

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

FINAL DOCUMENT

Geneva, 1992

SECOND REVIEW CONFERENCE OF THE PARTIES
TO THE CONVENTION ON THE PROHIBITION
OF MILITARY OR ANY OTHER HOSTILE
USE OF ENVIRONMENTAL MODIFICATION
TECHNIQUES

ENMOD/CONF.II/12
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Final Document of the Second Review Conference of the Parties
to the Convention on the Prohibition of Military or Any Other
Hostile Use of Environmental Modification Techniques

The Final Document of the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques consists of three parts and four Annexes as follows:

- I. Organization and Work of the Conference (ENMOD/CONF.II/12/I)
- II. Final Declaration (ENMOD/CONF.II/12/II)
- III. Summary Records of Plenary Meetings (ENMOD/CONF.II/SR.1-6)
 - Annex I: List of Documents
 - Annex II: List of Participants
 - Annex III: Rules of Procedure
 - Annex IV: Proposals and ideas presented at the Conference which did not enjoy consensus for inclusion in the Final Declaration

Second 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 Second 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. The Final Declaration of the First Review Conference of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, under Article VIII, reads inter alia as follows:

"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."

2. By resolution 46/36 A of 6 December 1991, the General Assembly noted that, as a result of consultations, a majority of States Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques had expressed their wish to convene the Second Review Conference of the Parties to the Convention in September 1992 and that, to that end, the Secretary-General of the United Nations, as Depositary of the Convention, 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 6 April 1992.

4. The Preparatory Committee held one session at Geneva from 6 to 8 April 1992. The following States Parties to the Convention participated in the Preparatory Committee: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czech and Slovak Federal Republic, Denmark, Egypt, Finland, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Poland, Republic of Korea, Romania, Russian Federation, Spain, Sri Lanka, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.

5. At its 1st meeting, on 6 April, the Committee elected Ambassador Paul O'Sullivan of Australia as its Chairman. At the same meeting, the Committee elected Ambassador Todor Dichev of Bulgaria and Ambassador Mounir Zahran of Egypt 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. Vicente Berasategui, Secretary-General of the Conference on Disarmament, who opened the session of the Preparatory Committee. Mr. LIN Kuo-Chung, Senior Political Affairs Officer, Office for Disarmament Affairs, Department of Political Affairs, served as Secretary of the Committee.

7. The Committee decided to take its decisions by consensus.

8. In the course of its session, the Committee considered the following organizational matters relating to the Second Review Conference:

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

9. At its last meeting, on 8 April 1992, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (ENMOD/CONF.II/1). The report contained, inter alia, the Draft Rules of Procedure and Provisional Agenda for the Conference (Annexes II and III respectively).

10. 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.II/3.

11. 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, particularly for the period 1984 to 1992; 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.II/2 and ENMOD/CONF.II/4, respectively.

Organization of the Conference

12. In accordance with the decision of the Preparatory Committee, the Conference was convened on 14 September 1992 at the Palais des Nations in Geneva.

13. At its 1st meeting, on 14 September, the Conference elected by acclamation Ambassador Paul O'Sullivan, Permanent Representative of Australia to the United Nations for Disarmament Matters in Geneva, as its President.

14. At the same meeting, a message from the Secretary-General of the United Nations, Boutros Boutros Ghali, was delivered by the Representative of the Secretary-General, Mr. Prvoslav Davinic, Director of the United Nations Office for Disarmament Affairs.

15. The Conference adopted its agenda as recommended by the Preparatory Committee (ENMOD/CONF.II/5).

16. The Conference took note with appreciation of the Report of the Preparatory Committee.

17. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (ENMOD/CONF.II/6). The Rules of Procedure provided for (a) a General Committee, chaired by the President of the Conference and composed of the Chairmen of the Drafting Committee and the Credentials Committee, as well as the 18 Vice-Presidents of the Conference; (b) a Drafting Committee, composed of representatives of the same 21 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.

18. The Conference elected by acclamation 17 Vice-Presidents from the following States Parties: Algeria, Argentina, Brazil, Canada, Cuba, Czech and Slovak Federal Republic, Democratic People's Republic of Korea, Finland, Germany, India, Japan, Pakistan, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland and the United States of America. The Conference elected by acclamation the Chairman and the Vice-Chairman of the Drafting Committee, as follows:

Chairman: Ambassador Mounir Zahran (Egypt)

Vice-Chairman: Mr. Sylwin Giżowski (Poland)

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

Chairman: Ambassador Todor Dichev (Bulgaria)

Vice-Chairman: Ambassador Nicolas Macris (Cyprus)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Algeria, Argentina, Netherlands, Sri Lanka and Switzerland.

19. The Conference confirmed by acclamation the nomination of Mr. LIN Kuo-Chung, Senior Political Affairs Officer, United Nations Office for Disarmament Affairs, 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

20. Forty States Parties to the Convention participated in the Conference as follows: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Cuba, Cyprus, Czech and Slovak Federal Republic, Democratic People's Republic of Korea, Denmark, Egypt, Finland, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Kuwait, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Poland, Republic of Korea, Romania, Russian Federation, Spain, Sri Lanka, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet Nam.

21. 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: Bolivia, Iraq, Luxembourg and Morocco.

22. Six additional States, Chile, France, Peru, Nigeria, Mexico and Venezuela, neither Party nor Signatory of the Convention, applied for Observer status in accordance with paragraph 1 of Rule 44. Such status was granted to them by the Conference.

23. The United Nations Conference on Environment and Development (UNCED) applied for Observer status in accordance with paragraph 2 of Rule 44. Such status was granted to it by the Conference.

24. The World Meteorological Organization (WMO), International Committee of the Red Cross (ICRC), League of Arab States, Regional Organization for the Protection of the Marine Environment 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 16 September and reported on the credentials of representatives of States Parties and Signatories (ENMOD/CONF.II/10). At its 5th plenary meeting on 17 September the Conference took note of the report.

Work of the Conference

28. The Conference held six plenary meetings between 14 and 18 September when it concluded its work.

29. The general debate, in which 26 States Parties made statements, took place at the 1st to 4th plenary meetings held from 14 to 15 September. At its 4th plenary meeting, on 15 September, the Conference decided to review the provisions of the Convention article by article, the preamble and purposes of the Convention, in connection with the work of the Drafting Committee.

30. The Drafting Committee met between 16 and 17 September, and submitted its report to the Conference on 18 September (ENMOD/CONF.II/11). The Conference, at its 6th plenary meeting, on 18 September, took note of the report.

31. Some of the proposals and ideas presented at the Conference which did not enjoy consensus for inclusion in the Final Declaration appear in Annex IV.

Documentation

32. A list of the documents of the Conference is attached in Annex I. A working paper entitled "Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques" (ENMOD/CONF.II/8) was submitted by the delegations of Finland and the Netherlands.

Conclusion of the Conference

33. At its 6th and final plenary meeting on 18 September, the Conference adopted its Final Document as recommended by the Drafting Committee in document ENMOD/CONF.II/12. The Final Document consists of three Parts and four Annexes: I. Organization and work of the Conference; II. Final Declaration; and III. Summary Records of Plenary Meetings of the Conference.

