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Item 99 (j) of the preliminary list\*

**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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\* [A/77/50](#).



## I. Introduction

1. In paragraph 4 of its resolution 76/39, entitled “Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control”, the General Assembly invited all Member States to communicate to the Secretary-General information on the measures that they had 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 seventy-seventh session.
2. Pursuant to that request, a note verbale was sent to Member States on 15 February 2022, inviting them to provide information on the subject. The replies received are contained in section II below. Any replies received after 31 May 2022 will be posted on the website of the Office for Disarmament Affairs in the language of submission. No addenda will be issued.

## II. Replies received from Governments

### Burkina Faso

[Original: French]  
[31 May 2022]

Burkina Faso is a country in the Sahel region and is heavily reliant economically on the exploitation of natural resources by the primary and secondary sectors. It is essentially an agricultural country in which natural resources are significantly affected by climate change. The country’s anthropogenic and climatic constraints place enormous pressure on existing natural resources: soil, fauna, flora, water, etc. To address this situation, actions have been taken and comprehensive policies have been adopted with a view to laying the foundation for sustainable development. The situation has also obliged Burkina Faso to comply strictly with environmental norms in the drafting and implementation of agreements on disarmament and arms control.

A number of crucial international instruments have been adopted with a view to setting in motion a genuine process of environmental conservation and sustainable development. These vital instruments, which Burkina Faso has endorsed, address, inter alia, the fight against desertification, biological diversity, climate change and the improvement of living conditions. Thus, the content of those instruments is taken into account in all laws enacted domestically. Moreover, the Constitution recognizes the right to a healthy environment and enshrines the protection, defence and promotion of the environment as a collective duty.

Aware of the dangerous effects on the environment of the use of weapons of mass destruction (nuclear, biological and chemical), Burkina Faso prohibits their use, manufacture and sale within its national territory, except for purely scientific or health-related purposes, with the consent of the National Biosafety Agency.

With regard to disarmament and arms control agreements, Burkina Faso is a party to agreements and conventions on weapons of mass destruction, which it has ratified, as well as to agreements related to conventional weapons, such as the Arms Trade Treaty, the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. However, owing to the various crises in the subregion that have led to the proliferation and illegal circulation of small arms and light weapons, which are often used by non-State actors for criminal and terrorist

purposes against the defence and security forces and civilians, Burkina Faso is unable to ensure conventional arms control.

## Mexico

[Original: Spanish]

[31 May 2022]

Mexico is submitting this document pursuant to General Assembly resolution 76/39, entitled “Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control”, in which the General Assembly invites all Member States to communicate to the Secretary-General information on the measures that they have adopted to promote the objectives envisaged in the aforementioned resolution.

Mexico is committed to the environment and to the management of natural resources in a sustainable manner. It promotes an inclusive and human-rights-based approach to environmental protection, while fostering an environmental culture with nature conservation as its aim.

Mexico believes that the existence of weapons of mass destruction and their ongoing refinement pose one of the most serious threats to international peace and security.

At the multilateral level, Mexico continues to promote the observance of environmental norms in the drafting and implementation of disarmament and arms control treaties.

Mexico organized the second of three Conferences on the Humanitarian Impact of Nuclear Weapons. The conferences were held in Oslo (2013), Nayarit, Mexico (2014) and Vienna (2014). Scientific data and technical analyses were used to demonstrate the impact that one or more nuclear detonations, accidental or intentional, would have on the environment, ecosystems, climate, development, global health and food security, along with the risks associated with the existence of nuclear weapons. Furthermore, it was stressed at the conferences that, in the event of a nuclear explosion, the magnitude of the casualties and damage would be so great that no State or international organization would be able to cope with the ensuing catastrophe.

The approach that focused on the unacceptable risk posed by the mere existence of nuclear weapons was referred to as the “humanitarian initiative”. The process was supported by a series of resolutions adopted by the United Nations, culminating in the adoption of the Treaty on the Prohibition of Nuclear Weapons on 7 July 2017. The Treaty entered into force on 22 January 2021. Mexico was the fourth State to ratify it.

Consistent with the humanitarian nature of the Treaty on the Prohibition of Nuclear Weapons, environmental remediation obligations are established to address the effects of activities related to the testing or use of nuclear weapons or other nuclear explosive devices (article 6), in addition to the obligation to cooperate with affected States or to provide assistance in support of environmental remediation efforts (article 7).

Mexico participated actively in the preparatory meetings of the first Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, which will take place in Vienna from 21 to 23 June 2022. In particular, Mexico has been involved in discussions to define the mechanisms for the implementation of the Treaty, including the application of such positive obligations as environmental remediation.

