



CANADA

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STATEMENT BY AMBASSADOR J. ALAN BEESLEY

ENMOD REVIEW CONFERENCE

WEDNESDAY, SEPTEMBER 12, 1984

MR. CHAIRMAN,

ALMOST SIX YEARS AFTER THE ENTRY INTO FORCE OF THE CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES, IT IS APPROPRIATE THAT WE SHOULD TAKE STOCK OF THE COMMITMENTS WE HAVE UNDERTAKEN, AND HOW THESE COMMITMENTS HAVE BEEN IMPLEMENTED. WE SHOULD ALSO CONSIDER THE EFFECTIVENESS OF THE PROVISIONS TO WHICH WE HAVE AGREED FOR MONITORING AND VERIFYING COMPLIANCE WITH THE CONVENTION.

ONE OF THE MAJOR STRENGTHS OF THE ENMOD TREATY IS THAT IT REFLECTS AND BUILDS ON TWO MAJOR AREAS OF INTERNATIONAL CONCERN, THE IMPERATIVE NEED TO PROTECT THE ENVIRONMENT AND THE URGENT NECESSITY TO CURB THE ARMS COMPETITION THROUGH VERIFIABLE ARMS CONTROL AGREEMENTS. THIS TREATY ALSO DERIVES ITS STRENGTH FROM THE WIDESPREAD SUPPORT IT HAS RECEIVED INCLUDING THAT OF THE MAJOR POWERS, WHO WERE INSTRUMENTAL IN ITS FORMULATION IN THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT. FINALLY, IT DRAWS STRENGTH FROM THE FACT THAT THE SIGNATORIES OF THE TREATY REPRESENT A BROAD CROSS-SECTION OF NATIONS, DEVELOPED AND DEVELOPING, WESTERN AND SOCIALIST AND NON-ALIGNED. A POTENTIAL WEAKNESS IS THAT LESS THAN HALF THE MEMBER NATIONS OF THE UN HAVE THUS FAR ADHERED TO IT. WE HOPE THAT THIS POTENTIAL WEAKNESS WILL BE REMEDIED IN DUE COURSE

THROUGH THE ACCESSION OF NEW PARTIES, A POINT TO WHICH I SHALL RETURN.

A NUMBER OF SPEAKERS HAVE POINTED OUT THAT THE TREATY IS LIMITED IN SCOPE. WHILE WE MIGHT ALL PREFER A BAN APPLYING TO A BROADER RANGE OF POSSIBLE HOSTILE USE OF ENVIRONMENTAL EFFECTS, NOT LIMITED TO THOSE HAVING "WIDESPREAD, LONG-LASTING OR SEVERE EFFECTS", THE ENMOD CONVENTION APPEARS TO REPRESENT A HIGH WATER MARK ON THIS ISSUE FOR THE TIME BEING IN LIGHT OF THE TECHNOLOGICAL SITUATION TO WHICH IT APPLIES. WE CAN THEREFORE ACCEPT ITS SCOPE AS DEFINED IN ARTICLE I. WE CONSIDER HOWEVER THAT THE EXISTING SCOPE SHOULD BE MAINTAINED AND NOT WEAKENED IN ANY WAY.

WE CONSIDER ALSO THAT THOUGH THE CONVENTION IS LIMITED IN SCOPE, IT SERVES AS A USEFUL ADDITION TO THE EXISTING MULTILATERAL ARMS CONTROL INSTRUMENTS. WHILE NO COUNTRY MAY YET BE ABLE TO PRODUCE THE ENVIRONMENTAL EFFECTS THE USE OF WHICH THE CONVENTION SEEKS TO PROHIBIT, IT ADDRESSES THE POTENTIAL FOR FUTURE MILITARY USE. THUS THE CONVENTION CAN HELP PRE-EMPT NEW MILITARY DEVELOPMENTS BEFORE THEY ARE UNDER WAY. LIKE THE SEA-BED TREATY AND THE OUTER SPACE TREATY, THE ENMOD CONVENTION PLAYS A PREVENTIVE RATHER THAN A REMEDIAL ROLE. WHILE IT MAY NOT REPRESENT THE IDEAL APPROACH TO ARMS CONTROL, IT HAS AND WILL CONTINUE TO REPRESENT A VIABLE CONTRIBUTION TO CURING THE GLOBAL ILLNESS OF THE ARMS RACE. IT

HAS STOOD THE TEST OF TIME THUS FAR AND CONTRIBUTED TO INTERNATIONAL SECURITY.

