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Agenda Item 21CONSIDERATION AND ADOPTION OF THE REVISED
DRAFT WORLD CHARTER FOR NATURELetter dated 29 October 1982 from the Permanent Representative
of Zaire to the United Nations addressed to the President of
the General Assembly

I have the honour to inform you that, for reasons of courtesy and because of the late hour, I did not exercise my right to reply to the statement of the representative of Brazil concerning the World Charter for Nature at the 48th plenary meeting of the General Assembly on 28 October 1982.

In accordance with the practice of the General Assembly, I had reserved the right to speak at the end of the latest plenary meeting of the Assembly on 29 October 1982.

For reasons beyond my control, it seems that my message was late in reaching the Secretariat. I therefore request you to arrange for the right of reply hereunder to be distributed as an official document of the thirty-seventh session of the General Assembly.

1. At the 48th plenary meeting of the thirty-seventh session of the General Assembly, devoted to the consideration and adoption of the revised draft World Charter for Nature (A/37/398 and A/37/L.4), everyone was able to see and hear the representative of Brazil give vent - in a statement which was most incoherent because of the liberties which he saw fit to take with the law, his fanciful interpretation of the provisions of the Charter and his rudimentary knowledge of the management of nature - to a sort of frenzied diatribe against the draft World Charter for Nature, which is intended to be an instrument of peace in the service of life on our planet and a code of moral conduct for the preservation of the balance of ecosystems and the quality of nature.

2. While it was easy for everyone to note that the convulsive virulence of his statement had no relationship and nothing in common with the innocent character of a peaceable document proclaiming the principles of conservation and solemnly calling upon States Members of the United Nations in the exercise of their permanent sovereignty over their natural resources to conduct their activities with a recognition of the supreme importance of protecting natural systems, of maintaining balance, of the quality of nature and of conserving natural resources in the interest of present and future generations, what is probably less well known is the deeper motivations underlying the statement of the representative of Brazil.

3. Essentially, they are:

(a) The open hostility and horror of the representative of Brazil towards any international instrument which aspires to govern activities involving environmental protection, the conservation of nature and the maintenance of the equilibrium of ecosystems, and which dares - a mortal sin for the representative of Brazil - to propose international co-operation, consultations or exchanges of information and experience concerning the management of nature and of resources shared by two or more countries. That means the Stockholm Declaration on the environment, the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Conservation of Migratory Species of Wild Animals, the recent Nairobi Declaration and, just yesterday, the World Charter for Nature. The representative of Brazil gave the impression, no doubt unintentionally, that he has the right to do whatever he likes with the immense forests and waters of his country without regard for the possible consequences for anybody else and that, on that basis, he has the right to reject on principle all those international instruments which he considers to be likely to obstruct his free enterprise. That is why he yesterday declared unambiguously that the only commitments that his country intended to respect in that domain, at the national, regional and international levels, were his Government's commitments to his people. No one could accuse the representative of Brazil and those who want to follow him on this tortuous course of making large claims and of accordingly wanting to be the one to teach all States of the world a lesson. But is it true that the principle of international solidarity, which should underlie the need for international co-operation in this vital domain, is foolishness? The representative of Brazil may have the right to think and say so but we have the right not to share his opinion and to say that we do not share it.

(b) The open hostility and horror of the representative of Brazil, on principle, towards the conclusions reached in the work of all the United Nations organs composed of experts chosen solely for their qualifications and competence, their experience, their intellect and their independence of mind with a view to passing on to us the objective results of their thinking, and their discoveries on problems of common interest and international concern. The list would take too long to enumerate. Is this a deliberate effort, a reiterated intention, to censure human intelligence and the expression of collective wisdom, in the name of narrow interests, on problems which

transcend geographical, political and ideological barriers and frontiers? Or is it a way of suggesting that only Government officials, particularly Brazilian officials, are right and know things by intuition, unlike all States of the world and the collective wisdom which inspired the drafting and adoption of the World Charter for Nature? The Brazilian representative undoubtedly makes large claims, and we are entitled not to share them, but to hold those views would be, quite simply, outrageously irresponsible.

4. The foregoing are the reasons for the representative of Brazil's unhappiness about the provisions of articles 6, 11, 14, 21 (a) and 23, the meaning of which he deliberately distorted.

5. To the extent that the set of carefully worked-out principles proclaimed by the Charter cover different aspects of human concerns and needs with regard to the proper functioning of ecosystems, and maintaining their balance, article 6 says quite simply that the principles of the Charter should be respected in the decision-making process in order to meet the needs of everyone. Brazil, like any other country, has duties towards others in the domestic management of nature and natural resources. It is not alone in the world. A person who has the unearned privilege of living upstream on a river is not exempted from all responsibility in water management or from any duty of solidarity towards one who lives downstream.

