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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE
ON THE HUMAN ENVIRONMENT

Intergovernmental Working Group on the
Declaration on the Human Environment

Substantive session
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Report of the Rapporteur on Informal Consultations

1. At its organizational meeting on 15-17 March 1971, the Intergovernmental Working Group requested the Bureau to arrange for informal intersessional consultations to prepare a single, logically structured, standardized compendium of views, with a view to facilitating the drafting of a preamble and fundamental principles for the draft Declaration to be available at the substantive session of the Working Group in May.
2. Several notes grouping common trends in the views expressed by Governments were prepared by the Rapporteur. These notes were considered by members of the Group in informal consultations at two of the five meetings held. The conclusion was reached that the compendium of views could be best presented in an informal working paper under the following eleven separate headings:

Section I

The question of the form and scope of the Declaration

Rational utilization of the limited resources of the earth

General principles for the formulation of policies and actions by States concerning the achievement of solutions to the national and international problems of the environment

State sovereignty over natural resources in relation to the international concern for safeguarding the environment

Co-operation and mutual assistance among States, including the exchange of experience and information on the solution of the problems of the human environment

Section II

Economic, social and industrial development and the protection of the environment

Costs of maintaining and improving the environment

Human rights and the environment

National systems of safeguarding the environment, planning of exploitation and utilization of natural resources

Basic directions of the activities of international organizations on the problem of the environment

Question of the inclusion of a definition of "human environment" in the Declaration

In order to facilitate reproduction in the four working languages by 10 May 1971, it has been necessary to divide the informal working paper into two sections. The first section of the informal working paper is annexed to this report; the second section is expected to be distributed on or before 14 May 1971.

3. It should be pointed out that the eleven headings set forth in the compendium are to be understood as being no more than a convenient framework for grouping the subject matter for subsequent discussion, and that they are not to be considered as approved. Nor does the appearance of a heading mean that all participants in the informal consultations agree that the subject matter found under it should, in fact, have a place in the Declaration.

4. The order in which the headings are listed in the compendium of views does not indicate the relative importance of the subject matter dealt with, nor does it necessarily indicate the order in which various principles should appear in the Declaration itself.

INFORMAL WORKING PAPER

SECTION I

THE QUESTION OF THE FORM AND SCOPE OF THE DECLARATION

All government replies subscribe to the view that the Declaration should be an inspirational document, as concise as possible and readily understandable by the general public. This view is based on the consideration that an important purpose of the Declaration should be educational, i.e. to arouse public concern, to help Governments and public authorities determine what needs to be done to protect and improve the environment and to stimulate community participation in action for the improvement of the environment. Another important function of the Declaration, on which there is general agreement in the replies, is that it should focus on fundamental principles. On the question, however, whether the Declaration should, in addition, provide specific guidelines for action by Governments, individuals and the international community, a variety of views is expressed. Although a decision on this question (possibility of including guidelines for action in the Declaration) was deferred to the Preparatory Committee's third session (A/CONF.48/PC/WG.1/L.1/Rev.1, p. 3, para. (e)), some of the viewpoints expressed in this connexion are summarized below as they have a bearing on the question of the form (i.e. most desirable length) as well as the scope of the Declaration.

The following Governments favour the inclusion in the Declaration of detailed guidelines for action:

Cyprus, p. 2. The Declaration "should be a more detailed document providing specific guidelines for individual, national and international action".

Finland, Add. 3. The Declaration could "consist of two parts. One part would constitute the actual Declaration. The other would ... contain concise detailed recommendations and guidelines for national and international co-operation."

Guatemala, p. 3, Add.1. The Declaration "should, by focusing on major principles, seek to provide a basis for necessary policy and to establish specific guidelines for individual, national and international action."

Italy, p. 42. The Declaration should be "detailed enough to provide specific guidelines for national and international action. It should at the same time be very concisely written ...".

Singapore. (The Declaration submitted by Singapore contains, inter alia, fairly detailed guidelines (p. 53)).

United Arab Republic, p. 58. The Declaration should "provide specific guidelines for individual, national and international action".

The following Governments oppose the inclusion of specific guidelines for action in the Declaration:

Austria, p. 18. "... it does not seem necessary to provide the Declaration with specific guidelines concerning the solution of environmental problems".

