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General and complete disarmament

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Report of the Secretary-General

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I. Introduction

1. On 5 December 2007, the General Assembly adopted resolution 62/28, entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control". Paragraph 4 of the resolution invited all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the resolution and requested the Secretary-General to submit a report containing that information to the Assembly at its sixty-third session.

2. Pursuant to that request, on 15 February 2008, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are contained in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Canada

[Original: English]
[10 June 2008]

Canada has appropriate laws and regulations in place in support of environmental norms. These include the Canadian Environmental Assessment Act and Project Outside of Canada Regulations. Strong environmental standards at the national and international level are the best way of ensuring a minimal negative environmental impact.

Cuba

[Original: Spanish]
[11 June 2008]

1. Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control is particularly important, when one considers the unilateralism that some are attempting to impose in international relations.

2. Of particular note in this context are policies aimed at launching wars of aggression in various parts of the world, the use of aggressive strategies that include preventive attacks, the indiscriminate use of all types of weapons, including the possibility of use of nuclear weapons, and the refusal at the multilateral level to assume new commitments in the field of nuclear disarmament. At the same time, the arms race continues unchecked and the pace of development of conventional weapons is accelerating while certain Powers maintain untouched their vast arsenals of nuclear weapons.

3. The existence of ever more sophisticated weapons of mass destruction is one of the gravest threats to international peace and security, to the fragile environmental balance of our planet and to sustainable development for all, without distinction. This is why Cuba believes that the only truly effective way to avoid the

harmful consequences of the use of weapons of mass destruction continues to be the complete elimination of this type of weapon and why it attaches great importance to the universalization of the international treaties prohibiting them.

4. The Republic of Cuba has extensive experience in the adoption and application of laws and policies to ensure the observance of environmental norms in all social processes, including their implementation in the various international instruments in the field of disarmament and arms control.

5. Cuba has solid legal provisions for the protection of the environment:

– Article 27 of the Constitution of the Republic incorporates the concept of sustainable development;

– Act No. 81/1997 on the environment establishes the principles of Cuba's environmental policy, among them: "Environmental management is comprehensive and cross-cutting; State agencies and other entities and institutions, society and citizens in general all participate in a coordinated manner and in accordance with their respective competencies and abilities";

– Decree-Law No. 207 on the use of nuclear energy establishes the general precepts that govern this subject;

– Decree No. 208 on the national system of accounting for and control of nuclear materials establishes the norms for regulating the system in order to contribute to the efficient management of the materials and to detect any use, loss or unauthorized movement;

– Domestic laws on biosecurity and the implementation of the Biological and Toxin Weapons Convention are reflected in Decree-Law No. 190/99 on biosecurity, in Decision No. 2/2004 of the Ministry of Science, Technology and the Environment on regulations for accounting for and control of biological materials, equipment and related technologies, in the most recent update of the list of biological agents that affect people, animals and plants, and in the regulations for granting certification of biological safety, which are contained in Decisions Nos. 38/2006 and 180/2007, respectively, of the Ministry of Science, Technology and the Environment;

– Decree-Law No. 202/1999 governs the implementation of the Chemical Weapons Convention at the domestic level;

– Decision No. 5517, adopted in 2005 by the Executive Committee of the Council of Ministers, on offences involving violations of the provisions of the Chemical Weapons Convention fulfilled the legislative requirements for the application of the Chemical Weapons Convention.

6. The Chemical Weapons Convention is the only international agreement that provides for the verifiable destruction of chemical weapons and the installations in which they are produced, as well as measures for the protection of people and the environment.[1] The principles and methods for the destruction of chemical

[1] See article IV, paragraph 10; article V, paragraph 1; article VII, paragraph 3; Verification Annex, part II (E), paragraph 43; Verification Annex, part VI (C), paragraph 7.

weapons,[2] which should be taken into account by weapons-possessing States when destroying their weapons, are of great importance.

7. In 2007, Albania became the first country to eliminate all of its chemical weapons, without doing any damage to the environment during the process. However, some of the other States that possess chemical weapons have continued to extend the period for their destruction, thereby creating a danger of violation of the maximum period provided for in the Convention, which expires in 2012. This continues to give cause for concern to non-weapons States, like Cuba.

8. On the question of nuclear disarmament, the Conference on Disarmament should begin negotiations on a treaty for the complete elimination of these weapons within a specified time frame and under strict international control. An international treaty on nuclear disarmament must of necessity include measures for the protection of the environment.

9. Strengthening of the Biological and Toxin Weapons Convention over the next few years is key to the protection of the environment and the preservation of biodiversity on our planet. The draft protocol for strengthening the Convention, which was the subject of negotiations a few years ago, included, among other things, proposals for environmental protection measures for the application of the Convention. The international community must not abandon that objective.