Mexico will seek to contribute actively to the work of the first Meeting, bearing in mind the importance of defining implementation mechanisms and best practices to

facilitate national enforcement of environmental remediation obligations, as well as measures to facilitate international cooperation and assistance in this area. Mexico recognizes the need to involve affected communities and organized civil society in the implementation of the environmental remediation obligations established by this Treaty.

Mexico will continue to support initiatives recognizing the complex and interrelated nature of the immediate, medium- and long-term repercussions that the accidental or deliberate detonation of a nuclear weapon would have on the environment, food security, climate and development.

At the national level, with regard to conventional arms control, Mexico destroys seized conventional arms and, in doing so, seeks to ensure adequate environmental management and takes care to generate zero environmental impact, in accordance with International Organization for Standardization (ISO) standard 14001.

Moreover, when issuing general and/or special permits for the manufacture, repair, transport and sale of firearms, accessories, explosives and chemical substances, Mexico ensures the observance of environmental norms. In particular, the transport, storage and use of those arms, accessories and substances are controlled and monitored in strict compliance with the current regulations and the relevant recommendations of the United Nations group of experts.

Mexico reiterates the need to continue promoting linkages and cooperation between international environmental agreements and international disarmament agreements, in order to ensure that the latter are implemented in a manner consistent with existing environmental norms.

## **Spain**

[Original: Spanish]  
[31 May 2022]

Weapons of mass destruction have a devastating effect on people, infrastructure and the environment.

Organized crime linked to a highly informal arms trade increases the risk that those arms will be used to violate international law. It also increases opacity in assessing the application of international law aimed at protecting the environment and quality of human life, as well as of accountability in the event of non-compliance.

In Spain, the international and European Union environmental regulations, which have been incorporated into Spanish law and are therefore binding, constitute the benchmark for environmental management in disarmament and arms control processes.

Spain continues to follow the procedures described in the reports of previous years in pursuit of the highest environmental standards for the destruction of weapons and ammunition in accordance with the main disarmament and arms control agreements to which it is a party.

In non-proliferation and disarmament forums, Spain advocates a cross-cutting approach to environmental protection and sustainable development, so that these values are integrated into disarmament and arms limitation agreements, and calls on States to support compliance with these norms through their actions.

## International law

Spain reiterates the legal and moral imperative to regulate the use of arms and their reduction given that their use for military or other hostile purposes could have extremely detrimental effects on human well-being.

Spain is a party to the 1976 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, which it ratified in 1978, and its Additional Protocol.

With broad environmental laws covering many aspects, Spain is a party to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, ratified in 2005, which recognizes the right of everyone to obtain environmental information, participate in decision-making and have access to justice in defence of the natural heritage, and has signed major agreements to combat climate change and air pollution, such as the 1979 Convention on Long-range Transboundary Air Pollution, the 1985 Vienna Convention for the Protection of the Ozone Layer, the 1992 United Nations Framework Convention on Climate Change and the 2015 Paris Agreement.

Spain hosted the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change from 1 to 13 December 2019, which included events such as a speech on nuclear energy and the environment by the Director General of the International Atomic Energy Agency (IAEA), Rafael Grossi.

Spain is at the forefront of compliance with the 2030 Agenda for Sustainable Development and its Goals, which also affect non-proliferation and disarmament (Goals 4, 8, 11, 12, 13, 14 and 15). It is also a party to conventions that comprehensively regulate natural and anthropogenic environmental disasters, including the Sendai Framework for Disaster Risk Reduction.

Spain considers international humanitarian law and international criminal law to be essential instruments for attaining the objectives of preserving the dignity and integrity of persons in the event of armed conflict, and protecting the environment is inherent to that end.

Spain is a party to the Geneva conventions of international humanitarian law and their three protocols. Protocol I of 1977, on the protection of victims in international armed conflicts, sets out in its article 35.3 that it is prohibited to employ “methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment”. It is also stated in article 55 of Protocol I “1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population. 2. Attacks against the natural environment by way of reprisals are prohibited.” This protection extends to civilian goods, protection of objects indispensable to the survival of the civil population (article 54) and works and installations containing dangerous forces (article 56).

The Statute of the International Criminal Court (Rome Statute) criminalizes in its article 8(2)(b)(iv) as a war crime, applicable in international armed conflicts, attacks causing widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated. There is no similar criminal provision for such attacks committed in the course of an armed conflict that is not of an international character.

Spain is a party to treaties that ensure the protection of the environment through the regulation of specific weapons.

The 1963 Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water prohibits any nuclear weapon test explosion with the exception of underground testing.

