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SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 119: CONSOLIDATION AND PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL ECONOMIC LAW RELATING IN PARTICULAR TO THE LEGAL ASPECTS OF THE NEW INTERNATIONAL ECONOMIC ORDER (continued) (A/31/172; A/C.6/34/L.7, L.17)

1. Mrs. SILVERA (Cuba) said that equitable economic relations, which would promote closer ties between all peoples, were a decisive factor in the fight against colonialism and dependence and, to that end, a legal régime should be instituted on the basis of such principles as the right to trade freely, the right to dispose of natural wealth and resources and the elimination of unequal or discriminatory treatment. As the existing unjust international economic order aggravated the ills that afflicted the developing countries, her delegation attached special importance to the consolidation of political independence and economic emancipation. Despite all the pronouncements of the international community, however, the imperialists continued to exert control over the import and export machinery of the developing countries, thus subjecting their economies to constant pressure; that was one of the reasons why those countries were economically backward. It was essential to put an end to monopolies and the despoiling of raw materials so that the full enjoyment of the basic national rights that would guarantee an equitable economic order could be assured. Any moves by the developed capitalist countries to resist the far-reaching changes required in the structure of the developing countries and in the international economy would merely perpetuate neo-colonialism and render ineffective the international rules that should apply in that regard.

2. In that connexion, she drew attention to the Declaration on the Establishment of a New International Economic Order (General Assembly resolution 3201 (S-VI)), which stressed first, that foreign and colonial domination, foreign occupation, racial discrimination, apartheid and colonialism in all its forms continued to be among the major obstacles to the complete emancipation and progress of the developing countries; and, secondly, that measures should be adopted to regulate and supervise the activities of transnational corporations with a view to improving the trading position of developing countries. Also, the Programme of Action on the Establishment of a New International Economic Order (General Assembly resolution 3202 (S-VI)) listed a series of factors that were significant in international economic relations, including raw materials, trade, finance, transnational corporations, transfer of technology and natural resources. In the same vein, the Heads of State or Government of Non-Aligned Countries, at their Sixth Summit Conference in Havana, had proclaimed that international economic relations were still characterized by a fundamental contradiction between those who upheld the status quo, based on domination, dependence and exploitation, and the joint struggle of the non-aligned and other developing countries for liberation and economic development; they had emphasized that effective ways and means of negotiation should be sought with a view to establishing the new international economic order within the context of a broad, integrated approach that took due account of the fundamental rights and interests of all developing countries as well as of the world-wide dimensions of the new order.

3. In her delegation's view, it was not the lack of legal principles as such which prevented the implementation of the Declaration and Programme of Action but rather a lack of will on the part of certain developed capitalist countries to apply the norms and principles laid down in General Assembly resolutions 3201 (S-VI) and 3202 (S-VI). Although the developing countries had adopted a flexible position in an endeavour to find negotiated solutions that would improve the world's economy, there would have to be a genuine desire on the part of all concerned to make a decisive contribution to the restructuring of international economic relations, failing which all efforts would be doomed to failure.

4. Lastly, her delegation welcomed the draft resolution submitted by the Philippines (A/C.6/34/L.17), which reflected the aspirations of the developing countries in regard to the codification of the norms and principles of international economic law.

5. Mr. SAEED (Pakistan) said that his delegation attached considerable importance to universal recognition of the norms of the new international economic order and welcomed the analysis made in the working paper submitted by the Philippines (A/C.6/34/L.7), of the bases on which the consolidation and progressive development of international law should rest. It agreed in particular with the statement in paragraph 26 of that paper regarding the sources from which the norms and principles of international economic law emanated. It also agreed that the developed countries were under an obligation to co-operate in good faith with the developing countries in the implementation of those norms and principles.

