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United Nations Environment Programme:
(a) Report of the Governing Council;
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REPORTS OF THE SECOND COMMITTEE (A/9402)
AND OF THE FIFTH COMMITTEE (A/9439)

1. Mr. YAMADA (Japan), Rapporteur of the Second Committee: I have the honour to present to the General Assembly the reports of the Second Committee on agenda item 49 [A/9337] and on agenda item 50.

2. In paragraph 24 of the report on operational activities for development [A/9337], the Second Committee recommends to the General Assembly the adoption of seven draft resolutions as follows. Draft resolution I, entitled "Target for World Food Programme pledges for the period 1975-1976", was adopted without a vote. Draft resolution II, entitled "United Nations Capital Development Fund", was adopted by a roll-call vote of 94 to none, with 25 abstentions. Draft resolution III, entitled "Participation of the Executive Director of the United Nations Environment Programme in the Inter-Agency Consultative Board of the United Nations Development Programme", and draft resolution IV on the 1974 Special Pledging Conference of the United Nations Children's Fund were adopted without a vote. Similarly, draft resolution V entitled, "United Nations Volunteers programme", and draft resolution VI, entitled "Results of the Governing Council of the United Nations Development Programme", were adopted without a vote. Finally, draft resolution VII, entitled "Multilateral food aid", was also adopted without a vote.

3. I turn now to the report on agenda item 50. The Second Committee recommends, in paragraph 34 of its report [A/9402], six draft resolutions for adoption by the General Assembly. Draft resolution I, entitled "United Nations Conference-Exposition on Human Settlements", was adopted by 80 votes to none, with 9 abstentions. Draft resolution II, entitled "Co-operation in the field of the environment concerning natural resources shared by two or more States", was adopted in a roll-call vote by 78 votes to 6, with 41 abstentions. Draft resolution III, entitled "Criteria governing multilateral financing of housing and human settlements", was adopted in a roll-call vote by 83 votes to 3, with 37 abstentions. Draft resolution IV, entitled "Report of the Governing Council of the United Nations Environment Programme", was adopted by the Committee without a vote. Draft resolution V, entitled "Fund of the United Nations Environment Programme", was also adopted without a vote. Finally, draft resolution VI, entitled "Protection

President: Mr. Leopoldo BENITES (Ecuador).

In the absence of the President, Mr. Sikivou (Fiji), Vice-President, took the Chair.

AGENDA ITEM 49

- Operational activities for development:**
(a) United Nations Development Programme;
(b) United Nations Capital Development Fund;
(c) Technical co-operation activities undertaken by the Secretary-General;
(d) United Nations Volunteers programme;
(e) United Nations Fund for Population Activities;
(f) United Nations Children's Fund;
(g) World Food Programme

REPORTS OF THE SECOND COMMITTEE (A/9337)
AND OF THE FIFTH COMMITTEE (A/9443)

of the marine environment”, was adopted by the Second Committee by 116 votes to none, with 10 abstentions.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Second Committee.

4. The PRESIDENT: Members will recall that the General Assembly decided at its 2161st plenary meeting to refer to the Fifth Committee portions of the reports of the Secretary-General submitted under agenda items 49 and 50, relating to administrative and budgetary questions.

5. Mr. GARRIDO (Philippines), Rapporteur of the Fifth Committee: I have the honour to submit to the General Assembly the reports of the Fifth Committee on item 49 [A/9443] and on item 50 [A/9439].

6. On item 49, the recommendation of the Fifth Committee is contained in paragraph 4 of its report. It reads: “The Fifth Committee decided, without objection, to recommend that the General Assembly should take note of the Secretary-General (A/C.5/1565).” The Secretary-General’s note on the subject concerns agency overhead costs, staff training under the United Nations Institute for Training and Research and the question of the United Nations Development Corporation building.

7. On item 50, I should like to draw the attention of the General Assembly to paragraph 3 of the report of the Fifth Committee [A/9439], which contains the decisions of the Fifth Committee. I should like to inform the General Assembly that when the Fifth Committee dealt with this item it confined itself solely to the administrative and budgetary matters relating to the United Nations Environment Programme.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.

8. The PRESIDENT: We shall first consider agenda item 49. The reports of the Second Committee and the Fifth Committee are contained in documents A/9337 and A/9443, respectively.

9. The Assembly will now vote, one by one, on the six draft resolutions recommended by the Second Committee in paragraph 24 of its report [A/9337]. After all the votes have been taken, I shall call on those representatives wishing to explain their votes at that stage. We shall now take a decision on the draft resolutions.

10. We turn first to draft resolution I, entitled “Target for World Food Programme pledges for the period 1975-1976”. In the Second Committee, the draft resolution was adopted without a vote. May I take it that the General Assembly adopts draft resolution I?

Draft resolution I was adopted (resolution 3121 (XXVIII)).

11. The PRESIDENT: Draft resolution II is entitled “United Nations Capital Development Fund”. I now put it to the vote. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Barbados, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany, Federal Republic of, Hungary, Ireland, Italy, Japan, Luxembourg, Mongolia, Poland, Portugal, South Africa, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution II was adopted by 100 votes to none, with 25 abstentions (resolution 3122 (XXVIII)).

