

44/216. International code of conduct on the transfer of technology

The General Assembly,

Recalling its resolutions 40/184 of 17 December 1985, 41/166 of 5 December 1986 and 42/172 of 11 December 1987 and its decision 43/439 of 20 December 1988 on an international code of conduct on the transfer of technology,

1. *Takes note* of the report of the Secretary-General of the United Nations Conference on Trade and Development on the consultations carried out in 1989 relating to the negotiations on an international code of conduct on the transfer of technology;⁹⁶

2. *Invites* the Secretary-General of the United Nations Conference on Trade and Development to submit to the General Assembly at its forty-fifth session a complete report, based on the outcome of consultations, so as to enable the Assembly to take appropriate action on the negotiations on the draft code of conduct.

85th plenary meeting
22 December 1989

44/217. Trade embargo against Nicaragua

The General Assembly,

Recalling its resolutions 40/188 of 17 December 1985, 41/164 of 5 December 1986, 42/176 of 11 December 1987 and 43/185 of 20 December 1988, as well as its resolutions 42/204 of 11 December 1987, 42/231 of 12 May 1988 and 43/210 of 20 December 1988,

Taking note of the report of the Secretary-General on the trade embargo against Nicaragua,⁹⁷

1. *Deplores* the continuation of the trade embargo contrary to its resolutions 40/188, 41/164, 42/176 and 43/185 and to the Judgment of the International Court of Justice of 27 June 1986,⁹⁸ and once again requests that those measures be immediately revoked;

2. *Requests* the Secretary-General to report to the General Assembly at its forty-fifth session on the implementation of the present resolution.

85th plenary meeting
22 December 1989

44/218. Commodities

The General Assembly,

Recalling its resolution 1995 (XIX) of 30 December 1964, as amended, on the establishment of the United Nations Conference on Trade and Development, Conference resolutions 93 (IV) of 30 May 1976 on the Integrated Programme for Commodities,⁸⁵ 124 (V) of 3 June 1979,⁸⁶ 155 (VI), 156 (VI) and 157 (VI) of 2 July 1983,⁸⁷ and the Final Act adopted by the Conference at its seventh session, held at Geneva from 9 July to 3 August 1987,⁸⁹

Recognizing the need for better functioning of commodity markets and the desirability of stable and more predictable conditions in commodity trade, of avoiding

excessive price fluctuations and of searching for long-term solutions to commodity problems,

Bearing in mind that commodity exports continue to play a key role in the economies of developing countries as a whole, in particular by making a crucial contribution to their export revenues and investments and to the reactivation of their growth and development,

Expressing concern at the difficult situation faced by developing countries in the area of commodities,

Bearing in mind that developing countries, in particular the least developed and commodity-dependent developing countries, have felt the most severe impact of the commodity price situation,

Welcoming the entry into force on 19 June 1989 of the Agreement Establishing the Common Fund for Commodities⁹⁹ and expressing the hope that the establishment of the Common Fund, in full compliance with the provisions of the Agreement, will provide a positive impetus towards long-term solutions to the commodity problems of developing countries,

1. *Stresses* the urgent need for appropriate and early action to address the present world situation in the area of commodities;

2. *Expresses its concern* at the negative effects of the long-term downward trend of commodity prices on the economic development of the developing countries, which hinders their efforts to improve the living conditions of their peoples and to redress increasing poverty;

3. *Stresses* the need for all countries, according to their economic capacity and their weight in the world economy, international organizations, multilateral financial institutions and other relevant organizations to undertake measures for the diversification of the commodity economy of developing countries and to ensure greater participation of those countries in the processing, marketing and distribution, including transportation, of commodities, and, in this context, stresses the importance of market access for commodities from developing countries and of improved market transparency;

4. *Recognizes* that decisions on diversification are primarily the responsibility of developing countries, emphasizes, in that context, the need for continued implementation of their diversification programmes, bearing in mind, *inter alia*, the long-term evolution of market conditions and the linkage between diversification efforts and market access, and invites developed countries, international financial institutions and other relevant organizations to extend financial support to such diversification programmes;

5. *Notes with concern* that a further decline in commodity prices and commodity export earnings, as well as the long-term deterioration in the terms of trade of developing countries, in particular the least developed and the commodity-dependent among them, would hinder any prospect of sustained growth and development for those countries;

6. *Expresses its conviction* that more stable market conditions for commodities would be conducive to the social and economic development of developing countries and could, *inter alia*, contribute to the international campaign against illicit production of, trafficking in and abuse of narcotic drugs, thus supporting the efforts undertaken by countries to combat such illicit activities;

⁹⁶ A/44/554.

⁹⁷ A/44/581.

⁹⁸ See *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, *I.C.J. Reports* 1986, p. 14.

⁹⁹ United Nations publication, Sales No. E.81.II.D.8 and corrigendum.