10. It is also important to highlight the relevance and importance of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, ratified by Cuba on 10 April 1978, which is still fully in force and should be universally accepted.

11. In the geographic area closest to Cuba, one still observes the serious harm caused by the United States Navy to the health and ecology of the Puerto Rican island of Vieques, which is used indiscriminately as a military practice range for its acts of aggression and conquest and where use was even made of material having radioactive components. As a result, the inhabitants of Vieques have the highest rate of cancer in all of Puerto Rico.[3]

12. In addition, in the war of occupation of Iraq by the United States, the harm caused to the environment, property and human life has been devastating.

Greece

[Original: English]
[24 June 2008]

1. Greece believes that it is of utmost importance that every attention be given to include clauses of environmental protection in all conventions on disarmament and in their implementation.

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[2] Verification Annex, part IV (C), “Destruction of chemical weapons and its verification pursuant to article IV”, paragraphs 12 to 14.

[3] Data of the Cancer Registry of the Department of Health of Puerto Rico show that cancer rates on Vieques began to rise with the start of the bombing by the United States Navy in 1979 (Zavala-Segarra, D., *Incidencia de cáncer en Vieques*).

2. Greece is following a specific policy on environmental protection, in accordance with the EU and international standards, and has established all the necessary legal instruments to implement those policies. The Greek Armed Forces fully complies with those regulations.

3. Greece, taking into consideration strict safety requirements, has not carried out massive disposals of surplus ammunition in open fields since 2001.

4. Major Ioannis Giannakopoulos has been appointed as national Point of Contact.

Lebanon

[Original: English]
[11 April 2008]

Lebanon does not possess any arms or weapons which could be considered as harmful to the environment. Lebanon is keen to implement the international agreements concerning disarmament, arms control and observance of environmental norms. On this matter, Lebanon wishes to express its deep concerns about Israel because of the latter's possession of weapons of mass destruction, which could be very harmful to the environment, even if they are not used.

Panama

[Original: Spanish]
[27 May 2008]

The Republic of Panama has incorporated into its domestic laws various multilateral treaties with these objectives, such as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects.

Qatar

[Original: English]
[2 May 2008]

The State of Qatar has promulgated Law No. 20 (2002) concerning protection of the environment; its code of regulations, which was issued in 2005, is binding on all State entities in carrying out their activities and actions according to the law. With respect to armament, the State of Qatar has acceded to all treaties on the prohibition of weapons of mass destruction, and it does not possess any weapons or ammunitions that pollute the environment. With respect to existing conventional arms, whenever there is a need to destroy any, environmental standards are taken into account.

Serbia

[Original: English]
[9 June 2008]

1. In fully complying with its international obligations in the field of the protection of the environment, the Republic of Serbia has adopted relevant laws which are implemented consistently.

2. In the case of the implementation of disarmament agreements, technologies for deconstructing surplus armaments and ammunition down to their components, to be reused as secondary raw materials in industry, are used in the process of deconstruction and destruction of armaments and ammunition. Open detonation is used only to destroy the ammunition components not deconstructed for security reasons, and the level of contamination is kept within the limits prescribed by law.

3. Pollution of water, land and air is monitored in the area in which deconstruction and destruction capacities are located. The development of facilities for burning small-calibre munitions in a closed cycle with gas purification is under way. It is aimed at providing additional protection to the environment and the workplace.

Spain

[Original: Spanish]
[5 May 2008]

1. Spain attaches great importance to reducing to the minimum the possible impact on the environment of any activity, including the implementation of agreements on disarmament and arms control.

2. Below is a description of the procedures followed for the destruction of weapons and ammunition in implementation of the principal agreements on disarmament and arms control to which Spain is a party.

Destruction of anti-personnel mines

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Convention on the Prohibition of Anti-Personnel Mines)

3. The 1997 Convention on the Prohibition of Anti-Personnel Mines requires the destruction of national stockpiles within a period not exceeding 4 1/2 years from the date of deposit of the instrument of ratification.

4. By Act No. 33/1998, of 5 October of that year, on the total prohibition of anti-personnel mines and weapons with similar effects (Official State Bulletin No. 239, of 6 October 1998), Spain undertook to destroy its stockpile of anti-personnel mines before 7 October 2001. The destruction process, however, was completed 10 months earlier, on 3 October 2000, i.e., more than two years in advance of the time limit established by article 4 of the Convention.

5. The destruction of the anti-personnel mines was carried out by the Spanish company Fabricaciones Extremeñas (FAEX), which guaranteed maximum security

and zero environmental impact, in accordance with the ISO 14000 standard and Council Directive 94/67 EC on the incineration of hazardous waste.

6. A total of 849,365 mines were destroyed in a record period of 28 months, which amounts to a rate of 1,200 per day. The total cost of the operation was 3,228,000 euros, so that the unit cost of destruction was only 3.8 euros.

