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President : Mr. Foss SHANAHAN (New Zealand).

Present :

Representatives of the following States: Afghanistan, Brazil, Bulgaria, Denmark, El Salvador, Ethiopia, France, Italy, Japan, Jordan, New Zealand, Poland, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Observers for the following Member States: Argentina, Austria, Belgium, Canada, Czechoslovakia, Hungary, Indonesia, Iraq, Mexico, Peru, Yugoslavia.

Observers for the following non-member States: Federal Republic of Germany, Holy See, Switzerland.

Representatives of the following specialized agencies: International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, International Bank for Reconstruction and Development, World Meteorological Organization.

AGENDA ITEM 9

Report of the Commission on Permanent Sovereignty over Natural Resources (E/3511 and Add.1; E/L.914, E/L.915, E/L.918, E/L.919) (*resumed from the 1179th meeting and concluded*)

1. Mr. LUJÁN (Venezuela) was of opinion that it would not be right for the Council to postpone consideration of item 9. Governments had been in touch with the work of the Commission on Permanent Sovereignty over Natural Resources for long enough, and had received its report (E/3511) in May 1961.
2. There were two courses of action open to the Council. It could study the draft resolution contained in the Commission's resolution I A (*ibid.*, annex) and the proposed amendments thereto — which was not absolutely impossible. The draft amendments were not greatly dissimilar to those which their sponsors had already placed before the Commission. On the other hand, it was certainly not a good time to embark on the discussion when the Council was about to conclude its work.
3. The alternative was to take note of the report with satisfaction and transmit it, together with the proposed amendments, to the General Assembly. In point of fact,

his delegation was inclined to think that it was not the Council's duty to consider the report in substance. When the General Assembly had set up the Commission, it had requested that recommendations should be made, not by the Council, but by the Commission (resolution 1314 (XIII)). It seemed that the Commission had been excessively scrupulous in asking the Council to recommend the draft resolution to the General Assembly; it ought to have done so itself.

4. Mr. ALVAREZ OLLONIEGO (Uruguay) said that, after careful consideration and without changing his opinion on the substance of the question, he would withdraw the suggestion he had put forward at the 1179th meeting, the sole aim of which had been to find a way out that would give general satisfaction. He was convinced that if it had not deferred consideration until the last moment, the Council could have studied the question in detail and given an opinion to the General Assembly. If the Council were to pass the problem on to the General Assembly, it should be made quite plain that it was doing so in order that the General Assembly should give the matter the thorough study it deserved, on the basis of the best legal advice, and should reach the mature decision appropriate to the United Nations.

5. Mr. KLUTZNICK (United States of America) agreed that the question of permanent sovereignty over natural resources was of the highest importance, and required the most thorough consideration. He regretted that the Council had taken up item 9 so late in the session, but could not agree that that was due to some fault in the organization of its work. All the members of the Council were equally responsible for the fact that consideration of item 9 had not begun earlier.

6. Some delegations had expressed doubt whether the Council had any responsibilities to discharge in connexion with the Commission's report. His delegation was definitely of the opinion that the Council must take some action on any matter submitted to it for consideration. In the present case, that opinion was strengthened both by the fact that in the operative paragraph of resolution I A the Commission had requested the Council to recommend that the General Assembly should adopt the draft resolution proposed and by the fact that a number of delegations, including his own, had submitted amendments to resolution I A. The Commission was composed of nine members, three of which were represented on the Council and six of which were not. It was certainly not the Commission's intention that those nine members should speak on behalf of the eighteen States represented on the Council. If the Council were to take its responsibilities in the matter lightly, it might establish a precedent which would give rise to difficulties in the future.

7. He also could not agree with the assertion that the Council had been dilatory in dealing with the Commission's report. The report had not been published until 26 May 1961, so that the Governments of States members of the Council had had barely a month prior to the opening of the session in which to study it.

8. With all those considerations in mind his delegation had listened with great interest and sympathy to the proposal made by the representative of Uruguay at the 1179th meeting. On the other hand, as many delegations had expressed a desire that action in regard to the Commission's report should be expedited, he was prepared to endorse the course proposed by the representatives of Afghanistan and Venezuela. He hoped, however, that in transmitting to the General Assembly the Commission's report, the records of the Council's discussions thereon and the amendments submitted by delegations to resolution I A, the Council would make it clear that it was not in any sense evading its responsibilities, and that shortage of time alone had prevented it from considering item 9 in greater detail. It should also be made plain that the Council would be prepared to give further consideration to the report at its thirty-third or thirty-fourth session, if the General Assembly so desired.

9. He would point out to the Venezuelan representative that the amendment to resolution I A which the United States delegation had submitted (E/L.918) was not the same as that which the United States representative had submitted in the Commission itself. It was an entirely different text, and had been submitted in the hope of facilitating agreement on resolution I A with a minimum of discussion.

10. Miss SALT (United Kingdom) said that her delegation's views accorded closely with those of the United States delegation.

