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DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION: TRADE AND DEVELOPMENT

Report of the Second Committee (Part IV)

Rapporteur: Mr. Jorge LAGO-SILVA (Cuba)

I. INTRODUCTION

1. The Second Committee held a substantive debate on item 84 (see A/40/989, para. 2). Action to be taken on sub-item (c) was considered at the 31st, 36th, 41st, 45th, 46th and 48th to 51st meetings, on 12, 18, 21 and 27 November, and 3, 5, 9, 11 and 13 December. An account of the Committee's discussion is contained in the relevant summary records (A/C.2/40/SR.31, 36, 41, 45, 46 and 48-51).

II. CONSIDERATION OF PROPOSALS

A. Draft resolutions A/C.2/40/L.38/Rev.1

2. At the 36th meeting, on 18 November, the representative of Nepal introduced a draft resolution (A/C.2/40/L.38) entitled "Specific action related to the particular needs and problems of land-locked developing countries", on behalf of Afghanistan, Bangladesh, Bolivia, Botswana, Burkina Faso, Burundi, the Central African Republic, the Lao People's Democratic Republic, Mongolia, Nepal, Paraguay and Zambia, subsequently joined by Rwanda, which read as follows:

"The General Assembly,

"Reiterating the specific actions related to the particular needs of the land-locked developing countries stated in resolutions 63 (III) of 19 May 1972, 1/ 98 (IV) of 31 May 1976, 2/ 123 (V) of 3 June 1979 3/ and 137 (VI) of 2 July 1983 4/ of the United Nations Conference on Trade and Development, and Trade and Development Board resolution 319 (XXXI) of 27 September 1985, 5/

"Recalling the provisions of its resolutions 31/157 of 21 December 1976, 32/191 of 19 December 1977, 33/150 of 20 December 1978, 34/198 of 19 December 1979, 35/58 of 5 December 1980, 36/175 of 17 December 1981 and 39/209 of 18 December 1984 and other resolutions of the United Nations relating to the particular needs and problems of land-locked developing countries,

"Bearing in mind various other resolutions adopted by the General Assembly, its related organs and the specialized agencies, emphasizing special and urgent measures in favour of land-locked developing countries,

"Recalling the relevant provisions of the International Development Strategy for the Third United Nations Development Decade, 6/

"Recalling the United Nations Convention on the Law of the Sea, 7/ adopted on 10 December 1982,

1/ See Proceedings of the United Nations Conference on Trade and Development, Third Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.73.II.D.4), annex I.A.

2/ Ibid., Fourth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.76.II.D.10 and corrigendum), part one, sect. A.

3/ Ibid., Fifth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.79.II.D.14), part one, sect. A.

4/ Ibid., Sixth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.83.II.D.6), part one, sect. A.

5/ See A/40/15 (vol. II), sect. I.

6/ See resolution 35/56, annex.

7/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

"Bearing in mind the report of the Ad Hoc Group of Experts to Study Ways and Means of Improving Transit-transport Infrastructures and Services for Land-locked Developing Countries, 8/

"Recognizing that the lack of territorial access to the sea, aggravated by remoteness and isolation from world markets, and the prohibitive transit, transport and trans-shipment costs impose serious constraints on the socio-economic development of land-locked developing countries,

"Noting with concern that the measures taken thus far in favour of land-locked developing countries and the assistance given fall far short of their needs,

"1. Reaffirms the right of access of land-locked countries to and from the sea and freedom of transit through the territory of transit States by all means of transport, in accordance with article 125 of the United Nations Convention on the Law of the Sea;

"2. Appeals to all States, international organizations and financial institutions to implement, as a matter of urgency and priority, the specific actions related to the particular needs and problems of land-locked developing countries envisaged in resolutions 63 (III), 98 (IV), 123 (V) and 137 (VI) of the United Nations Conference on Trade and Development, in the International Development Strategy for the Third United Nations Development Decade, in the Substantial New Programme of Action for the 1980s for the Least Developed Countries 9/ and in other relevant resolutions of the United Nations;

"3. Urges all concerned countries, as well as international organizations, to provide land-locked developing countries with appropriate financial and technical assistance in the form of grants or concessional loans for the construction and improvement of their transport and transit infrastructures and facilities;

"4. Urges also the international community and multilateral and bilateral financial institutions to intensify efforts in raising the net flow of resources to all land-locked developing countries to help offset the adverse effects of their disadvantageous geographical situation on their economic development efforts, in keeping with the overall development needs of each land-locked developing country;

8/ Official Records of the Trade and Development Board, Twenty-ninth Session, Annexes, agenda item 6, document TD/B/1002.

9/ Report of the United Nations Conference on the Least Developed Countries, Paris, 1-14 September 1981 (United Nations publication, Sales No. E.82.I.8), part one, sect. A.

"5. Invites transit countries and the land-locked developing countries to co-operate effectively in harmonizing transport planning and in promoting other joint ventures in the field of transport at the regional, subregional and bilateral levels;

"6. Further invites the international community to give financial, technical and other support to interested transit and land-locked developing countries in the construction of alternative routes to the sea;

"7. Commends the United Nations Development Programme, the United Nations Conference on Trade and Development and other United Nations agencies for their work and the assistance they have provided to the land-locked developing countries and invites them to continue to take appropriate and effective measures to respond to the specific needs of those countries;

"8. Recommends continued and intensified activities relating to the conducting of necessary studies and the implementation of special actions and specific measures for the land-locked developing countries, including those in the area of economic co-operation among developing countries, as well as those that have been envisaged in the programme of work of the United Nations Conference on Trade and Development, the regional commissions and other programmes and activities at the regional and subregional levels;

"9. Once again requests Member States to transmit to the Secretary-General of the United Nations Conference on Trade and Development their views and comments on the report of the Ad Hoc Group of Experts to Study Ways and Means of Improving Transit-transport Infrastructures and Services for Land-locked Developing Countries;

"10. Welcomes the report of the Secretary-General of the United Nations Conference on Trade and Development on progress in the implementation of specific action related to the particular needs and problems of land-locked developing countries, 10/ submitted pursuant to resolution 39/209, and requests him to prepare another such report for submission to the General Assembly at its forty-first session."

3. At the 46th meeting, on 3 December, the Committee had before it a revised draft resolution (A/C.2/40/L.38/Rev.1).

4. Mr. Soemadi Brotodiningrat (Indonesia), Vice-Chairman of the Committee, made a statement in which he informed the Committee of the outcome of the informal consultations held on the draft resolution.

5. The Committee then proceeded to vote on revised draft resolution A/C.2/40/L.38/Rev.1 as follows:

10/ A/40/815.

(a) By a recorded vote of 106 to none, with 26 abstentions, operative paragraph 1 was retained. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saudi Arabia, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Bahamas, Belgium, Burma, Comoros, Denmark, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea-Bissau, India, Iran (Islamic Republic of), Israel, Japan, Liberia, Luxembourg, Mauritania, Nigeria, Pakistan, Romania, Saint Vincent and the Grenadines, Senegal, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

(b) Revised draft resolution A/C.2/40/L.38/Rev.1, as a whole, was adopted by a recorded vote of 135 to none, with 1 abstention (see para. 71, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic

Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: United States of America.

6. After the adoption of the revised draft resolution, statements were made by the representatives of China, the United States of America, the Islamic Republic of Iran, Liberia, Peru, Mozambique, Brazil, Turkey, Mauritania, Senegal, the Federal Republic of Germany (also on behalf of the United Kingdom of Great Britain and Northern Ireland), India, Ghana and Algeria.