12. The PRESIDENT: We come now to draft resolution III entitled “Participation of the Executive Director of the United Nations Environment Programme in the Inter-Agency Consultative Board of the United Nations Development Programme”. In the Second Committee, the draft resolution was adopted without a vote. May I take it that the General Assembly adopts draft resolution III?

Draft resolution III was adopted (resolution 3123 (XXVIII)).

13. The PRESIDENT: The next draft resolution, draft resolution IV, is entitled “1974 Special Pledging Conference of the United Nations Children’s Fund”. In Committee it was adopted without a vote. May I take it that the General Assembly adopts draft resolution IV?

Draft resolution IV was adopted (resolution 3124 (XXVIII)).

14. The PRESIDENT: Draft resolution V relates to the “United Nations Volunteers programme”. In Committee it was adopted without a vote. May I take it that draft resolution V is adopted by the General Assembly?

Draft resolution V was adopted (resolution 3125 (XXVIII)).

15. The PRESIDENT: We turn now to draft resolution VI, “Reports of the Governing Council of the United Nations Development Programme”. In Committee it was

adopted without a vote. May I take it that the General Assembly adopts draft resolution VI?

Draft resolution VI was adopted (resolution 3126 (XXVIII)).

16. The PRESIDENT: Finally, we come to draft resolution VII recommended by the Second Committee, entitled "Multilateral Food Aid". In Committee it was adopted without a vote. May I take it that the General Assembly adopts draft resolution VII?

Draft resolution VII was adopted (resolution 3127 (XXVIII)).

17. The PRESIDENT: I now invite members to turn to the recommendation of the Fifth Committee in paragraph 4 of its report [A/9443]. In Committee, the recommendation was adopted without objection. If I hear no objection, I shall consider that the General Assembly approves it also.

The recommendation was adopted.

18. The PRESIDENT: We shall now turn to agenda item 50. The reports of the Second Committee and of the Fifth Committee on the item are contained in documents A/9402 and A/9439, respectively.

19. Before calling on representatives who wish to explain their votes on the recommendations in those reports before the vote, I call on the representative of China on a point of order.

20. Mr. WANG Tzu-chuan (China) (*translation from Chinese*): We are now discussing agenda item 50, but the report of the Second Committee, document A/9402, is still not available in Chinese.

21. The PRESIDENT: I thank the representative of China. He has raised a very pertinent point. I wonder, however, if he would be prepared to accept my assurance that the translation of this document into Chinese will be available very shortly, and if he would be satisfied with that and allow me to continue with the consideration of the item.

22. Mr. WANG Tzu-chuan (China) (*translation from Chinese*): I should like the voting to be postponed until we receive the Chinese text.

23. The PRESIDENT: I call on the representative of Canada on a point of order.

24. Mr. RANKIN (Canada): May I suggest, in the interests of saving time, that we proceed with the election of members of the Governing Council of the United Nations Environment Programme. I think that that in fact would be a better procedure in any event, and would allow time for counting of ballots while we continued with other work.

25. The PRESIDENT: I thank the representative of Canada for his very valuable suggestion. I wonder, however, if the General Assembly would agree to proceed with the explanations of vote, remembering that the representative of China asked only that we should not vote until his delegation had received the Chinese text of document A/9402.

26. I call on the representative of France on a point of order.

27. Mr. ROUGÉ (France) (*interpretation from French*): The French delegation, like the Chinese delegation would wish things to be done in the most correct manner, namely, to have the discussion of this item suspended until the documents are available in all the official languages. The course suggested by our colleague from Canada would enable us to take into account the legitimate concern of the Chinese delegation—a concern which my delegation very often has occasion to share—without delaying the work of the Assembly.

28. The PRESIDENT: The suggestion is that we should postpone consideration of agenda item 50 for the time being and turn instead to agenda item 19, the election of members of the Governing Council of the United Nations Environment Programme. If we do so, I shall have to suspend the meeting because we need about 10 minutes to get the ballot papers ready. For representatives' information, there was a mistake in the ballot papers that required a correction that is being made now, and they should be ready, as I say, in about 10 minutes. If there is no objection to the procedure I have just briefly outlined, I shall take it that the Assembly agrees to it.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

AGENDA ITEM 19

Election of nineteen members of the Governing Council of the United Nations Environment Programme

29. The PRESIDENT: The General Assembly will now proceed to the election of 19 members of the Governing Council of the United Nations Environment Programme to replace those members whose terms of office expire in 1973.

30. The 19 outgoing members are Argentina, Canada, China, Czechoslovakia, France, Gabon, Ghana, Guatemala, Indonesia, Jamaica, Lebanon, Morocco, the Philippines, Sierra Leone, Spain, the Sudan, Sweden, the Syrian Arab Republic and Yugoslavia. Those members are eligible for immediate re-election.

31. I should like to remind members that after 1 January 1974 the following 39 States will still be members of the Governing Council: Australia, Austria, Brazil, Burundi, Central African Republic, Chile, German Democratic Republic, Germany, Federal Republic of, Iceland, India, Iran, Iraq, Italy, Japan, Jordan, Kenya, Kuwait, Madagascar, Malawi, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Peru, Poland, Romania, Senegal, Somalia, Sri Lanka, Tunisia, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Cameroon, the United Republic of Tanzania, the United States of America and Venezuela. Therefore, the names of those 39 States should not appear on the ballot paper.

