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Permanent Sovereignty over Natural Resources, UN General Assembly resolution 1803 (XVII) of 14 December 1962

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GENERAL ASSEMBLY RESOLUTION 1803 (XVII) PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

The issue of permanent sovereignty over natural resources had been initially raised in two different contexts in the United Nations: firstly, as part of the debates in the General Assembly on the promotion and financing of economic development in under-developed countries (resulting in the adoption of General Assembly resolutions 523 (VI) and 626 (VIII) of 12 January and 21 December 1952, respectively); and, secondly, in connection with its work on the preparation of the draft international covenants on human rights, notably under General Assembly resolution 421 D (V) of 4 December 1950. However, the discussion on permanent sovereignty over natural resources as an aspect of human rights quickly gained prominence. By resolution 545 (VI) of 5 February 1952, the General Assembly had decided to include in the draft international covenants on human rights an article on the “right of peoples to self-determination” and requested the Commission on Human Rights to prepare recommendations concerning international respect for this right.

The issue of permanent sovereignty over natural resources was examined at the eighth session of the Commission on Human Rights, from 14 April to 14 June 1952 (Report of the Commission, E/2256). On 16 April 1952, in the course of the debate in the Commission, Chile introduced a draft resolution (E/CN.4/L.24) which proposed that “the right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources.” On 8 May 1952, the Commission adopted resolution I based on the Chilean proposal.

At the tenth session of the Commission on Human Rights, from 23 February to 16 April 1954, during which the Commission completed the drafting of the international covenants on human rights, it also considered a request by the General Assembly to prepare recommendations relating to the steps which might be taken to develop international respect for the right of peoples to self-determination (General Assembly resolutions 637 C (VII) and 738 (VIII) of 16 December 1952 and 28 November 1953 respectively). Following the adoption of a joint draft resolution, submitted by six delegations (E/CN.4/L.381), the Commission recommended to the Economic and Social Council that the General Assembly should “establish a Commission to conduct a full survey of the right of peoples and nations to permanent sovereignty over their natural wealth and resources” which formed a “basic constituent of the right to self-determination” (Report of the Commission on the work of its tenth session, E/2573).

The Economic and Social Council considered the draft resolution at its eighteenth session, from 29 June to 6 August 1954. On 29 July 1954, upon the recommendation of its Social Committee (Report of the Social Committee, E/2638), the Council decided to return the draft resolution to the Commission together with the records of the meetings of the Council and of the Social Committee on this question, in order for the Commission to reconsider its proposal in the light of the Council’s discussions (resolution 545 G (XVIII)).

On 26 November 1954, during the ninth session of the General Assembly, the Third Committee took note of the discussion in the Economic and Social Council and debated extensively the proposal made by the Commission on Human Rights. During the course of the debate, sixteen countries from Latin America, Africa and Asia jointly submitted a draft resolution (A/C.3/L.440) which requested the Commission to complete its recommendations concerning respect for the right of peoples to self-determination, including recommendations concerning permanent sovereignty over their natural

resources. On 4 December 1954, in its report to the General Assembly (A/2829), the Third Committee approved this proposal and recommended that the Assembly adopt a resolution to this effect. On 14 December 1954, the General Assembly adopted resolution 837 (IX) which accordingly requested the Commission on Human Rights to complete its recommendations concerning respect for the right of peoples to self-determination, including recommendations concerning permanent sovereignty over natural resources.

During its eleventh session, from 5 to 29 April 1955, under the agenda item entitled “Recommendations concerning international respect for the right of peoples and nations to self-determination”, the Commission on Human Rights adopted a draft resolution, for transmittance to the Economic and Social Council, which repeated its proposal to establish a commission on permanent sovereignty to conduct a full survey of the right of peoples and nations to permanent sovereignty over natural resources (E/2731). On 29 July 1955, during its twentieth session, the Economic and Social Council decided to transmit the draft resolution to the General Assembly for its consideration (see resolution 586 D (XX)).

The draft resolution was considered by the General Assembly at its thirteenth session in 1958. On 3 December 1958, in its report to the General Assembly (A/4019), the Third Committee recommended that the Assembly adopt a resolution based on the proposal of the Commission on Human Rights to establish a commission on permanent sovereignty over natural resources. On 12 December 1958, the General Assembly adopted resolution 1314 (XIII), which established the United Nations Commission on Permanent Sovereignty over Natural Resources.