B. Draft resolution A/C.2/40/L.79

7. At the 46th meeting, on 3 December, the Committee had before it a draft resolution (A/C.2/40/L.79) entitled "International Code of Conduct on the Transfer of Technology", submitted by the Chairman of the Committee, Mr. Omer Birido (Sudan), on the basis of informal consultations.

8. At the same meeting, the Committee adopted draft resolution A/C.2/40/L.79 (see para. 71, draft resolution II).

9. After the adoption of the draft resolution statements were made by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland (also on behalf of the Federal Republic of Germany and Japan), Denmark (also on behalf of Sweden), Canada, Australia and Austria.

C. Draft resolution A/C.2/40/L.83

10. At the 45th meeting, on 27 November, the representative of Yugoslavia, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/C.2/40/L.83) entitled "Economic measures as a means of political and economic coercion against developing countries".

11. At the 46th meeting, on 3 December, the Vice-Chairman of the Committee made a statement, in which he informed the Committee of the result of the informal consultations held on the draft resolution.
12. At the same meeting, the Committee adopted draft resolution A/C.2/40/L.83 by a recorded vote of 114 to 19, with 6 abstentions (see para. 71, draft resolution III). The voting was as follows: 11/

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Finland, Greece, Ivory Coast (Côte d'Ivoire), Spain, Sweden.

13. After the adoption of the draft resolution, statements were made by the representatives of Luxembourg (on behalf of the States Members of the European Community), Sweden, Turkey, Yugoslavia (on behalf of the States Members of the United Nations which are members of the Group of 77) and Austria.

11/ The representative of Madagascar stated that, had his delegation been present at the time of the voting, it would have voted in favour of the draft resolution.

D. Draft resolution A/C.2/40/L.9

14. By its decision 39/422 of 18 December 1984, the General Assembly decided to refer to its fortieth session for consideration a draft resolution (A/C.2/39/L.80) entitled "Preferential Trade Area for Eastern and Southern African States".

15. At the 48th meeting, on 5 December, Mr. Soemadi Brotodiningrat (Indonesia), Vice-Chairman of the Committee, made a statement in which he read out the oral amendments which had been agreed upon as a result of informal consultations on the draft resolution. The amendments were as follows:

(a) In the last preambular paragraph, the word "rapid" before the word "progress" was deleted;

(b) In operative paragraph 1, the word "Requests" was replaced by the word "Invites";

(c) In operative paragraph 2, the word "Requests" was replaced by the word "Invites"; and the words "to continue" were inserted before the words "to make";

(d) In operative paragraph 3, the word "all" before the words "international financial institutions" was deleted; and

(e) In operative paragraph 4, the words "assistance to" were replaced by the words "co-operation with".

16. At the same meeting, the Committee adopted the draft resolution contained in document A/C.2/40/L.9 (see para. 71, draft resolution IV).

E. Draft resolution A/C.2/40/L.77

17. At the 48th meeting, on 5 December, the Committee had before it a draft resolution (A/C.2/40/L.77) entitled "United Nations Conference on Conditions for Registration of Ships", submitted by the Chairman of the Committee, Mr. Omer Birido (Sudan), on the basis of informal consultations.

18. A statement by the Secretary-General on the programme budget implications of draft resolution A/C.2/40/L.77 was circulated in document A/C.2/40/L.98.

19. At the same meeting, the Committee adopted draft resolution A/C.2/40/L.77 (see para. 71, draft resolution V).

20. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland.

- F. Draft resolution A/C.2/40/L.89, proposed amendments thereto contained in document A/C.2/40/L.95, proposed sub-amendments to the amendments contained in document A/C.2/40/L.95, contained in documents A/C.2/40/L.102 and L.102/Rev.1, revised draft resolution A/C.2/40/L.89/Rev.1, and proposed amendments thereto contained in document A/C.2/40/L.115

21. At the 45th meeting, on 27 November, the representative of Nicaragua introduced a draft resolution (A/C.2/40/L.89) entitled "Trade embargo against Nicaragua", on behalf of Algeria, Mexico, Nicaragua and Peru, which read as follows:

"The General Assembly,

"Recalling the relevant principles set forth in the Charter of the United Nations,

"Reaffirming the fundamental laws that govern relations among the States of the international community,

"Recalling Security Council resolution 562 (1985),

"Recalling also General Assembly resolution 2625 (XXV) of 24 October 1970,

"Deeply concerned by the unilateral trade embargo and other measures imposed on Nicaragua on 1 May 1985, which have been extended and broadened as from 1 November 1985 and which adversely affect the economy of the country, specifically its trade, and consequently its development plans,

"Recalling the widespread concern expressed by the international community about the trade embargo imposed against Nicaragua,

"Considering that the international community is unanimous in contributing to the economic and social progress of the countries of the area and to the reinforcing of the process of economic integration of the area, in order to contribute to the quest for a negotiated political solution to the regional crisis,

"Deeply concerned by the fact that the trade embargo jeopardizes the possibilities of free trade and the principle of non-discrimination that should prevail among countries,

"1. Deplores the recent trade embargo and other measures imposed against Nicaragua and requests that those measures be immediately revoked;

"2. Invites all States to promote and take concrete actions of co-operation in the economic and technological spheres in order to help reduce the negative effects of the trade embargo and other measures adopted against Nicaragua, and contribute to the economic and social development of Nicaragua and to regional economic integration;

"3. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution."

22. The representative of the United States of America made a statement.

23. At the 46th meeting, on 3 December, Mr. Soemadi Brotodiningrat (Indonesia), Vice-Chairman of the Committee, made a statement in which he informed the Committee of the result of the informal consultations held on draft resolution A/C.2/40/L.89.

24. At the same meeting, the representative of the United States of America introduced amendments to draft resolution A/C.2/40/L.89, contained in document A/C.2/40/L.95, and orally revised operative paragraph 5 thereof by replacing the words "which expressly permits trade measures a party considers necessary for the protection of its essential security interests" by the words "in accordance with international agreements and relevant principles of international law". The amendments, as orally revised, read as follows:

"1. In the first preambular paragraph, insert the words 'purposes and' between the words 'relevant' and 'principles'

"2. In the second preambular paragraph, replace the word 'laws' by the word 'principles'

"3. Insert the following new preambular paragraph between the second and third preambular paragraphs:

'Reaffirming the permanent validity of the principles and standards embodied in the Universal Declaration of Human Rights,'

"4. At the end of the fourth preambular paragraph, add the following:

'and especially the duty not to intervene in matters within the domestic jurisdiction of any State,'

"5. Insert the following new preambular paragraphs between the fourth and fifth preambular paragraphs:

'Reaffirming that each country has the sovereign right to choose its own trading policies and partners,'

'Recalling article 21 of the General Agreement on Tariffs and Trade, in accordance with international agreements and relevant principles of international law,'

'Recalling also General Assembly resolution 39/4 of 26 October 1984, in which the Assembly encouraged the efforts of the Contadora Group and appealed urgently to all interested States in and outside the region to co-operate fully with the Group through a frank and constructive dialogue, so as to achieve solutions to the differences among them,'

"6. In the fifth preambular paragraph, (i) delete the word 'Deeply'; (ii) replace the word 'by' with the word 'that'; and (iii) replace the words 'and which' with the word 'could'

"7. Insert the following new preambular paragraph between the fifth and sixth preambular paragraphs:

'Deeply concerned that the recent declaration in that country, on 15 October 1985, suspending basic civil liberties, will not contribute to economic and social development, international co-operation and the goals of national reconciliation embodied in the Contadora process,'

"8. In the sixth preambular paragraph, replace the phrase 'trade embargo imposed against Nicaragua' by the phrase 'situation in Central America, and in Nicaragua in particular,'

"9. Insert the following new preambular paragraph between the sixth and seventh preambular paragraphs:

'Reaffirming the right of Nicaragua and the rest of the States in the region to develop their international relations according to their peoples' interests,'

"10. Replace the eighth preambular paragraph by the following:

'Deeply concerned that trade embargoes inconsistent with established principles of international law would jeopardize the principles of free trade and non-discrimination that should prevail among nations,'

"11. In operative paragraph 1, (i) replace the word 'Deplores' by the words 'Regrets that' and (ii) replace the phrase 'and requests that said measures be immediately revoked' by the phrase 'were considered necessary, and requests that the need for such measures be kept under constant review, with a view to their eventual revocation;'

"12. Replace operative paragraph 2 by the following:

'2. Invites all States to promote and take concrete actions of co-operation in the economic and technological spheres in Central America to help reduce the negative effects of the current problems, and to contribute to economic and social development and to regional economic integration.'