Second 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 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 from 14 to .. September 1992 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 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,

Welcoming the fundamental changes in the international situation since the First Review Conference, which have contributed to important progress in arms limitation and disarmament,

Recalling the Rio Declaration adopted at the United Nations Conference on Environment and Development, in Rio de Janeiro, on 14 June 1992, in particular its Principle 24,

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

Considering that the Convention constitutes a contribution to the strengthening of trust among nations, to the improvement of the international situation and to the maintenance of international peace and security 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,

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

Considering also that universal adherence to the Convention could facilitate international cooperation in the use of environmental modification techniques for peaceful purposes in the interest of all States, including in particular developing States,

Appealing to all States to uphold the principle of transparency in all areas regarding environmental modification techniques and 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, taking into account the relevant Understandings, the Conference reaffirms that they have been effective in preventing military or any other hostile use of any environmental modification techniques between States Parties and, having regard to the different views expressed in the course of the debate on this Article on the question of scope, affirms the need to keep its provisions under continuing review and examination in order to ensure their global effectiveness.

The Conference believes that all research and development on environmental modification techniques as well as their use should be dedicated solely to peaceful ends.

Article II

The Conference reaffirms its support for this Article containing the definition of the term "environmental modification techniques". The Conference agrees that this definition, taken together with the Understandings relating to Articles I and II, covers military or any other hostile use of any environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any State Party by another State Party.

Together, the Article and its Understanding deserve to be emphasized. Due attention should be given to all relevant research, developments and new techniques in the fields of science and technology. With regard to the phenomena which could be caused by the use of environmental modification techniques listed in the Understanding to Article II, the Conference notes that this list is illustrative and not exhaustive.

The Conference confirms that the military or any other hostile use of herbicides as an environmental modification technique in the meaning of

Article II is a method of warfare prohibited by Article I if such use of herbicides upsets the ecological balance of a region, thus causing widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.

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 development of such environmental modification techniques. The Conference reaffirms the need in the interest of transparency to strengthen exchange, as set forth in Article III, of all relevant information pertaining to development of environmental modification techniques, within the framework of the United Nations, in particular, in cooperation with such organizations of the United Nations system as the World Meteorological Organization (WMO), the United Nations Environment Programme (UNEP) and the World Health Organization (WHO). 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 cooperation 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.

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. 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 notes the intention of a number of States Parties to consider requesting, not later than 1995, the Depositary to convene a Consultative Committee of Experts as provided for under paragraph 2 of Article V in order to provide expert views relevant to clarifying the scope and application of the provisions of the Convention. The Conference also notes the view of some States Parties that such a meeting of the Consultative Committee of Experts is not necessary.

The Conference reaffirms the importance of paragraph 3 of Article V which provides 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 of paragraphs 4 and 5 of Article V under which each State Party undertakes to cooperate in carrying out any investigation which the Security Council may initiate and to provide support or assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of a violation of the Convention.

The Conference considers that the flexibility of the provisions concerning consultation and cooperation 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.

The Conference notes that the Sixth Committee of the United Nations General Assembly and the experts' meetings of the International Committee of the Red Cross (ICRC) will address the laws of armed conflict as they pertain to the environment and expresses its support for these efforts.

Article VI

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

Article VII

The Conference reaffirms that the Convention shall be of unlimited duration.

Article VIII

The Conference notes with satisfaction the spirit of cooperation in which the Review Conference was held.

The Conference, recognizing the importance of the review mechanism provided in Article VIII, decides that a third Review Conference may be held at the request of a majority of States Parties not earlier than 1997. If no Review Conference is held before 2002 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 notes that 55 States have become Parties to the Convention and a further 17 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, Bolivia, Ethiopia, Holy See, Iceland, Iran (Islamic Republic of), Iraq, Lebanon, Liberia, Luxembourg, Morocco, Nicaragua, Portugal, Sierra Leone, Syrian Arab Republic, Turkey, Uganda and Zaire, to ratify the Convention without delay, and upon those States which have not signed the Convention to accede 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 among nations. The Conference calls upon all successor States, as appropriate, to confirm their membership or to take such actions as they find necessary to become parties to the ENMOD Convention. It also calls upon all other newly independent States to accede to the Convention. The Conference requests the United Nations Secretary-General, in his role as Depositary, to intensify efforts to assist States Parties in promoting the universality of the Convention, including through the provision of appropriate advice on procedures.

Second 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 III

Summary Records of Plenary Meetings

PROVISIONAL

ENMOD/CONF.II/SR.1
30 September 1992

ENGLISH
Original: FRENCH

PROVISIONAL SUMMARY RECORD (PARTIAL)* OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 September 1992, at 10.30 a.m.

Temporary President: Mr. DAVINIC (Representative of the Secretary-General
of the United Nations)

President: Mr. O'SULLIVAN (Australia)

CONTENTS

Opening of the Conference by the Chairman of the Preparatory Committee
Submission of the report of the Preparatory Committee
Election of the President
Message from the Secretary-General of the United Nations
Adoption of the agenda
Statement by the Provisional Secretary-General of the Conference
Adoption of the rules of procedure
Confirmation of the nomination of the Secretary-General
Organization of work

* No summary record was prepared for the rest of the meeting in
accordance with rule 41 of the rules of procedure.

Corrections to this record should be submitted in one of the working
languages. They should be set forth in a memorandum and also incorporated in
a copy of the record. They should be sent within one week of the date of this
document to the Official Records Editing Section, room E.4108, Palais des
Nations, Geneva.

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

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

SUBMISSION OF THE REPORT OF THE PREPARATORY COMMITTEE (item 3 of the provisional agenda) (ENMOD/CONF.II/1, annex III)

1. The TEMPORARY PRESIDENT, having welcomed all the delegations participating in the Review Conference, suggested that items 1 and 3 of the provisional agenda ENMOD/CONF.II/1, annex III) should be examined concurrently.

2. It was so decided.

3. Mr. PATOKALLIO (Finland), speaking as Chairman of the Preparatory Committee, declared open the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

4. Introducing the report of the Preparatory Committee (ENMOD/CONF.II/1), he noted with great satisfaction that all the decisions and recommendations of the Preparatory Committee had been taken by consensus, owing to the exemplary spirit of good will and cooperation displayed by all delegations participating in the Committee's work. After paying tribute to the work of the other members of the Bureau and thanking the Secretary-General of the United Nations, the Secretary-General of the Conference on Disarmament and the Secretary of the Preparatory Committee for their assistance, he drew attention to the other documentation before the Conference which had been prepared at the request of the Preparatory Committee (ENMOD/CONF.II/2, 3 and 4 and ENMOD/CONF.II/INF.1).

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

5. The TEMPORARY PRESIDENT invited delegations to submit nominations for the office of President of the Conference.

6. Mr. PATOKALLIO (Finland), speaking as representative of the country that had presided over the First Review Conference in 1984, nominated Mr. O'SULLIVAN (Australia).

7. Mr. O'Sullivan (Australia) was elected President by acclamation.

8. Mr. O'Sullivan (Australia) took the Chair.

9. The PRESIDENT, after thanking the participants for their confidence, said that the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques presented a timely opportunity to consider the Convention's utility in contemporary circumstances.

