Convención sobre el Prohibición de la Uso Militar o Hostil de Técnicas de Modificación del Medio Ambiente

Adoptada por la Resolución 31/72 de la Asamblea General de las Naciones Unidas el 10 de diciembre de 1976. La Convención fue abierta para la firma en Ginebra el 18 de mayo de 1977.

Los Estados Partes a esta Convención,

Guían por el interés de consolidar la paz, y deseando contribuir al fin de poner fin a la carrera armamentista, y de llevar a cabo una desarme general y completo bajo estricto y efectivo control internacional, y de salvaguardar a la humanidad de la amenaza de usar nuevas formas de guerra,

Determinados a continuar las negociaciones con el fin de lograr el progreso efectivo hacia medidas adicionales en el campo del desarme,

Reconociendo que los avances científicos y técnicos pueden abrir nuevas posibilidades en cuanto a la modificación del ambiente,

Recuerdando el Pacto de las Naciones Unidas sobre el Ambiente Humano, adoptado en Estocolmo el 16 de junio de 1972,

Conscientes, sin embargo, de que el uso militar o hostil de dichas técnicas podría tener efectos nocivos extremadamente perjudiciales para la humanidad,

Desirieron prohibir de manera efectiva el uso militar o hostil de técnicas de modificación del ambiente a fin de eliminar los peligros para la humanidad de ese uso, y expresando su voluntad de trabajar para lograr este objetivo,

Desirieron también contribuir al fortalecimiento de la confianza entre las naciones y al mayor perfeccionamiento de la situación internacional en conformidad con los propósitos y principios del Pacto de las Naciones Unidas,

Han acordado lo siguiente:

ARTÍCULO I

1. Cada Estado Parte a esta Convención se compromete a no emplear en guerra o para otros fines hostiles ninguna técnica de modificación del medio ambiente que cause efectos de amplio alcance, de larga duración o de gravedad extrema como medio de destrucción, daño o lesión a cualquier otra parte.

2. Cada Estado Parte a esta Convención se compromete a no ayudar, animar o inducir a cualquier otro estado, grupo de estados o entidad internacional a realizar actividades contrarias a los preceptos del párrafo 1 de este artículo.
ARTICLE II

As used in article 1, 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 the generally recognized principles and applicable rules of international law concerning such use.

2. The States 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 to this Convention, convene a Consultative Committee of Experts. Any State Party may appoint an expert to the 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 reason 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 cooperate 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 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 State Party 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 to this Convention may propose amendments to the 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 to this Convention 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, 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. 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 conference has been convened pursuant to paragraph 2 of this article within ten years following the conclusion of a previous conference, the Depositary shall solicit the views of all States Parties to this Convention concerning the convening of such a conference. If one third or ten 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 or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty 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 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 duly certified copies thereof to the Governments of the signatory and acceding States.

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

Done at Geneva, on the 18 day of May 1977.

(Here follows signatures)

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 paragraph 1 of article V 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.