32. In accordance with existing practice, the required number of candidates in each category which receives the

largest number of votes and not less than the majority required will be declared elected. In case of a tie for the last place, there will be a restricted ballot limited to those candidates that have obtained an equal number of votes. May I take it that the Assembly agrees to that procedure?

It was so decided.

33. The PRESIDENT: Pursuant to rule 94 of the rules of procedure, the election shall be held by secret ballot, and there shall be no nominations.

34. Ballot papers reflecting the pattern set out in General Assembly resolution 2997 (XXVII) and the distribution of seats decided upon by the Assembly at its 2112th plenary meeting are now being distributed. Will representatives be kind enough to write down the names of the countries for which they wish to vote in each category?

At the invitation of the President the following representatives acted as tellers: Group A, Mr. Nabuco de Castro (Brazil); Group B, Mr. Udovenko (Ukrainian Soviet Socialist Republic); Group C, Mr. Blankson (Nigeria); Group D, Mr. Shrestha (Nepal); Group E, Mr. Kofod (Denmark).

A vote was taken by secret ballot.

35. The PRESIDENT: While the ballots are being counted, I propose that we should revert to agenda item 50. If I hear no objection I shall take it that that is the wish of the General Assembly.

It was so decided.

AGENDA ITEM 50

United Nations Environment Programme (concluded):

- (a) Report of the Governing Council;
- (b) Criteria governing multilateral financing of housing and human settlements: report of the Secretary-General

**REPORTS OF THE SECOND COMMITTEE (A/9402)
AND OF THE FIFTH COMMITTEE (A/9439)**

36. The PRESIDENT: The Chinese text of document A/9402 is now available. I shall therefore call on those representatives who wish to explain their votes before the voting.

37. Mr. BARREIRO (Paraguay) (*interpretation from Spanish*): The delegation of Paraguay wishes to explain the negative vote it will cast on draft resolution II entitled "Co-operation in the field of the environment concerning natural resources shared by two or more States" recommended to the Assembly by the Second Committee [A/9402, para. 34].

38. The Republic of Paraguay is a land-locked, developing country which is compelled to utilize its natural resources in the dedicated search for a better life for its people. This is an ineluctable right which has to do with life itself and the dignity of a country, and which falls within the inalienable scope of national sovereignty.

39. The First Committee adopted a draft resolution establishing the illegality of pressures which some attempt to exert on countries with regard to the utilization of their natural resources [A/C.1/L.670]. Stress is laid on the rights of nations to dispose of those resources for their own benefit within the concept of national sovereignty.

40. The draft resolution now before us suffers from two fundamental defects: it does not lay down the procedure or the practical forms which should be established in order to carry out what it claims to stipulate by the words "information and prior consultation" in operative paragraph 2. Its terms are vague and it does not seek concrete solutions, nor does it establish strict time limits to safeguard the sovereign right of nations to use their natural resources for the development of their peoples without having to rely on a reply which might or might not come or which might come after the expiry of the time limit envisaged for the implementation of the work which because of its scope almost always demands undertakings shared with other countries.

41. The draft resolution is vague, lacking in feasibility, clarity and objectivity. On the other hand, in a question which is fundamentally tied to geography, it overlooks regional bodies, which are valuable and irreplaceable forums in cases such as those for which our draft resolution attempts to provide.

42. In the case of Paraguay and all other countries of the Río de la Plata Basin, what purpose could there be in placing such questions on a universal level when right there where the natural resources are found a proper forum is functioning which has been freely established by those same countries which make up the system?

43. Argentina, Brazil, Bolivia, Paraguay and Uruguay are members of the Treaty of the Basin of the Río de la Plata.¹ That body has its headquarters in the city of Buenos Aires. Within a few weeks, at the level of foreign ministers, extremely important questions will be taken up at the headquarters of that body, among them projects for hydroelectric energy.

44. Moreover, the Declaration of Asunción on the Use of International Rivers, signed on 3 June 1971, is in effect in the Basin. That Declaration lays down the following:

"1. In contiguous international rivers, which are under dual sovereignty, there must be a prior bilateral agreement between the riparian States before any use is made of the waters.

"2. In successive international rivers, where there is no dual sovereignty, each State may use the waters in accordance with its needs provided that it causes no appreciable damage to any other State of the Basin."²

45. This draft resolution gratuitously and without foundation disregards and departs from the fundamental principle of sound regionalism in an area which is so closely related to it because natural resources are involved.

¹ Signed at Brasilia on 23 April 1969.

² See *Yearbook of the International Law Commission, 1974*, vol. II, part two (United Nations publication, Sales No. E.75.V.7, vol. II, part two), p. 324.

46. Why is there a preference for distant forums that have no direct ties with the countries concerned in each region when at home, among neighbours, we have the legal framework, the goodwill and the appropriate platforms to settle any type of issue related to the progress and the development of our peoples?

47. Ecumenism is the sign of our time, based on a preliminary appraisal, namely, the use and the respect of regionalism.

48. We have to start from our own historical background—demographic, geographic, economic, social and political—in order to arrive at the universal concept, which can never mean the enfeeblement or the abandonment of regional bodies.

