II. DRAFT 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 10-21 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 eliminating 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
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 paragraphs 1 and 2 of this Article, which contain 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. 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 reaffirms 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 in 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 that 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 the strengthening of trust amongst nations.