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UNITED NATIONS COMMISSION ON PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

Third Session

SUMMARY RECORD OF THE TWENTY-FOURTH MEETING

Held at Headquarters, New York,
on Monday, 15 May 1961, at 10.55 a.m.

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(A/AC.97/L.2 and L.3/Rev.1) (continued)

PRESENT:

<u>Chairman:</u>	Mr. GAMBOA	(Philippines)
<u>Rapporteur:</u>	Mr. KHAMIS	United Arab Republic
<u>Members:</u>	Mr. PAZHWAQ	Afghanistan
	Mr. SCHWEITZER	Chile
	Mr. FLORES AVENDANO	Guatemala
	Mr. FOLDERMAN	Netherlands
	Mr. BRILLANTES	Philippines
	Mr. PETREN	Sweden
	Mr. SAPOZHNIKOV	Union of Soviet Socialist Republics
	Mr. RAYMOND	United States of America
<u>Observer from a Member State:</u>		
	Mr. MAURTUA	Peru
<u>Representative of a specialized agency:</u>		
	Mr. ZMIROU	International Labour Organisation
<u>Representative of the International Atomic Energy Agency:</u>		
	Mr. BURT	
<u>Secretariat:</u>	Mr. SCHACHTER	Director of the General Legal Division
	Miss CHEN	Secretary of the Commission

REPORT TO THE THIRTY-SECOND SESSION OF THE ECONOMIC AND SOCIAL COUNCIL
(A/AC.97/L.2 and L.3/Rev.1) (continued)

Mr. KHAMIS (United Arab Republic) said that he wished, first of all, to propose a number of changes in the Soviet draft resolution (A/AC.97/L.2). He would suggest that, in the introductory section of the resolution, the Commission should mention all the relevant General Assembly resolutions and take note of the study prepared by the Secretariat. He therefore proposed that the first preambular paragraph should be replaced by the following: "Recalling General Assembly resolutions 523 (VI) and 626 (VII) of 1952 and in particular resolution 1314 (XIII) of 1958", and that the following two paragraphs should be inserted after the second preambular paragraph in order to reconcile the views expressed in the Commission and to avoid any political implications:

"Considering the study prepared by the Secretariat for the Commission for this end,

"Commends the Secretariat for its study;".

In the operative part of the introductory section, the word "that" should be deleted, and the word "to" should be substituted for "should"; since Article 62 of the Charter provided that the Economic and Social Council might make recommendations to the General Assembly, the word "should" was too categorical for the context.

As to the draft resolution which the Commission was to submit to the Council, he proposed: (1) that, as in the introductory section, all relevant resolutions should be mentioned in the third preambular paragraph, which would become the first preambular paragraph; (2) that the second preambular paragraph should be deleted because, although the United Arab Republic had supported in the General Assembly the Declaration on the granting of independence to colonial countries and peoples, he saw no reason to mention it in the draft resolution; (3) that the latter part of operative paragraph 1, beginning with the words "including the sovereign right ...", should be replaced by the following: "and to take all measures to strengthen their sovereignty over their natural resources in accordance with the principles laid down by the Charter of the United Nations"; (4) that the words "with respect to" in operative paragraph 2 should be replaced by the word "over"; (5) that the words "countries which have won independence to restore and" in operative paragraph 3 should be replaced by the words

(Mr. Khamis, United Arab Republic)

"independent countries to"; (6) that operative paragraph 4 should be deleted, since it partly duplicated paragraph 6 and was too vague, and that the last two paragraphs should be renumbered 4 and 5 accordingly; and (7) that the following three paragraphs should be added at the end of the operative part:

"6. Calls for the encouragement of international co-operation in the economic development of under-developed countries based on the sovereign equality and mutual respect of States;

"7. Hopes that the International Law Commission will speed up its work on codification on the topic of responsibility of States for the consideration of the Assembly;

"8. Considering the importance and usefulness of further studies and recommendations for the promotion of the right of nations to sovereignty over their natural wealth and resources, recommends that the work of the United Nations Commission on Permanent Sovereignty over Natural Wealth and Resources should be continued on a permanent basis."

