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Note verbale dated 7 May 1971 from the Secretary-General addressed to the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations, and has the honour to acknowledge the receipt of his letter of 14 April 1971[1/] concerning the report submitted to the Preparatory Committee for the United Nations Conference on the Human Environment at its second session pursuant to paragraph (38) contained in the Preparatory Committee's report on the work of its first session.[2/] The Permanent Representative requests that the Secretary-General "make the necessary arrangements for the above-mentioned report to include only the replies of Governments of States Members of the United Nations".

The second session of the Preparatory Committee which was held in Geneva from 8 to 19 February 1971, had before it a report[3/] submitted pursuant to paragraph (38) of the Preparatory Committee's report on the work of its first session. That report has been subsequently reissued in New York in revised form under a note from the Chairman of the Intergovernmental Working Group on the Declaration on the Human Environment under the symbol A/CONF.48/PC/WG.1/CRP.4. As issued both in

1/ A/8308.

2/ A/CONF.48/PC/6.

3/ A/CONF.48/PC(II)/CRP.8 and Add.1.

Geneva and in New York, the report, in addition to containing replies of States Members of the United Nations, contained two replies from States which are not Members of the United Nations, but which are members of the specialized agencies. As the exclusion of these latter replies was not directed by the Preparatory Committee at any point during its second session, nor was this question even raised during that session, the Secretary-General has no basis, now that the second session is completed, for deleting these replies.

The reason why replies from States members of the specialized agencies were included in the documents in question is as follows. By its resolution 2398 (XXIII) of 3 December 1968 on problems of the human environment, the General Assembly called for a report from the Secretary-General relating, inter alia, to the United Nations Conference on the Human Environment, and further requested him, in operative paragraph 3 of the resolution "in preparing the report, to consult Governments of States Members of the United Nations and members of the specialized agencies and of the International Atomic Energy Agency and appropriate organizations of the United Nations system, and to draw on contributions from appropriate intergovernmental and non-government organizations".

The Secretary-General's obligation to consult, inter alia, States members of the specialized agencies was extended by the General Assembly at its twenty-fourth session by resolution 2581 (XXIV), operative paragraph 6 of which requested the Secretary-General:

> "... to pursue the consultations on the preparations for the Conference, undertaken by him in accordance with General Assembly resolution 2398 (XXIII), to take account of the results of other international conferences, such as the conference on the problems of environment organized by the Economic Commission for Europe and scheduled to take place at Prague in 1971, and to draw on contributions from appropriate intergovernmental and non-governmental organizations."

With the foregoing obligations in mind, a letter was sent on 21 December 1970 to States Members of the United Nations and States members of the specialized agencies relating generally to preparations for the Conference on the Human Environment, one element of that letter being an annexed request for replies to form part of the report called for in paragraph (38) of the first report of the Preparatory Committee.

Paragraph (38) of that report reads as follows:

> "The Prepartory Committee is not, during the current session, in a position to draft the declaration /on the human environment/. It, therefore, recommends to the Secretary-General that, after consultation with the Member States and in the light also of the discussions at the first session, that he include in his report to the second session of the Preparatory Committee suggestions as to the content of the declaration."

It is true that this paragraph refers to consultation with "Member States". Nevertheless, the Secretary-General, in view of his wider obligations to consult also with States members of the specialized agencies, under operative paragraph 6 of General Assembly resolution 2581 (XXIV) regarding all matters pertaining to preparations for the Conference, did not initially consider paragraph (38) to have a limitative effect. Now that this matter has been raised for the first time, the Secretary-General believes that it is one on which he should seek the advice of the body which made the original request, namely, the Preparatory Committee for the United Nations Conference on the Human Environment which will convene in September of this year for its third session. Pending such advice, the Secretary-General will not issue further addenda to the report appearing in document A/CONF.48/PC/WG.1/CRP.4 except in so far as those addenda are limited to replies from States Members of the United Nations.

As requested, the Permanent Representative's letter under reply has been circulated as a document of the General Assembly under the symbol A/8308. In view of this, the Secretary-General is also arranging for the circulation of the present reply.