The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime. The year 2020 marked the fiftieth anniversary of the entry into force of the Treaty. Spain, which acceded to it in 1987, considers it to be the most valuable instrument for containing proliferation and advancing the process of nuclear disarmament and for preventing nuclear energy from being used as a weapon to cause the devastating effects mentioned above. We call for the universalization of the Treaty and declare our full and unequivocal commitment to the three pillars of the Treaty, as will be stated by Spain at the review conference to be held in New York in August 2022.

Spain reiterates its support for the safeguards system referred to in article III of the Treaty on the Non-Proliferation of Nuclear Weapons for the purpose of verification of the fulfilment of the obligations assumed by nuclear-weapon and non-nuclear-weapon States. Spain firmly supports the authority of IAEA and the strengthening of its verification and supervision capabilities. The strong commitment of Spain to the Agency in the areas of safeguards and non-proliferation is demonstrated by the voluntary contributions Spain makes to the Agency every year for these purposes. Similarly, the country's close cooperation with IAEA was reflected in a visit to Spain by the IAEA Director General, Rafael Grossi, in 2019. IAEA safety standards that set out the fundamental principles, requirements and recommendations for ensuring nuclear safety regulate activities such as the uses of radiation, the operation of nuclear facilities, the production, transport and use of radioactive materials and the management of radioactive waste. Spain supports the technical cooperation programmes promoted by IAEA, for example for the remediation of contaminated areas.

Spain signed the Comprehensive Nuclear-Test-Ban Treaty on 24 September 1996 and ratified it on 31 July 1998. Spain makes numerous diplomatic representations to third States to promote the universality and entry into force of the Treaty. Pending the universality and entry into force of the Treaty, moratoriums on nuclear testing or any other type of nuclear explosions represent a significant contribution to international peace and security. Spain appeals to the nuclear-weapon States to maintain and strengthen the existing undertakings regarding moratoriums on nuclear testing.

Spain supports the work and actively backs the activities of the Preparatory Commission in Vienna. It contributes to the International Monitoring System network by hosting a primary seismic station in Sonseca, which has been in operation since 2002. Spain and the Preparatory Commission have developed cooperation activities through an agreement entered into on 14 April 2000. Spain is an active party to the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and the Convention on the Physical Protection of Nuclear Material.

Spain is a party to the 1980 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, which it ratified in 1982, as well as its five protocols. The Convention recalls in its preamble that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause

widespread, long-term and severe damage to the natural environment. It is stated in article 2.4 of its Protocol III, on incendiary weapons, that it is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives.

Spain is a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972, which it ratified in 1979. Spain has always complied with the reporting requirements for confidence-building measures, which include data on laboratories and research centres; information on vaccine production facilities; information on national biological weapons defence research and development programmes; declaration of past activities in offensive and/or defensive biological research and development programmes or information on epidemic outbreaks. Spain finances with voluntary contributions the Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons.

Spain ratified in 1994 the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention) of 13 January 1993, which provides in its article 1 that "Each State Party to this Convention undertakes never under any circumstances:

- (a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
  - (b) To use chemical weapons;
  - (c) To engage in any military preparations to use chemical weapons;
  - (d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
  3. Each State Party undertakes to destroy all chemical weapons abandoned on the territory of another State Party, in accordance with the provisions of this Convention.
  4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
  5. Each State Party undertakes not to use riot control agents as a method of warfare."

Spain is also a member of the Organisation for the Prohibition of Chemical Weapons. Spain supports its network of experts in advising on how to protect the population and the environment from chemical weapons.

Spain is a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 3 December 1997, which it ratified in 1999. Its article 7 establishes "(f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed." The International Demining Centre of Spain has contributed to the training

of 1,200 operators from 22 countries around the world, ensuring the implementation of these transparency measures.

Spain is a party to the Convention on Cluster Munitions of 3 December 2008, which it ratified in 2009. Its article 3 indicates that “Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment”.

Consistent with the above, Spain supports, in general, the establishment of nuclear-weapon-free zones as a path to total nuclear disarmament. Spain has supported the signing of all treaties for the establishment of nuclear-weapon-free zones in accordance with the principle of territorial integrity.

Spain is also a party to the 1959 Antarctic Treaty, which it ratified on 31 March 1982 and under which any nuclear explosions in the territory and the disposal of radioactive waste material are prohibited. The Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol), designating Antarctica as a natural reserve, devoted to peace and science, was signed in Madrid on 4 October 1991.

Spain is also a party to the instruments proscribing the placement of nuclear weapons or other weapons of mass destruction in orbit, on the Moon or other celestial bodies (1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and 1979 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies), as well as on the seabed (1971 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof).