49. Paraguay has not refused, does not refuse now and will never refuse in future its co-operation concerning the utilization of shared or common natural resources. And in order not to make mere affirmations, may I be allowed to cite some facts relating to co-operation with regard to shared resources.

50. First, Paraguay and the Federative Republic of Brazil signed this year a most important agreement relating to the joint utilization of the waters of the Paraná River, in a place called Itaipú, where, by a common effort and with respect for the norms of regional and international law, they will build a gigantic dam, the most important physical work of my country since its independence in 1811. This treaty has already been ratified by the Parliaments of both countries and is being fully implemented.

51. Secondly, on 3 December in the city of Asunción we signed with the Republic of Argentina the Treaty of Yacyretá, an event of fundamental importance in the life of both peoples, who have enjoyed brotherly relations since their independence, thus beginning a stage of close collaboration between the two neighbouring nations. This Treaty will allow three major undertakings: the production of electricity, the improvement of the conditions of navigability of the Paraná River and flood control.

52. Moreover, Paraguay and Argentina, within a framework of mutual understanding designed to achieve the rational exploitation of their shared natural resources, also took when subscribing to the Treaty of Yacyretá the decision to make every effort also to give shape to the utilization of the Paraná River in the region of Corpus, which is the intermediary point between the location of the two large dams of Yacyretá and Itaipú.

53. This work will be carried forward unhesitatingly “provided it does not cause damage to Paraguay and that it also sees to it that no damage is caused to third nations which might be opposed to it”, as was stated to the press by the Foreign Minister of Paraguay himself, Professor Raúl Sapena Pastor.

54. We have shown that Paraguay has always wanted, wants now and shall always want to co-operate and to negotiate with regard to shared natural resources. But, as I pointed out at the beginning of my statement and for the

reasons given, my delegation will confirm its negative vote on the aforementioned resolution.

55. Mr. FIGUEROA (Chile) (*interpretation from Spanish*): My explanation of vote will be confined to draft resolution II recommended by the Second Committee [A/9402, para. 34].

56. In the Second Committee, my delegation voted in favour of the draft resolution because it believes that the system of information and prior consultation between States directly concerned in the exploitation of natural resources common to two or more States is the most adequate and fair approach. My delegation expressed this view as the basis for its favourable vote on the draft resolution we are now considering.

57. However, when we study the above-mentioned draft resolution in greater detail we are concerned by the interpretation which might be given to operative paragraph 3 as well as to the powers which in this area are conferred on the Governing Council of the United Nations Environment Programme [UNEP]. In our view, that Council does not possess, nor can it possess, powers to intervene in any way in bilateral negotiations between States interested in the exploitation of natural resources common to two or more States. Only such States are competent to recognize the application of the legal principle of information and prior consultation.

58. Since the text of operative paragraph 3 is not clear, and since it could be interpreted in a sense contrary to the one just stated, my delegation will abstain in the vote on the draft resolution as a whole, but wishes to reaffirm its respect for the legal principle we mentioned earlier and its decision to apply it in its bilateral relations.

59. Mr. FRAZÃO (Brazil): My delegation had the opportunity, in the Second Committee, fully to present its views on the matter referred to in draft resolution II recommended by that Committee. I do not propose to repeat previous statements, but I must, for the record of the Assembly and in the briefest possible manner, make known the reasons that oblige my Government to oppose this draft resolution.

60. To begin with, the draft approved by the Second Committee and now before the Assembly does not really refer to the environment, notwithstanding its title and its preamble. Its operative paragraphs refer simply to the exploitation of natural resources and then bring into play the Governing Council of UNEP as a *deus ex machina*, with an ill-defined and consequently dangerous mandate on matters concerning natural resources. I shall return to this point in a moment; for the present, let me simply recall that the text does not deal with the ostensible object of environmental protection.

61. Much more grave, however, is the lack of balance of the draft. Recalling, in its second introductory paragraph, resolutions 2995 (XXVII), 2996 (XXVII) and 2997 (XXVII), the text before us omits the principles that made those resolutions—and resolution 2995 (XXVII) in particular—acceptable to this Assembly without opposition. I refer to the principles of permanent sovereignty over natural resources within each State's jurisdiction, co-

operation in the exploitation of natural resources, the obligation not to cause significant harm, and responsibility towards third parties in the use of resources. The last three of those principles are accepted without dispute by my Government. As to the first, it is but obvious that we cannot under any pretext renounce it, nor can we allow it to be qualified.

62. The draft resolution we are going to vote upon in a few moments minimizes the principles of permanent sovereignty when, in operative paragraph 2, it establishes an unqualified mechanism of prior consultation which could be interpreted by an interested party as allowing interference in another country's natural resources development plans, when those resources were defined as common by that same interested party. If by "common" we mean shared, as is the case in legal and declaratory regional texts which leave no room for dubious interpretation, this definition should be made explicit, for in the case of shared resources Brazil goes much further than accepting prior consultation: it requires previous agreement. If "common" does not mean shared, the text acquires a range and scope sufficient, as I said, to leave its interpretation open to the most serious misgivings, serious enough to make it unacceptable.