6. It had certain reservations, however, regarding the possible drafting of an international convention, which was envisaged both in the working paper and in operative paragraph 1 of draft resolution A/C.6/34/L.17. In his delegation's view, the norms and principles of international economic law should not be codified until agreement had been reached on specific points. Any premature attempt at such codification might well impede the process of international co-operation that was currently being pursued mainly through the medium of political discussion. It was essential to rectify the inequities in the existing system before seeking to codify the relevant norms and principles.

7. The value of the Philippine initiative lay in the fact that it sought universal recognition for the principles which the General Assembly had declared should govern economic negotiations and which should be taken into consideration when drawing up international agreements in specific areas of international economics and trade. His delegation therefore urged the Committee not to take any hasty decision in the matter and proposed that, as a first step, draft resolution A/C.6/34/L.17 should be referred to Governments for consideration and comment.

8. Mr. VERCELES (Philippines), introducing draft resolution A/C.6/34/L.17, said that the following amendments should be made to the text: In the first line of the last preambular paragraph, the words "United Nations Charter and the" should be inserted before the words "above-mentioned resolutions"; in the third line of that paragraph, the comma after the word "auspices" should be deleted; in the

(Mr. Verceles, Philippines)

fourth line, a comma should be inserted after the word "order". In operative paragraph 1, the phrase "in collaboration with the United Nations Institute for Training and Research" should be inserted, between commas, after the word "Secretary-General".

9. The preamble to the draft resolution drew attention to various provisions in the United Nations Charter and General Assembly resolutions which embodied principles and norms relating to the new international economic order and international economic law. It was by no means exhaustive. A number of other decisions and resolutions, which were referred to in the working paper submitted by his delegation (A/C.6/34/L.7), were also to be regarded as sources of international law in the matter. They included not only resolutions and declarations of the General Assembly but also decisions of the Economic and Social Council and other bodies within the United Nations system, including the General Agreement on Tariffs and Trade.

10. Under operative paragraph 1 of the draft resolution, the Secretary-General was requested to carry out a study. The intention was that it should be a simple study that would deal solely with the principles and norms of international law relating to the new international economic order as embodied in the resolutions and decisions of the General Assembly and in the Charter. The reference to UNITAR had been included because that body was also engaged in a study of the new international economic order and had published an excellent book entitled The Objectives of the New International Economic Order as well as several papers on the subject. The reference to the "possible" drafting of an international convention had been included merely to provide a certain framework for the study to be carried out by the Secretary-General.

11. Operative paragraph 2 requested the Secretary-General to submit a preliminary report on the study to the thirty-fifth session of the General Assembly; in the light of that report, the Committee could decide how to proceed.

12. He could not agree that the time was not ripe to embark on the study. Indeed, such a study would promote, rather than hinder, the implementation of the new international economic order, for it was in the interests of the developing countries in particular and of the international community in general to make a start on the process of consolidating the principles and norms of international economic law. He also could not agree that action on the draft resolution should be postponed, particularly since consideration of the item had already been delayed for two years. He would, however, request that, to allow time for consultation, a decision should not be taken on the draft resolution before 5 December.

13. Mr. EL-BANHAWI (Egypt) said he considered that Member States should be requested to submit their views on the matter and that those views should be reflected in the preliminary report to be submitted by the Secretary-General to the thirty-fifth session of the General Assembly. He suggested that that request should be included in the operative part of the draft resolution.

AGENDA ITEM 113: DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (continued) (A/34/39; A/C.6/34/L.12, L.14)

14. Mrs. ORTIZ (Colombia) said that her delegation, which reiterated its support for the drafting of an international convention against the taking of hostages, considered that a decision on the matter would be an expression of the international community's confidence in a future that offered genuine prospects of security and order guaranteed by international law. The taking of hostages should be condemned and punished, since it was a heinous crime that involved innocent people and imperilled international peace.