10. Among the issues for consideration was that of the operation and scope of the Convention. In that connection, it might be wondered whether the protection afforded by the Convention should be restricted to the States parties and whether activities such as deliberate "low-tech" environmental

damage came within its purview. The absence so far of any accusation that the provisions of the Convention had been violated could be interpreted as meaning that its scope was so narrow that it had little practical application, although there might be other, more optimistic, explanations.

11. Another question that arose was whether the "understandings" contained in the Convention relating to the meaning of the terms "widespread, long-lasting or severe effects" and whether the illustrations of the phenomena that could be caused by the use of environmental modification techniques remained valid or required updating.

12. The Conference would also need to review the operation of the Convention's provisions for the exchange of scientific and technical information on the use of environmental modification techniques for peaceful purposes (article III) and to discuss the adequacy of the consultative mechanisms under article V. That question, in its turn, was related to the issue of membership. In that connection, it should be noted that since the First Review Conference the number of States Members of the United Nations had expanded considerably. The Second Review Conference provided an opportunity to increase the universality of the Convention by advocating its advantages to States that were not yet parties.

13. The Review Conference was taking place shortly after the holding of the United Nations Conference on Environment and Development and the successful conclusion of negotiations for a Chemical Weapons Convention. It was thus being held at a time of heightened international attention to environmental and arms-control issues. That fact should help to increase the interest of the international community in the Conference.

14. The Second Review Conference therefore provided a useful opportunity for Governments to state their views on the operation of the Convention and to place on record any proposals for increasing its appeal and enhancing its utility to the international community. The Review Conference would also help to raise the profile of the Convention and to remind political leaders, civil servants and non-governmental organizations of its existence which was helping to create a safer world free from the threats posed by the hostile use of environmental modification techniques.

15. He suggested that the Conference should take note with appreciation of the report of the Preparatory Committee (ENMOD/CONF.II/1).

16. It was so decided.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

17. Mr. DAVINIC (Director, Department for Disarmament Affairs), speaking as the representative of the Secretary-General of the United Nations, read out the following message from the Secretary-General:

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

As an important preventive measure, this 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 as the means of destruction, damage or injury to any other State party. It is gratifying to note that, since the Convention entered into force in 1978, as affirmed by the First Review Conference in 1984, States parties have generally complied with their commitments and the Convention continues to function effectively. Thus far, no official information has been received from States parties with regard to the implementation of the objectives or provisions of the Convention that would call this observation into question.

The Second Review Conference takes place amid some encouraging developments. Politically, there is a stronger willingness to uphold the existing multilateral agreements and to promote universality of adherence. Technologically, there is a greater awareness of the adverse environmental consequences of military applications of scientific advances. Moreover, in the Preamble of the Convention, the States parties realize that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations. The recent United Nations Conference on Environment and Development held in Rio de Janeiro could be considered a step forward towards the achievement of this goal. With the improvement in international relations, particularly in the post-cold war era, and the significant agreements achieved in the fields of nuclear weapons and chemical weapons as well as in the field of conventional weapons, there are now greater possibilities of realizing the wishes articulated by the States parties in the Preamble of the Convention.

It is encouraging to note that a number of additional States have acceded to the Convention since the First Review Conference held in 1984 and that today 55 States are parties to the Convention, including the two major Powers and some of the other militarily significant States. However, the number of States parties to the Convention is rather small in comparison with other important multilateral agreements. I continue to share the belief expressed by the previous Review Conference that universal adherence to the Convention would enhance international security and strengthen trust among nations. Therefore, it is my sincere hope that this Second Review of the operation of the Convention will contribute significantly towards a wider acceptance of the objectives set out in the Convention.

I wish you all success in your deliberations."

ADOPTION OF THE AGENDA (item 8 of the provisional agenda) (ENMOD/CONF.II/1, annex III)

18. The agenda was adopted.

STATEMENT BY THE PROVISIONAL SECRETARY-GENERAL OF THE CONFERENCE

19. Mr. LIN (Provisional Secretary-General of the Conference) recalled that there had been a protracted discussion in the Preparatory Committee regarding the number of States parties to the ENMOD Convention in connection with the issue of the succession of some States and the uncertainty with respect to the status of certain others, namely, Brunei Darussalam, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines. The Secretary-General of the United Nations had written to each of those countries, noting, inter alia, that a State could not be considered a party to a particular convention until he, as depositary, was in receipt of an instrument of succession or accession indicating specifically the treaty to which the State in question wished to accede. The Office for Disarmament Affairs had followed up on those letters and had, in addition, made contact with the representatives of the United Kingdom and Argentina to discuss the situation with them. The representative of the United Kingdom had indicated that his Government was discussing the issue with the countries concerned.

20. In addition, pursuant to the request of the Preparatory Committee, the Secretary-General had transmitted to all States that were not parties to the Convention a communication inviting them to consider becoming parties prior to the opening of the Second Review Conference.

21. To date, the Secretary-General had not received a reply from any of the States in question or from any other States regarding accession to the Convention. The Secretariat had therefore issued a list of States parties (ENMOD/CONF.II/INF.3) which was identical with that circulated to the members of the Preparatory Committee.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (ENMOD/CONF.II/1, annex II)

22. The PRESIDENT said that, in rules 5 and 8 of the draft rules of procedure, the spaces for the number of Vice-Presidents had been left blank. As a result of consultations, it appeared acceptable to have 18 Vice-Presidents to represent the various geographical regions. He invited the Conference to approve that number.

23. It was so decided.

24. The rules of procedure, as completed, were adopted.

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

25. The PRESIDENT said that rule 10 of the rules of procedure provided for the appointment of a Secretary-General of the Conference. At the invitation of the Preparatory Committee, the Secretary-General of the United Nations had nominated Mr. K.C. Lin as Provisional Secretary-General of the Conference. If he heard no objection, he would take it that the Conference wished to confirm that nomination.

26. It was so decided.

ORGANIZATION OF WORK

27. The PRESIDENT said he understood that the regional groups had not yet completed their consultations regarding the election of Vice-Presidents, Chairmen and Vice-Chairmen of the Drafting Committee and the Credentials Committee (agenda item 5) and the appointment of the Credentials Committee (agenda item 6 (a)). The relevant decisions would thus have to be deferred to a later stage. As for the question of the geographical distribution of posts on the General Committee, which was subject to decision by the Conference taking into account the information submitted by the Depositary on the first day of the Conference, he suggested that the distribution of those posts should be: three for Africa; five for Asia; four for Eastern Europe; three for Latin America; and six for Western Europe and other States.

28. It was so decided.

29. The PRESIDENT recalled that, under rule 3 of the rules of procedure, the Credentials Committee should be composed of a Chairman and a Vice-Chairman elected by the Conference and by five other members appointed by the Conference on the proposal of its President. As regards the geographical distribution of the Committee's membership, he suggested the following: one for Africa; two for Asia; one for Eastern Europe; one for Latin America; and two for Western Europe and other States.

30. It was so decided.

The discussion covered in the summary record ended at 12.10 p.m.

PROVISIONAL

ENMOD/CONF.II/SR.2
18 September 1992

Original: ENGLISH

PROVISIONAL SUMMARY RECORD (PARTIAL)* OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 September 1992, at 3 p.m.

President: Mr. O'SULLIVAN (Australia)

CONTENTS

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

Programme of Work

Observer status

Adoption of arrangements for meeting the costs of the Conference

* No summary record was prepared for the rest of the meeting in
accordance with rule 41 of the rules of procedure.