THERE ARE SOME WHO HAVE CRITICIZED ENMOD AS A TREATY BANNING SYSTEMS WHICH DO NOT YET EXIST, AND ARE NOT IN ANY EVENT CONTEMPLATED. THIS CRITICISM WILL BE FAMILIAR TO THOSE WHO PARTICIPATED IN THE NEGOTIATION OF A SEABED ARMS CONTROL TREATY. SIMILAR CRITICISMS MIGHT BE MADE OF THE OUTER SPACE TREATY AND EVEN THE ANTARCTIC TREATY. BUT WE MUST RECOGNIZE THAT THE WORLD DOES NOT STAND STILL. SCIENTIFIC AND TECHNICAL ADVANCES IN UNDERSTANDING THE ENVIRONMENT HAVE MADE IT INCREASINGLY POSSIBLE TO ENVISAGE, CONCEPTUALLY AND OCCASIONALLY IN SOME DETAIL, HOW ENVIRONMENTAL FORCES MIGHT BE APPLIED TO MILITARY ENDS.

AS EXPLAINED IN A STUDY TABLED BY CANADA IN THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT, DOCUMENT CCD/463 OF AUGUST 1975, THE POSSIBILITY OF EMPLOYING ENVIRONMENTAL MODIFICATION TECHNIQUES FOR MILITARY OR OTHER HOSTILE PURPOSES IS OBVIOUSLY INFLUENCED BY THE NATURE OF THE ENVIRONMENT. THE ENVIRONMENT IS NOT ONLY GLOBAL IN SCOPE, BUT IS HIGHLY COMPLEX IN STRUCTURE AND HAS MANY DISCONTINUITIES. STRUCTURAL DISCONTINUITIES IN THE ENVIRONMENT OFTEN REPRESENT SITUATIONS OF DISEQUILIBRIUM INVOLVING SIGNIFICANT ENERGY IMBALANCE. WHILE ENVIRONMENTAL EVENTS OVER WHICH MAN HAS EXERCISED NO CONTROL CAN IN CERTAIN CIRCUMSTANCES CONFER EXPLOITABLE

MILITARY ADVANTAGE, IT MAY BE POSSIBLE, WITH APPROPRIATE TECHNIQUES, TO HARNESS, DIRECT OR MODIFY ENVIRONMENTAL ENERGY IMBALANCE TO GAIN SIGNIFICANT MILITARY ADVANTAGE. MOREOVER, AS POINTED OUT IN THE CANADIAN PAPER, "THE ENERGIES THAT MIGHT BE TAPPED FROM THE ENVIRONMENT COULD COMPRISE ORDERS OF MAGNITUDE GREATER THAN THOSE AVAILABLE IN NUCLEAR WEAPONS".

WHAT THIS CONVENTION IS MEANT TO ACCOMPLISH IS THE FORECLOSURE OF THIS AVENUE OF WEAPONS DEVELOPMENT. THIS ACHIEVEMENT SHOULD NOT BE DENIGRATED. TO DO SO DOES A DISSERVICE TO THE ARMS CONTROL PROCESS, WHICH IS SEVERELY ENOUGH UNDER ATTACK FROM OTHER SOURCES.

ON MAY 18, 1977 WHEN THE CONVENTION WAS OPENED FOR SIGNATURE, KURT WALDHEIM, REMARKED THAT THE CONVENTION WAS THE FIRST MULTILATERAL DISARMAMENT AGREEMENT TO DESIGNATE THE SECRETARY-GENERAL OF THE UNITED NATIONS AS DEPOSITARY AND ASSIGN TO HIM A SPECIFIC ROLE IN THE VERIFICATION PROCEDURES. HE INTERPRETED THIS AS INDICATING THE INTENT OF THE WORLD COMMUNITY TO HAVE THE UNITED NATIONS PLAY A MORE CENTRAL ROLE IN THE FIELD OF DISARMAMENT. WE MIGHT USEFULLY ADDRESS THIS THEME IN SUCCEEDING DAYS AS WE EVALUATE THE IMPLEMENTATION OF THE CONVENTION AND ITS SIGNIFICANCE. IN HIS SPEECH, MR. WALDHEIM SPOKE OF A PACKAGE OF TREATIES OF WHICH ENMOD WAS ONE, WHICH HAD BEEN NEGOTIATED MULTILATERALLY, A PROCESS WHICH HAS BEEN QUESTIONED IN SOME QUARTER - INADVISLEDY IN MY OPINION.