6. In article 11, the "best available technologies" referred to simply mean the most appropriate - not the most sophisticated - technologies that can minimize risks to or adverse effects on nature. Certain local technologies may even turn out to be better, that is to say more appropriate, in minimizing risks. It is with that in mind that the experts formulated this article and not to promote the most sophisticated or advanced technologies of the developed countries, the use of which may or may not have harmful effects on nature.

7. Article 11 (c) should be read as a whole and not selectively. The second clause balances the first and simply says that when development projects are undertaken, they should be conducted in planned fashion, so as to minimize any possible adverse effects. Who could rationally favour executing development projects so haphazardly as to disturb nature?

8. Article 14 of the Charter expresses the hope that the principles it contains should be reflected appropriately in the law and practice of each State, as well as at the international level. The integration of one or all of these principles into the national law and practice of individuals States is an act of national sovereignty, an act of domestic acceptance of a norm of international law. Integration depends on the level of awareness of the country concerned, on the importance which it accords to that norm of international law and, finally, on its commitment to contribute to the attainment of the objectives envisaged in that principle or norm. The problem here is essentially the classical one of the relationship between rules and principles of international law, international conventions and treaties, and rules of domestic law. Where does the representative of Brazil find an

innovation which can be disputed? He is simply refusing to consider himself bound by any international instrument whatsoever.

9. Article 21 (a) invites Member States to put into practice a principle of international solidarity and to co-operate in information exchange and consultation. How can the representative of a State Member of the United Nations, faithful to the Charter of the universal Organization, oppose the principle of information exchange, the principle of consultation and joint action on problems of common interest? Moreover, it must be understood that the common activities mentioned in the article do not mean those "joint ventures" of which the representative of Brazil is afraid but activities that are linked with the management of nature and imply no requirement to undertake common development and production activities.

10. With regard to article 23, if the representative of Brazil feels that "all persons", in the legal sense of the term, ought not, under his national law, to participate in the formulation of decisions which directly concern their environment and that they would therefore probably have to act outside national legislation or take no part at all in the formulation of decisions, he alone is accountable for his belief and should be modest enough not to imagine that his opinion reflects that of all States of the world or a majority of them.

11. It is therefore clear that the superficial observations of the representative of Brazil do not stand up to analysis. While the forests and rivers of Amazonia are important - and no one disputes it - that does not mean that Brazil has a monopoly of or is entrusted with the management of the world's forests and waters, its flora and fauna. Zaire does not boast about having 47 per cent of Africa's forests and nearly 50 per cent of its waters. Zaire considers that fact of nature as a responsibility.

12. It was also said, in connection with article 13, that natural disasters can not be prevented, controlled or mitigated, and earthquakes were cited as an example. Suffice it to say that an earthquake is not a natural disaster but a natural phenomenon outside human control which has disastrous effects on man and his environment. There is a nuance here which is probably perceptible only to subtle minds. In any event, it is that nuance that the experts had in mind. Without the shadow of a doubt, natural disasters can and must be prevented, controlled and mitigated, and besides, efforts to that end are under way in several parts of the world. I should like to mention, by way of example, the early warning systems for earthquakes, cyclones and many more. What the representative of Brazil should bear in mind is that there is a fundamental difference between the concept of a natural disaster and that of a natural phenomenon producing disastrous effects on man and his environment. Natural disasters are therefore the effects of natural phenomena.

13. At the thirty-fifth session of the General Assembly, the representative of Brazil distinguished himself by a similar statement on the World Charter for Nature and by an ill-timed endeavour to scuttle the draft. Out of courtesy, I refrained from making a response. This time, however, the matter

had to be straightened out. Enough is enough and, as the saying goes, people are not fools.

14. In conclusion, the real answer to the statement of Brazil is, after all, that supplied by the General Assembly, which was to adopt by an overwhelming majority - 111 votes to 1, with 18 abstentions - the World Charter for Nature.

I should like this right of reply to be included in the official records, to be distributed as a document of the General Assembly under agenda item 21 and to accompany the text of the World Charter for Nature in order to expose the destructive urge that inspired the Brazilian representative's statement on a peaceful undertaking in the service of the survival of man, of our species and of civilization on earth by safeguarding the quality and balance of nature and of ecosystems.

(Signed) KAMANDA wa KAMANDA
Permanent Representative
Ambassador Extraordinary and Plenipotentiary