"13. Delete operative paragraph 3."

25. Statements were made by the representatives of Nicaragua, Honduras, the Islamic Republic of Iran and Cuba.

26. The representative of Nicaragua, on behalf of the sponsors, then proposed orally sub-amendments to the amendments by the United States of America, contained in document A/C.2/40/L.95, as orally revised (subsequently issued in document A/C.2/40/L.102). The oral sub-amendments were as follows:

"1. Amendment No. 3

Replace the word 'Reaffirming' by the word 'Recalling', and delete the phrase 'the permanent validity of the principles and standards embodied in'.

"2. Amendment No. 4

Replace the word 'especially' by the words 'in particular the principle concerning', and add at the end of the paragraph the words 'in accordance with the Charter of the United Nations, as well as the principle that no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind'.

"3. Amendment No. 5

In the first new paragraph, replace the words 'trading policies and partners' by the words 'development policies and strategies'.

Reformulate the second paragraph to read as follows:

'Recalling all relevant articles of the General Agreement on Tariffs and Trade, as well as the Treaty of Friendship, Commerce and Navigation between the United States and the Republic of Nicaragua'.

Reformulate the third paragraph to read as follows:

'Recalling also General Assembly resolution 39/4 of 26 October 1984, in which the Assembly encouraged the efforts of the Contadora Group and all interested States, in particular those with ties to and interests in the region, to respect fully the purposes and principles of the Contadora Act on Peace and Co-operation in Central America'.

"4. Amendment No. 6

In amendment (iii), delete the word 'could' and add an 's' to the word 'affect'.

"5. Amendment No. 7

Reformulate to read as follows:

'Deeply concerned that said measures will not contribute to the economic and social development of Nicaragua and to the goals and objectives of the Contadora process'.

"6. Amendment No. 8

Replace the words 'and in Nicaragua in particular' by the words 'aggravated by the trade embargo against Nicaragua'.

"7. Amendment No. 9

Reformulate to read as follows:

'Reaffirming the sovereignty and inalienable right of Nicaragua and the rest of the States in the region to freely decide on their own political, economic and social system to develop their international relations according to their peoples' interests free from outside interference, subversion, direct or indirect coercion or threats of any kind'.

"8. Amendment No. 10

Reformulate to read as follows:

'Deeply concerned that said trade embargo jeopardizes the principles of free trade and non-discrimination that should prevail among nations'.

"9. Amendment No. 12

Insert the phrase ', in particular,' between the words 'Central America' and the words 'to help reduce', and replace the phrase 'of the current problems' by the phrase 'of the trade embargo and other measures imposed against Nicaragua'."

27. The representative of the United Kingdom of Great Britain and Northern Ireland moved the adjournment of the meeting for at least 48 hours, under rule 118 of the rules of procedure.

28. Following a statement by the representative of Cuba and a clarification provided by the Chairman, the motion proposed by the United Kingdom of Great Britain and Northern Ireland to adjourn the meeting for at least 48 hours was carried by 73 votes to 31, with 20 abstentions.

29. At the 48th meeting, on 5 December, the Committee had before it revised sub-amendments proposed by Nicaragua, on behalf of the sponsors (A/C.2/40/L.102/Rev.1) to the amendments proposed by the United States of America, contained in document A/C.2/40/L.95, as orally revised. The revised sub-amendments read as follows:

"1. Amendment No. 3

Replace the word 'Reaffirming' by the word 'Recalling', and delete the phrase 'the permanent validity of the principles and standards embodied in'.

"2. Amendment No. 4

Replace the word 'especially' by the words 'in particular the principle concerning', and add at the end of the paragraph the words 'in accordance with the Charter of the United Nations'.

"3. Amendment No. 5

In the first new paragraph, replace the words 'trading policies and partners' by the words 'development policies and strategies'.

Reformulate the second paragraph to read as follows:

'Recalling all relevant articles of the General Agreement on Tariffs and Trade'.

Reformulate the third paragraph to read as follows:

'Recalling also General Assembly resolution 39/4 of 26 October 1984, in which the Assembly encouraged the efforts of the Contadora Group and all interested States, in particular those with ties to and interests in the region, to respect fully the purposes and principles of the Contadora Act on Peace and Co-operation in Central America'.

"4. Amendment No. 6

In amendment (iii), delete the word 'could'.

"5. Amendment No. 7

Reformulate to read as follows:

'Deeply concerned that said measures will not contribute to the economic and social development of Nicaragua and to the goals and objectives of the Contadora process'.

"6. Amendment No. 8

Replace the words 'and in Nicaragua in particular' by the words 'aggravated by the trade embargo against Nicaragua'.

"7. Amendment No. 9

Reformulate to read as follows:

'Reaffirming the sovereignty and inalienable right of Nicaragua and the rest of the States in the region to freely decide on their own political, economic and social system to develop their international relations according to their peoples' interests free from outside interference, subversion, direct or indirect coercion or threats of any kind'.

"8. Amendment No. 10

Reformulate to read as follows:

'Deeply concerned that said trade embargo jeopardizes the principles of free trade and non-discrimination that should prevail among nations'.

"9. Amendment No. 11

In amendment (i), delete the word 'that'; delete amendment (ii).

"10. Amendment No. 12

Insert the words ', in particular,' between the words 'Central America' and the words 'to help reduce', and replace the words 'of the current problems' by the words 'of the trade embargo and other measures imposed against Nicaragua'."

30. The Committee also had before it a revised draft resolution (A/C.2/40/L.89/Rev.1), submitted on behalf of the sponsors listed in para. ____, incorporating the amendments made to draft resolution A/C.2/40/L.89 by the United States of America (see A/C.2/40/L.95, as orally revised, para. 24), as sub-amended by the sponsors (see A/C.2/40/L.102/Rev.1, para. 29).