HE INCLUDED THE 1972 BIOLOGICAL WEAPONS CONVENTION AND THE 1967 OUTER SPACE TREATY IN THIS BODY OF INTERNATIONAL AGREEMENTS BY WHICH GOVERNMENTS, WITH ALL THEIR DIFFERENCES AND DIVISIONS ACHIEVED PROGRESS MULTILATERALLY, LITTLE BY LITTLE TOWARDS A MORE PEACEFUL AND ORDERLY WORLD. IT WILL BE USEFUL, THEREFORE, AS WE ASSESS THIS CONVENTION TO RECOGNIZE ITS CONTRIBUTION, LIMITED THOUGH IT MIGHT BE, AS AN INCREMENTAL CONTRIBUTION TO INTERNATIONAL STABILITY. THE ENMOD CONVENTION HAS BEEN RESPECTED. SOME MAY ARGUE THAT THIS SHOWS THE USEFULNESS OF MAKING THE UNITED NATIONS THE DEPOSITORY OF THE CONVENTION AND OTHERS THAT IT IS BECAUSE TECHNOLOGY HAS NOT YET CAUGHT UP. WE PREFER TO THINK THAT THE REASON IS BECAUSE STATES DO TAKE SERIOUSLY THEIR OBLIGATIONS UNDER ARMS CONTROL AGREEMENTS. THERE SEEMS TO BE GENERAL AGREEMENT, IN ANY EVENT, THAT THERE HAVE BEEN NO BREACHES OR ALLEGATIONS OF BREACHES.

DURING THE NEXT FEW DAYS, THIS CONFERENCE WILL EXAMINE THE PROVISIONS IN THE ENMOD CONVENTION DEALING WITH COMPLIANCE AND VERIFICATION PROCEDURES, DURING ITS ARTICLE BY ARTICLE REVIEW. AS WE INCREASINGLY RECOGNIZE THESE ISSUES TO BE AMONGST THE MOST ESSENTIAL ONES TO BE ADDRESSED IN CURRENT NEGOTIATIONS IN THE CD, IT COULD PROVE INSTRUCTIVE TO UNDERTAKE AN ASSESSMENT OF THE ADEQUACY OF SUCH PROVISIONS IN EXISTING TREATIES, INCLUDING THE CONVENTION WITH WHICH WE ARE NOW CONCERNED.

SOME DELEGATIONS HAVE EXPRESSED CONCERN THAT THE SECURITY COUNCIL ON WHICH NOT ALL STATE PARTIES TO THE TREATY ARE REPRESENTED IS NOT THE BEST MECHANISM FOR THE ENMOD TREATY. WHILE THIS SOLUTION MAY, INDEED, NOT BE IDEAL, WE CONSIDER THAT IT WAS AND REMAINS THE MOST PRACTICABLE WAY OF DEALING WITH THIS ISSUE. WE WILL OF COURSE HAVE FURTHER OCCASIONS TO STUDY THIS POINT AND APPRAISE ITS VALIDITY AT THIS AND FUTURE REVIEW CONFERENCES.

TURNING TO THE QUESTION OF PROTECTION AND PRESERVATION OF THE ENVIRONMENT, WHICH IS IN OUR VIEW A MAJOR ASPECT OF THE ENMOD TREATY, THIS REFLECTS A CONCERN WHICH HAS BEEN A HIGH PRIORITY FOR SUCCESSIVE CANADIAN GOVERNMENTS FOR MANY YEARS. CANADA HAS LONG BEEN COMMITTED TO SEEKING MULTILATERAL AS WELL AS BILATERAL AND NATIONAL ACTION DIRECTED TO THE PROTECTION OF THE ENVIRONMENT. THIS WAS EXEMPLIFIED BY OUR STANCE AT THE 1972 STOCKHOLM CONFERENCE WHERE CANADA PLAYED AN EXTREMELY ACTIVE ROLE IN DEVELOPING THE PRINCIPLES OF ENVIRONMENTAL LAW WHICH WOULD IN TURN PROVIDE THE FOUNDATION FOR A SYSTEM OF AGREEMENTS, TREATIES AND PRACTICAL ARRANGEMENTS ON WHICH THE SUBSEQUENT LAW OF THE ENVIRONMENT WOULD BE BASED. THE DECLARATION ON THE HUMAN ENVIRONMENT ON WHICH CANADA FOCUSED MUCH OF ITS ATTENTION AT THE TIME HAD AS AN OBJECTIVE A DECLARATION OF PRINCIPLES ANALOGOUS TO THE DECLARATION OF PRINCIPLES ON OUTER SPACE. THIS APPROACH WAS BASED ON CANADIAN