Canada, p. 20. While the Declaration could possibly include, in addition to an inspirational preamble and a declaration of fundamental principles, a broad outline of goals and objectives which would form a summary of a comprehensive action programme, the latter programme should be set out in a document separate from the Declaration itself and which could perhaps be annexed to the Declaration.

p. 22. "This approach was considered desirable so that each document would stand alone and the adoption of one by the Conference would not hinge upon the adoption of the other. If, however, it should be considered vital to include a reference to the programme of action within the declaration, this should not pose serious difficulty and could be covered by an outline of broad objectives and goals or, in other words, a list of proposed action areas."

Denmark, pp. 26, 27. "The action orientation of the conference should primarily be expressed in separate resolutions and agreements relating to institutions and specific fields of environment ... The Declaration could also contain some kind of reference to any plan of action or set of recommendations that may constitute the concrete results of the conference stating the intent of the participants to take such action to the best of their endeavour."

Ethiopia, p. 30. The Declaration should not go "into details which would only confuse the issue in the minds of the general public. Further, the spelling out of specific guidelines for action at this time of rapid scientific and technological advance might, by omission of the mention of activities not

yet being undertaken, be felt in future to provide a tacit permission for such activities, even though they might be damaging to the environment; to lay down what ought not to be done may be taken as a licence for actions not expressly condemned."

Switzerland, p. 55. "That the Declaration should contain specific guidelines for individual, national and international action is undoubtedly a desirable end in itself, but it would, we think be impossible to draw up such guidelines until the many components of the human environment are better known and defined."

United Kingdom, p. 5, Add.1. The Declaration "should not contain specific or detailed guidelines or provisions. These should, as necessary, be the subject of resolutions or other measures to be adopted by the Conference."

United States, p. 61. "The Declaration should not, however, include specific guidelines. The more specific the guidelines the more apt it would become for inclusion in a Level II 'Plan for Action'. It is important to determine early in the preliminary meetings whether a proposed statement should be classified as a principle to be included in the Declaration or as a guideline to be included in a Level II resolution. ... As it is likely that specific guidelines for action will command a lesser consensus, they should be separated from the Declaration, and should be subject to the ordinary two-thirds rule."

The Government of Sweden considers that an effort should be made to combine the two approaches (the inclusion of fundamental principles and specific guidelines for action in the Declaration).

The following Governments, while not explicitly opposing the inclusion of detailed guidelines, indicate a preference for the formulation of a number of general policy guidelines in the Declaration (in addition to fundamental principles) as a basis for national and international action. This position comes very close to the views expressed, for example, by Canada and the United States (see above).

Holy See, p. 35. "In view, however, of the nature of environmental problems and of the fact that they vary widely from one part of the world to another, it will be very difficult to draft a concise and readable document, if an attempt

is made to go into too much technical detail. We therefore suggest that the Declaration should mainly consist of clear-cut affirmations of principle.

"Such a statement of major principles should not, however, be of a purely theoretical and abstract nature. The 'Charter of the human environment' must contain information capable of influencing the conduct of individuals as well as the political choices of Governments and also of paving the way for an effective international agreement."

Japan, p. 45. "... the Government will have no objection to the inclusion in the Declaration as general guidelines such principles as may be found agreeable to every participating Government in the process of preparation for the 1972 Conference."

Netherlands, p. 48. "With reference to the question whether the Declaration should focus on major principles, or be a more detailed document providing specific guidelines, it may be stated that the document should be concise in order to be more readable, but at the same time contain, as well as general principles, a number of policy guidelines to serve as a basis for national action and international measures."

The replies from the following Governments do not address themselves specifically to the question of the desirability of including detailed guidelines in the Declaration. However, by emphasizing that it is essential that the text of the Declaration should be as concise as possible, they imply that these Governments do not favour the formulation of detailed guidelines for action within the Declaration.

(Argentina, p. 15; Colombia, p. 23; France, p. 33; Libyan Arab Republic, p. 33; USSR, Add.2, p. 4.)

* * *

Another question discussed in the government replies and which has a bearing on the scope of the Declaration is whether the Declaration, in addition to dealing with inter-State relations involving issues of the human environment, should also be concerned with the position of the individual and his rights and obligations with regard to the protection and improvement of the environment. The government replies reflect a variety of views on this question, as indicated below.

