



# General Assembly

Distr.  
GENERAL

A/37/398

15 September 1982

ENGLISH

ORIGINAL: ENGLISH/FRENCH/  
RUSSIAN/SPANISH

Thirty-seventh session  
Item 21 of the provisional agenda\*

## CONSIDERATION AND ADOPTION OF THE REVISED DRAFT WORLD CHARTER FOR NATURE

### Report of the Secretary-General

#### CONTENTS

	<u>Page</u>
I. INTRODUCTION .....	3
II. REPLIES RECEIVED FROM GOVERNMENTS .....	4
Austria .....	4
Belgium .....	6
China .....	6
Germany, Federal Republic of .....	6
Israel .....	7
Mozambique .....	8
Nicaragua .....	8
Portugal .....	9

---

\* A/37/150.

CONTENTS (continued)

	<u>Page</u>
Singapore .....	9
Sweden .....	9
Turkey .....	10
Ukrainain Soviet Socialist Republic .....	11
Zaire .....	12

## I. INTRODUCTION

1. By resolution 36/6 of 27 October 1981, the General Assembly took note of the report of the Secretary-General on the draft World Charter for Nature (A/36/539) and invited Member States which had not yet done so to communicate their views and observations to the Secretary-General. In paragraph 3 of the resolution, the General Assembly requested the Secretary-General, in co-operation with the United Nations Environment Programme (UNEP) and the International Union for Conservation of Nature and Natural Resources, to complete if necessary, on the basis of observations received from Member States, the revision of the draft World Charter for Nature and to submit a supplementary report to the General Assembly at its thirty-seventh session. In paragraph 4, the General Assembly invited the Secretary-General to transmit to Member States the text of the report of the Ad Hoc Group of Experts on the draft World Charter for Nature (*ibid.*, annex I), containing the revised version of the draft Charter, as well as any further observations by States, with a view to appropriate consideration at the thirty-seventh session of the Assembly.

2. Accordingly, the Executive Director of UNEP, on behalf of the Secretary-General, addressed a letter to Member States on 11 March 1982 thanking all those Governments which had already communicated their views and observations on the draft World Charter for Nature (50 Member States) and soliciting the views of those Governments which had not yet done so.

3. By 31 August 1982, replies to that letter had been received from 15 Member States, of which five had previously submitted observations which were considered by the Ad Hoc Group of Experts in preparing the revised draft Charter submitted to the General Assembly in document A/36/539. Eleven of these replies commented, in general or specific terms, on that revised text, and these comments are reproduced in section II of the present report. Two replies made no suggestions for changes in the text of the revised draft Charter. Those replies are also reproduced in section II of the present report. In one reply, some of the comments related specifically to the earlier version of the text (A/35/141, annex II). The Government of Niger, in its reply, drew attention to an error in its comments as reflected in document A/36/539, page 38, paragraph 8 (b), in that the area of the "W" National Park should read "330,000 ha". The Government of Burma stated that the Executive Director's letter and the draft Charter had been transmitted to the appropriate authorities.

4. In line with the suggestion of the Ad Hoc Group of Experts (A/36/539, annex I, para. 23 (f)), the additional responses from Member States were analysed by the UNEP secretariat. The further revisions that might advantageously be made to the revised Charter in the light of the comments of a specific nature received in response to the Executive Director's letter relate to paragraphs 1, 11, 11 (c) and 21 (a).

Paragraph 1, section I, could be expanded to read as follows:

/...

"No human intervention in nature shall disturb its essential processes, nor shall they be modified without prior knowledge of the possible ecological, economic and social consequences."

The introductory sentence of paragraph 11 could be expanded to read as follows (additional words underlined):

"Activities which might have an impact on nature shall be controlled and the best available technologies that minimize significant risks to nature or other adverse effects shall be used. In particular, ..."

Paragraph 11 (c) in section II could be broadened to read as follows (added wording underlined):

"Activities which may disturb nature shall be preceded by assessment of their consequences, and environmental impact studies of development projects shall be conducted sufficiently in advance, and if to be undertaken, such activities shall be planned and carried out so as to minimize adverse effects;"

Paragraph 21 (a) could also be expanded to read as follows:

"(a) Co-operate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultation."

5. The Secretary-General recommends to the General Assembly favourable consideration of the draft World Charter for Nature, as thus revised.