Corrections to this record should be submitted in one of the working
languages. They should be set forth in a memorandum and also incorporated in
a copy of the record. They should be sent within one week of the date of this
document to the Official Records Editing Section, room E.4108, Palais des
Nations, Geneva.

The meeting was called to order at 3.15 p.m.

ELECTION OF VICE-PRESIDENTS, CHAIRMEN AND VICE-CHAIRMEN OF THE DRAFTING COMMITTEE AND THE CREDENTIALS COMMITTEE (agenda item 5)

1. The PRESIDENT said that candidates from the following countries had been nominated as Vice-Presidents and thus as members of the General Committee representing their regional groupings:

Africa:	Algeria
Asia:	Democratic People's Republic of Korea, India, Japan, Pakistan, Republic of Korea
Eastern Europe:	Czech and Slovak Federal Republic, Romania, Russian Federation
Latin America:	Argentina, Brazil
Western European and other States:	Canada, Finland, Germany, United Kingdom of Great Britain and Northern Ireland, United States of America.

2. The nominated candidates were elected by acclamation.

3. The PRESIDENT said that further Vice-Presidents would be elected at a future date. He informed the Conference that Mr. Zahran (Egypt) had been nominated for the office of Chairman of the Drafting Committee.

4. Mr. Zahran (Egypt) was elected Chairman of the Drafting Committee by acclamation.

5. The PRESIDENT said that Mr. Dichev (Bulgaria) had been nominated for the office of Chairman of the Credentials Committee.

6. Mr. Dichev (Bulgaria) was elected Chairman of the Credentials Committee by acclamation.

7. The PRESIDENT said that Mr. Gizowski (Poland) had been nominated for the office of Vice-Chairman of the Drafting Committee.

8. Mr. Gizowski (Poland) was elected Vice-Chairman of the Drafting Committee by acclamation.

9. The PRESIDENT said that Mr. Macris (Cyprus) had been nominated as Vice-Chairman of the Credentials Committee.

10. Mr. Macris (Cyprus) was elected Vice-Chairman of the Credentials Committee by acclamation.

PROGRAMME OF WORK (agenda item 9)

11. The PRESIDENT suggested that the General Committee should consider the programme of work of the Conference and make recommendations thereon for consideration by the plenary.

12. It was so decided.

OBSERVER STATUS

13. In accordance with rule 44, paragraph 1 of the rules of procedure, it was decided that Chile, France, Mexico and Venezuela should be granted Observer status.

14. In accordance with rule 44, paragraph 2 of the rules of procedure, it was decided that the United Nations Conference on Environment and Development should be granted Observer status.

15. In accordance with rule 46 of the rules of procedure, it was decided that the World Meteorological Organization should be granted observer agency status.

ADOPTION OF ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE (agenda item 10)

16. The PRESIDENT said that, at the Preparatory Committee's request, the Secretariat had circulated a revised estimate of the cost of the Conference (ENMOD/CONF.II/3) to reflect the actual cost of the session of the Preparatory Committee. Due regard had been paid to the need for economy when the arrangements for the Second Review Conference were being made.

The discussion covered in the summary record ended at 4.10 p.m.

PROVISIONAL

ENMOD/CONF.II/SR.3
28 September 1992

ENGLISH
Original: FRENCH

PROVISIONAL SUMMARY RECORD (PARTIAL)* OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 15 September 1992, at 10 a.m.

President: Mr. O'SULLIVAN (Australia)

CONTENTS

Election of Vice-Presidents (continued)
Preparation and adoption of Final Document(s)
Programme of work

* No summary record was prepared for the rest of the meeting in accordance with rule 41 of the rules of procedure.

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

The meeting was called to order at 10.25 a.m.

ELECTION OF VICE-PRESIDENTS (agenda item 5) (continued)

1. The PRESIDENT recalled that, at the plenary meetings held the previous day, 16 of the 18 Vice-Presidents of the Conference had been elected. It was his understanding that, following consultations, the candidacy of Cuba had been proposed in the Group of Latin American and Caribbean States. If there was no objection, he would take it that the Conference wished to elect the representative of Cuba to the post of Vice-President.

2. It was so decided.

PREPARATION AND ADOPTION OF FINAL DOCUMENT(S) (agenda item 14)

3. The PRESIDENT urged all delegations which had already made statements putting forward specific proposals for incorporation in the Final Document, to submit their suggestions in writing as soon as possible.

PROGRAMME OF WORK (agenda item 9) (ENMOD/CONF.II/CRP.1)

4. The PRESIDENT said that, following a discussion, the Bureau had on the previous day recommended a draft programme of work which had been circulated as document ENMOD/CONF.II/CRP.1. If there was no objection, he would take it that the Conference wished to adopt that programme of work.

5. It was so decided.

The discussion covered in the summary record ended at 10.30 a.m.

PROVISIONAL

ENMOD/CONF.II/SR.4
17 September 1992

Original: ENGLISH

PROVISIONAL SUMMARY RECORD (PARTIAL)* OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 15 September 1992, at 4 p.m.

President: Mr. O'SULLIVAN (Australia)

CONTENTS

Credentials of representatives to the Conference

(a) Appointment of the Credentials Committee

Organization of work

* No summary record was prepared for the rest of the meeting in accordance with rule 41 of the rules of procedure.

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

The discussion covered in the summary record began at 4.50 p.m.

CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE (agenda item 6)

(a) APPOINTMENT OF THE CREDENTIALS COMMITTEE

1. The PRESIDENT drew attention to rule 3 of the rules of procedure which provided that, in addition to the Chairman and the Vice-Chairman elected in accordance with rule 5, the Credentials Committee should be composed of five other States Parties appointed by the Conference on the proposal of the President. He accordingly proposed that the representatives of Sri Lanka, Switzerland, Netherlands, Algeria and Argentina should be appointed to serve on the Credentials Committee.

2. It was so decided.

ORGANIZATION OF WORK

3. The PRESIDENT noted that the Conference had concluded the general debate (agenda item 11 (a)) and announced that the Drafting Committee would, on the following day, begin the work of considering the various proposals made in the course of the general debate. He suggested, with the approval of the General Committee, that the consideration of agenda items 11 (b) and (c) should be combined with the deliberations of the Drafting Committee.

4. It was so decided.

The meeting rose at 4.55 p.m.

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Part III
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PROVISIONAL

ENMOD/CONF.II/SR.5
29 September 1992

ENGLISH
Original: FRENCH

PROVISIONAL SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 17 September 1992, at 10 a.m.

President: Mr. O'SULLIVAN (Australia)

CONTENTS

Other matters

Credentials of representatives to the Conference (continued)

(b) Report of the Credentials Committee

Organization of work (continued)

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

The meeting was called to order at 10 a.m.

OTHER MATTERS (agenda item 12)

1. The PRESIDENT announced that Nigeria and Peru had applied to the Secretary-General of the Conference for observer status, under rule 44, paragraph 1, of the rules of procedure. The International Committee of the Red Cross, the Regional Organization for the Protection of the Marine Environment and the League of Arab States had also applied to the Secretary-General of the Conference for observer agency status under rule 46 of the rules of procedure. If there was no objection, he would take it that the Conference agreed to grant observer status to the States concerned and observer agency status to the intergovernmental organizations in question.

