Geneva, 14-21 September 1992

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

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I. INTRODUCTION

1. In paragraph 18 of its Report (ENMOD/CONF.II/1, 10 April 1992), 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 requested the Secretary-General of the United Nations, as Depositary of the Convention, to submit to the Conference a document containing a compilation of such official communications regarding the implementation of the objectives and provisions of the Convention as he might have received. Accordingly, the Secretary-General sent a note verbale to States parties to the Convention requesting the relevant information.

2. Pursuant to the above request, the Secretary-General has the honour to submit herewith communications received from the Governments of Australia and Brazil.

II. COMMUNICATIONS RECEIVED FROM THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

AUSTRALIA

(Original: ENGLISH)  
(3 August 1992)

The Permanent Mission of Australia to the United Nations has the honour to refer to the Secretary-General's note verbale (Ref. No. DDA/18-92/ENMOD II-1) and advises that no domestic legislative measures were considered necessary for the implementation of the "Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques" since the treaty was consistent with existing Australian legislation. Australia ratified the Convention in September 1984.

BRAZIL

(Original: ENGLISH)  
(3 August 1992)

The Brazilian Government has been active at various levels with a view to contributing to the implementation of the objectives and provisions of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

In the first place, Brazil fully abides by the provisions of article I, paragraphs 1 and 2 of the Convention. It has never infringed any of the prohibitions contained therein.

Brazil's strict compliance with those provisions reflects our respect for principles that are at the very heart of our foreign policy. Such principles, the right to self-determination, non-intervention, equality among States, the
upholding of peace and the peaceful settlement of disputes, all of them enshrined in international law and in particular in the United Nations Charter, have been incorporated to article 4 of the Brazilian Constitution.

But Brazil has not limited itself to refraining from acting against the Convention. The country has as well contributed in a positive manner to the implementation of the objectives referred to in article III, paragraphs 1 and 2, dealing with the utilization of environment modifying techniques for peaceful purposes, exchanges on related science and technology as well as scientific and economic cooperation in the fields of conservation, improvement and peaceful utilization of the environment.

Brazil has taken measures to implement the recommendations of the Stockholm Conference and has established a modern and extensive legal framework for the protection of the environment. Besides, a whole chapter in the Constitution is devoted to the environment (chapter VI), defining the guidelines for Government policies and actions.

At the regional level, Brazil has proved its determination to strive for the protection of the environment and for the sustainable utilization of natural resources by signing, among other legal instruments, the Plata River Basin Treaty (1969) and the Treaty for Amazon Cooperation (1978). Brazil has also been the initiator of the Zone of Peace and Cooperation of the South Atlantic. Together, both treaties and the Zone cover all of the country's land borders and the ocean space adjacent to its coast.

Brazil has become a party to the most important international legal instruments related to or with a bearing on the environment, such as the Antartica Treaty, the Partial Nuclear Test Ban Treaty and the Basel Convention on Transboundary Movements of Hazardous Wastes and their Disposal. It has also signed and ratified the United Nations Convention on the Law of the Sea.

Throughout the works of the Preparatory Committee of the United Nations Conference on Environment and Development, as well as during the Conference itself in Rio de Janeiro, Brazil has played an active role. As host to the Conference, the country took an important part on the drafting of the documents that were adopted. Two of those documents contain references to the question of war and the environment. Principle 24 of the Rio Declaration states that "Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in time of armed conflict and cooperate in its further development, as necessary". Chapter 39, paragraph 6 (a), of agenda 21 recommends that measures be taken, in accordance with the international law, in order to deal with the question of massive destruction of the environment in times of armed conflicts. It indicates the United Nations General Assembly and its Sixth Committee as the appropriate forums for the discussion of such matters.

As for scientific and technological cooperation, Brazil participates, or will be participating soon, be it as donor or as recipient country, in a series of projects. In the first case, there are projects being carried out, or ready to begin, with Guatemala, Nicaragua, Panama, El Salvador, Honduras, Chile, Uruguay, Venezuela and Mexico, in areas such as waste recycling, river
basin development, soil and fresh water conservation and management of natural areas. As a recipient country, Brazil is involved in projects with the participation of Canada, France, Japan, Germany, the United Kingdom and Italy, as well as multilateral agencies like the UNDP. Those projects, some of them already in progress and others under consideration, cover a wide range of areas, such as the sustainable use of forest resources, environment management and planning, management of fresh water resources, environmental protection, river basin management, environmental impact of large dams, climate observation, coastal areas pollution and pollution control, among others.