## II. REPLIES RECEIVED FROM GOVERNMENTS

### AUSTRIA

[Original: English]

[29 June 1982]

As it has been stated on a previous occasion, the Austrian Government welcomes the drafting of an "International Charter for Nature" as a measure drawing world-wide attention to a matter of high importance for the survival of mankind. Austria submits the following comments with a view to improving a text already acceptable in many respects:

1. As regards the Preamble, Austria suggests that a prominent place be given to the concept of "ecological balance", i.e. the equilibrium between the legitimate uses of nature and its conservation and protection. Since the body of the Charter contains not only principles but also other chapters and items, the term "proclaimed" at the very end of the Preamble seems to be somewhat out of place. The statement that "the conservation of nature and natural resources contributes to justice and the maintenance of peace" could give rise to misunderstandings and would certainly gain from some modulation.

/...

2. Austria agrees fully with the objective contained in paragraph 5 and is considering its adherence to international conventions devoted fully or in part to that goal.
3. As regards paragraph 6, Austria is of the view that the term "decision-making process" is too vague. There is no indication who is to be involved in that process and to what end it should lead.
4. Austria shares the ideas expressed in paragraph 7 to the effect that social and economic development has to take duly into account the need of conserving nature.
5. As regards "activities" referred to in paragraph 11 (b) and (c), the "use of best available technologies" should be strongly recommended, in order to minimize significant risks to nature or other adverse effects.
6. Concerning the reference in paragraph 12 (a) to "best practical means available", Austria considers the inclusion of the word "practicable" as a weakening of this text not warranted under present circumstances.
7. Stronger language should also be used in paragraph 14: "shall be reflected" should be replaced by "shall be implemented" in view of the fact that the entire chapter is entitled implementation. At the end of the paragraph the words "by concluding bilateral or multilateral agreements" could be added in order to give more concrete substance to actions at the international level.
8. As regards paragraph 21 devoted to international co-operation, Austria wishes to state that according to its constitutional structure primary responsibility for the conservation of nature rests with the federal provinces. Concerning the substance of this provision, the Austrian Government would appreciate if as a consequence of the principle of international solidarity references could be added to the practices of information and consultation within the broader framework of co-operation between States. Equally welcome would be the mentioning of the interest States might have in further developing international law in that particular area.
9. Paragraph 23 is understood by Austria not only as referring to the internal situation of a State but also as taking into account the transboundary situation. Austrian legislation provides for the participation of persons residing outside the Austrian territory in procedures for the licensing of industrial plants, if those persons can be considered as neighbours because of their proximity to the site and if reciprocity is assured.
10. In view of the mainly political and non-legal nature of the "Charter" Austria is of the view that the "duty to act in accordance with ...", mentioned in paragraph 24, can be considered only as a moral obligation of the individual person, an obligation to be fulfilled within the framework of national rules and regulations.

BELGIUM

[Original: French]

[3 June 1982]

1. Like any nation and any individual whose duty it is to feel a sense of responsibility for the environment in which they exist, and for its planet-wide protection, we fully subscribe to the revised text of the draft World Charter for Nature.
2. However, since this Charter is to emanate from such an organization as the United Nations, and hence is addressed to the world at large, we feel that its purpose should be limited to providing a stimulus and a frame of reference for future environmental activities.
3. We feel, and here we share the opinion of the Ad Hoc Expert Group which considered the draft Charter, that the Charter should not give rise to subsequent enforcement or verification mechanisms, since these would, on one hand, limit the noble scope of the principles embodied in it and, on the other hand, risk pointless overlap with the efforts made and results achieved by other existing bodies.

CHINA

[Original: English]

[8 February 1982]

The Office of the Environment Protection Leading Group of the State Council of China agreed in principle to the revised draft of the World Charter of Nature mentioned in your letter of 9 January 1982, and hopes that UNEP will provide support and assistance to States for the measures of the conservation of nature.

GERMANY, FEDERAL REPUBLIC OF

[Original: English]

[25 March 1982]

1. The principles of the draft World Charter for Nature are fully supported without reservations.
2. Further discussion of the recommendations should take account of current national and international activities for the protection of the biotic environment in order to prevent dissipation of these efforts. It is therefore recommended to focus the "World Conservation Charter" on such aspects as are not yet covered by other international agreements and to avoid instituting new responsibilities for nature conservation measures which have already been initiated elsewhere.

...

/...

3. As regards the arms control aspect (para. 20), the Federal Republic of Germany supports the principles that "military activity damaging to nature should be avoided".

...