2. It was so decided.

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

(b) REPORT OF THE CREDENTIALS COMMITTEE (ENMOD/CONF.II/10)

3. Mr. DICHEV (Bulgaria), Chairman of the Credentials Committee, presented the Committee's report (ENMOD/CONF.II/10).

4. The Conference took note of the Credentials Committee's report (ENMOD/CONF.II/10).

ORGANIZATION OF WORK (continued)

5. The PRESIDENT suggested that the Conference should adjourn the plenary meeting so as to allow the Drafting Committee to continue its work.

6. It was so decided.

The meeting rose at 10.05 a.m.

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Part III
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PROVISIONAL

ENMOD/CONF.II/SR.6
25 September 1992

Original: ENGLISH

PROVISIONAL SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 September 1992, at 5 p.m.

President: Mr. O'SULLIVAN (Australia)

CONTENTS

Report of the Drafting Committee

Preparation and Adoption of Final Document(s)

Closure of the Conference

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

The meeting was called to order at 5 p.m.

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

1. Mr. ZAHARAN (Egypt), Chairman of the Drafting Committee, introducing the report, said that the Drafting Committee had held five meetings to prepare the draft Final Document contained in the annex to its report, which consisted of three parts and four annexes. Part II, Final Declaration, had been adopted by consensus following an intensive discussion during which careful consideration had been given to all the proposals submitted. The proposals on which no consensus had been reached were contained in annex IV.

2. He then drew attention to a number of revisions of the document. In the introduction to the Final Document, the words "two Annexes" should read: "four Annexes". In Part I, paragraph 20, of the Final Document, "Democratic Republic of Korea" should be corrected to read: "Democratic People's Republic of Korea". In paragraph 21, "three States" should read: "four States" and ", Luxembourg" should be inserted after "Iraq". In paragraphs 28, 30 and 33 the appropriate dates and numbers should be inserted. Lastly, the first sentence concerning article V in the Final Declaration should begin "the Conference notes with satisfaction ...".

3. 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, as orally revised by its Chairman.

4. It was so decided.

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

5. The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to adopt the Final Document, as revised by the Chairman of the Drafting Committee.

6. It was so decided.

7. Mr. NGUYEN LUONG (Viet Nam) said that, while his delegation found the text of the Final Declaration generally acceptable, it would have preferred the second preambular paragraph to begin with the word "Noting" rather than "Welcoming". He requested that his statement be included in the report of the Second Review Conference.

8. Ms. MASON (Canada) said that, in her delegation's view, the work done over the past week, culminating in the text of the Final Declaration, had demonstrated that all was not well with the Convention in view of the significant interpretational problems in respect of its scope. In her Government's view, it was self-evident that the Convention fitted into the larger context of international treaty law on the protection of the environment in times of armed conflict. Yet at least one State party maintained that it had nothing to do with the protection of the environment but was concerned only with prohibiting a certain means of warfare.

9. That was, of course, patently not the case; even placing the most limited interpretation on the Convention, its prohibition was not confined to military uses but also covered "any other hostile use of environmental modification techniques". The object of that prohibition was surely to protect the environment from the appalling damage that might otherwise ensue.

10. There was thus a fundamental disagreement among States parties over the very objectives of the Convention. Debate, however, had focused mainly on the Convention's scope, some States parties maintaining that it was a futuristic document which covered exotic technologies yet to be invented and, at the same time, asserting that it also covered the use of herbicides, a decidedly low-technology environmental modification technique. Her delegation preferred the more consistent approach that any and all environmental modification techniques, regardless of the level of the technology employed, were covered by the Convention.

11. Turning to the Final Declaration, she noted the use of the word "any" in the first and third paragraphs concerning article II and the agreement that the use of herbicides as an environmental modification technique in the meaning of that article was a method of warfare prohibited by article I. That language surely bore out her delegation's view that all levels of technology were covered. In the second paragraph concerning article I, the reference to "the present state of technology", found in the Final Declaration of the First Review Conference, had been deleted, thus removing the slant towards the argument that the Convention applied only to high technology (except where herbicides were concerned).

12. In the same paragraph, the words "they remain effective" had been replaced by "they have been effective", making it clear that the judgement applied only to the past and did not extend to the present or the future. The point was further reinforced by the use of the words "global effectiveness", rather than "continued effectiveness", at the end of the paragraph and by the removal of any reference to developments which might take place in the future.

13. The reference to the different views expressed by States parties as to the scope of the Convention was no longer limited to the issue of expanding the scope but clearly referred to all questions of scope including, of course, the interpretation of the scope as it currently stood.

14. The wording of the Final Declaration was thus consistent with her delegation's view that there was no basis for affirming the continuing effectiveness of the Convention unless the interpretational problems were first cleared up. That being so, it had with other delegations sought a decision of the Conference to establish a Consultative Committee of Experts, pursuant to article IV of the Convention, and Canada was thus among the States parties referred to in the first sentence of the second paragraph relating to article V in the Final Declaration. Her delegation would be consulting others on the issue of requesting the Depositary to convene a Consultative Committee of Experts before the end of 1994, a step which could, of course, be taken entirely outside the context of any review conference.

15. In conclusion, she wished to emphasize that the words "with satisfaction" in the first sentence of the first paragraph concerning article V applied only to the fact that no State party had found it necessary to invoke the complaints procedures of article V, paragraph 3, and not to the fact that the consultation mechanisms under paragraph 1 of that article had not been invoked.

16. Mr. LANG (Austria) said that, while it was no doubt too early to assess the full results of the Conference, he believed that the object of improving the Convention and strengthening its credibility had been achieved to a certain, limited, extent. With regard to the Final Declaration, his delegation understood the wording of the second sentence of the second paragraph concerning article II to include research, in particular, in the fields of biotechnology and genetic engineering. With reference to article V, his delegation welcomed the intention of a number of States parties to convene a Consultative Committee of Experts, which might begin its work by dispelling the many uncertainties surrounding the Convention.

17. As for annex IV, while regretting that certain proposals for inclusion in the Final Declaration had not been accepted, his delegation was grateful that some of the ideas it had supported were at least reflected in that annex and thus not entirely lost. It hoped that opposition to some of those ideas related solely to their inclusion in the Final Declaration and not to their substance. Lastly, with reference to the question of membership, it was to be hoped that all States parties would encourage non-party States to accede to the Convention.

CLOSURE OF THE CONFERENCE

18. Mr. PATOKALLIO (Finland) said that the Conference had constituted a timely opportunity to consider the relevance of the Convention to contemporary circumstances. The discussions that had taken place had not only increased awareness of the Convention but also highlighted its possible role in filling a gap in the common defence against wilful misuse of the environment for hostile purposes.

19. It was regrettable that it had not been possible to agree upon a clearer definition of the scope of the Convention. His delegation was not alone in its view that all techniques, regardless of their technological sophistication, should be covered by the Convention. In that connection, he welcomed the expressed intention to convene a Consultative Committee of Experts, as provided for under article V, paragraph 2, of the Convention to provide clarification of the scope and application of its provisions.

20. The Final Declaration just adopted was a slight improvement on its predecessor in that it recognized that the Convention was not yet a truly effective instrument for dealing with hostile use of environmental modification techniques.

