention and which found themselves the victims of hostile use of environmental modification techniques would be unable to invoke the procedure envisaged under the Convention; their only course of action would be to approach the Security Council.

22. In the current international situation, in which the questions of the arms race and disarmament were not even under negotiation, it was important to reinforce what agreements had been concluded and to avoid cancelling out the very meagre results achieved during the 1960s and 1970s. His delegation accordingly considered that there should be no undue modification of the Convention, particularly the provisions of article V.

23. Mr. MIDDLETON (United Kingdom) said he also considered that the procedure set forth in article V was satisfactory and should be maintained, even though it might be open to some improvement. There was no doubt that, with the co-operation of States parties, that procedure could be successfully applied when necessary. Moreover, if a Consultative Committee of Experts was set up, it might have to report to another organ which would doubtless have a very limited capacity for action. In fact, if the Consultative Committee of Experts concluded that international peace and security were threatened, only the Security Council would be able to do anything about the situation.
24. Mr. EKEBUS (Sweden) said that there should be no limitations upon the composition of the Consultative Committee of Experts. It was true that, if international peace and security were threatened, that Committee would hardly be able to do otherwise than take note of the facts; the final decision would naturally lie with the Security Council. However, account must be taken of the realities of political life and, in particular, of the fact that the permanent members of the Security Council had a right of veto. His delegation was not proposing any amendment of article V, but it would be submitting to the Conference a proposal regarding the procedure set forth in that article.

Article VIII

25. Mr. LUNDBO (Norway) said that, in its final declaration, the Conference should emphasize the importance of the review procedure referred to in paragraphs 2 and 3 of the article and state its decision regarding the convening of the second review conference.

26. Mr. MIDDLETON (United Kingdom) acknowledged the importance of review conferences, but thought that the provisions of paragraphs 2 and 3 should be more flexible and that an interval of from 5 to 10 years might be allowed between conferences.

Articles IX and X and Annex

27. Mr. MIDDLETON (United Kingdom), observing that numerous delegations had urged that more States should become parties to the Convention, said that the Conference should include in its final declaration regarding article IX an appeal to those States which were not parties to the Convention to adhere to it.

C. PREAMBULAR PARAGRAPHS AND PURPOSES OF THE CONVENTION

28. Mr. NUNEZ MOSQUERA (Cuba) said that, while he was fully satisfied with the provisions of the various articles of the Convention, he was less happy about the preamble: although 22 of the 45 States parties to the Convention were members of the Conference on Disarmament, the negotiations on disarmament had yet to produce results and the international situation was deteriorating. He accordingly proposed the addition to the preamble of a paragraph in which States parties reaffirmed their will to continue negotiations with a view to adopting positive measures in the field of disarmament.

29. The meeting was suspended at 5 p.m. and resumed at 5.10 p.m.

30. After a procedural discussion relating to the organization of work, the President stated that the Conference had completed its consideration of agenda item 11.

The meeting rose at 5.25 p.m.
SUMMARY RECORD OF THE 8TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 September 1984, at noon

President: Mr. KORHONEN (Finland)

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Credentials of representatives to the Conference (continued):

(b) Report of the Credentials Committee

Report of the Drafting Committee

Preparation and Adoption of Final Document

Closure of the Conference

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The meeting was called to order at 12.15 p.m.

CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE (agenda item 6) (continued)

(b) REPORT OF THE CREDENTIALS COMMITTEE (ENMOD/CONF.1/9)

1. Mr. DEPASSE (Belgium), introducing the report and drawing attention to paragraphs 6 and 7, said that the Credentials Committee had accepted the credentials of the representatives of all the participating States on the understanding that those States that had not yet submitted formal credentials for their representatives would communicate them to the Secretary-General of the Conference as soon as possible. The report had been adopted unanimously.

2. The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to take note of the report of the Credentials Committee.

3. It was so decided.

REPORT OF THE DRAFTING COMMITTEE (agenda item 13) (ENMOD/CONF.1/11)

4. Mr. TURBANSKI (Poland), introducing the report, said that the Drafting Committee had worked intensively to elaborate the draft Final Document, which was contained in the annex to its report. It had given careful consideration to a number of proposals and its deliberations had been marked by a willingness to reach mutually acceptable solutions which had resulted in the Document's adoption by consensus. The Document had three parts: I. Organization and Work of the Conference; II. Final Declaration; and III. Summary Records of Plenary Meetings of the Review Conference.