#### ISRAEL

[Original: English]

[1 August 1982]

1. In reference to General Assembly resolution 35/7 of 30 October 1980 regarding the draft World Charter for Nature, the State of Israel wishes to express its full support for the principles of conservation formulated in the draft charter. It is our sincere hope that adoption of the charter by the General Assembly will help bring about a world-wide recognition of man's responsibilities towards the environment which sustains him.

2. Many of the principles expressed in the preamble to the draft World Charter for Nature are an inherent part of our people's tradition and have been expressed in our religious literature thousands of years ago. This age-old tradition of respect and responsibility towards nature remains a principle by which Israel and its people live today.

3. One of Israel's foremost conservation laws is the National Parks and Nature Reserves Law which provides the legal structure for the protection of flora and fauna and their natural habitats. Moreover, the country's National Outline Scheme has designated over 820 sites covering 3,200 square kilometers (16 per cent of Israel's total land surface) for the development of national parks, nature reserves and landscape reserves.

4. With regard to man's responsibility towards nature, Israel is fully cognizant of the need for conservation and reuse of its natural resources. It utilizes essentially all of its known replenishable fresh water resources while developing and implementing programmes for the use of brackish water and waste water. A higher percentage of treated municipal waste water is currently utilized for irrigation in Israel than in any other country. The application of recycling technologies extends to other areas as well including solid waste recycling and the development of alternative sources of energy such as solar energy where Israel is acknowledged as one of the world leaders in the field.

5. Finally, activities which are expected to have an impact on nature are strictly controlled by the Planning and Building Law which authorizes planning bodies to control all development and land-use activity taking into consideration all potential impacts. Recent regulations make the submission of environmental impact statements obligatory for a variety of plans and projects expected to have significant environmental impact. In this way conservation strategies have become an inherent part of all planning activities in Israel.

/...

6. Again, we wish to reiterate our whole-hearted support for the principles set forth in the draft World Charter for Nature. It is our hope that its adoption will help ensure the conservation of natural systems and resources worldwide for the benefit of present and future generations.

MOZAMBIQUE

[Original: English]

[5 August 1982]

1. With reference to your letter dated 11 March 1982, we inform that we haven't any comments to make in relation to the second draft of the definitive text of the World Charter for Nature.
2. We think that all contributions made by 50 Member States improved the quality of the first draft in questions of detail.

NICARAGUA

[Original: Spanish]

[10 August 1982]

1. The Government of Nicaragua welcomes the draft World Charter for Nature, since it is in line with the new Nicaraguan environmental legislation, the framing of which began with the triumph of the Sandinist People's Revolution on 19 July 1979. The comments on the revised text are:

(a) The objectives and scope of nature conservation for the benefit of mankind as a whole should be more specifically defined;

(b) We recommend that the first paragraph in section I, general principles, be drafted as follows:

"No human intervention in nature shall disturb its essential processes, nor shall they be modified without prior knowledge of the possible ecological, economic and social consequences;"

(c) We consider that the industrialized countries can contribute more to the attainment of the objectives of the Charter for Nature, and accordingly we suggest that they be urged to devote more financial resources to setting in motion research studies as well as the execution of projects designed to improve the quality of life, in addition to appealing to them to dedicate efforts and resources, in a spirit of co-operation, to the transfer of technology and assistance to non-industrialized countries;



(d) We suggest a slight broadening of the text of paragraph 11 (c) in section II, "FUNCTIONS", to indicate as well the importance of conducting environmental impact studies of development projects sufficiently in advance, so that the recommendations emanating from such studies can be put into effect.

PORTUGAL

[Original: English]

[12 August 1982]

1. The Portuguese Government agrees with the draft World Charter for Nature, its principles and philosophy, which are in accordance with the Portuguese Constitution, namely, its article 66, and with the Portuguese policy concerning this matter.
2. As far as the draft Charter contents are concerned, the Portuguese Government fully agrees with them, although wishing that in the provisions of section III (implementation), greater emphasis would be placed upon the fundamental role of education in forming a collective and individual conscience with regard to nature.
3. Furthermore, the Portuguese Government is of the view that special relevance should be given in section I (general principles) to the fact that the preservation of nature is a result not only of a correct management of resources but also of a change in human behaviour towards the biosphere.
4. The Portuguese Government adopted legislative provisions with a view to safeguarding the country's wealth, according to its constitutional principles. The Governmental structure responsible for preservation of nature has been recently reorganized and has already published adequate legislation regarding natural resources of the country. International co-operation in this field has also been one of the Government's main concerns.

SINGAPORE

[Original: English]

[22 April 1982]

We do not have any additional information for the supplementary report.