31. The representative of the United States of America made a statement in which he proposed oral amendments to the revised draft resolution A/C.2/40/L.89/Rev.1 (subsequently issued in document A/C.2/40/L.115), as follows:

"1. At the end of the third preambular paragraph, add the words 'especially the principle that the will of the people expressed in periodic and genuine elections shall be the basis of the authority of Government,'

"2. Insert the following new preambular paragraph between the fourth and fifth preambular paragraphs:

'Recalling also General Assembly resolution 39/204 of 17 December 1984 on assistance to Nicaragua, in which the Assembly urged all Governments to continue contributing to the reconstruction and development of Nicaragua,'

"3. In the sixth preambular paragraph, delete the words 'policies and', and at the end of the paragraph, add the words 'bilateral arrangements, and trading policies and partners, in accordance with international agreements and the relevant principles of international law,'

"4. At the end of the seventh preambular paragraph, add the words 'especially article 21, which expressly permits trade measures a party considers necessary for the protection of its essential security interests,'

"5. Replace the eighth preambular paragraph by the following three paragraphs:

'Recalling also General Assembly resolution 39/4 of 26 October 1984,'

'Urging all States, in particular those with ties to and interests in the region, to respect fully the purposes and principles of the Contadora Act on Peace and Co-operation in Central America,'

'Appealing to all interested States, in and outside the region, to co-operate fully with the Contadora Group through a frank and constructive dialogue, so as to achieve solutions to the differences between them,'

"6. In the ninth preambular paragraph, insert the word 'could' before the words 'adversely affect'

"7. In the tenth preambular paragraph, replace the words 'said measures' by the words 'measures such as the recent declaration of 15 October 1985, suspending civil liberties,' and at the end of the paragraph add the words 'in particular, the goal of national reconciliation,'

"8. In the eleventh preambular paragraph, replace the words 'aggravated by the trade embargo against Nicaragua' by the words 'and in Nicaragua, in particular'

"9. In the fourteenth operative paragraph, replace the words 'said trade embargo jeopardizes' by the words 'trade embargoes inconsistent with the established agreements and relevant principles of international law jeopardize'

"10. In operative paragraph 1, (a) insert the word 'that' after the word 'Regrets'; (b) insert the words 'were considered necessary' after the word 'Nicaragua'; and (c) replace the words 'immediately revoked' by the words 'kept under constant review with a view to their eventual revocation'

"11. End operative paragraph 2 with the words 'Central America;'

"12. Replace existing operative paragraph 3 by the following:

'3. Recommends that Nicaragua continue to receive treatment appropriate to the special needs of the country until the economic situation returns to normal;'

32. The representative of the United States of America then proposed that a separate vote be taken on each of the amendments.

33. The representative of Nicaragua made a statement in which he proposed that no action be taken on the oral amendments introduced by the United States of America and that a decision be taken immediately on revised draft resolution

A/C.2/40/L.89/Rev.1.

/...

34. Following statements by the representatives of Saint Lucia (who proposed that no action be taken on either of the amendments or the revised draft resolution A/C.2/40/L.89/Rev.1), the Union of Soviet Socialist Republics, Democratic Yemen, India, Cuba, Mexico, the United States of America, Pakistan and Canada, as well as a statement by the representative of the Office of Legal Affairs, the Committee proceeded to vote on the motion proposed by Nicaragua, that no action be taken on the oral amendments introduced by the United States of America. The motion was carried by a recorded vote of 50 to 40, with 33 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Angola, Argentina, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Hungary, Iran (Islamic Republic of), Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Peru, Poland, Romania, Swaziland, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: Australia, Bahamas, Barbados, Belgium, Canada, Central African Republic, Chad, Chile, Comoros, Denmark, Finland, France, Gambia, Germany, Federal Republic of, Greece, Grenada, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Norway, Oman, Paraguay, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, Solomon Islands, Spain, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Bangladesh, Bhutan, Brunei Darussalam, Burkina Faso, Burma, Cyprus, Dominican Republic, Ecuador, Egypt, Gabon, Guatemala, India, Indonesia, Iraq, Ivory Coast (Côte d'Ivoire), Liberia, Malaysia, Malta, Nepal, Niger, Pakistan, Papua New Guinea, Philippines, Rwanda, Saudi Arabia, Senegal, Somalia, Sri Lanka, Suriname, Sweden, Yugoslavia, Zaire.

35. The representative of Saint Lucia then made a statement, in which he proposed that no action be taken on the revised draft resolution A/C.2/40/L.89/Rev.1.

36. Following statements by the representatives of Nicaragua, the Union of Soviet Socialist Republics, India, the United States of America, Saint Lucia, Norway, the Bahamas, Papua New Guinea, Mexico, the Solomon Islands and Honduras, as well as by the representative of the Office of Legal Affairs, the Committee proceeded to vote on the motion presented by the representative of Saint Lucia, that no action be taken on revised draft resolution A/C.2/40/L.89/Rev.1. The motion was rejected by a recorded vote of 73 to 25, with 27 abstentions. The voting was as follows:

In favour: Barbados, Belgium, Canada, Central African Republic, Chad, Chile, Gambia, Germany, Federal Republic of, Grenada, Honduras, Israel, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Paraguay, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, Solomon Islands, Somalia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Bahamas, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, France, German Democratic Republic, Ghana, Greece, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Mali, Malta, Mexico, Mongolia, Mozambique, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Poland, Romania, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Abstaining: Austria, Bangladesh, Bhutan, Brunei Darussalam, Burma, Ecuador, Egypt, Gabon, Guatemala, Indonesia, Iraq, Italy, Luxembourg, Malaysia, Nepal, Netherlands, Niger, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Swaziland, Sweden, Thailand, Trinidad and Tobago, Zaire.

37. Statements before the adoption of the revised draft resolution A/C.2/40/L.89/Rev.1 were made by the representatives of the United States of America, Denmark, Norway, Papua New Guinea, Iraq, Canada, Cuba, India, Afghanistan, Bulgaria (also on behalf of the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics), Greece, Singapore, Solomon Islands, Barbados and Israel.

38. The Committee then adopted revised draft resolution A/C.2/40/L.89/Rev.1 by a recorded vote of 84 to 4, with 37 abstentions (see para. 71, draft resolution VI). The voting was as follows: 12/

12/ At the 49th meeting, on 9 December, the representative of Sao Tome and Principe stated that, had his delegation been present at the time of the voting, it would have voted in favour of the revised draft resolution.

/...

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mexico, Mongolia, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Poland, Romania, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Gambia, Grenada, Israel, United States of America.

Abstaining: Barbados, Belgium, Brunei Darussalam, Canada, Central African Republic, Chad, Chile, Ecuador, Gabon, Germany, Federal Republic of, Guatemala, Ireland, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Kuwait, Luxembourg, Nepal, Netherlands, Niger, Oman, Philippines, Portugal, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland.

39. Statements after the adoption of the revised draft resolution were made by the representatives of France, Egypt, the Philippines, Trinidad and Tobago, the Federal Republic of Germany, the Libyan Arab Jamahiriya, the United Kingdom of Great Britain and Northern Ireland, Australia, Austria and Nicaragua.

G. Draft resolution A/C.2/40/L.84

40. At the 45th meeting, on 27 November, the representative of Yugoslavia, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/C.2/40/L.84) entitled "Report of the Trade and Development Board".

"The General Assembly,

"Recalling its resolutions 1995 (XIX) of 30 December 1964 on the establishment of the United Nations Conference on Trade and Development as an organ of the General Assembly, as amended, 13/ 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975 on development and international economic co-operation and 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade,

"Mindful of the forthcoming seventh session of the Conference, which will take place in 1987 and which constitutes a major opportunity for progress in key issues of international economic co-operation for development,

"Noting that the Trade and Development Report, 1985 14/ has made a constructive contribution to the examination by the Trade and Development Board, at its thirty-first session, of the world economic situation and its future prospects,

"1. Takes note of the report of the Trade and Development Board on the work of its thirtieth, fourteenth special and thirty-first sessions; 15/

"2. Requests the United Nations Conference on Trade and Development to continue and accelerate its important contribution and the role it has been playing in the revitalization and strengthening of international economic co-operation for development;

"3. Calls upon all Governments to commence intensive and thorough preparations for the seventh session of the United Nations Conference on Trade and Development."

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

14/ United Nations publication, Sales No. E.85.II.D.16.