5. The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to take note of the report of the Drafting Committee.

6. It was so decided.

PREPARATION AND ADOPTION OF FINAL DOCUMENT (agenda item 14) (ENMOD/CONF.1/11, annex)

7. The PRESIDENT drew attention to the procedure for correction of the summary records which were to be included in section III of the Final Document and reminded delegations that the draft Final Declaration contained in section II was the product of painstaking negotiations and compromise.

8. If he heard no objection, he would take it that the Conference wished to adopt the Final Document.

9. It was so decided.

10. Mr. de QUEIROZ DUARTE (Brazil) said that Brazil had completed the legislative process of ratifying the Convention and was taking the final steps to ensure that the instrument of ratification would be deposited shortly with the Secretary-General of the United Nations.

11. Mr. EKBEUS (Sweden) remarked that, although his delegation was disappointed with the final results of the Conference, it had not blocked a consensus decision.
Consensus meant compromises on all sides, however, and that had not been entirely the case at the Conference; some delegations had chosen to defend the status quo rather than to focus on the Convention's evident shortcomings. Sweden shared the concern expressed by many delegations over the limited number of States parties to the Convention but believed that to attract new members, the regime set up by the instrument should be improved. The right to assess facts regarding alleged violations of the Convention should rest with the parties to the Convention themselves and the Security Council should serve only as a last resort. Internationally adopted and accepted rules on warfare applied universally, and the Convention should therefore be respected by all States, not just by States parties. Its scope should be broadened, and preferably made comprehensive. The existing threshold was much too high and could permit extensive use of environmental modification techniques for military or other hostile purposes.

12. His delegation shared the Netherlands view that States parties should declare unilaterally that the Convention was valid not only in relation to other States parties but also to all States which acted in conformity with article 1 and it regretted that there had been little interest in discussing that question. On the other hand, some of the discussion had been useful, and the Final Declaration contained the seeds of ideas which could bear fruit in the future. All in all, the Conference might serve as a starting point for a continued review of the Convention to make it more effective.

13. Mr. LINEHAM (New Zealand) said that his delegation had noted with satisfaction that the Conference had reaffirmed the Convention's importance and had been a success. The drafting of the Final Document had required a true spirit of constructive compromise, for many differences of opinion had emerged during that process. His delegation shared the view that the Convention's provisions on scope, verification and compliance were inadequate and was therefore pleased that those concerns had been recognized in the sections of the Final Declaration referring to articles I and V. New Zealand looked forward to further discussion of article I, paragraph 1, and particularly to the analysis of the threshold provision: many small South Pacific island States would have reservations about an "understanding" concerning the geographical scope of that provision, which excluded them from protection under that section of the Convention. He was gratified that the Final Declaration acknowledged the value of the consultation and co-operation provisions in article V, and that the Conference had not ruled out the possibility of consideration by States parties of summaries of findings of fact made by the Consultative Committee of Experts.

14. Mr. ROWE (Australia) said that the achievement of the goal of ensuring that the Conference reaffirmed and strengthened the Convention was clearly reflected in the Final Declaration, which his delegation supported fully. The exchange of views at the Conference had demonstrated that the Convention was working effectively, contributing to peace and security and serving the best interests of all countries. The review process had also rightly enabled States parties to suggest areas where improvements might be made in the Convention. In that connection, Australia, which attached high importance to strong and effective verification and compliance procedures for disarmament and arms control agreements, believed that the Swedish proposal would help to strengthen the relevant aspect of the Convention and should be given further consideration.
15. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) said that the adoption by consensus of the Final Declaration reflected the fact that it was in the common interest to prevent the use of environmental modification techniques for military or other hostile purposes. All delegations had agreed that the Convention had demonstrated its effectiveness and that the parties to it had conscientiously fulfilled the obligations which they had undertaken six years before.

16. No changes had been made in any article of or procedure established by the Convention, and the proposals which had been made on article V had not been adopted. The Soviet delegation understood the last sentence of article V, paragraph 1, of the Final Declaration of the Conference, which read: "In the view of the Conference the provisions of article V, paragraphs 1 and 2, do not exclude the possibility of consideration, by States Parties, of the summary of findings of fact of the Consultative Committee of Experts", as referring to the procedure established under article V of the Convention for the distribution by the Depository to all States parties of the summary of the findings of fact of the Consultative Committee of Experts. That interpretation should be expressed either in the Final Document or in the report on the Conference.