Under the terms of resolution 1314 (XIII), the newly-established Commission was charged with two tasks. Apart from being instructed to conduct a full survey of the status of the right of peoples and nations to permanent sovereignty over their natural wealth and resources, as a basic constituent of the right to self-determination, it was also requested to provide recommendations, where necessary, for its strengthening, and report to the Economic and Social Council on the outcome of its work. In the same resolution, the General Assembly further indicated that, *inter alia*, in the Commission’s conduct of the full survey, due regard should be paid to the rights and duties of States under international law and to the importance of encouraging international cooperation in the economic development of underdeveloped countries.

At its first session, from 18 to 22 May 1959, the Commission on Permanent Sovereignty over Natural Resources instructed the United Nations Secretariat to prepare a preliminary study on the status of the right of permanent sovereignty of peoples and nations over their natural resources and to request governments, specialized agencies and the regional economic commissions of the United Nations to supply information on the subject for incorporation in the Secretariat study (Report of the Commission to the Economic and Social Council on the work of its first and second sessions, E/3334). At its second session, from 16 February to 17 March 1960, the Commission considered the preliminary study prepared by the Secretariat (A/AC.97/5 and Corr. 1 and Add. 1), which included information it had received from governments, specialized agencies and the regional economic commissions of the United Nations. On 4 March 1960, the Commission requested the Secretariat to submit a revised study for its consideration at the following session (A/AC.97/7).

The revised Secretariat study (A/AC.97/5/Rev.1 and Corr. 1 and Add. 1) was considered by the Commission, at its third and final session, in May 1961 (Report of the Commission to the Economic and Social Council on the work of its third session, E/3511). On 10 May 1961, in the course of the debate in the Commission, Chile submitted a

detailed draft resolution (A/AC.97/L.3) which proposed to adopt a declaration of four principles concerning the permanent sovereignty of peoples and nations over their natural resources. On 18 May 1961, following informal consultations with other members of the Commission, Chile submitted a revised draft resolution (A/AC.97/L.3/Rev.2). On 22 May 1961, following minor amendments to the text, a modified version of the Chilean draft resolution was adopted by the Commission; the Commission in turn adopted resolution I (E/3511, annex) by which it requested the Economic and Social Council to recommend that the General Assembly should adopt a draft resolution on permanent sovereignty, the text of which was reproduced therein. This draft resolution contained an eight-point declaration on permanent sovereignty over natural resources. The report of the Commission, together with the revised secretariat study and the observations made by the members of the Commission, were transmitted to the Economic and Social Council for its consideration.

On 3 August 1961, the Economic and Social Council decided to transmit the report of the Commission on Permanent Sovereignty, together with the summary records of the Council's debate thereon and proposed amendments to the draft resolution, to the sixteenth session of the General Assembly (see resolution 847 (XXXII)). On 27 September 1961, the General Assembly allocated the agenda item entitled "Permanent sovereignty over natural resources" to its Second Committee. Due to time constraints during its sixteenth session, the Committee did not consider the draft resolution submitted by the Commission on Permanent Sovereignty over Natural Resources. On 15 December 1961, in its report to the General Assembly (A/5060), the Second Committee did, however, recommend that the General Assembly adopt a resolution by which it would, *inter alia*, decide that priority be given to the discussion of the draft resolution in the Second Committee at the next session of the Assembly. On 19 December 1961, the General Assembly followed the Second Committee's recommendation in resolution 1720 (XVI).

At the seventeenth session of the General Assembly, in 1962, the Second Committee considered the draft resolution at various meetings in which several votes were held on sections of the draft resolution (A/C.2/17/SR.798-821, 834-835, 841, 842, 845-846, 848, 850, 861, 864 and 876-877). On 3 December 1962, the draft resolution as a whole, as amended by previous votes but still based in substance on the eight principles concerning the permanent sovereignty of peoples and nations over their natural resources, was put to a vote and adopted by the Second Committee (A/C.2/L.705). In its report to the General Assembly (A/5344/Add.1), the Second Committee recommended that the Assembly adopt a resolution based on its proposal. On 14 December 1962, the draft resolution, with some minor changes, was adopted, by 87 votes to 2, with 12 abstentions, as General Assembly resolution 1803 (XVII).