63. Let me now return to operative paragraph 3 and the Governing Council of UNEP. Historical experience, legal practice and common sense—not to speak of the actual exploitation itself—show us that the use of natural resources has an impact limited to the surrounding geographical features and the environment thereof. For that reason the matter under consideration falls of necessity within bilateral and regional arrangements and has so been treated in all continents. Only thus is it possible to deal with particular problems—ecological, economic, political. Globalized rulings on this subject would have to be so general as to lose their very purpose unless they mistakenly tried to establish uniform normative principles to deal with basically different situations, ignoring the essential rule of *homo faber*: each tool must be adequate to its job. Operative paragraph 3 turns a blind eye to all these realities, deliberately or not, and transforms the Governing Council of UNEP into an international judge and prosecutor, leaving to this Assembly an implied and residual role of playing the jury. These conceptual and operational mistakes are unacceptable to the Brazilian Government and I believe they will prove unacceptable to all Governments represented here if and when an attempt is made actually to apply such erroneous rules to them. There was no intent of invading the competence of other bodies when the Sixth Committee, dealing with the specific use of water resources, and being fully aware of the complexities of the problem and of the literally hundreds of solutions applied to specific instances, requested that the International Law Commission be seized of this matter. That request was approved by the Assembly on 30 November, under the provisions of resolution 3071 (XXVIII).

64. By the same token, it was not by mere chance that the First Committee, where the fundamental rights of the State were not obscured under language supposedly applicable to the environment, reaffirmed, once more, on 10 December, the principle that:

"... any measure or pressure directed against any State while exercising its sovereign right freely to dispose

of its natural resources constitutes a flagrant violation of the right of self-determination of peoples and the principles of non-intervention as set forth in the Charter . . .". [A/C.1/L.670, para. 5.]

65. I am grateful to you, Mr. President, and to the Assembly for your attention. My arguments, as many of the representatives here present know, have deeper foundations and are more extensive than can be explained in this summary recapitulation, for the draft runs counter to the Charter of the United Nations itself, in our view. But those were the main points I desired to leave in the record, within the limitations I imposed on myself in this short explanation of vote.

66. Mr. VALDÉS HERTZOG (Bolivia) (*interpretation from Spanish*): My delegation believes that draft resolution II in document A/9402, departs from agenda item 50, which is entitled "United Nations Environment Programme", and belongs instead to the item on permanent sovereignty of States over their natural resources. This concept—as was so well stated just now by the representative of Brazil—has been undermined in the draft resolution that we are considering.

67. On the other hand, within the international framework, it will be for the International Law Commission to codify the question of internationally shared natural resources, since it is not possible to impose norms of conduct through General Assembly resolutions on sovereign countries which respect international conventions. That is Bolivia's position: it respects and will respect at all times the agreements it has entered into with its neighbours.

68. In the specific case of the exploitation of water resources, we support, jointly with our brothers from Argentina, Brazil, Paraguay and Uruguay, the Declaration of Asunción of 3 June 1971, which lays down:

"1. In contiguous international rivers, which are under dual sovereignty, there must be a prior bilateral agreement between the riparian States before any use is made of the waters.

"2. In successive international rivers where there is no dual sovereignty, each State may use the waters in accordance with its needs provided that it causes no appreciable damage to any other State of the Basin."³

69. Consequently, the aforementioned draft resolution, which establishes a system of prior consultation in respect of the exploitation of shared natural resources, runs counter to the policy followed by my country and we regret that we shall have to vote against it.

70. Mr. ORTIZ de ROZAS (Argentina) (*interpretation from Spanish*): The delegation of Argentina had occasion to state in detail its views on this item during the debate held in the Second Committee; consequently, we shall now confine ourselves to making some brief comments with regard to the scope and the meaning of the principles envisaged in draft resolution II, as well as the reasons why we shall support and vote in favour of it.

³ *Ibid.*

71. As we said at the appropriate time, we are now facing a particular case within the vast range of problems relating to the environment, one for which we need to lay down norms for co-operation among States. In this specific field of natural resources shared by two or more States, we are called upon to ensure that the exercise of sovereignty by a State and the rights emanating therefrom should not undermine the exercise of similar rights that other States have over the same resources. Therefore the principle of not causing damage, which is already enshrined in the philosophy of the environment, should be finalized through norms that would provide effective rules of co-operation in order to ensure a rational and equitable utilization of those shared resources.

72. It is evident that the system of prior consultation and information that this draft resolution, based on the Economic Declaration of Algiers,⁴ sets out in its operative paragraphs is an appropriate norm of conduct such as to make that co-operation effective. That principle of information and prior consultation is a norm of general conduct to guide national, regional and international action. In that sense the draft resolution establishes principles that are of interest to the whole of the international community and that in later documents of environmental law may give way to more detailed norms and procedures.

73. For that reason, nothing could be more appropriate than to entrust to the Governing Council of UNEP, bearing in mind its function of promoting international co-operation concerning the environment within the mandate conferred upon it, the task of preparing a study and analysis of those guidelines.

74. These principles and norms for co-operation cannot and should not be confused with those that ensure for States their inalienable rights with regard to the natural resources over which they have exclusive sovereignty, rights that should be safeguarded against any form of interference and economic or political aggression. These principles to which I have just alluded have received the broadest support from the delegation of Argentina since they first saw the light in the decisions of the international community, as we have clearly shown during this session of the General Assembly.