At the meeting next morning he would be able to submit to the Commission the final text of the amendments which he had just proposed to the Soviet draft resolution.

He also wished to suggest, but not to propose formally, some changes in the Chilean draft resolution (A/AC.97/L.3/Rev.1). First of all, part B of the draft resolution might be incorporated in the introductory section of part A, which would read as follows:

"The Commission on Permanent Sovereignty over Natural Resources,

"bearing in mind the task entrusted to it by the General Assembly in its resolution 1314 (XIII),

"Having examined with appreciation the study on the Status of Permanent Sovereignty over Natural Wealth and Resources prepared by the United Nations Secretariat (A/AC.97/5 and A/AC.97/5/Rev.1 and Add.1),

"Thanks the Secretariat for the efforts exerted in preparing such study,

"Convinced of the need ..."

The rest of the introductory section would remain unchanged except that, for the reasons he had already stated, the word "that" should be deleted and the word "to"

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(Mr. Khamis, United Arab Republic) .

substituted for "should" in the operative paragraph beginning with the word "Requests". His reason for suggesting the deletion of the second operative paragraph of part B, concerning the publication of the revised study, was that such a recommendation would have financial implications which were exclusively a matter for the Fifth Committee and not for the Economic and Social Council.

He would suggest the following changes in the draft resolution which the Council was to recommend for adoption by the General Assembly: (1) The third preambular paragraph should be deleted, for it partially duplicated the preceding paragraph; it would then be sufficient to add to the latter paragraph the words: "and must not be subordinated to conditions which conflict with the general interests of the receiving State". In that connexion, the word "beneficiary" used in the Chilean draft resolution was too vague, for assistance was just as likely to benefit the country providing it as the country receiving it. (2) The words "and the role of the international organization in that field" should be added at the end of the fifth preambular paragraph. (3) The first three operative paragraphs should be combined into one and couched in more general terms, merely stating that all States and in particular the under-developed countries had the right to determine freely the use of their natural resources in order to be in a better position to further the realization of their plans of economic development in accordance with their national interests and to further the expansion of the world economy, and that all measures taken to that end, as long as they were in accordance with the principles of international law, should be respected. (4) The following paragraph should be added after operative paragraph 4, which would become paragraph 2:

"Hopes that the International Law Commission will speed up its work on the codification of the topic of responsibility of States for the consideration of the General Assembly."

He considered that the International Law Commission's work on that subject sometimes bore a fairly close relationship to the question of permanent sovereignty over natural resources.

Mr. PAZHWAQ (Afghanistan) said that it would help the Commission in its work if the United Arab Republic representative's suggestions could be put in writing.

Mr. KHAMIS (United Arab Republic) stated that his proposals on the USSR draft resolution would be presented as formal amendments. He had reached no decision regarding the Chilean draft resolution.

The CHAIRMAN read to the Commission rule 121 of the rules of procedure of the General Assembly, in which the proper procedure was laid down.

Mr. BRILLANTES (Philippines) felt that, in order not to delay matters, there should be some flexibility in applying the rules of procedure. He suggested that, to facilitate the study of the United Arab Republic representative's proposals, the Secretariat should circulate them in provisional form as a working paper.

Mr. RAYMOND (United States of America) considered it desirable to keep down the number of amendments, so that the Commission could concentrate on a few documents. The amendments proposed by the United Arab Republic representative would alter the draft resolutions considerably. He wondered whether that representative had communicated his suggestions to the sponsors of the draft resolutions and whether they were prepared to accept them; if so, the Commission would have to study only one document on each draft resolution.

Mr. PAZHWAK (Afghanistan) said that he too thought it would be useful for the Secretariat to circulate a draft of the United Arab Republic representative's suggestions; he therefore supported the Philippine representative's suggestion. He also considered that the sponsors of the draft resolutions should agree to combine their two proposals into a single text which would also take into account the amendments submitted by the United Arab Republic representative.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) said that before expressing any opinion on the substance of the United Arab Republic representative's proposals, he would like to see them in writing. He supported the Afghan representative's suggestion for informal discussions. He was prepared, for his part, to confer with the Chilean representative, and considered some of the United Arab Republic representative's proposals worthy of study and perhaps of adoption. If agreement could be reached on some points in that way, it would keep down the number of amendments.