15/ Official Records of the General Assembly, Fortieth Session, Supplement No. 15 (A/40/15), vols. I and II.

41. At the 49th meeting, on 9 December, Mr. Soemadi Brotodiningrat (Indonesia), Vice-Chairman of the Committee, made a statement in which he presented the following oral amendments, which had been agreed upon as a result of informal consultations:

(a) In the second preambular paragraph, the words "which will" before the words "take place" were replaced by the word "to", and the words "of international economic co-operation for development" were replaced by the words "in the field of international trade and related areas of international economic co-operation for development";

(b) In operative paragraph 2, the word "accelerate" was replaced by the word "intensify", and the words "international trade and related areas of" were inserted before the words "international economic co-operation for development";

(c) In operative paragraph 3, the words "and the relevant international organizations" were inserted after the word "Governments".

42. The Committee then adopted draft resolution A/C.2/40/L.84, as orally revised (see para. 71, draft resolution VII).

H. Draft resolutions A/C.2/40/L.49 and A/C.2/40/L.117

43. At the 41st meeting, on 21 November, the representative of Zaire introduced a draft resolution (A/C.2/49/L.49) entitled "Particular problems facing Zaire with regard to transport, transit and access to foreign markets", on behalf of Benin, Burundi, Cape Verde, the Central African Republic, Chad, Ecuador, Equatorial Guinea, Gabon, Guinea-Bissau, Madagascar, Mauritania, Morocco, Rwanda, Senegal, Zaire and Zambia, subsequently joined by Argentina, Guinea, the Niger, Peru and Uganda. The draft resolution read as follows:

"The General Assembly,

"Referring to its resolution 32/160 of 19 December 1977, in which it recalled Economic and Social Council resolution 2097 (LXIII) of 29 July 1977 and proclaimed the period 1978-1988 the Transport and Communications Decade in Africa,

"Referring also to its resolutions 34/193 of 19 December 1979, 35/59 of 5 December 1980, 36/139 of 16 December 1981, 37/205 of 20 December 1982 and 38/143 of 19 December 1983 on particular problems facing Zaire with regard to transport, transit and access to foreign markets, and approving the organization in 1985 of a second round-table meeting with donor countries and financing institutions for Zaire's projects in these three fields,

"Recalling resolution 110 (V) of 3 June 1979, 16/ of the United Nations Conference on Trade and Development,

^{16/} See Proceedings of the United Nations Conference on Trade and Development, Fifth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.79.II.D.14), part one, sect. A.

"Recalling also Economic and Social Council decision 249 (LXIII) of 25 July 1977 and resolution 1981/68 of 24 July 1981, as well as resolution 293 (XIII) of 26 February 1977 adopted by the Conference of Ministers of the Economic Commission for Africa, 17/

"Having considered the report of the Secretary-General on the outcome of the first round-table meeting on the financing of the transport projects of Zaire, held at Kinshasa on 28 and 29 June 1983, 18/

"1. Requests the Secretary-General to take the necessary steps to arrange for the holding of the second round-table meeting scheduled for that purpose;

"2. Also requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the implementation of the present resolution."

44. At the 50th meeting, on 11 December, the Committee had before it a draft resolution (A/C.2/40/L.117), submitted by Mr. Soemadi Brotodiningrat (Indonesia), Vice-Chairman of the Committee, on the basis of informal consultations held on draft resolution A/C.2/40/L.49.

45. At the same meeting, the Committee adopted draft resolution A/C.2/40/L.117 (see para. 71, draft resolution VIII).

46. In the light of the adoption of draft resolution A/C.2/40/L.117, draft resolution A/C.2/40/L.49 was withdrawn by its sponsors.

47. After the adoption of the draft resolution, the representative of Zaire made a statement.

I. Draft resolution A/C.2/40/L.31 and Rev.1

48. At the 31st meeting, on 12 November, the representative of Yugoslavia, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/C.2/40/L.31) entitled "Reverse transfer of technology", which read as follows:

"The General Assembly,

"Recalling its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, 3281 (XXIX) of 12 December 1974, 3362 (S-VII) of 16 September 1975, 35/56 of 5 December 1980 and the relevant resolutions on the reverse transfer of technology,

17/ See Official Records of the Economic and Social Council, Sixty-third Session, Supplement No. 7, vol. I (E/5941), part III.

18/ A/38/264-E/1983/90/Add.1.

"Continuing to believe that since the outflow of qualified personnel from developing to developed countries seriously hampers the development of the former, there is an urgent need to formulate national and international policies to avoid the "brain drain" and to obviate its adverse effects,

"Convinced that the search for durable solutions to the problem of the reverse transfer of technology requires the full participation of all parties concerned,

"1. Takes note of the report of the Inter-Agency Group on Reverse Transfer of Technology covering meetings held at Geneva on 24 and 25 June 1985; 19/

"2. Takes note also of the outcome of the Third Meeting of Governmental Experts on the Reverse Transfer of Technology, held at Geneva from 26 August to 4 September 1985; 20/

"3. Requests the Secretary-General of the United Nations Conference on Trade and Development to convene a meeting of governmental experts not later than the first quarter of 1987, to consider and formulate an integrated programme of action on the reverse transfer of technology and to recommend the modalities for its implementation, taking into account the work done so far by governmental expert meetings and other relevant material and the views of all parties concerned;

"4. Requests the Secretary-General of the United Nations Conference on Trade and Development to continue to study the problem of the reverse transfer of technology and to prepare, in co-operation with the International Labour Office and other relevant organizations, the necessary documentation on an integrated programme of action on the reverse transfer of technology to be submitted to the meeting of governmental experts to be held in 1987, taking into account, inter alia, the work accomplished by the first three meetings of governmental experts and the comments and views of all parties concerned;

"5. Requests the Trade and Development Board to include, in its report to the General Assembly at its forty-second session, a section on the outcome of the meeting of governmental experts on the reverse transfer of technology to be held in 1987;

"6. Requests the Secretary-General to convene further meetings of the Inter-Agency Group on Reverse Transfer of Technology and to report on the results of these meetings to the General Assembly at its forty-second session."

19/ A/40/798, annex.

20/ See A/40/15 (vol. II), annex III.

49. At the 50th meeting, on 11 December, the Committee had before it a revised draft resolution (A/C.2/40/L.31/Rev.1 (see also A/C.2/40/L.31/Rev.1/Corr.1)), submitted by the sponsors listed in paragraph 48.

50. Mr. Soemadi Brotodiningrat (Indonesia), Vice-Chairman of the Committee, made a statement in which he informed the Committee of the outcome of the informal consultations held on the draft resolution.

51. The representative of the United States of America made a statement in which he requested that a recorded vote be taken on the revised draft resolution.

52. Statements were made by the representatives of the Union of Soviet Socialist Republics and Yugoslavia (on behalf of States Members of the Group of 77).

53. At the same meeting, the Committee adopted revised draft resolution (A/C.2/40/L.31/Rev.1) by a recorded vote of 127 to 1 (see para. 71, draft resolution IX). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

54. Statements after the vote were made by the representatives of Bulgaria (also on behalf of the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian Soviet Republic and the Union of Soviet Socialist Republics), the United Kingdom of Great Britain and Northern Ireland, Yugoslavia (on behalf of the States Members of the Group of 77) and Canada.

/...

J. Draft resolutions A/C.2/40/L.92 and A/C.2/40/L.127

55. At the 46th meeting, on 3 December, the representative of Yugoslavia, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/C.2/40/L.92) entitled "United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices", which read as follows:

"The General Assembly,

"Having considered the report of the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, together with the proposals made by regional groups, 21/

"Decides to reconvene the Conference at Geneva in the autumn of 1986, for a period of two weeks, to complete the review of all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices 22/ and to make recommendations for its improvement and further development."

