

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

Final Document

PART I

Organization and Work of the Conference

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

I. ORGANIZATION AND WORK OF THE CONFERENCE

INTRODUCTION

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

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

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

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

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

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

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

7. The Committee decided to take its decisions by consensus.
8. The Committee, taking note of their written requests, decided to invite the representatives of three States Signatories of the Convention, Australia, Brazil and Turkey, to participate in its discussions without the right to take part in the making of decisions.
9. In the course of its session, the Committee considered the following questions relating to the organization of the Review Conference:
 - (a) Date and duration
 - (b) Provisional agenda
 - (c) Composition of the General Committee
 - (d) Draft Rules of Procedure
 - (e) Background documentation
 - (f) Final document(s)
10. At its last meeting, on 2 May 1984, the Preparatory Committee adopted its final report, which was issued as a pre-session document of the Conference (ENMOD/CONF.I/1). The report contained, *inter alia*, the Provisional Agenda and the Draft Rules of Procedure for the Conference (Annexes I and II, respectively).
11. The Committee decided to request the Secretariat to circulate a revised estimate of the cost of the Conference reflecting the actual cost of the session of the Preparatory Committee, which is contained in document ENMOD/CONF.I/3.
12. The Committee decided to request that the following two background papers be issued as pre-session documentation for the Conference:
 - (1) A summary of negotiations leading to the conclusion of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques and of subsequent developments related to the Convention; and
 - (2) A compilation of official communications regarding the implementation of the objectives and provisions of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

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

Organization of the Conference

13. In accordance with the decision of the Preparatory Committee, the Conference was convened on 10 September 1984 at the Palais des Nations in Geneva.
14. At its 1st meeting, on 10 September, the Conference elected by acclamation Ambassador Keijo Korhonen, Permanent Representative of Finland to the United Nations in New York, as its President.
15. At the same meeting, a message from Secretary-General of the United Nations Javier Pérez de Cuéllar, was read out by the Special Representative of the Secretary-General, Mr. Jan Martenson, Under-Secretary-General of the United Nations for Disarmament Affairs.

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

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

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

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

Chairman: Amb. S. Turbanski (Poland)

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

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

Chairman: Amb. M. Depasse (Belgium)

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

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

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

Participation at the Conference

21. Thirty-five States Parties to the Convention participated in the Conference as follows: Australia, Bangladesh, Belgium, Bulgaria, Byelorussian SSR, Canada, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Finland, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, India, Ireland, Italy, Japan, Kuwait, Mongolia, Netherlands, New Zealand, Norway, Poland, Romania, Spain, Sri Lanka, Sweden, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

22. In addition, four States which have signed the Convention but have not yet ratified it participated in the Conference without taking part in its decisions, as provided in Rule 43 of the Rules of Procedure: Brazil, Ethiopia, Iran (Islamic Republic of) and Turkey.
23. Four additional States, Algeria, Argentina, Peru and Switzerland, neither Party nor Signatory of the Convention, applied for Observer status in accordance with Rule 44. Such status was granted to them by the Conference.
24. The United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) applied for Observer Agency status in accordance with Rule 46. Such status was granted to them by the Conference.
25. Two non-governmental organizations attended the Conference under Rule 47.
26. A list of all delegations to the Conference, including States Parties, Signatories, Observer States, Observer Agencies and non-governmental organizations is contained in Annex II.
27. The Credentials Committee met on 18 September and reported on the credentials of representatives of States Parties and Signatories (ENMOD/CONF.I/9). At its eighth plenary meeting on 20 September the Conference took note of the report.

Work of the Conference

28. The Conference held eight plenary meetings between 10 and 20 September when it concluded its work.
29. The general debate, in which 24 States Parties made statements, took place at the fourth to sixth plenary meetings held from 11 to 12 September. At its seventh plenary meeting, on 13 September, the Conference reviewed the provisions of the Convention article by article, followed by consideration of the preamble and purposes of the Convention.
30. The Drafting Committee met between 14 and 19 September, and submitted its report to the Conference on 20 September (ENMOD/CONF.I/11). The Conference, at its eighth plenary meeting, on 20 September, took note of the report.

Documentation

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

Conclusion of the Conference

32. At its eighth and final plenary meeting on 20 September, the Conference adopted its Final Document as recommended by the Drafting Committee in document ENMOD/CONF.I/11. The Final Document consists of three Parts: I. Organization and work of the Conference; II. Final Declaration; and III. Summary Records of Plenary Meetings of the Conference.

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PART II

Final Declaration

II. FINAL DECLARATION

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

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

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

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

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

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

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

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

Declare as follows:

Purposes

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

Article I

The Conference confirms that the obligations assumed under Article I have been faithfully observed by the States Parties. The Conference is convinced that the continued observance of this Article is essential to the objective, which all States Parties share, of preventing military or any other hostile use of environmental modification techniques.

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

Article II

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

Article III

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

Article IV

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

Article V

The Conference notes with satisfaction that no State Party has found it necessary to invoke the provisions of Article V dealing with international complaints and verification procedures. The Conference reaffirms the importance of paragraph 1 of this Article, which contains the undertaking of States Parties to consult one

another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention and of paragraph 2, which provides for the convening of a Consultative Committee of Experts. In the view of the Conference the provisions of Article V, paragraphs 1 and 2, do not exclude the possibility of consideration, by States Parties, of the summary of findings of fact of the Consultative Committee of Experts.

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

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

Article VI

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

Article VII

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

Article VIII

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

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

Article IX

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

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

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PART III

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 A. General debate (continued)

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 A. General debate (continued)

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Review of the operation of the Convention as provided for in its Article VIII
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GENERAL
CONFERENCE
OTHER
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Credentials of representatives to the Conference (continued)

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