The Governments of Cyprus (Add.1, p. 2), the Libyan Arab Republic (p. 46) and the USSR (Add.2, p. 4) are of the opinion that the Declaration should not deal with the rights and obligations governing relations between individuals and States, and between individuals inter se in combating environmental problems.

The Government of Argentina (p. 15) doubts the wisdom of going too deeply into the question of the rights and obligations governing relations between individuals and States and between individuals since that, in its view, is a problem which concerns the legislation and/or regulations of each individual State in its relations with its citizens. The Government of Colombia (p. 23) considers that the Declaration should not deal directly with the rights and obligations governing relations between individuals and States, and between individuals inter se.

The following Governments favour the inclusion in the Declaration of some provisions or general statements concerning rights and obligations governing relations between individuals and States, and between individuals inter se:

The Government of Austria (p. 18) agrees in principles that relations between individuals and States, as well as between individuals inter se, be included in the Declaration.

The Government of Canada (pp. 20, 21) regards the relationship between the individual and the State as

"... one of the most vital and delicate issues which will be before the Conference, relating directly to one of its basic objectives, namely, to achieve the broadest possible recognition that there are certain fundamental needs of the individual in terms of the environment in which he lives. The fulfilment of the legitimate aspirations of all human beings is dependent upon social and economic progress within a sound environment and thus a key role of the Conference might be to seek to promote the elevation of the individual's fundamental needs into universally recognized rights. In order to give these needs the undeniable recognition and clarity of treatment they deserve, their enumeration should be the most prominent feature of the preambular part of the Conference Declaration."

The Governments of Denmark (p. 27) and Ethiopia (p. 30) consider that the Declaration should not be confined to inter-State relations but should deal also with rights and responsibilities of the individual human being with respect to the environment. Ethiopia points out in this connexion that "much of the damage to the environment is due to actions of individuals, either in a personal capacity

or in pursuit of economic ends", and that the desire to have an inspirational Declaration supports the view that it should be addressed to individuals as well as to States and international organizations. "Much that requires to be done will have to be done by individuals or institutions as a normal part of their way of living, or their way of carrying on their businesses ... To deal only with the responsibilities of Governments or local authorities might well mean that the message of the declaration would go unheeded by many ...". On the same lines, Denmark points out that "Reference to the welfare of the individual human being and its responsibility towards human environment will enhance the public appeal of the Declaration and increase its usefulness ...".

The Government of France (p. 33) considers that the Declaration "should deal chiefly with inter-State relations but should also refer to the rights and obligations governing relations between individuals and States, and between individuals inter se".

It is the view of the Government of Guatemala (Add.1, p. 3) that the Declaration should be concerned with the rights and obligations governing relations between, inter alia, individuals and States, and individuals inter se.

The Holy See (p. 35) suggests that in view of the essentially moral and legal implications of the problem of conserving a human environment, the duty of solidarity between individuals, and the fact that the degradation of the environment caused by individuals and the community has the effect of impairing the full development of man, the Declaration should specify the rights and duties of individuals vis-à-vis all other human beings, including the generations still unborn, with respect to problems of the natural environment.

The Government of Italy (p. 42) considers that "the Declaration should be a global one and should review the nature of the rights and obligations governing relations between States and individuals, and between individuals inter se, in their environmental activities".

The Government of Japan (p. 45) deems it desirable that the Declaration also deal with relations between individuals and States, and individuals inter se.

In the opinion of the Netherlands Government (p. 48), the Declaration should not have primarily the formal character of an instrument settling legal relationships - it should rather be a practical document taking the dignity and

welfare of man as its point of departure. "... it should elaborate on the three-level relationship of 'man-State-international community'. Man comes first, his dignity and his equal and inalienable rights; man whoever and wherever he may be, is at the centre of all our efforts (see Universal Declaration of Human Rights). It could also be pointed out that man has not only rights but also responsibilities towards his fellow-men and the community (see article 29 of the Universal Declaration)."

The Government of Panama (p. 50) considers it essential that the Declaration "should include both the rights and obligations of individuals and those of the State in the fight against environmental problems. Unless the efforts of both are covered, it is futile to co-ordinate any effort to find a solution to this problem ... the Declaration should be as explicit as possible about the rights and obligations of statesmen and of men of all nations with respect to a problem which affects all mankind."

The Declaration submitted by the Government of Singapore (p. 52) includes a general reaffirmation of every individual's fundamental right to a healthful environment and of his responsibility to protect the environment.