7. The process began with disassembling the mines and separating the explosive charge from the casing and the rest of the components. The explosive was then incinerated in a 450-degree furnace. The resulting gases were next passed through a treatment line in which heavy metals were separated out and later collected by waste management companies. The end gases were subjected to catalytic oxidation, a process in which carbon monoxide was transformed into carbon dioxide to render them harmless for the environment. As evidence of the destruction of these mines, the membrane with the identification number and date of destruction were retained.

Destruction of conventional weapons

Treaty on Conventional Armed Forces in Europe (CFE Treaty)

8. The Treaty on Conventional Armed Forces in Europe (CFE), which entered into force in 1992, called for a reduction of existing equipment, which in the case of Spain meant the requirement to inactivate 371 battle tanks and 87 artillery pieces, a process which it completed on 16 November 1995.

9. The destruction of other equipment continued after that date so as not to exceed the limits laid down in the five categories of weapons and to offset the increase in their number as a result of modern equipment being put into service, by destroying older equipment. Spain has also embarked on a programme to reduce its stockpiles beyond the obligations imposed by the Treaty.

10. The destruction process is regulated in the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, which establishes the operations to which a weapon must be subjected in order to be considered unserviceable. However, it does not impose any environmental regulation; on the contrary, it provides that “each State Party shall have the right to use any technological means it deems appropriate”.

11. In the case of Spain, reduction has been contracted out to private enterprises which, from an environmental standpoint, are subject to the general laws of the State and the specific laws of the autonomous communities in which the reduction takes place.

12. The process is as follows:

– As a preliminary step, usable components not subject to compulsory reduction under the Treaty are removed from the weapon along with any remaining munitions. This step is carried out by the military units themselves;

– Next, responsibility is turned over to the reduction enterprise, which is required to effect prior removal of possible remaining contaminants, i.e., combustible liquids or gases, lubricants or coolants, electric batteries and lighting fixtures and cleaning of soot from closed cycles (with decanting of waste water). All such contaminants are channelled into the national system

for the collection of hazardous substances, whose regulations meet the general criteria established within the European Union context.

– Finally, the metallic parts are rendered unusable by one of the following processes: cutting into sections, deforming or crushing. Spain has rejected the explosive demolition method, precisely because of the cost to the environment. The metal remains are used as scrap by the said private enterprises, which keep them as part of the payment for their services. They are sent to blast furnaces to be melted down.

Destruction of small arms and light weapons

OSCE (Organization for Security and Cooperation in Europe) Document on Small Arms and Light Weapons

13. Section IV (C) 2 of the OSCE Document on Small Arms and Light Weapons provides as follows: “Destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete”.

14. The above criterion has been extended to apply to arms seized by Spanish troops participating in peace operations. Inasmuch as the number of weapons apprehended is small, and even more so as the crisis situation eases, and their storage presents problems and it is not always feasible to ensure proper security, rapid destruction is carried out as indicated in our Arms Regulations. In the case of pistols or rifles, holes are drilled in the barrel and essential components of the receiver. Where grenade launchers and flamethrowers are involved, crushing is used if access to a plant equipped with a hydraulic press is possible; otherwise, they are cut up with a blowtorch. The destroyed elements are listed under the supervision of the chief of the unit and the related report is submitted to the management of the international organization heading the mission. In addition, on occasion, seized arms destruction ceremonies have been held in the presence of witnesses and local media.

15. Moreover, section IV (C) of the OSCE Document on Small Arms and Light Weapons provides: “Any small arms identified as surplus to a national requirement should, by preference, be destroyed”. In this case the number of weapons to be destroyed is great and the weapons are suitably stored. Armament-reduction programmes are established which, once funded, are taken over by manufacturing installations managed by the logistic services of the Ministry of Defence or contracted out to private enterprises listed by the Ministry. The technique ordinarily used is crushing and/or cutting with mechanical or hydraulic shears, these being considered the least contaminating methods. Alternatively, in extreme cases, cutting is done with an oxyacetylene torch or mechanical saw. In all cases it is ensured that the weapon and all essential and auxiliary components are unserviceable. The armament is stricken from the inventory by means of a certificate of destruction drawn up by the board of officers designated for that purpose. Once the weapon has been destroyed, the metallic parts are separated from the rest: wood, plastics, Bakelite, glass, etc. When the various components have been separated, the metal scrap is sent to foundries, while the other residues are taken over by the national waste treatment system.

Ukraine

[Original: Russian]
[3 June 2008]

In May 2007 the Central Research Institute on Arms and Military Equipment of the Armed Forces of Ukraine prepared draft guidelines on the environmental security of the arsenals, bases and stores of missiles and ammunition of the Armed Forces of Ukraine (“Ekos”).