

## First Review Conference

In September 1984, States Parties convened in Geneva to hold the First Review Conference of ENMOD. States Parties were only slightly behind schedule to fulfill the mandate of Article VIII to review the convention five years after deposit of the twentieth ratification, which occurred on 5 October 1978. More disappointing than the time was the attendance. Only a very small number of countries had ratified the treaty after it was opened for signature in May 1977. The number of States Parties stood at 45, ten of which did not show up, leaving 35 present for the Review Conference.

A summary record of each negotiating session was prepared. These records constitute the major account of the meeting's discussions. Verbatim transcripts of the Review Conference are not publicly available. The Conference examined the implementation of ENMOD in an article-by-article review. ([Click here for its Final Report and Declaration](#) [PDF].)

### Article by Article

The major proposals on **Article I** were made by Sweden, which reprised two issues from the Convention's drafting. First, the Swedes proposed clarifying that States Parties were prohibited from using environmental modification against any state, whether or not it had ratified ENMOD. Second, the Swedes proposed eliminate or, at least, lower and more clearly define the thresholds of the *troika*:

3. Mr. EKEUS (Sweden) commented that, under article I, State Parties only undertook not to engage in hostile uses of environmental modification techniques against other State parties. However, the law of war, being international law, was applicable to all States without exception; State Parties, should therefore give the undertaking in question with regard to all States. He urged the Conference to include a statement to that effect in the final declaration.

4. In the understating concerning paragraph 1 of the article, it had been agreed to interpret 'widespread effects' to mean effects encompassing an area on the scale of several hundred square kilometers. There were, however, States whose total area was smaller than that; could they reasonably be asked to adhere to the Convention when, under that provision, an aggressor could resort with impunity to the use of environmental modification techniques on their territory? Clearly, thresholds of the kind in question should be scrapped, or at least lowered and more precisely defined. The Conference should take the opportunity to remedy the Convention's deficiencies, as that was the only way the

instrument would become universal.  
(ENMOD/CONF.I/SR.7, p. 2)

Egypt wanted the prohibition extended to cover any use of environmental modification techniques - eliminating the threshold - as well as the threat of their use or their development for military or hostile purposes. Romania was also in favor of a wide interpretation of the scope of the Convention, agreeing with Sweden's first proposal on use against non-parties, and proposing to eliminate the troika, and to ban research and development of hostile environment modification technology.

38. Mr. ALFARAGI (Egypt) ... Many countries had expressed satisfaction that no complaints of breaches of the Convention had been registered, but it was a cause for concern that, in the years it had been in force, less than one-fourth of the States Members of the United Nations had ratified it. The Conference must look into the reasons why more members of the international community had not acceded to the Convention.

39. Some participants have expressed dissatisfaction with the provisions of article I, paragraph 1, on the grounds that the scope of the prohibitions laid down therein were too limited and that the 'threshold' might give licence to modify the environment below the given limit. Furthermore, the paragraph simply covered the actual use of environmental modification techniques, but not the threat of their use or their development for military or hostile purposes. Obviously, the prohibitions must be extended to cover those activities.

(ENMOD/CONF.1/SR.5; p. 10)

Mr. MELESCANU (Romania)... 21. The review being carried out should lead to the adoption of decisions designed to widen the scope of the Convention, which should prohibit the use of the environment for hostile purposes against any country, and not merely the States Parties to the Convention; to strengthen the obligations provided for in article I of the Convention in order to prohibit the use of any environmental modification techniques for military or any other hostile purposes, and not only techniques having 'widespread, long-lasting or severe' effects; to prohibit research and development activities for military or other hostile purposes...

(ENMOD/CONF.1/SR.4; pp. 4-5)

Australia and New Zealand were also sympathetic to addressing the constraints derived from the scope and the ambiguity of the troika. The Soviet and American delegations were determined to keep the troika in place. The United Kingdom and Italy also favored maintaining the status quo.

