

conflicts are undeclared war. The temptation to interfere with an environmental condition to oppress an enemy or potential enemy is perhaps strongest in the case of undeclared "war", because the action can be tailored to local circumstances and does not involve the formal military operations that bring international attention and censure. A case in point is the destruction of Croatian water supplies by Serbian guerrillas. Judging from newspaper reports, this action appears to be severe environmental modification with hostile intent. Another case would be use of environmental stress to eliminate or control a "nuisance", perhaps exemplified by the driving of the Kurds of northern Iraq to the hills in mid-winter, and removing basic means of life support; although in this case it was not the natural environment that was modified as a hostile act but the forced exposure of people to hostile natural conditions. Would the Convention in any way apply in such a case?

One might also ask, would the Convention apply to deliberate environmental modification undertaken to prevent an enemy from arising or gathering strength in the future? Would it apply to the actions of the Roman Army in poisoning the fields around Cartage with salt? Was this an act of vengeance toward a defeated enemy, or prudence to prevent future wars? What about acts of pique, as seem to be the only explanation for setting fires to some oil wells in Kuwait during the retreat of the Iraqi army, when there was no apparent military advantage to be gained? It is clear that considerable judgement and latitude may be required to establish the bounds and characteristics of "hostile use" in the modern context.

What Issues Might the ENMOD Convention Review Conference Consider?

Because of the broad scope and widely expressed approval of the intent of the ENMOD Convention, the agreement might become the basis for an effective, flexible but practical international conflict resolution device, based on the widespread and justified political and public concern about what is happening to the environment.

To assess the potential for the ENMOD Convention in a larger international context, it would be useful to examine its scope and application not only with respect to other international agreements respecting the environment and armed conflict, such as the Geneva Convention and subsequent Protocols, but also agreements respecting the environment and international economic competition, many of which will be reviewed at UNCED.

Bearing in mind the issues with respect to "criteria" noted above, it may be useful to consider the possibility of enlarging the Convention by successive additions and amendments to make it more realistically applicable to the relationships between environment and hostility that pertain today than is possible with only the text designed for the simpler conditions of the 1970's. An instructive example is the progressive evolution of the 1969 Antarctic Treaty (originally a simple international co-operation and peace-keeping agreement) into the Antarctic Treaty System of today, in which the original text has not been changed but which through "adjustment by amendment" has become an effective yet flexible conflict resolution and environmental management mechanism.

It would be useful, perhaps, for Review Conference to examine the preamble to the Convention in the modern context. The wording of "deliberate" as distinct from "incidental" modification of the environment, assessment of severity of effect, degree of damage, establishment of proposed thresholds or definition of environmental catastrophe need consideration. It may be useful to consider the need to have a baseline of normal conditions against which the degree of environmental modification