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PREPARATORY COMMITTEE FOR THE  
UNITED NATIONS CONFERENCE ON  
THE HUMAN ENVIRONMENT

Intergovernmental Working Group  
on the Declaration on the  
Human Environment

REPLIES TO QUESTIONNAIRE OF 21 DECEMBER 1970 CIRCULATED  
BY THE SECRETARY-GENERAL OF THE CONFERENCE IN CONNEXION  
WITH THE PREPARATION OF A DRAFT DECLARATION ON THE  
HUMAN ENVIRONMENT

Addendum

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CANADA

[Original: English]  
21 April 1971

In a further reply dated 21 April 1971 to the questionnaire of 21 December 1970 circulated by the Secretary-General of the United Nations Conference on the Human Environment, the Permanent Representative of Canada to the United Nations stated: "In order to assist the Intergovernmental Working Group currently studying the Declaration, I enclose a draft text of a preamble and fundamental principles to be included in the Declaration, which are based upon the previous and more general comments of the Canadian Government."\*

The Canadian draft text is reproduced below:

Preamble

Whereas there is a fundamental human need for an environment which permits the fullest enjoyment of basic human rights as enumerated in the Universal Declaration of Human Rights including the right to life;

And whereas human life on the planet earth is dependent upon land, air, water and the sun, and upon other forms of life on earth;

And whereas human life is also dependent upon the maintenance of the ecological balance of the biosphere;

And whereas human life is affected by environmental processes and influences which are in turn affected by human activities;

And whereas human beings use the resources of the biosphere for their physical, mental, social and economic development;

And whereas economic and social development and the quality of the environment are interdependent;

And whereas the limited resources of the biosphere, including in particular land, air and water, require rational utilization;

And whereas irrational utilization of these resources is posing an accelerating threat to the environment;

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\* See A/CONF.48/PC/WG.1/CRP.4, pp. 20-22.

And whereas environmental problems are the concern of all human beings and all peoples irrespective of their social or political systems, geographic situation or state of economic development;

And whereas all human beings and all peoples have equal rights to an environment adequate to their needs.

#### Fundamental principles

The United Nations Conference on the Human Environment solemnly declares that:

1. Every State has a sovereign and inalienable right to its environment including its land, air and water, and to dispose of its natural resources.
2. Every State has a right to environmental integrity corresponding to its right to territorial integrity.
3. Every State has the right to take all necessary and appropriate measures to protect its environmental integrity.
4. Every State has a duty to conduct its activities with due regard to their effects upon the environment of other States.
5. No State may use or permit the use of its territory in such a manner as to cause damage to the environment of other States or to the environment of areas beyond the limits of national jurisdiction.
6. No State may use areas beyond the limits of national jurisdiction in such a manner as to cause damage to the environment of such areas or to the environment of other States.
7. Every State has the responsibility to compensate for damage caused by such activities.
8. Every State has a duty to consult with other States before undertaking activities which may damage the environment of such States, and a similar duty to consult with the appropriate international organization, if any, before undertaking activities which may damage the environment in areas beyond the limits of national jurisdiction.
9. Every State has a duty to ensure that national activities are carried out in conformity with the principles set forth in this Declaration.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

The Government of the Union of Soviet Socialist Republics submits the following preliminary comments:

I

For an assessment of the character of the basic final document of the United Nations Conference on the Human Environment, it is important to bear in mind the purposes of the Conference: namely, to focus world attention on the need for protecting and improving the environment by taking appropriate measures at the national, regional, interregional and global levels.

Accordingly, the Declaration might recommend general principles for the formulation of State policies and the main trends of action by international organizations in connexion with the problem of the environment, emphasizing the importance of international co-operation on a bilateral, regional and world basis in order to solve this problem.

With regard to the scope of the Declaration, it is possible to agree in principle with the Preparatory Committee's recommendations that the Declaration should be a relatively brief document, suitable for distribution through the mass media and readily accessible to the general public.

II

In view of its international character, the Declaration obviously should not include any provisions concerning relations between a State and its citizens or between individual citizens. These relations are defined by national legislation, as is consonant with the sovereign right of each State.

III

The Declaration should include an introduction indicating that the state of the environment depends on the solution of many interrelated problems.

It is possible to agree with the proposals made by the Secretariat of the 1972 Conference with regard to the preamble to the Declaration, as stated in the note to question 3 of the questionnaire, subject to the following remarks:

/...

The Declaration should not over-dramatize the problem of the environment. Thus, item 1 (see note to question 3) might well be worded as follows:

"The maintenance of the ecological balance of the biosphere, the resources of which are limited in quantity, has a definite effect on human life. Accordingly, a more rational utilization of these resources is required."

Item 2 should be stated more precisely, with the added statement that the causes of impairment of the environment and the gravity of the problem differ from country to country and that this depends on the manner and degree of socio-economic development.

Bearing in mind that the Declaration should be universal in character, the following wording might be desirable for the third from the last item in the note to question 3:

"In accordance with the spirit of the Charter of the United Nations, all States concerned have pledged themselves to take individual or collective action for the achievement of a solution to the problem of the environment."

#### IV

Since the problem of the environment is related to many aspects of human activity and of the evolution of eco-systems, it is obvious that the text of the Declaration can scarcely reflect all of these diverse questions.

The most rational structure for the text of the Declaration would seem to be one corresponding to the order in which the topics are discussed at the Conference.

#### V

In order to make the Declaration reflect the relationship, which is of special interest to the developing countries, between the problem of the environment and the socio-economic problems of development, the text of the Declaration might usefully point out that the solution of these problems would be substantially assisted by State planning of the extraction and utilization of natural resources. This would help to ensure an integrated and well-grounded approach to solving both the problems of the rational utilization of environmental resources and the problems of economic development in general.

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VI

It does not seem absolutely necessary to include in the Declaration a definition of the term "the environment". The adoption of the Declaration, as a document containing recommendations, poses no problems of regulation under international law, and therefore there is no need to define the object of such regulation. Moreover, there might be differing interpretations of the term "the environment", which would make the work of the Conference more difficult.

VII

It would be sufficient to make a reference in the text of the Declaration to article 25 of the Universal Declaration of Human Rights, such a reference defining, to some extent, the rights of every human being with regard to his environment.

VIII

The Declaration should embody general principles which can be recommended to Governments as guidelines for individual and collective action to improve the environment. Among these it is especially important to emphasize the principle of the inalienable sovereignty of States over their natural resources.

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