

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

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Part Two. Legal activities of the United Nations and related intergovernmental organizations

Chapter IV. Treaties concerning international law concluded under the auspices of the United Nations and related inter-governmental organizations



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## Chapter IV

### TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER- GOVERNMENTAL ORGANIZATIONS

#### Treaties concerning international law concluded under the auspices of the United Nations

CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER  
HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECH-  
NIQUES.<sup>1</sup> OPENED FOR SIGNATURE AND RATIFICATION ON  
18 MAY 1977

*The States parties to this Convention,*

*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,

*Determined* to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

*Recognizing* that scientific and technical advances may open new possibilities with respect to modification of the environment,

*Recalling* the Declaration of the United Nations Conference on the Human Environment,<sup>2</sup> adopted at Stockholm on 16 June 1972,

*Realizing* that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

*Recognizing*, however, that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

*Desiring* to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

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<sup>1</sup> By its resolution 31/72 of 10 December 1976, the General Assembly, noting with satisfaction that the Conference of the Committee on Disarmament had completed and transmitted to the Assembly in the report on its work in 1976 (*Official Records of the General Assembly, Thirty-first Session, Supplement No. 27 (A/31/27)*) the text of a draft Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques *inter alia* expressed its conviction that the Convention would contribute to the realization of the purposes and principles of the United Nations, referred the Convention to all States for their consideration, signature and ratification, requested the Secretary-General, as depositary of the Convention, to open it for signature and ratification at the earliest possible date and expressed its hope for the widest possible adherence to the Convention.

<sup>2</sup> See *Report of the United Nations Conference on the Human Environment* (United Nations publication, Sales No. E.73.II.A.14), chap. I.

*Desiring* also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations,

*Have agreed* as follows:

#### ARTICLE I

1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.

2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph 1 of this article.

#### ARTICLE II

As used in article I, the term "environmental modification techniques" refers to any technique for changing—through the deliberate manipulation of natural processes—the dynamics, composition or structure of the earth, including its biota, lithosphere, hydrosphere, and atmosphere, or of outer space.

#### ARTICLE III

1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to generally recognized principles and applicable rules of international law concerning such use.

2. The State Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to 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

Each State Party to this Convention undertakes 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.

#### ARTICLE V

1. The States Parties to this Convention undertake 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. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a consultative committee of experts as provided for in paragraph 2 of this article.

2. For the purposes set forth in paragraph 1 of this article, the Depositary shall, within one month of the receipt of a request from any State Party, convene

a consultative committee of experts. Any State Party may appoint an expert to this committee whose functions and rules of procedure are set out in the annex, which constitutes an integral part of this Convention. The committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to this Convention which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Convention which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

#### ARTICLE VI

1. Any State Party may propose amendments to this Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.

2. An amendment shall enter into force for all States Parties which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### ARTICLE VII

This Convention shall be of unlimited duration.

#### ARTICLE VIII

1. 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. 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 article I, paragraph 1, in eliminating the dangers of military or any other hostile use of environmental modification techniques.

2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.

3. If no review conference has been convened pursuant to paragraph 2 of this article within 10 years following the conclusion of a previous review conference, the Depositary shall solicit the views of all States Parties to this Convention on the holding of such a conference. If one third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

## ARTICLE IX

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force upon the deposit with the Depositary of instruments of ratification by 20 Governments in accordance with paragraph 2 of this article.

4. For those States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.

6. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

## ARTICLE X

This Convention, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations who shall send certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Convention.

Done at . . . , on the . . . day of . . .<sup>3</sup>

## ANNEX TO THE CONVENTION

### Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to article V, paragraph 1, of this Convention by the State Party requesting the convening of the Committee.

2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. The Depositary or his representative shall serve as the Chairman of the Committee.

4. Each expert may be assisted at meetings by one or more advisers.

5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

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<sup>3</sup> The Convention was opened for signature at Geneva on 18 May 1977.