SWEDEN

[Original: English]

[7 June 1982]

Sweden supports the main principles for the conservation and protection of nature as expressed in the draft World Charter for Nature.

/...

TURKEY

[Original: English]

[13 April 1982]

1. The Turkish Government supports the draft World Charter for Nature as the protection of nature and the human environment is one of its essential aims.
2. Bearing in mind that pointless destruction of nature and uncontrolled development might lead to the breakdown of the economic, social and political framework of civilization, in the process of transforming nature to meet human needs it is necessary to display a sense of responsibility. In this connexion, the adoption of a World Charter for Nature by the General Assembly will provide the international norm for nature conservation and from which human conduct affecting nature should be judged. And as such, it will also provide a useful point of reference for the efforts at the international level concerning the protection of nature.
3. Although the draft contains some general principles for nature conservation which have been taken from various international agreements such as the Stockholm Declaration and the World Conservation Strategy, nevertheless the reaffirmation of these principles at the global level in a World Charter for Nature is of great importance for it will help to promote man's awareness of the need of preserving natural balance and rational management of the environment as a whole.
4. According to the draft World Charter for Nature the principles set forth shall be reflected in the law of each State. Although in the report of the Ad Hoc Expert Group it is noted that this article is "entirely non-mandatory in its effect", the Government of Turkey still considers that this requirement to reflect the principles of the Charter in domestic legislation contains some difficulties. The purpose of environmental protection is to preserve ecological balance, maintain and improve the quality of the natural resources and provide better living and working conditions to present and future generations. But it should be noted that protection of the environment is an integral part of the over-all economic and social development activity in each country and, as such, it should not be dealt with narrow approaches. In this connexion, the objective realities of the developing countries especially may not permit the conservation objectives to take the high priority, for in these countries the most pressing development preoccupation is providing adequate food, shelter, education and health for their population. This being the situation, it is only natural that the development projects which will facilitate the realization of this basic objective will be accorded priority concern. This fact gives rise to the question whether some of the responsibilities listed in the draft could find meaningful support from many developing countries. However, protection of the environment and development are, or can be, complementary and mutually reinforcing rather than in conflict. And Turkey, as a country which has chosen to realize its development in a planned way, is currently trying to put into effect such an approach. Furthermore, activities related to the protection and conservation of the natural environment have been carried out within the framework of national legislation since the foundation of the Turkish Republic, such as founding national parks, establishing biosphere

/...

reserves, wild refuges and protected forests. However, it should be noted that the disparity in the level of economic development among countries, can be a factor preventing the success of the realization of the Charter, and without an equitable international economic order the mechanisms which stabilize the biosphere would function very imperfectly.

5. Consequently, although in the opinion of the Turkish Government the draft bears some difficulties as regards the implementation of some of its principles, it determines in general the directions of a correct policy for the protection of nature at the global level and, as such, we support the adoption of the draft World Charter for Nature by the General Assembly.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[27 April 1982]

1. The Ukrainian SSR supports the idea of the adoption in the United Nations of the World Charter for Nature. The document, although recommendatory in nature, would to a certain extent promote mutual understanding of the importance of environmental protection problems, as well as the curbing of certain forms of man's activity which negatively affect the ecological balance and may turn out to have serious consequences in future.

2. After careful study of the draft charter (A/36/539, annex I), the Ukrainian SSR notes first of all the importance of the inclusion in it of provisions concerning the link between nature conservation problems and the struggle for peace (sixth preambular paragraph, para. 5 and para. 20), the sovereignty of States over their natural resources (para. 22), the need to refrain from activities which are likely to cause irreversible damage to nature (para. 11 (a)), the need for joint efforts by States in the task of conserving nature (para. 21), etc.

3. At the same time, the text of the Charter should, in our view, define more clearly the principal condition for the solution of environmental problems - the strengthening of peace and security, the curbing of the arms race and the development of international détente.

4. Many provisions of the draft Charter refer only to the use of "passive" methods of maintaining the ecological balance through non-interference by man in natural processes. In this connexion it would be desirable to include in the draft Charter provisions calling for man's active, scientifically based influence on the natural environment, using the achievements of science and technology to improve and enhance the human environment.

5. Some provisions of the draft Charter also require further finishing touches in terms of structure and drafting.

ZAIRE

[Original: French]

[17 May 1982]

1. In conformity with General Assembly resolution 36/6, Zaire will submit the revised draft of the World Charter for Nature prepared by the Ad Hoc Group of Experts to the General Assembly at its thirty-seventh session.

2. The draft resolution for its submission for final adoption is still being worked on.

-----