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UNITED NATIONS COMMISSION ON PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

First Session

SUMMARY RECORD OF THE FIRST MEETING

Held at Headquarters, New York,
on Monday, 18 May 1959, at 11.10 a.m.

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PRESENT:

<u>Acting Chairman:</u>	Mr. STAVROPOULOS	Legal Counsel
<u>Chairman:</u>	Mr. GAMBOA	(Philippines)
<u>Rapporteur:</u>	Mr. ABDEL-GHANI	United Arab Republic
<u>Members:</u>	Mr. PAZHWAK	Afghanistan
	Mr. PINOCHET	Chile
	Mr. HERRARTE	Guatemala
	Mr. SCHURMANN	Netherlands
	Mr. BRILLANTES	Philippines
	Mr. PETREN	Sweden
	Mr. SAPOZHNIKOV	Union of Soviet Socialist Republics
	Mr. RAYMOND	United States of America
<u>Representative of a specialized agency:</u>		
	Mr. METALL	International Labour Organisation
<u>Secretariat:</u>	Mr. SCHACHTER	Director, General Legal Division
	Mr. FABRY	Secretary of the Commission

OPENING OF THE SESSION

The ACTING CHAIRMAN* declared open the first meeting of the United Nations Commission on Permanent Sovereignty over Natural Resources. He reminded the Commission of its terms of reference as set out in operative paragraph 1 of General Assembly resolution 1314 (XIII) and said that the Secretariat would do its best to assist the Commission in its complex task. During its first session the Commission would probably wish to discuss its programme of work and indicate how it wished to conduct the survey which it had been asked to make. The Secretariat could then compile a study of the constitutional, legislative and other material that the Commission might wish to examine for its second session, which might be held in late summer or early autumn. At its third session, early in 1960, the Commission could prepare its report and recommendations which were to be submitted to the Economic and Social Council at its twenty-ninth session.

ELECTION OF OFFICERS

Mr. PINOCHET (Chile) nominated Mr. Gamboa (Philippines) as Chairman of the Commission.

Mr. Gamboa (Philippines) was elected Chairman by acclamation.

Mr. Gamboa (Philippines) took the Chair.

Mr. BRILLANTES (Philippines) nominated Mr. Herrarte (Guatemala) as Vice-Chairman.

Mr. Herrarte (Guatemala) was elected Vice-Chairman by acclamation.

Mr. PETREN (Sweden) nominated Mr. Abdel-Ghani (United Arab Republic) as Rapporteur.

Mr. Abdel-Ghani (United Arab Republic) was elected Rapporteur by acclamation.

* The full text of Mr. Stavropoulos' statement has been circulated as document A/AC.97/2.

PROGRAMME AND ORGANIZATION OF THE WORK OF THE COMMISSION (A/AC.97/Agenda 1,
A/AC.97/1)

The provisional agenda of the first meeting (A/AC.97/Agenda 1.) was adopted.

In reply to a question by the CHAIRMAN, Mr. SCHACHTER (Secretariat)* said that the status of permanent sovereignty over natural wealth and resources was generally reflected in the laws governing the ownership and use of land, subsoil and water resources. The Commission would be especially concerned with the provisions of Constitutions, national laws and international treaties defining or restricting the rights of foreign nationals, companies or Governments to own or exploit the natural resources of a country. The principles applicable to the ownership of natural resources varied considerably and took several forms. In order to have a clearer idea of the various ways in which nations and peoples exercised their permanent sovereignty over their natural resources it would first be necessary to examine the characteristic laws governing the ownership and use of those resources in the various geographical regions as well as in different legal systems. The Secretariat could also obtain information concerning the Non-Self-Governing Territories, if the Commission wished to study that aspect of the question.

The Secretariat was ready to prepare a preliminary study of the existing texts. It would obviously be very difficult for it to survey in detail all the legislative provisions in force throughout the world, but its study could include the various legal systems and all the major geographical regions. The Secretariat already had some of the necessary information and additional material could be obtained from available official published sources; it could therefore submit its report to the Commission at the beginning of August. The document to be presented at that time would be of an entirely factual character and would of course, contain neither judgements nor recommendations. The members of the Commission could examine that document between the beginning of August and September, when the Commission might hold its second session.

Mr. RAYMOND (United States of America) approved the Secretariat's suggestion concerning the organization of work and the time table. A study such

* The full text of Mr. Schachter's statement has been circulated as document A/AC.97/3.

(Mr. Raymond, United States)

as that suggested by the Secretariat would give the Commission a most practical basis for its work.

Mr. ABDEL-GHANI (United Arab Republic) also supported the method of work proposed by the Secretariat. Nevertheless, it would be useful if the Commission could first hold a general debate not on the principle of the right of peoples to self-determination, which had been established once and for all, but rather on the way in which the Commission interpreted its terms of reference. In the light of that debate the Commission could determine its future activities in broad outline and also indicate to the Secretariat the general direction to be taken in the study. It would also be in a better position to fix the date of its next session.

Mr. SCHURMANN (Netherlands) hoped that the document to be prepared by the Secretariat for the following session would be as complete as possible and that it would cover not only the relevant legislative provisions in the various countries but also the provisions of international treaties already in force or under discussion. Some European countries had been studying the question of permanent sovereignty over natural resources for many years and were on the point of concluding agreements on that subject; their experience would certainly be very helpful to the Commission.

Mr. SCHACHTER (Secretariat) said that the Secretariat obviously could not reproduce in full all the texts it would refer to in its study, but they could be consulted by the members of the Commission, if necessary. It would indicate all the relevant provisions in national legislations and in existing multilateral or bilateral instruments and it would attempt to make its study as broad as possible from both the legal and the geographical points of view.

Mr. PAZHWAQ (Afghanistan) was in favour of the general debate proposed by the representative of the United Arab Republic. Only after such a debate would the Commission know exactly what it could or should ask the Secretariat to do. It would be helpful in the meantime, however, if the full texts of the statements by Mr. Stavropoulos and Mr. Schachter could be circulated to all delegations.

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Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) also supported the proposal made by the representative of the United Arab Republic. The Commission should carefully examine its terms of reference and decide on the nature, content and scope of the study which the Secretariat was to prepare. It should also give some thought even now to the recommendations which it must eventually submit to the Economic and Social Council.

Mr. RAYMOND (United States of America) agreed with the suggestions made by the representatives of the United Arab Republic and Afghanistan. His delegation also would like to see the full text of the statements by the representatives of the Secretariat before embarking on the general debate.

Mr. PINOCHET (Chile) welcomed the idea of a general debate; it seemed the most natural way for the Commission to begin its work at the current session.

The meeting rose at 12.10 p.m.