(Mr. Sapozhnikov, USSR)

He also agreed with the Philippine representative that it would be helpful if the Secretariat circulated the United Arab Republic representative's proposals as a working paper.

Mr. SCHWEITZER (Chile) thanked the Afghan representative for his suggestion that the sponsors of the draft resolutions should confer privately with the United Arab Republic representative. Such talks should make it possible to reconcile the different proposals.

As to the Chilean draft resolution, the United Arab Republic representative had proposed some changes in the text but had not stated the grounds for his objections regarding the substance. Before the proposed talks took place, he would like to hear the views of other representatives on the substance of his proposal.

The CHAIRMAN announced that the amendments to the Soviet draft resolution would be circulated at the afternoon meeting; he suggested that the Commission should take up the USSR proposal then.

Mr. RAYMOND (United States of America) said he wished to make it clear that he had not envisaged the possibility of combining the Soviet and the Chilean draft resolutions into one, for there was a profound difference between them; he had merely thought that the sponsors of those two proposals might incorporate in them whatever suggestions and amendments they saw fit.

Mr. KHAMIS (United Arab Republic) said that the purpose of his suggestions regarding the Chilean draft resolution, and especially its first three operative paragraphs, was to introduce some general principles which had been disregarded in favour of specific cases.

Mr. FLORES AVENDANO (Guatemala) considered that the Commission should begin by examining and reaching a decision on the two draft resolutions before it; it could then consider the amendments to whichever resolution it had adopted.

As the study made by the Secretariat showed, all countries, whether new or old, had passed laws to protect their right of sovereignty over their natural wealth and resources. Indeed, the exercise of that right was essential to the

(Mr. Flores Avendano, Guatemala)

security and the very existence of nations; that was why, in so vital a matter, the interests of individuals could not be allowed to clash with the general interests of the country. With that in mind, the Commission should make explicit recommendations, couched in general terms and covering as many specific cases as possible. It should not rest content with reaffirming noble principles, but should concentrate on the means of applying them. In his opinion, the Soviet draft resolution was insufficiently general in scope.

The CHAIRMAN pointed out that, under rule 132 of the General Assembly's rules of procedure, the proposals before the Commission would, unless the Commission decided otherwise, have to be put to the vote in the order in which they had been submitted, and that, under rule 131, the amendments would have to be put to the vote before the proposals to which they referred.

Mr. PAZHAK (Afghanistan) recalled that, by General Assembly resolution 1314 (XIII), the Commission had been instructed to make recommendations for strengthening the permanent sovereignty of peoples and nations over their natural wealth and resources. Such recommendations could be made either in the form of a statement of general principles or in a specific and detailed form. The Commission obviously must not confine itself to reaffirming principles already stated in many General Assembly resolutions; it must go further. However, if it made specific and detailed recommendations, it must ensure that the methods it proposed for the application of principles were genuinely feasible and could be clearly mapped out in the short time at its disposal. It must also avoid going into such detail as to limit the scope of the general principles. In his view, members of the Commission should merely try to agree on some recommendations which would make it possible to establish, categorically and unequivocally, the sovereignty of peoples and nations over their natural resources; and it should do so in sufficiently specific terms to permit of effective international co-operation. That did not necessarily entail a draft resolution. Members of the Commission might come together, pool their ideas, and embody them in a single document which, after being adopted unanimously, would be submitted to the Economic and Social Council. Each of the two draft resolutions before the Commission had its merits. The Soviet draft resolution consisted mainly of a statement of general principles;

(Mr. Pazhwak, Afghanistan)

one or two of those principles might be considered redundant in the context, but the remainder were unquestionably of value and the Commission should endorse them. The Chilean resolution expressed, at the beginning of the operative part, the fundamental idea that "the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised for the benefit of the people of the State concerned" - an idea which did not appear in the other draft resolution; it also made many points of detail which could with advantage be combined with the general principles stated in the Soviet draft resolution.

The meeting rose at 12.5 p.m.