The Government of Sweden (pp. 54, 55), while questioning the wisdom of starting the Declaration with an enumeration of rights, believes that it should include reference to environmental rights.

The Government of Switzerland deems it desirable (p. 55) that the Declaration "should deal with the responsibility of individuals and the State towards the human environment, the importance of measures to regulate their mutual relationships in this sphere ...", but thinks that the Declaration should be limited to very general considerations, essentially educational in their scope, while more precise objectives can be defined in resolutions or recommendations, either at Stockholm or subsequently.

The Government of the United Arab Republic considers (p. 59) that the Declaration should also "provide for certain duties on the part of individuals".

The Government of the United States is of the opinion (p. 61) that the Declaration "should contain principles which would set forth some general rights and obligations of States to each other, of States to individuals and of individuals to each other. States would strive to implement these principles as soon as possible by progressive measures, national and international."

RATIONAL UTILIZATION OF THE LIMITED RESOURCES OF THE EARTH

1. The Declaration should include basic guiding principles for States in their individual and collective actions for the preservation and amelioration of the human environment. (Argentina, pp. 15, 18; Austria, p. 19; Canada, pp. 20, 22; Colombia, pp. 25, 26; Denmark, p. 29; France, p. 34; Holy See, p. 41; Italy, p. 44; Japan, p. 45; Libyan Arab Republic, p. 47; Netherlands, p. 50; Panama, p. 51; Singapore, p. 52; Sweden, p. 55; Switzerland, pp. 55, 58; USSR, p. 3 and A/CONF.48/PC/WG.1/L.1/Rev.1, Annex.)

Such principles could be elaborated along the lines of the Stockholm Conference programme, which includes as a major topic "Environmental aspects of natural resources management". (Argentina, p. 16; Denmark, p. 28; USSR, p. 2.)

- In certain respects the organization of the subject matter with reference to individual media (air, land, water) might provide the most practical method. A set of rules for conserving and improving the quality of each medium of the human environment might be drawn up for the benefit of the public authorities, commodities, industry and individuals. (Switzerland, p. 56.)

- The Declaration should contain an agreed set of principles between developed and developing countries. (United Arab Republic, p. 58.)

- The Declaration should include a general reference to the goals and objectives of the General Assembly resolution concerning the Second Development Decade. (Italy, p. 43; United Arab Republic, p. 59.)

- The Declaration should affirm in the form of general principles the most important environmental rights and duties by which States and others are willing to be guided at this time. States should strive to implement these principles as soon as possible by progressive measures, national and international. (United States, p. 61, No. 2 and p. 62, No. 7.)

- It would be more appropriate to think in terms of guidelines, policies and responsibilities rather than the kind of principles outlined in the notes to question 8 in the Secretary-General's questionnaire. (United Kingdom, p. 7.)

2. Man is dependent on the natural resources of the biosphere which comprise a single life-support system and the supply of which is limited in quality and in quantity.

This fact imposes the need for careful planning and rational utilization of natural resources, i.e., incorporation of environmental considerations and criteria in the comprehensive planning of resource development. (Canada, CRP.4/Add.2; Colombia, p. 23; Cyprus, p. 2; Holy See, p. 36; Italy, p. 42; Japan, p. 45; USSR, p. 2; United States, p. 64.)

The maintenance of the ecological balance of the biosphere, the resources of which are limited in quantity, has a definite effect on human life. Accordingly, a more rational utilization of these resources is required. (USSR, p. 2.)

- Excessive population growth can defeat man's efforts to preserve the earth's environment. (United States, p. 64.)

- The continuing growth of the world's population and the ever-increasing use of natural resources by everyone poses the need for planning and orderly management of natural resources. (Switzerland, p. 56.)

3. Modern scientific and technological developments have brought about profound changes in man's relationship with his environment; these developments, while offering unprecedented opportunities, also involve grave dangers if not properly controlled. (Colombia, p. 23; Denmark, p. 27; Holy See, pp. 36, 37; Italy, p. 42; Japan, p. 45; United Arab Republic, p. 59.)

Environmental degradation due to uncontrolled technology and lack of rational management of natural resources has had serious effects on man's physical and mental health, and on his capacity to enjoy basic human rights. (Canada, CRP.4, Add.2; Colombia, p. 24; Cyprus, p. 2; Denmark, p. 27; Ethiopia, p. 31; Holy See, pp. 36, 37; Italy, p. 42; Japan, p. 45; Panama, p. 50; United States, p. 64.)