21. Mr. MOODIE (United States of America) said that the current climate of revolutionary change had brought a new openness and dynamic to the work of the Conference. The differing views expressed during discussions were no longer

the product of ideological confrontation, but related to genuine matters of substance. The ability to deal successfully with such differences in views testified to the synergy between positive political change and arms control.

22. None the less, despite such welcome changes and recent arms controls achievements, political, ethnic and historical animosities and the potential for widespread violence still remained. Efforts must therefore be unflagging to eliminate the causes of those conflicts and to constrain the instruments by which they were waged.

23. The Conference had recalled the need for unceasing attention to the environmental implications of armed conflict. Although its focus had been on the narrower question of the use of the environment itself as an instrument of war, it had undoubtedly created greater awareness among the participants of the broader dangers to an increasingly fragile environment posed by the destruction and devastation of war.

24. His delegation, which appreciated the importance of keeping an international spotlight on the issue of the environment and armed conflict, looked forward to participating in the work of the Sixth Committee of the United Nations General Assembly and other organs on the wide range of problems brought up during the Conference and to examining the results of the work of the International Committee of the Red Cross thereon.

25. Mr. HYLTIENIUS (Sweden) said his delegation welcomed the consensus on the prohibition of the use of herbicides as a method of warfare, which it considered to be an important complementary element to the draft Chemical Weapons Convention. However, it was disappointed that the Conference had been unable to agree to convene an expert meeting to discuss future confidence-building measures and verification mechanisms, which could not but enhance the Convention. In that connection, it supported the initiative for the convening of a Consultative Committee of Experts, as mentioned in the Final Declaration.

26. Mr. GROSSI (Argentina) said that, while welcoming the ban on the use of herbicides as a method of warfare, his delegation was rather disappointed at the results of the Conference. It was deplorable that the Convention was open to so many different interpretations and that it had not been possible to make it more relevant to state-of-the-art technology and warfare. The decision not to provide summary records for the proceedings of the Drafting Committee was also regrettable, since the Final Document did not reflect the wide range of views expressed during a very interesting debate.

27. The number of States parties to the Convention represented less than one third of the international community and, if the Conference were to adopt a rather more ambitious approach to its work, it might improve the Convention and enhance its appeal to potential signatories.

28. Mr. BELOBROV (Russian Federation) said his delegation was very satisfied with the spirit of cooperation and mutual understanding that had characterized the work of the Second Review Conference. It also welcomed the highly professional approach of all participants, which had helped the Conference to

achieve a generally satisfactory result. It was to be hoped that the Final Declaration adopted by the Conference would improve the efficacy and viability of the Convention and lead to a significant expansion of its membership.

29. As the Russian text of the Final Document had been distributed rather late, he reserved his delegation's right to transmit to the Secretariat any corrections that might be needed.

30. Mr. GEVERS (Netherlands) said that the Conference represented a positive step forward, even if the improvement achieved was only moderate. Some progress had been made in updating the Convention through an evolutionary interpretation of article II. In particular, the fact that the scope of the Convention covered any environmental modification technique subject to the criteria in article I was to be applauded. He hoped that the results of the Conference would induce a number of signatory States to ratify the Convention and other States to become parties to the Convention.

31. Mr. SANDOZ (International Committee of the Red Cross (ICRC)) said that, in response to the invitation in General Assembly decision 46/417 and in Agenda 21, adopted by the United Nations Conference on Environment and Development, ICRC had, in April 1992, convened a high-level meeting of experts for the purpose of defining the contents of existing law on the protection of the environment in times of armed conflict, studying the main problems arising in connection with the application of that law and identifying any lacunae it might contain. The results of that meeting were to be found in a report submitted to the General Assembly at its forty-seventh session (A/47/328).

32. The particular significance of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques had been stressed at the meeting, and the experts had agreed that there was a need to pursue efforts to clarify some of the Convention's provisions. The proposals put forward at the current Review Conference for the purpose of making the rules of the Convention more attractive, more explicit and better adapted to the realities of modern warfare were to be welcomed in that connection.

33. In the interests of coordinating efforts which, although distinct, sprang from the same concern for the protection of the environment, he wished to inform the Conference that ICRC intended to convene a further meeting of experts and to submit a final report to the General Assembly at its forty-eighth session.

34. The PRESIDENT said that the Conference had reviewed the Convention in detail. It had heard a range of considered views about the Convention's contents, had held a wide-ranging debate about its place in the disarmament process as a whole and its capacity to be made more relevant to contemporary circumstances, and had considered an interesting set of proposals aimed at defining its scope more clearly, improving its effectiveness and enhancing its appeal to a greater number of countries.

35. In addition to that serious-minded, detailed and at times vigorous review, the Conference had been able to agree on a Final Document reflecting the common ground among the States parties. He had made the distinction between the process of review and the adoption by consensus of a Final Document because he had always found it curious, in other contexts, that review conferences were considered failures unless they produced agreed final documents. Happily, however, the distinction did not need to be emphasized in the current case, since the Conference had succeeded both in reviewing the Convention and in agreeing on how to characterize that process.

36. The adoption of an agreed Final Document was particularly important, because the agreed statement on the prohibition of the military or any other hostile use of herbicides covered an important dimension of the norms established by the draft Chemical Weapons Convention. The question was a major one for certain countries and, if the Conference had failed to deal with it adequately, significant problems would have arisen in other contexts.

37. He welcomed the fact that the Conference had also been able to take cognizance of other important events relating to the protection and development of the environment, such as the United Nations Conference on Environment and Development, and to recognize that information relevant in an environmental modification context might also be available from sources such as WMO, UNEP and WHO.

38. After an exchange of courtesies, the PRESIDENT declared the Second Review Conference closed.

The meeting rose at 6.20 p.m.

ANNEX I

LIST OF DOCUMENTS

<u>Symbol</u>	<u>Title</u>
ENMOD/CONF.II/1	Report of the Preparatory Committee for the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
ENMOD/CONF.II/2	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 - (Background paper prepared by the Secretariat)
ENMOD/CONF.II/3	Revised estimated cost of the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques - Note by the Secretariat
ENMOD/CONF.II/4 and Add.1	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 - Submitted by the Secretary-General of the United Nations as Depositary of the Convention
ENMOD/CONF.II/5	Agenda for the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
ENMOD/CONF.II/6	Rules of Procedure for the Second Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
ENMOD/CONF.II/7	Programme of Work
ENMOD/CONF.II/8	Working Paper submitted by Finland and the Netherlands
ENMOD/CONF.II/9	Weather Modification Programme of the United States Government - Paper submitted by the United States of America
ENMOD/CONF.II/10 and Adds.1-4	Credentials of representatives to the Conference - Report of the Credentials Committee
ENMOD/CONF.II/11 and Corr.1 (Arabic only)	Report of the Drafting Committee

<u>Symbol</u>	<u>Title</u>
ENMOD/CONF.II/12	Final Document of the Second 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 PLENARY MEETINGS	
ENMOD/CONF.II/SR.1-6	Summary Records of the First to the Sixth Plenary Meetings
CREDENTIALS COMMITTEE	
ENMOD/CONF.II/CC/1	Credentials of Representatives to the Conference - Draft Report of the Credentials Committee
DRAFTING COMMITTEE	
ENMOD/CONF.II/DC/1 (English only)	Draft Report of the Drafting Committee
INFORMATION DOCUMENTS	
ENMOD/CONF.II/INF.1 (English only)	Relevant documents of the United Nations Conference on Environment and Development regarding the subject of environment and security - Note by the Secretariat
ENMOD/CONF.II/INF.2 (English only)	Offices and Telephone Numbers of the Secretariat
ENMOD/CONF.II/INF.3 (English only)	Parties to the ENMOD Convention
ENMOD/CONF.II/INF.4	Provisional List of Participants
ENMOD/CONF.II/INF.5 (English only)	Members of Committees

ANNEX II

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ANNEX III

RULES OF PROCEDURE* FOR THE SECOND REVIEW CONFERENCE OF THE PARTIES
TO THE CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER
HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

I. REPRESENTATION AND CREDENTIALS

Delegations of Parties to the Convention

Rule 1

1. Each State Party to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (hereinafter "the Convention") may be represented at the Conference by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act as a representative.