75. What is happening in the case of natural resources shared by two or more States is that only through a co-operation machinery, such as the draft resolution with which we are dealing seeks to establish, will it be possible effectively to guarantee that the sovereignty of one State should not have primacy over an equal sovereign right of another State; or, as we stated during the relevant debate, the right of development of a State should not and cannot affect the identical right of development of another State. The United Nations is, over and above any regional body, the body *par excellence* that, because of its international character, is called upon to lay down the principles that should govern the conduct of nations in all areas and, of course, I believe that the environment can be no exception.

76. In conclusion, we should like to express our satisfaction at the fact that many principles laid down in the impor-

tant Economic Declaration of Algiers have inspired and taken shape not only in this draft resolution but in many other fundamental decisions in the economic and social fields adopted during the twenty-eighth session of the General Assembly.

77. Mr. AKSOY (Turkey): My delegation had the opportunity to express its views on draft resolution II when it was considered in the Second Committee. Here I just want to reiterate our reservations on it without going into details.

78. In the first place, my delegation is of the opinion that various aspects of the subject dealt with in this draft resolution are being considered by other United Nations organs, particularly by the International Law Commission, the Committee on Natural Resources, the International Water Conference and the Inter-Governmental Maritime Consultative Organization.

79. Therefore, we maintain our position that this draft resolution should not prejudge the work being carried on in the other competent international bodies, and my delegation reserves its right to express its views when different aspects of the subject are considered there.

80. Furthermore, we believe that operative paragraph 2 of the draft resolution lacks balance as to the statement of the rights and duties of States with regard to the natural resources under their national jurisdiction. We consider that that paragraph should not be regarded as modifying principles 21 and 24 of the Declaration adopted at the United Nations Conference on the Human Environment,⁵ and the contents of General Assembly resolution 2995 (XXVII), paragraph 3. Any interpretation to the contrary might infringe the rights of States freely to utilize their natural resources and to determine their development priorities and implement them effectively.

81. Taking into account those reservations, we believe that a hasty decision at this early stage would complicate the issue and might have a negative effect on development efforts. Therefore, the Turkish delegation, although in favour of developing good-neighbourliness for achieving maximum benefits for all the countries concerned, will reluctantly abstain in the vote on this draft resolution.

82. Mr. RAE (Canada): I should like to address myself briefly to draft resolution II.

83. The debate in the Second Committee reviewed quite thoroughly the background which has led both to this draft resolution and to the resolutions that were adopted at the twenty-seventh session of the General Assembly as resolutions 2995 (XXVII) and 2996 (XXVII). I do not propose to repeat the various points which have been made in that context, except to say that principles 21, 22 and 24, and especially principle 21, of the Stockholm Declaration are regarded by the Canadian delegation as having particular importance, as being very significant signposts along the way of the development of international environmental law.

⁴ Adopted at the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers from 5 to 9 September 1973 (see document A/9330 and Corr.1).

⁵ See *Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972* (United Nations publication, Sales No. E.73.II.A.14, chap. I).

84. As far as the draft resolution is concerned, we have heard in relation to operative paragraph 2 a good many statements to the effect that there is implied a veto over projected development activities in areas which would trigger the provision requiring prior consultation. I should like to say as emphatically as possible that the Canadian legal authorities who have examined these paragraphs with the greatest care do not see in them any veto, whether implied or explicit. Nor with regard to operative paragraph 3 do the Canadian authorities see any danger of the kind expressed by some previous speakers, that the provisions of that paragraph will turn the UNEP Governing Council into a quasi-judicial body, nor that it is likely to become bogged down in the reportorial activities requested of it.

85. Finally, members will be particularly conscious of the fact that the whole draft resolution is framed essentially in the context of normal relations existing between States, and that only in that context does the draft resolution seek to advance one step farther along the path of developing international law for this area, particularly toward the legitimate goal of effective co-operation between States.

86. Mr. CABEZAS (Ecuador) (*interpretation from Spanish*): The delegation of Ecuador has decided to vote in favour of the important draft resolution VI, appearing in paragraph 34 of document A/9402; but it feels that its position in no way compromises respect for the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, or for the International Convention for the Prevention of Pollution from Ships, 1973, both of which are mentioned in the preambular part of that draft resolution. Furthermore, it in no way compromises my delegation's position with regard to the task assigned to the Third United Nations Conference on the Law of the Sea, whose main function is to study all maritime problems, considered globally, but not separately as isolated phenomena.

87. Mr. PÉREZ de CUÉLLAR (Peru) (*interpretation from Spanish*): My delegation will vote in favour of draft resolution II, in document A/9402 in consonance with the position taken by Peru at the recent Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers, in whose Economic Declaration operative paragraphs 1 and 2 of the draft on which we are to vote are contained. My delegation regards these paragraphs as favouring co-operation in the utilization and protection of natural resources shared by two or more countries. But, at the same time, my delegation believes that those two paragraphs cannot, in any case whatsoever, imply any impairment of national sovereignty, and that thus the information and prior consultation have as their purpose the facilitation of understanding and co-operation within the framework of normal relations between the interested parties, without affecting the principle of the free disposition of natural resources that has been enshrined in so many resolutions adopted in this and other international forums.