- Human civilization stands at the threshold of new opportunities for improving the quality of life for each individual; the proper application of science and technology, accompanied by a change of attitudes and practices, can prevent further deterioration of the environment and repair the damage already done. (Singapore, p. 52; United States, p. 64.)

- The imbalance in population distribution (huge urban concentrations) poses a serious threat to the environment. (Holy See, p. 37; Singapore, p. 52.)

4. The interrelating nature of the environment and the regional or global character of a growing number of environmental problems emphasize the need for

international co-operation on a bilateral, regional and world-wide basis. (Colombia, p. 24; Denmark, p. 27; Ethiopia, pp. 30, 31; Holy See, p. 36; Italy, p. 42; Japan, p. 45; Singapore, p. 52; United Arab Republic, p. 59; United Kingdom, p. 6; USSR, pp. 1, 2.)

While the causes of impairment of the environment and the gravity of the problems differ from country to country depending on the stage of socio-economic development reached, environmental problems are the concern of all countries. (Canada, CRP.4, Add.2; Colombia, p. 23; Holy See, p. 36; Italy, p. 42; Japan, p. 45; Netherlands, p. 49; USSR, p. 2; United States, p. 64.)

The environment, its natural resources, or important components and aspects thereof, form part of the "common heritage of mankind"; social implications of this concept:

- (i) that it calls for clear recognition that the preservation of environmental quality is the responsibility of every individual, each State and of the international community; (Colombia, p. 24; Italy, p. 42; Japan, p. 45.)
- (ii) that it calls for solidarity in the use of natural resources on recognition of the fact that material wealth is intended for the benefit of the world as a whole. (Holy See, p. 36.)
- (iii) that it calls for a new approach in the exploitation of natural resources, including restriction of the use of resources where necessary, in order to meet the primary needs of mankind (rather than artificially created secondary needs); an approach which is governed not only by the requirements of productivity, economy, and consumption, but also adapted to the need to ensure a more human world for present and future generations. (Holy See, p. 37.)

5. The Declaration should include a general reaffirmation of the responsibilities regarding the rational utilization of resources with a view to protecting and enhancing the human environment, incumbent upon:

(a) individuals (Colombia, p. 25; Denmark, p. 29; Ethiopia, pp. 30, 31; Guatemala, p. 4; Holy See, p. 41; Italy, p. 42; Netherlands, p. 47; Panama, p. 50; Singapore, p. 52; Switzerland, p. 55; United Arab Republic, p. 59; United States, p. 62.);

(b) States and public authorities (Denmark, p. 29; Ethiopia, p. 32; Guatemala, p. 4; Holy See, pp. 35, 41; Italy, pp. 42, 44; Netherlands, p. 48; Panama, p. 50; Singapore, p. 53; Switzerland, p. 57; United Arab Republic, p. 59; United States, pp. 62, 65.); and

(c) the international community (Colombia, p. 25; Denmark, p. 29; Ethiopia, pp. 30, 31; Guatemala, p. 4; Italy, p. 42; Holy See, pp. 35, 41; Netherlands, p. 48; Panama, p. 50; United Arab Republic, p. 59; United Kingdom, p. 5; United States, pp. 62, 64.)

6. States have the duty to carefully husband natural resources, including the responsibility to maintain and enhance the quality of the environment, for present and future generations. (Colombia, p. 25; Denmark, p. 27; Holy See, p. 37; Italy, p. 44; Netherlands, pp. 48, 49; Switzerland, p. 58; United Arab Republic, p. 60.)

States have a duty to pursue adequate and effective policies designed to secure environmental conditions which permit the sustained improvement of the quality of life. (Austria, p. 19; Colombia, p. 26; Holy See, pp. 37, 38; Italy, p. 44; Netherlands, pp. 48, 49; Switzerland, p. 58; United Arab Republic, p. 60.)

States have the duty to guarantee to their citizens equal protection and non-discrimination in the allocation and use of natural resources. (Colombia, p. 26; Holy See, pp. 36, 39; Italy, p. 44.)