6. Mr. ZAKHAROV (Union of Soviet Socialist Republics) considered that the phrase 'widespread, long-lasting or severe effects' was broader in scope than it appeared at first sight, since it also prohibited the use of techniques that met only one of the three stipulating conditions, for example techniques whose effects, albeit highly localized or transitory, were none the less severe... The scope of article I nonetheless corresponded to the present state of knowledge regarding possible environmental modification techniques and their probable effects. For those reasons, he considered that the article fully met the requirements and objectives of the Convention. (ENMOD/CONF.1/SR.7; pp. 2-3)

Mr. ETZOLD (United States of America)... 31. In diplomacy, excessive attention to processes could obscure objectives, but so far, the Convention's objectives had been met. The provisions of article I had been effective, and fears that they might contain loopholes had been proven groundless. His delegation therefore believed that changes in the scope of the prohibition contained in article I were unnecessary. Since one of the Review Conference's specific obligations was to examine the effectiveness of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques, he hoped that the issue would be discussed in full and the debate would reveal that State parties generally agreed with the United States concerning the effectiveness of that article. (ENMOD/CONF.1/SR.3; p. 8)

In the end, countries pushing to expand the scope and reduce the *troika* were unable to concretely advance their cause. The Final Declaration simply reaffirmed the [Understanding negotiated by the CCD](#) [PDF]. They did, however, succeed in keeping the issue alive through language in the Final Declaration in which Parties acknowledged the need for the *troika* to remain under "*continuing review and examination*" in order to assess its effectiveness, the impact of new technologies, and the views of a number of countries that favor an expansion of scope.

On **Article III**, Egypt and Romania called for the creation of a framework for the exchange of scientific and technical information on environmental modification techniques for peaceful purposes. Egypt suggested that the Secretary-General to the UN should collect such information and transmit it to Parties:

Mr. HASSAN (Egypt) regretted that article III provided no organic framework for the exchange of scientific and technical information on peaceful uses of environmental modification techniques that was so important for developing countries affected by natural disasters. The omission should be

remedied by, for example, asking the Secretary-General of the United Nations to collect information of the kind in question from States parties to transmit it to others. (ENMOD/CONF.1/SR.7; p. 3)

The Final Declaration was something less. It invited the Secretary-General of the UN to receive scientific and technological information on peaceful environmental modification.

On **Article V**, Sweden, supported by Egypt, raised the problems with the role of the Security Council in dealing with the complaints, particularly the fact that the members of Security Council, while having to decide on the breach of the obligations of the Convention, were not necessarily parties to the Convention (e.g. France) and that permanent members could use their veto power to halt a complaint against it. To help remedy this problem, Sweden proposed to enable parties to examine the report of the Committee of Experts prior its submission to the Security Council.

East Germany, the United Kingdom, the Soviet Union and the United States expressed their satisfaction with the complaints procedure and did not see a need to change it.

In the end, Sweden was forced to concede, so as not to block the consensus. The Final Declaration did nothing to change the procedure; but said that States Parties were not excluded from considering the summary findings of fact by the Consultative Committee of Experts.

On **Article VIII**, the Netherlands highlighted the importance of a thorough review process, particularly in arms control, so that technological advances do not undermine treaties. The Dutch cited the 1899 Hague Declaration prohibiting the launching of explosives from hot air balloons and other flying machines as an example of a treaty that had been squandered because of a lack of review. In the case of the 1899 Hague Declaration, the revision process stopped shortly before the development of airplanes:

28. Mr. VAN SCHAIK (Netherlands) said that, at The Hague Peace Conference in 1899, a declaration had been signed to prohibit the launching of projectiles and explosives from balloons and by other new methods. A sort of review conference had been held at The Hague in 1907 and a declaration had been adopted in connection with the earlier prohibition. Regrettably, the parties had failed to review the agreement again to take account of the development of aeroplanes, and other States had not been encouraged to become party to the declaration. Such an example showed that an international agreement could lose its relevance unless it was reviewed and, if necessary, adjusted and strengthened. This was particularly true of universal disarmament agreements like the Convention under review, in which the question of new technological developments played a crucial role. (ENMOD/CONF.1/SR.5; p. 8)

It was eventually agreed that a Second Review Conference could take place; but not before 1989.

### **Adoption of the Final Declaration**

The [final declaration](#) [PDF] was approved in a self-congratulatory tone, noting with satisfaction that no violations of the convention had occurred since its entry into force. As for the few ratifications, the Final Declaration did nothing except note "*with concern the Convention has not yet achieved universal acceptance*", and called on all States to become parties.

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