56. A statement by the Secretary-General on the programme budget implications of draft resolution A/C.2/40/L.92 was circulated in document A/C.2/40/L.105.

57. At the 51st meeting, on 13 December, the Committee had before it a draft resolution (A/C.2/40/L.127), submitted by Mr. Soemadi Brotodiningrat (Indonesia), Vice-Chairman of the Committee, on the basis of informal consultations held on draft resolution A/C.2/40/L.92.

58. The Committee was informed that the programme budget implications contained in document A/C.2/40/L.105 did not apply to draft resolution A/C.2/40/L.127.

59. The Committee then adopted draft resolution A/C.2/40/L.127 (see para. 71, draft resolution X).

60. In the light of the adoption of draft resolution A/C.2/40/L.127, draft resolution A/C.2/40/L.92 was withdrawn by its sponsors.

K. Draft resolution A/C.2/40/L.114 and amendments thereto
contained in document A/C.2/40/L.128

61. At the 49th meeting, on 9 December, the representative of Australia introduced a draft resolution (A/C.2/40/L.114) entitled "International trade", on behalf of Australia, Canada and New Zealand, which read as follows:

21/ See A/C.2/40/12, annex.

22/ United Nations publication, Sales No. E.81.II.D.5, sect. IV.

"The General Assembly,

"Welcoming the decision of the Contracting Parties to the General Agreement on Tariffs and Trade to establish a preparatory committee to determine the objectives, subject-matter, modalities for and participation in the new round of multilateral trade negotiations,

"Urges all countries to oppose protectionist pressures, to dismantle trade barriers and to strengthen the open multilateral trading system."

62. Statements were made by the representatives of India and Canada.

63. At the 51st meeting, on 13 December, the Committee had before it amendments to draft resolution A/C.2/40/L.114 submitted by Yugoslavia, on behalf of the States Members of the United Nations that are members of the Group of 77, contained in document A/C.2/40/L.128, which read as follows:

"1. In the preambular paragraph, replace the word 'Welcoming' by the words 'Taking note' and add the following at the end of the paragraph: 'taking into account the elements of 1982 ministerial programme and the views expressed in the group of senior officials'

"2. Replace the operative paragraph by the following text:

'1. Reaffirms that the principle of preferential and more favourable treatment to developing countries should be effectively fulfilled on a non-reciprocal basis;

'2. Urges developed countries to implement, within a specified time-frame, the commitments undertaken by them on standstill and rollback of protectionism at the 1982 ministerial meeting of GATT and at the sixth session of the United Nations Conference on Trade and Development;

'3. Recommends that appropriate and urgent measures should be taken to achieve greater stability in exchange rates, particularly for currencies widely used in international trade, whose misalignment has increased the uncertainty in the world economy, magnifying financial risks in the trade sector and encouraging new protectionist trends;

'4. Urges also an end to the continuing violation by developed countries of the rules, norms and principles of the international trading system, including the use of subsidies, the proliferation of protectionist measures and trading arrangements outside of, and inconsistent with GATT;

'5. Stresses in this regard the need to reach a comprehensive agreement on safeguard measures, on the basis of GATT principles, which ensures the temporary nature of safeguard actions and the setting-up of clear time-limits of phasing out such existing measures inconsistent with GATT provisions.'

64. At the same meeting, the representative of Canada made a statement in which he withdrew draft resolution A/C.2/40/L.114 on behalf of the sponsors.

65. The representative of Yugoslavia, on behalf of the States Members of the Group of 77, consequently withdrew the amendments to draft resolution A/C.2/40/L.114, contained in document A/C.2/40/L.128.

L. Draft resolution A/C.2/40/L.81

66. At the 45th meeting, on 27 November, the representative of Yugoslavia introduced, on behalf of the States Members of the United Nations that are members of the Group of 77, a draft resolution (A/C.2/40/L.81) entitled "Commodities", which read as follows:

"The General Assembly,

"Recalling its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975 on development and international economic co-operation, and 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade,

"Recalling also resolutions 93 (IV) of 30 May 1976, 23/ 124 (V) of 3 June 1979 24/ and 155 (VI) and 156 (VI) of 2 July 1983, 25/ concerning the Integrated Programme for Commodities, and 153 (VI) of 2 July 1983 25/ on the Common Fund for Commodities, adopted by the United Nations Conference on Trade and Development at its fourth, fifth and sixth sessions,

"Reiterating its deep concern at the slow pace of progress to bring the Common Fund for Commodities into operation, owing to the lack of ratification of the Agreement establishing the Fund, 26/ particularly by some major commodity exporting or importing countries, as well as those accounting for a significant share of the capital of the Fund,

23/ See Proceedings of the United Nations Conference on Trade and Development, Fourth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.76.II.D.10 and corrigendum), part one, sect. A.

24/ Ibid., Fifth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.79.II.D.14), part one, sect. A.

25/ Ibid., Sixth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.83.II.D.6), part one, sect. A.

26/ United Nations publication, Sales No. E.81.II.D.8.

"Expressing deep concern at the present state of world trade in commodities, which is characterized basically by market instability and market structures detrimental to the interests of developing countries, excessive and continuing deterioration in prices, the virtual non-participation of the developing countries in the processing, distribution and marketing of their commodities and the existing serious problems confronting the international commodity agreements such as the sugar, tin and cocoa agreements, thus placing commodity trade in a cycle of severe and unpredictable fluctuations to the detriment of both producers and consumers,

"Noting with serious concern the adverse social and economic impact of depressed prices on commodity producers, in particular those in the developing countries,

"Recognizing the major responsibility of developed countries with regard to commodity trade liberalization,

"Emphasizing that significant improvement in international commodity trade can only be effected by urgent and concerted international action based on the mutuality of interest between producers and consumers, in accordance with the objectives of the Integrated Programme for Commodities,

"Mindful of the approaching seventh session of the United Nations Conference on Trade and Development, which will be held in 1987 and which constitutes a major opportunity for progress in key issues of international economic co-operation for development,

"1. Stresses the need for urgent action to address the deteriorating situation of the developing countries in the field of commodities;

"2. Reaffirms the importance of the Common Fund for Commodities, and urges States that have not yet done so to sign and ratify the Agreement establishing the Fund without any further delay so that the Common Fund can become operational, thus contributing to the full implementation of the Integrated Programme for Commodities;

"3. Calls upon developed countries to refrain from instituting new barriers to the importation of commodities or strengthening existing ones and to take systematic action for the elimination of all existing barriers and subsidies so as to permit freer access to their markets of commodities, in primary forms as well as semi-processed and processed forms, thus, inter alia, reducing the costs to consumers of end-products;

"4. Also calls upon producing and consuming countries, particularly those participating in international commodity agreements, which face particular constraints on their effective operation to meet as soon as possible, in accordance with their established procedures, to work out both short-term and medium-term solutions to the problems affecting commodity markets, including measures to restore prices to levels remunerative to producers and equitable to consumers, which would ultimately facilitate the implementation of the Integrated Programme for Commodities;

/...