7. *Recognizes* the need for a better functioning of commodity markets as well as the desirability of achieving stable and more predictable conditions in commodity trade and of avoiding excessive fluctuations of prices, and urges co-operation between producers and consumers, with a view to improving the functioning of existing international commodity agreements or arrangements and/or, as appropriate, negotiating other commodity agreements or arrangements, in line with the relevant provisions of the Final Act adopted by the United Nations Conference on Trade and Development at its seventh session;

8. *Urges* all parties involved to meet agreed commitments and work for a balanced approach to the multilateral trade negotiations within the Uruguay Round of multilateral trade negotiations, launched during the Special Session of the Contracting Parties to the General Agreement on Tariffs and Trade, held at Punta del Este, Uruguay, from 15 to 20 September 1986, so as to ensure that their successful conclusion brings about further expansion and liberalization in trade in commodities, taking into account the special and differential treatment for developing countries, as well as all other principles contained in the Ministerial Declaration on the Uruguay Round;¹⁰⁰

9. *Recognizes* the urgent need to address the grave problem of shortfalls in export earnings in the commodities of developing countries and, in this regard, notes that a special session of the Trade and Development Board will be devoted to compensatory financing of these shortfalls;

10. *Calls upon* those countries that have ratified the Agreement Establishing the Common Fund for Commodities to contribute to making both accounts of the Common Fund fully operational as soon as possible, in full compliance with the provisions of the Agreement and, in this connection, welcomes the significant voluntary contributions made to the second account of the Common Fund and expresses the hope that further contributions will be forthcoming;

11. *Invites* all countries, particularly major exporters and consumers of commodities that have not yet ratified the Agreement, to do so as soon as possible, thereby contributing to the improvement of market conditions to the benefit of both producers and consumers;

12. *Requests* the Secretary-General of the United Nations Conference on Trade and Development to submit to the General Assembly at its forty-fifth session a report on world commodity trends and prospects, with particular reference to the situation of the commodity-dependent developing countries;

13. *Decides* to include the question of commodities in the provisional agenda of its forty-fifth session.

*85th plenary meeting
22 December 1989*

44/219. Report of the Trade and Development Board

The General Assembly,

Recalling its resolution 1995 (XIX) of 30 December 1964, as amended,¹⁰¹ on the establishment of the United Nations Conference on Trade and Development and the Final Act adopted by the Conference at its seventh session, held at Geneva from 9 July to 3 August 1987,⁸⁹

Recalling also its resolution 43/188 of 20 December 1988 on the report of the Trade and Development Board.

Noting that the *Trade and Development Report, 1989*¹⁰² has made a constructive contribution to the consideration by the Trade and Development Board, at the first part of its thirty-sixth session, of the interdependence of problems of trade, development finance and the international monetary system, as well as to the Board's consideration of the debt and development problems of the developing countries,

1. *Takes note* of the report of the Trade and Development Board on the second part of its thirty-fifth session¹⁰³ and the first part of its thirty-sixth session,¹⁰⁴ expresses its appreciation for the constructive spirit permeating recent deliberations of the Board and invites all parties to give effect to its resolutions and decisions;

2. *Welcomes* the efforts made by Governments and the secretariat of the United Nations Conference on Trade and Development to strengthen the debates of the Trade and Development Board on the interdependence of problems of trade, development finance and the international monetary system, and also welcomes Board resolution 374 (XXXVI) of 13 October 1989 on that topic;⁴⁵

3. *Welcomes* the significant contribution made by the United Nations Conference on Trade and Development to the search for durable solutions to the problem of external indebtedness of developing countries, and also welcomes Trade and Development Board resolution 375 (XXXVI) of 13 October 1989,⁴⁵ on debt and development problems of developing countries;

4. *Welcomes* Trade and Development Board decision 367 (XXXV) of 17 March 1989¹⁰⁵ on protectionism and structural adjustment, and urges the Governments concerned to fulfil their commitments to halt and reverse protectionism and to take expeditious and concrete structural adjustment measures conducive, in particular, to the widening of markets for exports of products in which the developing countries have or may develop a comparative advantage;

5. *Also welcomes* Trade and Development Board decision 368 (XXXV) of 17 March 1989¹⁰⁵ on trade relations among countries having different economic and social systems and all trade flows resulting therefrom, and invites the Board to develop a programme for further promotion of trade and economic co-operation among those countries, in particular East-South trade, based on an analysis and evaluation undertaken by an intergovernmental group of experts of the existing and evolving trends and potential factors related to inter-system trade;

6. *Notes* that the Trade and Development Board has decided to consider, at a future session, the implications of bilateral arrangements and regional economic integration, especially those which have a major impact on global trade, in particular on the trade and development of developing countries, and agrees on the need to ensure that such schemes impart dynamism to global trade and enhance trade and development possibilities for the developing countries;

7. *Stresses* that in the Uruguay Round of multilateral trade negotiations commensurate attention should be given to all areas of negotiation, especially those of particular relevance to the trade and development of developing countries;

¹⁰² United Nations publication, Sales No. E.1989.II.D.14.

¹⁰³ *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 15 (A/44/15)*, vol. I.

¹⁰⁴ *Ibid.*, vol. II.

¹⁰⁵ *Ibid.*, vol. I sect. II B.

¹⁰⁰ See GATT, *Focus Newsletter*, No. 41, October 1986.

¹⁰¹ See resolutions 2904 (XXVII), 31/2 A and B and 34/3.