15. In a desire to promote a consensus, her delegation had adopted a flexible position on draft article 14 and had therefore agreed in principle to the Mexican delegation's proposed compromise formula, under which that article would be replaced by article 12 of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents. It had also stated at the time that it was unable to accept the original draft article, as it was not clearly drafted and could be interpreted in a way that might cause the right of asylum to be ignored. That right was one of the most positive achievements of American international law; it was a principle that had been accepted by the people, and then regulated by treaty. Throughout the history of the right of asylum, her country had never wavered in its stand, even when that right had been invoked against Colombia itself.

16. Since, despite all the efforts of delegations, it had not been possible to achieve a consensus on draft article 14, the flexible position which her delegation had adopted in the hope of achieving a consensus was no longer justified. It therefore wished to enter a reservation in regard to that article, while restating its support for the remaining draft articles.

AGENDA ITEM 111: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (continued) (A/34/693; A/C.6/34/4 and Corr.1; A/C.6/34/L.18 and L.19)

17. Mr. DROUSHIOTIS (Cyprus) said that his delegation attached great importance to the Programme since, thanks to it, positive and constructive work was being done to encourage and promote the knowledge of international law, particularly among the developing countries. The matter was especially important for the developing countries, which lacked trained personnel and therefore had difficulties with regard to representation in multilateral treaty-making conferences. His Government had expressed its support by making voluntary contributions to the Programme, and it would continue to do so in the future.

18. He expressed appreciation to UNITAR, UNESCO and the Hague Academy of International Law for the assistance his country had received in 1979 through the United Nations-UNITAR Fellowship Programme in International Law and to the Governments of Mexico and the Bahamas regarding the regional training and refresher courses in international law.

(Mr. Droushiotis, Cyprus)

19. His delegation fully agreed with the report of the Secretary-General on the subject (A/34/693) and supported the recommendations contained therein regarding execution of the Programme in 1980-1981. There was undoubtedly considerable room for improvement and expansion of the Programme, for which increased financial support would be required not only from Governments but also from organizations and concerned individuals. The Advisory Committee could take part, as it had done in the past, by providing appropriate supervision for the evaluation of the Programme and making constructive suggestions for its improvement, particularly during the intersessional year.

20. His delegation had joined in sponsoring draft resolution A/C.6/34/L.18 and fully supported it. Furthermore, it had no difficulty with the amendment proposed by the delegation of Tanzania, which dealt with a factor that certainly must be taken into account in appointing lecturers. His delegation hoped that agreement could be reached on that issue and that the draft resolution could be adopted by consensus.

21. Mr. TABIBI (Afghanistan) said that the item was one of the most important on the agenda, because the study of international law was a vital matter, especially in the third world. The report of the Secretary-General (A/34/693) covered a wide range of issues relating to the dissemination of information on international law. His delegation was glad to see that UNDP, UNITAR and UNICEF had become involved in the Programme. Although much progress had been made over the years since the item had first been included in the agenda, draft resolution A/C.6/34/L.18 was only a drop in the vast ocean of world needs in the teaching of international law. In spite of all the efforts on the part of Member States and United Nations bodies, the entire Programme, including the subject of disarmament and international law, had received a very small amount of voluntary contributions. In contrast, the affluent countries spent at least \$1 billion on armaments daily.

22. His delegation therefore requested that, when the Advisory Committee mentioned in paragraph 11 of the draft resolution was appointed, it should take steps to increase financial support for the Programme. A new approach was necessary, and the Secretary-General, the regional commissions and responsible bodies should contact world foundations directly in order to obtain contributions.

23. His delegation supported the draft resolution and wished to join the sponsors.

24. Mr. VIÑAL (Spain), noting that his country was represented on the Board of the Hague Academy of International Law and that its teachers had traditionally participated in courses at the Academy, said he had been concerned to learn of the financial problems mentioned in paragraphs 5 and 6 of the informal note from the Academy circulated by the delegation of the Netherlands. His delegation therefore endorsed draft resolution A/C.6/34/L.18, especially paragraphs 6 and 7, which called upon Member States and interested organizations to consider favourably the appeal of the Academy for adequate assistance in order to solve its financial problems.

The meeting rose at 4.10 p.m.