GENERAL PRINCIPLES FOR THE FORMULATION OF POLICIES
AND ACTIONS BY STATES CONCERNING THE ACHIEVEMENT
OF SOLUTIONS TO THE NATIONAL AND INTERNATIONAL
PROBLEMS OF THE ENVIRONMENT

1. The Declaration should include basic guiding principles for States in their individual and collective actions for the preservation and amelioration of the human environment. (Argentina, pp. 15, 18; Austria, p. 19; Canada, pp. 20, 22; Colombia, pp. 25, 26; Denmark, p. 29; France, p. 34; Holy See, p. 41; Italy, p. 44; Japan, p. 45; Libyan Arab Republic, p. 47; Netherlands, p. 50; Panama, p. 51; USSR, Add.2, p. 3.)
2. It is the duty of all nations to carefully husband their national resources and to hold in trust for present and future generations the air, water, land, and community of plants and animals on which all life depends. This principle includes the responsibility to maintain and enhance the quality of the environment in which present and future generations must live and to prevent the continuance of processes which can permanently impair this quality. (Part of the formulation of the background note to question 8 of the questionnaire is contained in the replies of Colombia, p. 25 and the United Arab Republic, p. 60. Similar formulation is contained in the reply of Switzerland, p. 58.)
3. The need to preserve the ecological balance of the biosphere, on which life on earth depends, imposes the duty to refrain from action causing unnecessary environmental disturbance or degradation, in particular action which can cause irreversible ecological changes or otherwise endanger life or man's well-being. (Canada, Add.2; Colombia, p. 23; Holy See, pp. 36, 39; Italy, p. 42; Japan, p. 45; Sweden, p. 54; Switzerland, p. 56; United Kingdom, Add.1, p. 6; United States, p. 64.)
4. The declaration should include a general reaffirmation of the responsibilities of States and public authorities regarding the rational utilization of resources with a view to protecting and enhancing the human environment. (Denmark, p. 29; Ethiopia, pp. 30, 31; Guatemala, Add.1, p. 4; Holy See, pp. 35, 41; Italy, pp. 42, 44; Netherlands, p. 48; Panama, p. 50; Singapore, p. 53; Switzerland, p. 57; United Arab Republic, p. 59; United States, pp. 62, 65.)

- States, individuals and the international community commonly resolve to respect, safeguard and properly manage the environment. States promise to further this resolve by progressive measures, national and international. (United States, p. 65.)

- The Declaration should call on Governments to avoid measures which might harm the environment. (United Kingdom, Add.1, p. 6.)

- The identification and enunciation of the duties of States with respect to the human environment should constitute a major task of the Conference. In view of the inadequacy of existing law, it is essential that the Declaration should attempt to elaborate principles defining the rights and duties of States with respect to the environment upon which can be based the progressive development and codification of the international law relating to State responsibility with respect to the environment. (Canada, p. 22.)

5. States have the duty to carefully husband natural resources, including the responsibility to maintain and enhance the quality of the environment, for present and future generations. (Colombia, p. 25; Denmark, p. 27; Holy See, p. 37; Italy, p. 44; Netherlands, pp. 48, 49; Switzerland, p. 58; United Arab Republic, p. 60.)

States have a duty to pursue adequate and effective policies designed to secure environmental conditions which permit the sustained improvement of the quality of life. (Austria, p. 19; Colombia, p. 26; Holy See, pp. 37, 38; Italy, p. 44; Netherlands, pp. 48, 49; Switzerland, p. 58; United Arab Republic, p. 60.)

States have the duty to guarantee to their citizens equal protection and non-discrimination in the allocation and use of natural resources. (Colombia, p. 26; Holy See, pp. 36, 39; Italy, p. 44.)

6. States have the duty to refrain from using, or permitting the use of their territories, or of areas beyond the limits of national jurisdiction, in such a manner as to cause damage to the environment of such areas or to the environment of other States, or to environmental resources shared with other States. (Canada, Add.2, p. 3; Colombia, pp. 25, 26; Holy See, p. 41; Italy, p. 44; Switzerland, p. 58; United Kingdom, Add.1, p. 6.)

Every State is liable to make reparation for damage caused by such activities to environmental resources of other States or to those belonging to the "common resources of mankind". (Canada, Add.2, p. 3; Colombia, pp. 25, 26; Holy See, p. 41; Italy, p. 44; Switzerland, p. 58.)

States are responsible for ensuring that national activities are carried out in conformity with the principles set forth in the Declaration. (Canada, Add.2, p. 3; Colombia, p. 26; Holy See, p. 41; Italy, p. 44.)

