

CHAPTER XXVI

DISARMAMENT

1. CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

New York, 10 December 1976

ENTRY INTO FORCE

5 October 1978, in accordance with article IX(3).

REGISTRATION:

5 October 1978, No. 17119.

STATUS:

Signatories: 48. Parties: 76.

TEXT:

United Nations, *Treaty Series*, vol. 1108, p. 151 and depositary notification C.N.263.1978.TREATIES-12 of 27 October 1978 (rectification of the English text).

Note: The Convention was approved by the General Assembly of the United Nations in its resolution 31/72¹ of 10 December 1976. In application of paragraph 2 of the said resolution, the Secretary-General decided to open the Convention for signature and ratification by States from 18 to 31 May 1977 at Geneva, Switzerland. Subsequently, the Convention was transmitted to the Headquarters of the Organization of the United Nations at New York, where it was open for signature by States until 4 October 1978.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Afghanistan.....		22 Oct 1985 a	the Congo.....		
Algeria		19 Dec 1991 a	Denmark	18 May 1977	19 Apr 1978
Antigua and Barbuda.....		25 Oct 1988 d	Dominica		9 Nov 1992 d
Argentina		20 Mar 1987 a	Egypt.....		1 Apr 1982 a
Armenia		15 May 2002 a	Estonia		14 Apr 2011 a
Australia.....	31 May 1978	7 Sep 1984	Ethiopia.....	18 May 1977	
Austria		17 Jan 1990 a	Finland.....	18 May 1977	12 May 1978
Bangladesh.....		3 Oct 1979 a	Germany ^{4,5}	18 May 1977	24 May 1983
Belarus	18 May 1977	7 Jun 1978	Ghana.....	21 Mar 1978	22 Jun 1978
Belgium	18 May 1977	12 Jul 1982	Greece.....		23 Aug 1983 a
Benin.....	10 Jun 1977	30 Jun 1986	Guatemala.....		21 Mar 1988 a
Bolivia (Plurinational State of).....	18 May 1977		Holy See	27 May 1977	
Brazil	9 Nov 1977	12 Oct 1984	Honduras.....		16 Aug 2010 a
Bulgaria	18 May 1977	31 May 1978	Hungary	18 May 1977	19 Apr 1978
Cabo Verde		3 Oct 1979 a	Iceland	18 May 1977	
Cameroon.....		18 Apr 2011 a	India.....	15 Dec 1977	15 Dec 1978
Canada	18 May 1977	11 Jun 1981	Iran (Islamic Republic of).....	18 May 1977	
Chile.....		26 Apr 1994 a	Iraq.....	15 Aug 1977	
China ²		8 Jun 2005 a	Ireland.....	18 May 1977	16 Dec 1982
Costa Rica.....		7 Feb 1996 a	Italy	18 May 1977	27 Nov 1981
Cuba.....	23 Sep 1977	10 Apr 1978	Japan		9 Jun 1982 a
Cyprus.....	7 Oct 1977	12 Apr 1978	Kazakhstan.....		25 Apr 2005 a
Czech Republic ³		22 Feb 1993 d	Kuwait		2 Jan 1980 a
Democratic People's Republic of Korea....		8 Nov 1984 a	Lao People's Democratic Republic	13 Apr 1978	5 Oct 1978
Democratic Republic of Congo.....	28 Feb 1978				

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Lebanon	18 May 1977		Slovenia		20 Apr 2005 a
Liberia.....	18 May 1977		Solomon Islands		19 Jun 1981 d
Lithuania.....		16 Apr 2002 a	Spain	18 May 1977	19 Jul 1978
Luxembourg.....	18 May 1977		Sri Lanka.....	8 Jun 1977	25 Apr 1978
Malawi.....		5 Oct 1978 a	St. Lucia.....		27 May 1993 d
Mauritius.....		9 Dec 1992 a	St. Vincent and the Grenadines		27 Apr 1999 d
Mongolia.....	18 May 1977	19 May 1978	Sweden.....		27 Apr 1984 a
Morocco.....	18 May 1977		Switzerland		5 Aug 1988 a
Netherlands ⁶	18 May 1977	15 Apr 1983	Syrian Arab Republic	4 Aug 1977	
New Zealand ⁷		7 Sep 1984 a	Tajikistan		12 Oct 1999 a
Nicaragua.....	11 Aug 1977	6 Sep 2007	Tunisia	11 May 1978	11 May 1978
Niger		17 Feb 1993 a	Turkey.....	18 May 1977	
Norway	18 May 1977	15 Feb 1979	Uganda.....	18 May 1977	
Pakistan.....		27 Feb 1986 a	Ukraine	18 May 1977	13 Jun 1978
Panama.....		13 May 2003 a	United Kingdom of Great Britain and Northern Ireland.....	18 May 1977	16 May 1978
Papua New Guinea		28 Oct 1980 a	United States of America.....	18 May 1977	17 Jan 1980
Poland	18 May 1977	8 Jun 1978	Uruguay		16 Sep 1993 a
Portugal.....	18 May 1977		Uzbekistan		26 May 1993 a
Republic of Korea.....		2 Dec 1986 a	Viet Nam.....		26 Aug 1980 a
Romania.....	18 May 1977	6 May 1983	Yemen ⁸	18 May 1977	20 Jul 1977
Russian Federation	18 May 1977	30 May 1978			
Sao Tome and Principe..		5 Oct 1979 a			
Sierra Leone.....	12 Apr 1978				
Slovakia ³		28 May 1993 d			

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

ARGENTINA⁹

The Argentine Republic interprets the terms "widespread, long-lasting or severe effects" in article I, paragraph 1, of the Convention in accordance with the definitions agreed upon in the understanding on that article. It likewise interprets articles II, III and VIII in accordance with the relevant understandings.

