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. KORHONEN (Finland)

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General debate (continued)

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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 ENMOD Convention 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 détente, which, in turn, set the stage for successful negotiations. What was 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 ENMOD 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. LUNDQVIST (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 realized. 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 1973, 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 ENMOD 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 ENMOD 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 depositary 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 as 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. BEESLEY (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 CD V/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 visibility 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 SCHALK (Netherlands) said that, at The Hague Peace Conference in 1899, 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. WINGREN (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 over-all 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 1, 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.