- Austria (p. 19) and Japan (p. 46) do not agree to inclusion in the Declaration of a principle to the effect that States are internationally responsible for damage caused by them, or by persons under their jurisdiction, to environmental resources shared with other States, and for ensuring that national activities are carried out in conformity with the principles set forth in the declaration.

7. States have the duty to conduct their activities related to environmental problems with due regard to the corresponding interests of other States, and in accordance with international law, including the Charter of the United Nations. (Austria, p. 19; Canada, Add.2, p. 3; Colombia, p. 26; Holy See, p. 41; Italy, p. 44.)

8. Duty of States to consult with other States and with the appropriate international organization, if any, in respect of planned activities which may damage the environment beyond national jurisdiction. (Canada, Add.2, p. 3.)

STATE SOVEREIGNTY OVER NATURAL RESOURCES IN
RELATION TO THE INTERNATIONAL CONCERN FOR
SAFEGUARDING THE ENVIRONMENT

1. "The Declaration should embody general principles which can be recommended to Governments as guidelines for individual and collective action to improve the environment. Among these it is especially important to emphasize the principle of the inalienable sovereignty of States over their natural resources."
(USSR, Add.2, p. 6.)
2. The declaration should mention certain principles including "the principle of national sovereignty over natural resources". (Switzerland, p. 58; United Arab Republic, p. 60.)
3. "Every State has a sovereign and inalienable right to its environment including its land, air and water, and to dispose of its natural resources. Every State has a right to environmental integrity corresponding to its right to territorial integrity. Every State has the right to take all necessary and appropriate measures to protect its environmental integrity." (Canada, Add.2, p. 6.)
4. The inclusion of the principle has been indirectly supported by the Holy See (p. 41) and Italy (p. 44) which generally approved suggestions contained in the background note to question 8 of the questionnaire.
5. It is "the duty of all nations to carefully husband their national resources and to hold in trust for present and future generations the air, water, land, and community of plants and animals on which all life depends. This principle includes the responsibility to maintain and enhance the quality of the environment in which present and future generations must live and to prevent the continuance of processes which can permanently impair this quality. For this purpose, States should establish and enforce adequate environmental quality standards and set up appropriate institutions for resource management to minimize the risk of irreversible ecological changes resulting from resource development."
(This formulation of the background note to question 8 of the questionnaire is contained in the replies of Colombia, p. 25 and United Arab Republic, p. 60. Similar formulation is contained in the reply of Switzerland, p. 58.)

CO-OPERATION AND MUTUAL ASSISTANCE AMONG STATES INCLUDING
THE EXCHANGE OF EXPERIENCE AND INFORMATION ON THE SOLUTION
OF THE PROBLEM OF THE ENVIRONMENT

Duty to co-operate

"The co-operation and orderly conduct of States" in the "fulfillment of the individual's needs and potential rights with respect to the protection and enhancement of the human environment...". (Canada, p. 21.)

"The preservation of environmental quality is properly the concern and responsibility of the international community, of each State individually and of every individual human being." (Colombia, p. 24.)

"A concerted effort towards (the solution of environmental problems) by all members of the international community regardless of their geographical, economic and social situation, or their political systems...". (Colombia, p. 24.)

In accordance with the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action for the achievement of solutions, *inter alia*, of international economic, social, health and related problems. (Colombia, p. 24; Netherlands, p. 48; USSR, Add.2, p. 5.)

Principles which States should recognize as guiding their individual and collective actions affecting the human environment. (Colombia, p. 25; Cyprus, Add.1, p. 3; France, p. 34; Finland, Add.3 in preparation; Guatemala, Add.1, p. 4; Netherlands, p. 50; Sweden, p. 55.)

The regional or global character of a growing number of environmental problems, which calls for... a concerted effort by all members of the international community. (Ethiopia, p. 31.)

The need to take appropriate steps at the national, regional, interregional and global levels. (USSR, Add.2, p. 1.)

The Conference should undertake action "with a view to creating a political and legal context within which Member States could develop the forms of mutual co-operation required". (Italy, p. 42. Italy also states that the list of general principles given in the note to question 8 (p. 13) in the background note provides a useful basis for work. These principles include the following:

"Special duties apply with regard to environmental resources shared with other States or forming part of the 'common resources of mankind', and with regard to activities of a State or its nationals exploiting natural resources in areas not under its jurisdiction."