"5. Appeals to producing and consuming countries to undertake measures designed to promote effective international co-operation in commodity trade, in accordance with the objectives and principles of the Integrated Programme for Commodities, inter alia, through their participation in international commodity agreements;

"6. Calls upon States to enhance international co-operation leading to the greater participation of the developing countries in the processing, distribution and marketing of commodities;

"7. Welcomes Trade and Development Board decision 317 (S-XIV) of 27 June 1985 27/ on compensatory financing of export earnings shortfalls, and urges States to pursue its implementation;

"8. Requests the Secretary-General of the United Nations Conference on Trade and Development, in co-operation with relevant organs of the United Nations system, to continue to examine long-term trends and prospects for primary commodities with a view to recommending policy measures to facilitate and support efforts undertaken by producer developing countries to maximize the contribution of commodity trade to their development on a long-term basis;

"9. Also requests the Secretary-General of the United Nations Conference on Trade and Development to continue to monitor closely movements in international commodity trade and the progress in the implementation of the present resolution and to report thereon to the General Assembly at its forty-first session."

67. For action on draft resolution A/C.2/40/L.81, see A/C.2/40/989/Add.14 (para. 27).

M. Draft resolution A/C.2/40/L.8

68. By its decision 39/432 of 18 December 1984, the General Assembly decided to refer to its fortieth session for consideration a draft resolution entitled "Protectionism and structural adjustment" (see A/C.2/40/L.8).

69. At its 49th meeting, on 9 December, on the proposal of the Chairman, the Committee decided to recommend that the General Assembly should refer to its forty-first session for consideration the text of the draft resolution contained in document A/C.2/40/L.8 (see para. 72, draft decision I).

N. Draft decision

70. At the 52nd meeting, on 16 December, on the proposal of the Chairman, the Committee decided to recommend that the General Assembly take note of the report of the Secretary-General on the Status of the Agreement Establishing the Common Fund for Commodities" (A/40/717) (see para. 72, draft decision II).

27/ See Official Records of the General Assembly, Fortieth Session, Supplement No. 15 (A/40/15), vol. I, part two, sect. II.

III. RECOMMENDATIONS OF THE SECOND COMMITTEE

71. The Second Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Specific action related to the particular needs and problems of land-locked developing countries

The General Assembly,

Reiterating the specific actions related to the particular needs of the land-locked developing countries stated in resolutions 63 (III) of 19 May 1972, 28/ 98 (IV) of 31 May 1976, 29/ 123 (V) of 3 June 1979 30/ and 137 (VI) of 2 July 1983 31/ of the United Nations Conference on Trade and Development, and Trade and Development Board resolution 319 (XXXI) of 27 September 1985, 32/

Recalling the provisions of its resolutions 31/157 of 21 December 1976, 32/191 of 19 December 1977, 33/150 of 20 December 1978, 34/198 of 19 December 1979, 35/58 of 5 December 1980, 36/175 of 17 December 1981 and 39/209 of 18 December 1984 and other resolutions of the United Nations relating to the particular needs and problems of land-locked developing countries,

Bearing in mind various other resolutions adopted by the General Assembly, its related organs and the specialized agencies that emphasize special and urgent measures in favour of land-locked developing countries,

Recalling the relevant provisions of the International Development Strategy for the Third United Nations Development Decade, 33/

28/ See Proceedings of the United Nations Conference on Trade and Development, Third Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.73.II.D.4), annex I.A.

29/ Ibid., Fourth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.76.II.D.10 and corrigendum), part one, sect. A.

30/ Ibid., Fifth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.79.II.D.14), part one, sect. A.

31/ Ibid., Sixth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.83.II.D.6), part one, sect. A.

32/ See A/40/15 (vol. II), sect. I.

33/ See resolution 35/56, annex.

/...

Recalling the United Nations Convention on the Law of the Sea, 34/ adopted on 10 December 1982,

Bearing in mind the report of the Ad Hoc Group of Experts to Study Ways and Means of Improving Transit-transport Infrastructures and Services for Land-locked Developing Countries, 35/

Recognizing that the lack of territorial access to the sea, aggravated by remoteness and isolation from world markets, and the prohibitive transit, transport and trans-shipment costs impose serious constraints on the socio-economic development of land-locked developing countries,

Noting with concern that the measures taken thus far have not adequately addressed the problems of land-locked developing countries,

1. Reaffirms the right of access of land-locked countries to and from the sea and freedom of transit through the territory of transit States by all means of transport, in accordance with article 125 of the United Nations Convention on the Law of the Sea;
2. Appeals to all States, international organizations and financial institutions to implement, as a matter of urgency and priority, the specific actions related to the particular needs and problems of land-locked developing countries envisaged in resolutions 63 (III), 98 (IV), 123 (V) and 137 (VI) of the United Nations Conference on Trade and Development, in the International Development Strategy for the Third United Nations Development Decade, in the Substantial New Programme of Action for the 1980s for the Least Developed Countries 36/ and in other relevant resolutions of the United Nations;
3. Urges all concerned countries, as well as international organizations, to provide land-locked developing countries with appropriate financial and technical assistance in the form of grants or concessional loans for the construction, maintenance and improvement of their transport and transit infrastructures and facilities;
4. Urges also the international community and multilateral and bilateral financial institutions to intensify efforts in raising the net flow of resources to all land-locked developing countries to help offset the

34/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

35/ Official Records of the Trade and Development Board, Twenty-ninth Session, Annexes, agenda item 6, document TD/B/1002.

36/ Report of the United Nations Conference on the Least Developed Countries, Paris, 1-14 September 1981 (United Nations publication, Sales No. E.82.I.8), part one, sect. A.

adverse effects of their disadvantageous geographical situation on their economic development efforts, in keeping with the overall development needs of each land-locked developing country;

5. Invites transit countries and the land-locked developing countries to co-operate effectively in harmonizing transport planning and in promoting other joint ventures in the field of transport at the regional, subregional and bilateral levels;

6. Further invites the international community to give financial, technical and other support to interested transit and land-locked developing countries in the construction of alternative routes to the sea;

7. Commends the United Nations Development Programme, the United Nations Conference on Trade and Development and other United Nations agencies for their work and the assistance they have provided to the land-locked developing countries and invites them to continue to take appropriate and effective measures to respond to the specific needs of those countries;

8. Recommends continued and intensified activities relating to the conducting of necessary studies and the implementation of special actions and specific measures for the land-locked developing countries, including those in the area of economic co-operation among developing countries, as well as those that have been envisaged in the programme of work of the United Nations Conference on Trade and Development, the regional commissions and other programmes and activities at the regional and subregional levels;

9. Once again requests Member States to transmit to the Secretary-General of the United Nations Conference on Trade and Development their views and comments on the report of the Ad Hoc Group of Experts to Study Ways and Means of Improving Transit-transport Infrastructures and Services for Land-locked Developing Countries;

10. Welcomes the report of the Secretary-General of the United Nations Conference on Trade and Development on progress in the implementation of specific action related to the particular needs and problems of land-locked developing countries, 37/ submitted pursuant to resolution 39/209, and requests him to prepare another such report for submission to the General Assembly at its forty-second session.

DRAFT RESOLUTION II

International code of conduct on the transfer of technology

The General Assembly,

Recalling its resolution 38/153 of 19 December 1983,

Taking note of the decision adopted by the United Nations Conference on an International Code of Conduct on the Transfer of Technology at its sixth session, 38/ in which it requested the General Assembly to take the measures necessary for further action, including the possible reconvening of negotiations on an international code of conduct on the transfer of technology,

1. Notes that progress has been made in the negotiations on an international code of conduct on the transfer of technology but that there are still important problems outstanding;
2. Further notes that at the sixth session of the United Nations Conference on an International Code of Conduct on the Transfer of Technology, progress was made in identifying common ground, as well as divergences, in respect of the issues outstanding in chapter 4 of the draft code, on restrictive practices, and in chapter 9, on applicable law and settlement of disputes;
3. Believes that further work, continuing the genuine efforts made by all parties concerned, is required to search for possible solutions to the outstanding issues in order to complete successfully the negotiations on a code of conduct;
4. Invites the Secretary-General of the United Nations Conference on Trade and Development and the President of the Conference to consult, as appropriate, with regional groups and Governments, taking into account the need for balanced geographical representation, with a view to identifying appropriate solutions to the issues outstanding in the code of conduct;
5. Further invites the Secretary-General of the United Nations Conference on Trade and Development to report to the General Assembly at its forty-first session on the progress made in the consultations referred to in paragraph 4 above and decides to take, at that session, further action on the negotiations on an international code of conduct on the transfer of technology.