88. Similarly, my country considers that the original paragraphs of that draft resolution that appear in section XII of the Algiers Economic Declaration should be understood in the light of the principles set forth in section VII of the same Declaration, which, as will be recalled, reaffirms the inaliena-

ble right of States to full exercise of their sovereignty over their natural resources.

89. My delegation also wishes to explain its abstention with regard to operative paragraph 3 of the draft. We believe that its drafting, regrettably, could give rise to interpretations that could lead to the introduction of an element of arbitration into questions involving national sovereignty. Furthermore, the paragraph does not establish clearly that the participation of the body in specific cases requires the express request of all interested parties. If a less ambiguous formula had been found, we would have had no objection to voting in favour of it.

90. Mr. GALLARDO MORENO (Mexico) (*interpretation from Spanish*): My delegation will vote in the Assembly in the same manner as in the Second Committee—that is, in favour of draft resolution II, which appears in document A/9402.

91. I should like to start this brief intervention by stating that no Latin American State can impugn Mexico's conduct with regard to respect for the use of its natural resources or its conduct in demanding that consultations, conventions and agreements be respected with regard to the exploitation of shared natural resources.

92. At the twenty-seventh session of the General Assembly, the draft resolution that became resolution 2995 (XXVII) was introduced. It claimed to offer an interpretation of the Stockholm principles, specifically concerning the human environment. That draft resolution was adopted with the support of many of the delegations which now find the interpretation of those principles given in draft resolution II, which I have just mentioned, to be inappropriate.

93. In fact, the delegation of Mexico, concerned over the incomplete interpretation of principles 21 and 22 of the Stockholm Declaration,⁶ jointly with other delegations introduced the draft which became General Assembly resolution 2996 (XXVII), which I observe some delegations have forgotten to mention. Now, that resolution declares that:

“... no resolution adopted at the twenty-seventh session of the General Assembly can affect principles 21 and 22 of the Declaration of the United Nations Conference on the Human Environment”.

That resolution met with wide acceptance in the Assembly and enshrined at the Assembly level Stockholm principles 21 and 22.

94. That is the road that is being followed so that States may be governed by principles which subsequently will be recorded in international law, and in the meantime the United Nations will see to it that relations between peoples will be carried out on the basis of justice and equality.

95. My delegation wishes to point out that the placement of the elements contained in a resolution do not modify the validity of its contents. A resolution is an entity of concepts which must be given an equal value regardless of their placement.

⁶ *Ibid.*, p. 5.

96. In its first preambular paragraph, the draft resolution we are now considering, in consonance with a decision already taken by the Assembly, reaffirms principles 21, 22 and 24 of the Stockholm Declaration.

97. We were able to give the views of my delegation in our statement at the 1569th meeting of the Second Committee, and at this time I should simply like to point out, as we did in the Second Committee, that in due course these resolutions should be forwarded to the International Law Commission.

98. Principles 21, 22 and 24, which are now on the verge of being recognized in the General Assembly, contain the foundations which will make it possible to have international relations concerning the exploitation of shared natural resources. My delegation hopes that this text will receive wide support and that in the course of time States will see that this kind of resolution is necessary and will benefit them.

99. Mr. GEBRU (Ethiopia): The Ethiopian delegation would like to place on the record of the Assembly its position on draft resolution II as expressed in the debate in the Second Committee.

100. The abstention of my delegation in the vote on this draft resolution in the Assembly is based on the arguments that have already been submitted in that Committee.

101. The PRESIDENT: I now invite members to turn their attention to the six draft resolutions recommended by the Second Committee in paragraph 34 of its report [A/9402].

102. We shall now take a decision on draft resolution I. The report of the Fifth Committee on the administrative and financial implications of that draft resolution is in document A/9438. I put draft resolution I to the vote.

Draft resolution I was adopted by 116 votes to none, with 11 abstentions (resolution 3128 (XXVIII)).

103. The PRESIDENT: The representative of the Ivory Coast wishes to speak on a point of order.

104. Mr. AKÉ (Ivory Coast) (*interpretation from French*): I should like the vote of the Ivory Coast to be rectified. We intended to vote in favour of draft resolution I and not to abstain.

105. The PRESIDENT: The record will reflect the statement just made by the representative of the Ivory Coast.

106. We now turn to draft resolution II. A separate vote has been requested on operative paragraph 3 and, if there is no objection, I shall now put that paragraph to the vote.

Operative paragraph 3 of draft resolution II was adopted by 72 votes to 8, with 43 abstentions.

107. The PRESIDENT: I shall now put to the vote draft resolution II as a whole. A roll-call vote has been requested.

A vote was taken by roll call.

Upper Volta, having been drawn by lot by the President, was called upon to vote first.

In favour: Upper Volta, Yemen, Yugoslavia, Zaire, Zambia, Algeria, Argentina, Australia, Bahrain, Botswana, Burundi, Cameroon, Canada, Central African Republic, Chad, Congo, Cyprus, Dahomey, Democratic Yemen, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Indonesia, Iran, Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Laos, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Peru, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania.

Against: Bolivia, Brazil, Nicaragua, Paraguay, Portugal.