Credentials

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. Credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 3

The Conference shall establish a Credentials Committee composed of the States Parties represented by the Chairman and the Vice-Chairman elected in accordance with rule 5, and five other States Parties appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay.

* As adopted at the first plenary meeting held on 14 September 1992.

Provisional participation

Rule 4

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Election

Rule 5

The Conference shall elect the following officers: A President and 18 Vice-Presidents, as well as a Chairman and a Vice-Chairman of the Drafting Committee and a Chairman and Vice-Chairman of the Credentials Committee.

Acting President

Rule 6

1. If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.
2. A Vice-President acting as President shall have the same powers and duties as the President.

Voting rights of the President

Rule 7

The President, or a Vice-President acting as President, shall not vote, but may appoint another member of his delegation to vote in his place.

III. GENERAL COMMITTEE

Composition

Rule 8

1. The General Committee shall be composed of the President, who shall preside, the 18 Vice-Presidents, the Chairman of the Drafting Committee and the Chairman of the Credentials Committee. No two members of the General Committee shall be members of the same delegation and it shall be so constituted as to ensure its representative character.
2. If the President is unable to attend a meeting of the General Committee, he shall designate a Vice-President to preside at such meeting and may designate a member of his own delegation to take his place. If a Vice-President is unable to attend, he may designate a member of his delegation to take his place. If the Chairman of the Drafting Committee or the Credentials

Committee is unable to attend, he may designate the Vice-Chairman to take his place, with the right to vote unless he is of the same delegation as another member of the General Committee.

Functions

Rule 9

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. CONFERENCE SECRETARIAT

Duties of the Secretary-General of the Conference

Rule 10

1. There shall be a Secretary-General of the Conference who shall act in that capacity in all meetings of the Conference, its committees and other appropriate bodies established under rule 34, and may designate a member of the Secretariat to act in his place at these meetings.

2. The Secretary-General of the Conference shall direct the Secretariat of the Conference.

Duties of the Secretariat

Rule 11

The Secretariat of the Conference shall, in accordance with these rules:

- (a) interpret speeches made at meetings;
- (b) receive, translate and circulate the documents of the Conference;
- (c) publish and circulate any report of the Conference;
- (d) make and arrange for the keeping of sound recordings and summary records of meetings;
- (e) arrange for the custody of the documents of the Conference in the archives of the United Nations and provide authentic copies of these documents to the depositary; and
- (f) generally perform all other work that the Conference may require.

Costs

Rule 12*

The costs of the Review Conference, including those of the Preparatory Committee, will be met by the States Parties to the Convention participating in the Review Conference in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States Parties in the Conference. States which have signed but not yet ratified the Convention and which accept the invitation to take part in the Review Conference as provided by Rule 43 will share in the costs to the extent of their respective rates of assessment under the United Nations scale.

V. CONDUCT OF BUSINESS

Quorum

Rule 13

A majority of the States Parties to the Convention participating in the Conference shall constitute a quorum.

General powers of the President

Rule 14

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference; he shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these rules, accord the right to speak, ascertain consensus, put questions to the vote and announce decisions. He shall rule on points of order. The President, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each State may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

* It is understood that the financial arrangements for the Review Conference do not constitute a precedent.

Points of order

Rule 15

A representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 16

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19-22, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the subject under discussion and the President may call a speaker to order if his remarks are not relevant thereto.

3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Precedence

Rule 17

The Chairman of a committee may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee.

Closing of list of speakers

Rule 18

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When the debate on an item is concluded because there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 22.

Right of reply

Rule 19

Notwithstanding rule 18, the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.

Suspension or adjournment of the meeting

Rule 20

A representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 23, be immediately put to the vote.

Adjournment of debate

Rule 21

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 23, be immediately put to the vote.

Closure of debate

Rule 22

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 23, be immediately put to the vote.

Order of motions

Rule 23

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the question under discussion;
- (d) to close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 24

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and substantive amendments shall be discussed or decided on no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations.

Withdrawal of proposals and motions

Rule 25

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decision on competence

Rule 26

Any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it, shall be decided upon before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 27

Proposals adopted by consensus may not be reconsidered unless the Conference reaches a consensus on such reconsideration. When a proposal has been adopted or rejected by a majority or a two-thirds vote, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two representatives opposing the motion, after which it shall be immediately put to the vote.

VI. VOTING AND ELECTIONS

Adoption of decisions

Rule 28

1. Decisions on matters of procedure, including elections, shall be taken by a majority of representatives present and voting.

2. The task of the Conference being to review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and thus to strengthen its effectiveness, every effort should be

made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.

3. If, notwithstanding the best efforts of representatives, no consensus can be achieved on a substantive matter, the President shall defer a vote for 48 hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of consensus, and shall report to the Conference prior to the end of the period.

4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two-thirds majority of the representatives present and voting, providing that such majority shall include at least a majority of the States Parties to the Convention participating in the Conference.

5. If the question arises whether a matter is one of procedure or of substance, the President shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

6. In cases where a vote is taken in accordance with paragraphs 1 or 4 above, the relevant rules of procedure relating to voting in the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

Voting rights

Rule 29

Every State Party to the Convention participating in the Conference shall have one vote.

Meaning of the phrase "representatives present and voting"

Rule 30

For the purposes of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting.

Elections

Rule 31

All elections shall be held by secret ballot, unless the Conference decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

Rule 32

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held; if a tie again results in the special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

Rule 33

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the number of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of para. 2) is inconclusive, the President shall decide among the candidates by drawing lots.

VII. COMMITTEES AND OTHER APPROPRIATE BODIES OF THE CONFERENCE

Establishment of appropriate bodies

Rule 34

The Conference may establish appropriate bodies. As a general rule each State Party to the Convention participating in the Conference may be represented in each such body unless otherwise decided.

Drafting Committee

Rule 35

1. The Conference shall establish a Drafting Committee composed of representatives of the same States which are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference without altering the substance of the texts, and report to the Conference. It shall also, without reopening substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference.

2. Representatives of other delegations may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of concern to them are under discussion.