17. The Union of Soviet Socialist Republics and other States parties had done a great deal of work for the implementation of the Convention, but much more remained to be done if the Convention were to become a truly universal instrument of international co-operation. If the Conference's appeal for wider accession to the Convention were not to go unheeded, all present States parties must take practical steps to ensure its success. Progress towards that goal would, of course, be facilitated by an improvement in the general international climate, in which respect much depended on the outcome of the thirty-ninth session of the General Assembly.

18. The Conference had shown that no problems were beyond solution; with goodwill, all the difficulties of international relations could be overcome. The spirit of co-operation and mutual understanding which had prevailed at the Conference had brought success in one of the most important aspects of the struggle to preserve the environment for existing and future generations.

19. Mr. BLACK (United States of America) said that the Conference had proceeded in a constructive and business-like manner; delegations had held a full and useful exchange of views and had reached a positive final agreement. That should serve as an example for future review conferences.

20. The tone of the Conference had been conducive to a balanced assessment and review of the Convention. The United States of America had always considered that the Convention constituted a significant measure in preventive arms control and that other States should accede to it in order to enhance its effectiveness. It was gratifying that the Review Conference had come to the same conclusion in its Final Declaration. All States parties should now call upon other States to accede to the Convention. The accession of Brazil was a valuable encouragement in that task.

21. Mr. van SCHAIK (Netherlands) said that, while the successful conclusion of the Conference was welcome, no one should think that the work of reviewing and strengthening the Convention could now be forgotten until the next conference. The Netherlands delegation was willing to consult with other States parties in order to go well prepared to that meeting.
22. Meanwhile, the most important task was to speed up the general acceptance of the Convention in its present form. To that end, the Netherlands, which welcomed the accession of Brazil to the instrument, had formally declared that it accepted the obligations of article I as extending to States which were not parties to the Convention, but which acted in conformity with that article. He hoped that other States parties would make similar declarations.

23. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) requested that the text of the interpretation of article V in his earlier statement should be issued as a document.

24. It was so decided.

CLOSURE OF THE CONFERENCE

25. The PRESIDENT expressed his satisfaction at the adoption by consensus of the Final Declaration, the co-operation of delegations and the spirit of compromise which had contributed to the successful outcome of the Conference. The Conference had demonstrated that mutual respect for others' positions could achieve real results in arms limitation. In the darkness which had descended upon international disarmament negotiations, it had kept alive a small, flickering spark.

26. He declared the Review Conference closed.

The meeting rose at 1 p.m.
FIRST REVIEW CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

SUMMARY RECORDS OF THE 1st TO THE 9th MEETINGS

held at the Palais des Nations, Geneva, from 10 to 20 September 1984

Corrigendum

This document contains corrections by participants and by the Secretariat applying to the English text of the summary records of the meetings of the First Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD/CONF.1/SR.1-8).

With the issuance of the present corrections, the summary records of the above-mentioned meetings are to be considered final.

3rd meeting

In the second line of the Contents, replace "to" by "of".

Paragraph 2

In the second line, replace "to" by "of".

Paragraph 17

In the last sentence, replace "such as the 1977 Protocol" by "such as the additional 1977 Protocols".

5th meeting

At the beginning of the third sentence, replace "That would enable the socialist countries to engage in the negotiations" by "That would render possible the negotiations."

Paragraph 36

At the end of the first sentence, replace the full stop by a comma and insert "if the use of such techniques caused widespread, long-lasting or severe damage to any other State party".

Paragraph 38

The name of the speaker should read: "Mr. ALFARARGI".

GE.84-65736
Paragraph 12

In the last sentence, replace "was taking part in the work being done on that subject" by "was taking part in the co-operation in that field".

Paragraph 24

Replace the first sentence by the following:

24. Mr. EKREUS (Sweden) said that the task of the Consultative Committee of Experts was, by necessity, limited to fact-finding.

Paragraph 11

Replace the fifth sentence by the following:

Internationally adopted and accepted rules on warfare applied universally, and the Convention should therefore be complied with in regard to all States, not just States parties.
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SUMMARY RECORDS OF PLENARY MEETINGS

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CREDENTIALS COMMITTEE

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INFORMATION DOCUMENTS

ENMOD/CONF.I/INF.1
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