AUSTRIA

Reservation:

"Considering the obligations resulting from its status as a permanently neutral state, the Republic of Austria declares a reservation to the effect that its co-operation within the frame work of this Convention cannot exceed the limits determined by the Status of permanent neutrality and membership with the United Nations."

GERMANY⁵

Upon signature:

"With the proviso that the correct designation of the Federal Republic of Germany in the Russian language is 'Federativnuju Respubliku Germaniju'."

16 June 1977

"The correct designation of the Federal Republic of Germany in the Russian language following the preposition 'sa' in the Russian text was spelled out in the afore-mentioned proviso as 'Federativnuju Respubliku Germaniju'."

GUATEMALA

Reservation:

Guatemala accepts the text of article III, on condition that the use of environmental modification techniques for peaceful purposes does not adversely affect its territory or the use of its natural resources.

KUWAIT¹⁰

Reservation:

This Convention binds the State of Kuwait only towards States Parties thereto. Its obligatory character shall *ipso facto* terminate with respect to any hostile

state which does not abide by the prohibition contained therein.

Understanding:

"It is understood that accession to the Convention on the Prohibition of Military or any other hostile use of Environmental Modification Techniques, done in Geneva, 1977, does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relation will arise between the State of Kuwait and Israel."

NETHERLANDS

Declaration:

"The Kingdom of the Netherlands accepts the obligations laid down in article 1 of the said Convention as extending to states which are not a party to the Convention and which act in conformity with article 1 of the Convention."

NEW ZEALAND

"The Government of New Zealand hereby declares its interpretation that nothing in the Convention detracts from or limits the obligations of States to refrain from military or any other hostile use of environmental modification techniques which are contrary to international law".

REPUBLIC OF KOREA

"It is the understanding of the Government of the Republic of Korea that any technique for deliberately changing the natural state of rivers falls within the meaning of the term 'environmental modification techniques' as defined in article II of the Convention.

"It is further understood that military or any other hostile use of such techniques, which could cause flooding, inundation, reduction in the water-level, drying up, destruction of hydrotechnical installations or other harmful consequences, comes within the scope of the Convention, provided it meets the criteria set out in article I therefore."

SWITZERLAND

Because of the obligation incumbent upon it by virtue of its status of perpetual neutrality, Switzerland must make a general reservation specifying that its co-operation in the framework of this Convention cannot go beyond the limits imposed by this status. This reservation refers, in particular, to article V, paragraph 5, of the Convention, and to any similar clause which may replace or supplement this provision in the Convention (or in any other arrangement).

TURKEY

Upon signature:

Interpretative statement:

"In the opinion of the Turkish Government the terms 'wide-spread', 'long lasting' and 'severe effects' contained in the Convention need to be clearly defined. So long as this clarification is not made the Government of Turkey will be compelled to interpret itself the terms in question and consequently it reserves the right to do so as and when required.

"Furthermore, the Government of Turkey believes that the difference between 'military or any other hostile purposes' and 'peaceful purposes' should be more clearly defined so as to prevent subjective evaluations."

Territorial Application

<i>Participant</i>	<i>Date of receipt of the notification</i>	<i>Territories</i>
United Kingdom of Great Britain and Northern Ireland ¹¹	16 May 1978	United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, Association of Caribbean States, Brunei, Solomon Islands and United Kingdom Territories

Notes:

¹ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 39 (A/31/39), p. 36.*

² With the following declaration with respect of Hong Kong Special Administrative Region and Macao Special Administrative Region:

In accordance with the provisions of Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

³ Czechoslovakia had signed and ratified the Convention on 18 May 1977 and 12 May 1978, respectively. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

⁴ See note 1 under "Germany" regarding Berlin (West) in the "Historical Information" section in the front matter of this volume.

⁵ The German Democratic Republic had signed and ratified the Convention on 18 May 1977 and 25 May 1978, respectively. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

⁶ For the Kingdom in Europe and the Netherlands Antilles.

See also note 1 under “Netherlands” regarding Aruba/Netherlands Antilles in the “Historical Information” section in the front matter of this volume.

⁷ The accession shall also apply to the Cook Islands and Niue.

⁸ Democratic Yemen had acceded to the Convention on 12 June 1979. See also note 1 under “Yemen” in the “Historical Information” section in the front matter of this volume.

⁹ The Government of Argentina has specified that the understandings referred to in the declaration are the Understandings adopted as part of the report of the Conference of the Committee on Disarmament to the General Assembly at its thirty-first session, published under the symbol A/31/27. [Report of the Conference of the Committee on Disarmament to the General Assembly (Volume I, Annex I).]

¹⁰ On 23 June 1980, the Secretary-General received from the Government of Israel the following communication concerning the above-mentioned understanding:

"The Government of Israel has noted the political character of the statement made by the Government of Kuwait. In the view of the Government of Israel, this Convention is not the proper place for making such political pronouncements. Moreover, the said declaration cannot in any way affect whatever obligations are binding upon Kuwait, under general international law or under particular conventions. Insofar as concerns the substance of the matter, the Government of Israel will adopt towards the Government of Kuwait an attitude of complete reciprocity."

¹¹ See note 2 under “United Kingdom of Great Britain and Northern Ireland” regarding Hong Kong in the “Historical Information” section in the front matter of this volume.