Abstaining: Uruguay, Venezuela, Afghanistan, Austria, Barbados, Belgium, Bhutan, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Costa Rica, Czechoslovakia, Denmark, Ecuador, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Guyana, Hungary, Iceland, India, Israel, Italy, Ivory Coast, Japan, Lebanon, Luxembourg, Mongolia, Poland, South Africa, Spain, Sweden, Trinidad and Tobago, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution II as a whole was adopted by 77 votes to 5, with 43 abstentions (resolution 3129 (XXVIII)).⁷

108. The PRESIDENT: We turn now to draft resolution III. The report of the Fifth Committee on its administrative and financial implications is contained in paragraph 11 of document A/9438. We shall now vote on draft resolution III. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cyprus, Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guyana, Honduras, Iceland, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

⁷ The delegations of Cuba and Panama subsequently informed the Secretariat that they wished to have their votes recorded as having been in favour of the draft resolution.

Against: None.

Abstaining: Albania, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Equatorial Guinea, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, India, Indonesia, Ireland, Italy, Japan, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, South Africa, Spain, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution III was adopted by 89 votes to none, with 38 abstentions (resolution 3130 (XXVIII)).⁸

109. The PRESIDENT: We turn now to draft resolution IV. In the Second Committee it was adopted without objection. May I take it that the General Assembly adopts draft resolution IV?

Draft resolution IV was adopted (resolution 3131 (XXVIII)).

110. The PRESIDENT: We turn now to draft resolution V. In the Second Committee it also was adopted without a vote. May I consider that the General Assembly adopts draft resolution V?

Draft resolution V was adopted (resolution 3132 (XXVIII)).

111. The PRESIDENT: Lastly, I put to the vote draft resolution VI.

Draft resolution VI was adopted by 118 votes to none, with 9 abstentions (resolution 3133 (XXVIII)).

112. The PRESIDENT: I now invite members to turn their attention to the report of the Fifth Committee in document A/9439. Members will note that in its paragraph 4 "no action is proposed to the General Assembly in the present report".

113. I shall now call on those representatives who wish to explain their votes on draft resolutions that have just been adopted.

114. Mr. FLEMING (Argentina) (*interpretation from Spanish*): In connexion with paragraph 5 of draft resolution I which has just been adopted, my delegation, as Chairman of the Latin American group of States, would like to announce in order that it may be duly placed on record, that, of the Latin American countries listed therein, Paraguay has communicated its wish to withdraw from membership of the Preparatory Committee for the United Nations Conference-Exposition on Human Settlements and that Ecuador and Trinidad and Tobago have requested inclusion in its stead. The allocation to the Latin American States of 10 seats on the Preparatory Committee is thus covered.

115. Mr. GATES (New Zealand): Referring also to operative paragraph 5 of draft resolution I that we have just

⁸ The delegation of Panama subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution.

adopted, I should like to say that my delegation was pleased to vote in favour of this paragraph concerning the Preparatory Committee. We did so in the expectation that the Secretary-General, in making arrangements for the work of the Preparatory Committee, will enable full participation of observers in the work of the Preparatory Committee.

AGENDA ITEM 19

Election of nineteen members of the Governing Council of the United Nations Environment Programme (*concluded*)

116. The PRESIDENT: The result of the voting for the election of the Governing Council of the United Nations Environment Programme is now available. It is as follows:

Group A

<i>Number of ballot papers:</i>	130
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	130
<i>Abstentions:</i>	1
<i>Number of members voting:</i>	129
<i>Required majority:</i>	65

Number of votes obtained:

Gabon	127
Ghana	127
Sierra Leone	127
Ivory Coast	124
Morocco	124
Mali	1
Sudan	1

Group B

<i>Number of ballot papers:</i>	130
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	130
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	130
<i>Required majority:</i>	66

Number of votes obtained:

China	127
Lebanon	127
Indonesia	126
Syrian Arab Republic	125
Philippines	123
Fiji	1
Qatar	1
Singapore	1

Group C

<i>Number of ballot papers:</i>	130
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	130
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	130
<i>Required majority:</i>	66

Number of votes obtained:

Argentina	127
Jamaica	127
Guatemala	111
Cuba	3
Colombia	2

Group D

<i>Number of ballot papers:</i>	130
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	130
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	130
<i>Required majority:</i>	66

Number of votes obtained:

Spain	122
Canada	116
France	114
Sweden	114
Malta	1
New Zealand	1

Group E

<i>Number of ballot papers:</i>	130
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	130
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	130
<i>Required majority:</i>	66

Number of votes obtained:

Yugoslavia	127
Czechoslovakia	124
Albania	2
Bulgaria	1
Byelorussian Soviet Socialist Republic ...	1
Hungary	1

Having obtained the required majority, the following countries were elected members of the Governing Council of the United Nations Environment Programme for a period of three years beginning 1 January 1974: Argentina, Canada, China, Czechoslovakia, France, Gabon, Ghana, Guatemala, Indonesia, Ivory Coast, Jamaica, Lebanon, Morocco, Philippines, Sierra Leone, Spain, Sweden, Syrian Arab Republic and Yugoslavia.

117. The PRESIDENT: I wish to congratulate the States which have been elected members of the Governing Council of UNEP and to thank the tellers for their assistance in this election.

The meeting rose at 1.35 p.m.