Other means to ensure that nuclear weapons do not affect the environment are the negative security assurances given by the five nuclear-weapon States parties to the Non-Proliferation Treaty, in favour of which Spain has declared its support in many multilateral forums.

### **European Union regulations**

The Treaty of Lisbon, which was signed in 2007 and entered into force in 2009, introduces the combating of climate change as an objective of European Union policies, and sustainable development as an objective in external relations.

Article 3 of the Treaty on European Union includes among its objectives the establishment of “a high level of protection and improvement of the quality of the environment”. Article 11 of the Treaty on the Functioning of the European Union indicates that “environmental protection requirements must be integrated into the definition and implementation of the Union’s policies and activities, in particular with a view to promoting sustainable development”.

The environment is recognized as a shared competence in article 4 of the Treaty on the Functioning of the European Union. Environmental policies are set out in articles 191 to 193 of the Treaty.

Today, the political guidelines for environmental protection are based on the European Green Deal, which supports the ecological transition of the European Union to a fair and prosperous society with a modern and competitive economy, with the ultimate goal of achieving climate neutrality by 2050. The action is based on the 8th Environment Action Programme to 2030. The above applies to industrial activities in the nuclear, chemical or biological fields, as well as to military, police and customs authorities, which must comply with environmental requirements.



Under European Union law and, specifically, in the area of non-proliferation and disarmament, on 12 December 2003, the European Council adopted the European Union Strategy against Proliferation of Weapons of Mass Destruction, which contains, in its chapter III, a list of measures to combat proliferation, such as preventing non-State actors from gaining access to weapons of mass destruction, radioactive materials and means of delivery, as well as provisions relating to biological agents, whose targets may be humans, animals or plants.

The European Union adopted Council Decision (CFSP) 2019/97, in support of the Biological and Toxin Weapons Convention in the framework of the European Union Strategy against Proliferation of Weapons of Mass Destruction. It also funded projects in support of the Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons in 2020.

It has also supported the activities of the Organisation for the Prohibition of Chemical Weapons, through the recent Council Decision 2022/573 of 7 April 2022 amending Decision (CFSP) 2019/538 in support of activities of the Organisation for the Prohibition of Chemical Weapons in the framework of the implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction.

Council Decision (CFSP) 2018/298 on Union support for the activities of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, as amended by Decision (CFSP) 2020/564, is aimed at strengthening the monitoring and verification capabilities of the Organization, in the framework of the implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction.

### **National regulations**

Among the precepts of the Spanish Constitution on environmental matters, of particular note is article 45, which provides that "everyone has the right to enjoy an environment suitable for the development of the person, as well as the duty to preserve it".

In addition, Organic Act No. 10/1995 of 23 November 1995 of the Criminal Code, includes a good number of environmental crimes. Among them, it is worth noting the one included in article 610, within chapter III (on crimes against the person and property protected in case of armed conflict) of title XXIV (on crimes against the international community), referring to the use of means or methods that may damage the natural environment, compromising the health or survival of the population.

Institutional regulations also cover environmental standards and disarmament, including Act No. 15/80, creating the Nuclear Safety Council, as amended by Act No. 33/2007, which is the main body that exercises powers on the matter.

### **Destruction of weapons and ammunition**

Destruction of anti-personnel mines: the destruction of anti-personnel mines in Spain was undertaken by the Spanish company Fabricaciones Extremenas (FAEX), which guaranteed maximum security and zero environmental impact, in keeping with International Organization for Standardization (ISO) standard 14001 and Council Directive 94/67/EC on the incineration of hazardous waste. In all, 849,365 mines were destroyed in a record period of 28 months.

Destruction of conventional arms: in accordance with the Treaty on Conventional Armed Forces in Europe (CFE Treaty), Spain had to destroy 371 battle tanks and 87 artillery pieces, a process that was completed on 16 November 1995. The reductions have continued in order to offset the new materiel being brought into service and ensure that the limits laid down in the Treaty are not exceeded.

Destruction of small arms and light weapons: as with the above, Spain complies with environmental norms governing the destruction of small arms and light weapons, in line with the Organization for Security and Cooperation in Europe document on that category of weapons.

Destruction of cluster munitions: prior to 1 August 2018, and in accordance with the ISO 14001:2004 standard and Community Directive 94/67EC on the incineration of hazardous waste, Spain destroyed all cluster munitions in its armed forces, thus complying with the deadline established in article 3.2 of the Convention on Cluster Munitions. Only munitions retained for development and training were exempted, in line with article 3(6) of the Convention, of which one CBU-100 aircraft bomb and two BME-330 aircraft bombs currently remain.

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