11. It was true that in operative paragraph 3 of resolution 1314 (XIII) the General Assembly had merely requested the Commission to report to the Economic and Social Council, and had not specifically asked the Council to take any action in regard to the report. On the other hand, there was an implicit assumption in the resolution that the Council should consider the Commission's report and make recommendations on it. The Commission itself in the operative paragraph of resolution I A had in fact requested the Council to do so. For that reason, her delegation had originally agreed in principle with the proposal made by the representative of Uruguay. On the other hand, the Afghan and other delegations had pointed out that the General Assembly would wish to receive the Commission's report as soon as possible, and it was clearly out of the question for the Council to consider the Commission's report in detail, reach a conclusion on it and submit that conclusion to the General Assembly at its sixteenth session. A matter of such importance should not be dealt with hastily. Any decision which the United Nations might ultimately reach on permanent sovereignty over natural resources would have economic consequences for all Member States for a long time to come, and wise judgment might be jeopardized by over-hasty action. But, as it was the less developed countries which were primarily interested in the question of permanent sovereignty over

natural resources and as the representatives of those countries had expressed the hope that the Commission's report would be transmitted to the General Assembly as soon as possible, she thought that, on balance, it might be better for the Council simply to transmit the Commission's report to the Assembly at its sixteenth session. It would be essential at the same time to transmit the summary records of the Council's discussions on agenda item 9, together with all the amendments submitted by delegations to resolution I A, in order to make it clear to the Assembly that no agreement had been reached on the report, no endorsement given to it by the Council, and no collective opinion expressed.

12. Mr. TABIBI (Afghanistan) said that in principle his delegation would have been prepared to follow either of the two courses mentioned by the Venezuelan representative — to consider the Commission's report in substance, or to take note of it and transmit it without endorsement to the General Assembly. In view of the limited time available, however, there seemed no alternative but to follow the second course which the Venezuelan representative had himself proposed. The Afghan delegation would therefore withdraw its proposal in favour of that of Venezuela.

13. Mr. DUPRAZ (France) congratulated the Commission on its long and excellent work. In adopting its agenda, the Council had decided to consider the Commission's report during the last week of the session. The period allowed was certainly not long, and it could have been foreseen that the Council would not be able to shorten a discussion which, because of the Council being unprepared for it and because amendments would assuredly not be lacking, must inevitably be difficult. His delegation had no doubt that the Council was competent to study the question; it felt that the Council was too often prone — either because of the difficulty of reconciling divergent views or because of lack of time — to refer to the General Assembly problems which it was itself competent to handle and which had been expressly assigned to it by the General Assembly. In the long run, such a tendency must inevitably risk compromising the Council's authority. At all events, there could be no doubt that the topic was important, and it was not certain that the documentation on it was complete, since the International Law Commission had not yet expressed its opinion on State responsibility. But there was no particular reason to suppose that reference to the General Assembly was the most expeditious course. He therefore thought that the Council should not divest itself of the topic, but should postpone its consideration to a forthcoming session. However, his delegation would not act against the wishes of the majority of the Council's members.

14. Mr. EL-FARRA (Jordan) expressed his delegation's support for the constructive proposal made by the representative of Venezuela.

15. For his part, he doubted the Council's competence to take any other action than to transmit the report of the Commission to the General Assembly. Operative paragraph 3 of resolution 1314 (XIII) of the General Assembly had merely requested that Commission to "report to the Economic and Social Council at its twenty-ninth session."

The General Assembly had not invited the Council to consider the Commission's report or to take any action on it.

16. Mr. CHISTYAKOV (Union of Soviet Socialist Republics) recalled that, at the 1179th meeting, his delegation had supported the proposal made by the representative of Afghanistan to refer the matter to the General Assembly. The Soviet delegation now supported the similar proposal made by the representative of Venezuela.

17. His delegation, of course, regretted that it should not have been possible for the important question of permanent sovereignty over natural resources to be fully considered by the Council at the present session. In view of the lack of time, however, the Venezuelan proposal offered the only practicable solution.

18. Mr. TABIBI (Afghanistan) referring to the French representative's suggestion that the item should be kept on the Council's agenda, said that the question of permanent sovereignty over natural resources was not purely an economic one: it involved major political and legal issues which lay within the competence not of the Economic and Social Council but of the General Assembly.

19. The General Assembly was the only body that could deal with all aspects of the question; hence, his delegation's support for the Venezuelan proposal to refer the matter to the Assembly.

20. Mr. DUPRAZ (France) said that if the Council were to be divested of responsibility for all economic questions which had legal and political aspects as well, there would be very few problems left for it to deal with.

21. The PRESIDENT suggested that the Council approve the Venezuelan oral proposal, in the following wording:

"The Economic and Social Council,

"Considering that there is insufficient opportunity at its present session to consider adequately the report of the Commission on Permanent Sovereignty over Natural Resources,

"Decides to transmit the report, together with the summary records of its discussions thereon, including the proposals for the amendment of resolution I A contained in the annex to that report, to the General Assembly at its sixteenth session."

It was so agreed.

The meeting rose at 4.20 p.m.