Officers and procedures

Rule 36

The rules relating to officers, the Conference Secretariat, conduct of business and voting of the Conference (contained in chapters II (rules 5-7), IV (rules 10-11), V (rules 13-27) and VI (rules 28-33) above) shall be applicable, mutatis mutandis, to the proceedings of committees and other appropriate bodies, except that:

(a) unless otherwise decided, any body established under rule 34 shall elect a chairman and such other officers as it may require;

(b) the Chairmen of the General, the Drafting and the Credentials Committee and the chairmen of bodies established under rule 34 may vote in their capacity as representatives of their States.

VIII. LANGUAGES AND RECORDS

Languages of the Conference

Rule 37

Arabic, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 38

1. Speeches made in a language of the Conference shall be interpreted into the other languages.

2. A representative may make a speech in a language other than a language of the Conference if he provides for interpretation into one such language.

Language of official documents

Rule 39

Official documents shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 40

Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided, no such recordings shall be made of the meetings of any other appropriate body established under rule 34.

Summary records

Rule 41

Summary records of the plenary meetings of the Conference, excluding that part of those meetings devoted to consideration of agenda item on general debate, shall be prepared by the Secretariat in the languages of the Conference; no summary records shall be maintained for any Committee or any appropriate body established under rule 34. Summary records shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the meeting may, within three working days of receiving these provisional records, submit to the Secretariat corrections concerning the summaries of their own interventions; in special circumstances, the President may, in consultation with the Secretary-General of the Conference, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the President after consulting, where necessary, the sound recordings of the proceedings. All corrections shall be issued in a consolidated form as parts of the records of the Conference.

IX. PUBLIC AND PRIVATE MEETINGS

Rule 42

1. The plenary meetings of the Conference shall be held in public unless otherwise decided.

2. Meetings of the Committees and any other appropriate body established under rule 34 shall be held in private.

X. PARTICIPATION AND ATTENDANCE

Signatories

Rule 43

Any State signatory to the Convention which has not yet ratified it shall be entitled to participate, without taking part in the adoption of decisions, whether by consensus or by vote, in the deliberations of the Conference, subject to prior written notification to the Secretary-General of the Conference. This means that any of those signatory States shall be entitled to appoint officials to attend meetings of the Plenary; to address such meetings; to receive the documents of the Conference and to submit its views in writing to the Conference, which shall be considered as Conference documents.

Observers

Rule 44

1. Any other State which, in accordance with Article IX of the Convention, has the right to become a Party thereto but which has neither signed nor ratified it may apply to the Secretary-General of the Conference for Observer status, which will be accorded on the decision of the Conference*. Such a State shall be entitled to appoint officials to attend meetings of the Plenary other than those designated closed meetings, and to receive documents of the Conference. An Observer State shall also be entitled to submit documents to the participants in the Conference.

2. Any national liberation organization entitled by the General Assembly of the United Nations** to participate as an Observer in the sessions and the work of the General Assembly, all international conferences convened under the auspices of the General Assembly, and all international conferences convened under the auspices of other organs of the United Nations, may apply to the Secretary-General of the Conference for Observer status, which will be accorded on the decision of the Conference. Such a liberation organization shall be entitled to appoint officials to attend meetings of the Plenary other than those designated closed meetings and to receive documents of the Conference. An Observer organization shall also be entitled to submit documents to the participants in the Conference.

* It is understood that any such decision will be in accordance with the practice of the United Nations General Assembly.

** Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974, 3280 (XXIX) of 10 December 1974 and 152/31 of 20 December 1976.

The United Nations

Rule 45

The Secretary-General of the United Nations or his representative or representatives shall be entitled to attend meetings of the Plenary and any other appropriate body established under rule 34 and to receive the Conference documents. They shall also be entitled to submit material, both orally and in writing.

United Nations subsidiary organs, specialized and related agencies
and regional intergovernmental organizations

Rule 46

Subsidiary organs of the United Nations, the specialized and related agencies, as well as regional intergovernmental organizations, may apply to the Secretary-General of the Conference for observer agency status, which may be accorded by decision of the Conference. An observer agency shall be entitled to appoint representatives to attend meetings of the Conference other than those designated as closed meetings and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which shall be issued as Conference documents.

Non-governmental organizations

Rule 47

Representatives of non-governmental organizations may attend plenary meetings of the Conference and receive the documents of the Conference distributed at the meetings they so attend.

ANNEX IV

PROPOSALS AND IDEAS PRESENTED AT THE CONFERENCE WHICH DID NOT ENJOY CONSENSUS FOR INCLUSION IN THE FINAL DECLARATION

Preambular paragraphs

- It was proposed by several delegations that Principle 24 of the Rio Declaration, adopted at the United Nations Conference on Environment and Development, held in Rio de Janeiro from 3 to 14 June 1992, be quoted in extenso as follows: "Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its development, as necessary".

- Some delegations considered that weapons of mass destruction constitute the method of warfare with the strongest potential to affect the environment in the case of a conflict. For those delegations new prohibitions in relation to weapons of mass destruction and the reinforcement of the existing regimes will contribute to the common goals of environmental protection and reduction of the risk of war.

- The view was expressed that all States Parties should equally refrain from threat of use which might place the Convention or any of its provisions in jeopardy.

Article 1

- Criteria which permit infliction of damage which is not "widespread, long-lasting or severe" ought to be abolished completely.

- In view of the International Law Commission's (ILC) draft provisions on State Responsibility which place massive pollution of the air and of the seas in the category of international crimes, violations of this article should be defined as "international crimes against the environment".

- Under international law no circumstances whatsoever can justify any large-scale destruction of the environment.

- Under existing international customary law it is already prohibited to cause significant damage to the environment of other States or areas beyond national jurisdiction.

- It was proposed that the following language be included at the appropriate section of the Final Declaration: The Conference confirms that the obligations assumed under Article I have been faithfully observed by

States Parties. It welcomed their commitment to continue to observe their obligations fully, including vis-à-vis non-States Parties acting in conformity with the provisions of this Article.

- The dumping of nuclear and toxic and hazardous wastes including chemical wastes in territories of developing countries should fall within the scope and provisions of the ENMOD Convention even if they are not deliberately used in military and other hostile activities.

- Bringing Article I, paragraph 1, into harmony with the requirement of international law and international rules of warfare, particularly Protocol I Additional to the Geneva Conventions of 1949.

Article II

- Clearer definition of the scope of the ENMOD Convention is needed for the Convention to become relevant to developments in international security.

Article IV

- The view was expressed that the provisions of Article IV of the Convention apply anywhere under the jurisdiction or control of each State Party; concern was expressed about the right of using environmental modification techniques for hostile purposes far beyond the jurisdiction and the limitation of State liability in such circumstances.

Article V

- The view was expressed that the system provided for in Article V should be reviewed since the Security Council is not always a representative organ reflecting the membership of the States Parties to the ENMOD Convention and due to the possibility of using the right of veto.

Article IX

- Concerning the call made to the "successor States", in fact to the States which emerged following the dissolution of the former USSR, the Algerian delegation expressed the opinion that a difference existed between the case of the Russian Federation - which is recognized by all as the "continuity" and the "successor" of the former Soviet Union - and the other republics. These republics are, in the view of this delegation, new subjects of International Law and, therefore, their eventual accession to ENMOD Convention cannot be realized through simple "confirmation" of State-Party quality, a quality that they do not own, but through the adhesion procedure described in Article IX paragraphs 1 and 2 of the ENMOD Convention.