"General principles which might include... the duty of States to co-operate with one another and with international agencies in safeguarding and improving a common heritage." (Switzerland, p. 58.)

Duty to consult

"Every State has a duty to conduct its activities with due regard to their effects upon the environment of other States.

"No State may use or permit the use of its territory in such a manner as to cause damage to the environment of other States or to the environment of areas beyond the limits of national jurisdiction.

"No State may use areas beyond the limits of national jurisdiction in such a manner as to cause damage to the environment of such areas or to the environment of other States.

"...

"Every State has a duty to consult with other States before undertaking activities which may damage the environment of such States, and a similar duty to consult with the appropriate international organization, if any, before undertaking activities which may damage the environment in areas beyond the limits of national jurisdiction.

"Every State has a duty to ensure that national activities are carried out in conformity with the principles set forth in this Declaration." (Canada, Add.2, p. 3.)

"... the operative paragraphs of the Declaration should call on Governments to avoid measures which might harm the environment, to consult with other States where pollution may harm others and to act in concert to preserve and improve the environment." (United Kingdom, Add.1, p. 6.)

"Whenever a proposed activity by any State might cause grave harm to human environment beyond its territory, the State or States planning such an activity should undertake appropriate international consultations before proceeding with any such activity; and

"In all that concerns the human environment, States should be guided by these and other principles to be set forth in the Declaration." (United States, p. 65.)

"The principle of co-operation by concluding bilateral and multilateral agreements establishing environmental quality standards, a reasonable system of responsibility and an effective system of inspection; the principle that every member of the international community should refrain from damaging others and owe them reparation for damage caused; the duty to consult one another in the event of a threat of serious harm, and to exchange environmental data and experience; the duty of States to secure for their inhabitants the safeguarding and improvement of their natural environment, through action and information." (Switzerland, p. 58.)

The right and duty (of States) to consult each other if there is reason to believe that any planned activity may cause serious harm to the environment in general or infringe upon the environmental rights of other States. (Austria, p. 14; Colombia, p. 26.)

"Special duties apply with regard to environmental resources shared with other States or forming part of the 'common resources of mankind'. Such duties also apply with regard to activities of a State or its nationals exploiting natural resources in areas not under its jurisdiction." (Colombia, p. 25.)

Exchange of information and experience and prospective consideration of international agreements

The conclusion of international agreements on standards of environmental quality and for the establishment of a world-wide observation network to monitor the world's environment on a continuing basis.

The exchange of information, scientific knowledge and experience in solving environmental problems. (Agreed to in principle by Austria, p. 14.) (Colombia, p. 26.)

The desirability of formalizing principles (of co-operation and mutual respect and assistance among States) in international agreements concerning mutual consultations on environmental harm, exchange of information, scientific co-operation and standards of environmental quality. (Denmark, p. 29.)

"... Principles which could be utilized by States as a guiding line in their legislation acts and that could be considered in forming their plans for utilizing natural wealth and potentialities and on which basis inter-State relations could be formed in these aspects." (Libyan Arab Republic, p. 47.)

Note

Attention is called to the Declaration on the Control of Environment in South-East Asia, presented by Singapore, which refers to the endorsement by those Governments of joint efforts of Governments and regional organizations and which describes such efforts in considerable detail (p. 53.)

"The responsibilities of States in safeguarding the environment should be stated in the Declaration. On this would be based the injunctions to Governments to act separately and jointly in the protection and enhancement of the environment. It would be more appropriate thus to specify responsibilities rather than rights and obligations." (United Kingdom, Add.2, p. 6.)

"It is an urgent international duty to ensure respect for human rights relating to the human environment by means of conventions between States and recourse to supranational agencies of supervision and co-ordination invested with legal authority." (Holy See, p. 41. The Holy See also subscribes to the principles listed in the note to the questionnaire (pp. 13, 14) with special emphasis on the principle of regional and international planning.)

"... principles which would set forth some general rights and obligations of States to each other, of States to individuals and of individuals to each other. States would strive to implement these principles as soon as possible by progressive measures, national and international." (United States, p. 61.)

"Actions necessary for the conservation, and the enhancement of the human environment will require sustained co-operation by States, peoples and international organizations." (United States suggested formulation for inclusion in a possible preamble.)