EXPERIENCE AND ANALYSIS OF EXISTING INTERNATIONAL LAW. IN THE CANADIAN VIEW, THE BASIC REQUIREMENT FOR THE ATTAINMENT OF AN "ENVIRONMENTAL ETHIC" WAS THE PRINCIPLE THAT NATIONS ACCEPT THE RESPONSIBILITY FOR THE EFFECTS THEIR ACTIONS HAVE ON THE ENVIRONMENT OF OTHER STATES. THIS CONCEPT, FOUNDED ON THE LANDMARK TRAIL SMELTER CASE, WAS REFLECTED IN PRINCIPLE 21 OF THE DECLARATION, ACCEPTED BY CONSENSUS AT STOCKHOLM. THIS PRINCIPLE IS OF COURSE ALSO VALID IN THE CONTEXT OF TREATIES SUCH AS THE ENMOD TREATY. THUS THE ENMOD TREATY, LIKE THE PARTIAL TEST BAN TREATY OF 1963, ARE SIGNIFICANT ENVIRONMENTAL AS WELL AS ARMS CONTROL TREATIES. BOTH TYPES OF TREATIES HAVE, AFTER ALL, A COMMON OBJECTIVE - THE SURVIVAL OF MANKIND.

I TRUST THAT DURING THESE TWO WEEKS IT WILL BE POSSIBLE, AS WE STUDY THE APPLICATION OF THE TREATY PROVISIONS, TO GAIN AN APPRECIATION OF THE LESSONS WE HAVE LEARNED AND TO APPLY THAT KNOWLEDGE TO CURRENT NEGOTIATIONS. I REFER, FOR EXAMPLE, TO WHAT ONE MIGHT REGARD AS A MIRROR IMAGE BETWEEN THIS CONVENTION AND OUR EFFORTS IN THE CONFERENCE ON DISARMAMENT TO FIND AN AGREEMENT ON THE BANNING OF RADIOLOGICAL WEAPONS. I REFER ALSO TO THE IMPORTANCE OF ADEQUATE VERIFICATION PROCEDURES, AND TO THE VIABILITY OF THE MULTILATERAL PROCESS ITSELF AS A MEANS OF ACHIEVING ARMS CONTROL.

FINALLY, I BELIEVE WE MUST DETERMINE ON WAYS OF ENCOURAGING OTHER NATIONS WHO HAVE NOT SIGNED THE TREATY TO COME TO UNDERSTAND THAT IT IS IN THEIR INTEREST INDIVIDUALLY, AND COLLECTIVELY, TO DO SO. THIS IS NOT THE ONLY TREATY TO WHICH THIS PRINCIPLE APPLIES. THERE ARE A NUMBER OF MECHANISMS WHICH MIGHT BE EMPLOYED AS WE PREPARE TO PARTICIPATE IN UNGA 39. I HOPE THAT WE CAN FIND THE MEANS TO MAKE PROGRESS ON THIS ISSUE.

IN CLOSING, MR. CHAIRMAN, I SHOULD LIKE TO SUGGEST THAT IN THESE TENSE AND TROUBLED TIMES IT BEHOVES US ALL TO ADOPT AN OBJECTIVE AND CONSTRUCTIVE APPROACH TO OUR DELIBERATIONS. IN LIGHT OF THE DISAPPOINTING RECORD RECENTLY OF THE CONFERENCE ON DISARMAMENT, WE CAN AT LEAST MAKE SOME CONTRIBUTION TO ARMS CONTROL BY REAFFIRMING THIS CONVENTION. EVEN IF WE CAN DO NO MORE, WE MUST DO NO LESS.