38/ See TD/CODETOT/49.

DRAFT RESOLUTION III

Economic measures as a means of political and economic coercion against developing countries

The General Assembly,

Recalling the relevant principles set forth in the Charter of the United Nations,

Recalling also its resolutions 2625 (XXV) of 24 October 1970, containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Reaffirming article 32 of the Charter of Economic Rights and Duties of States, which declares that no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Bearing in mind the general principles governing international trade and trade policies for development contained in its resolution 1995 (XIX) of 30 December 1964, resolution 152 (VI) of 2 July 1983 of the United Nations Conference on Trade and Development 39/ entitled "Rejection of coercive economic measures", and the principles and rules of the General Agreement on Tariffs and Trade and paragraph 7 (iii) of the Ministerial Declaration adopted on 29 November 1982 by the Contracting Parties of the General Agreement on Tariffs and Trade at their thirty-eighth session, 40/

Reaffirming its resolutions 38/197 of 20 December 1983 and 39/210 of 18 December 1984,

Taking note of the report of the Secretary-General on the adoption and effects of economic measures taken by developed countries for coercive purposes, including their impact on international economic relations, 41/ and considering that further work should be undertaken in order to implement resolutions 38/197 and 39/210,

39/ See Proceedings of the United Nations Conference on Trade and Development, Sixth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.83.II.D.6), part one, sect. A.

40/ See General Agreement on Tariffs and Trade, Basic Instruments and Selected Documents, Supplement No. 29 (Sales No. GATT/1983-1), document L/5424.

41/ A/40/596.

Gravely concerned that the use of coercive measures adversely affects the economies and development efforts of developing countries and that, in some cases, those measures have worsened, creating a negative impact on international economic co-operation,

1. Deplores the fact that some developed countries continue to apply and, in some cases, have increased the scope and magnitude of economic measures that have the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of developing countries subject to those measures;
2. Reaffirms that developed countries should refrain from threatening or applying trade restrictions, blockades, embargoes and other economic sanctions, incompatible with the provisions of the Charter of the United Nations and in violation of undertakings contracted, multilaterally and bilaterally, against developing countries as a form of political and economic coercion which affects their economic, political and social development;
3. Requests the Secretary-General to prepare a comprehensive, in-depth report on the economic measures mentioned in paragraph 2 above, taken by developed countries for coercive purposes, including their impact on international economic relations, with a view to appraising the economic effects of such measures on the development and development prospects of affected developing countries and with a view to assisting in concrete international action against those measures, and to submit that report to the General Assembly at its forty-first session;
4. Also requests the Secretary-General, in preparing the comprehensive in-depth report, to request further comments from Governments and inputs from competent organizations of the United Nations system, particularly the United Nations Conference on Trade and Development, the regional commissions and those specialized agencies that have received information on the application of economic coercive measures against developing countries;
5. Appeals to Governments and to the pertinent international organizations to provide the necessary information to the Secretary-General, as requested in paragraph 4 above.

DRAFT RESOLUTION IV

Preferential Trade Area for Eastern and Southern African States

The General Assembly,

Recalling its resolutions 3362 (S-VII) of 16 September 1975 on development and international economic co-operation and 36/180 of 17 December 1981, in which the international community was invited to apply special measures for the social and economic development of Africa in the 1980s,

Recalling also its resolution 37/139 of 17 December 1982, in which it, inter alia, called upon donor Governments and organs, organizations and bodies of the United Nations system to provide substantial resources for promoting the accelerated development of African countries and the effective implementation of the Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Economic Development of Africa 42/ and the Final Act of Lagos, 43/

Appreciating in this regard the establishment of the Preferential Trade Area for Eastern and Southern African States in December 1981,

Noting the progress made in the reduction of tariffs among member States to stimulate growth and development in the area, in the launching of clearance and payments arrangements and in the measures taken to intensify co-operation among member States in the agricultural, industrial, educational, cultural and other sectors, with a view to creating an economic community of the eastern and southern African States by the year 1992,

1. Invites donor Governments to provide substantial financial and technical assistance to the Preferential Trade Area for Eastern and Southern African States to accelerate its development into an economic community;
2. Invites also the United Nations Development Programme to continue to make resources available to the Preferential Trade Area from its regional indicative planning figures on an urgent basis;
3. Calls upon international financial institutions, particularly the World Bank, the International Development Association, the International Fund for Agricultural Development and the African Development Bank, to provide immediate assistance to the Preferential Trade Area;
4. Invites the organs, organizations and bodies of the United Nations system to take into account in their work programmes co-operation with the Preferential Trade Area;
5. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

42/ A/S-11/14, annex I.

43/ Ibid., annex II.

DRAFT RESOLUTION V

United Nations Conference on Conditions for
Registration of Ships

The General Assembly,

Recalling its resolutions 37/209 of 20 December 1982, 39/213 A of 18 December 1984 and 39/213 B of 12 April 1985,

Recognizing the very substantial progress achieved by the United Nations Conference on Conditions for Registration of Ships during the third part of its session held from 8 to 19 July 1985, in particular with respect to the crucial issues before the Conference,

Recognizing that there is a need to resume the Conference for a further period of three weeks in order to enable it to complete its work,

1. Endorses resolution 3 of 19 July 1985 of the United Nations Conference on Conditions for Registration of Ships; 44/

2. Decides to reconvene the Conference for the fourth part of its session at Geneva for a period of three weeks from 20 January to 7 February 1986;

3. Requests the Secretary-General of the United Nations Conference on Trade and Development to make all the necessary arrangements for holding the fourth part of the session of the Conference;

4. Also requests the Secretary-General of the United Nations Conference on Trade and Development to report on the outcome of the Conference to the General Assembly at its forty-first session.

DRAFT RESOLUTION VI

Trade embargo against Nicaragua

The General Assembly,

Recalling the relevant purposes and principles set forth in the Charter of the United Nations,

Reaffirming the fundamental principles that govern relations among the States of the international community,

44/ TD/RS/CONF/19, annex II.

Recalling the Universal Declaration of Human Rights, 45/

Recalling Security Council resolution 562 (1985) of 10 May 1985,

Recalling also General Assembly resolution 2625 (XXV) of 24 October 1970, in particular the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations,

Reaffirming that each country has the sovereign right to choose its own development policies and strategies,

Recalling all relevant articles of the General Agreement on Tariffs and Trade,

Recalling also General Assembly resolution 39/4 of 26 October 1984, in which the Assembly encouraged the efforts of the Contadora Group and all interested States, in particular those with ties to and interests in the region, to respect fully the purposes and principles of the Contadora Act on Peace and Co-operation in Central America of 7 September 1984, 46/

Concerned that the unilateral trade embargo and other measures imposed on Nicaragua on 1 May 1985, which have been extended and broadened as from 1 November 1985, adversely affect the economy of the country, specifically its trade, and consequently its development plans,

Deeply concerned that said measures will not contribute to the economic and social development of Nicaragua and to the goals and objectives of the Contadora process,

Recalling the widespread concern expressed by the international community about the situation in Central America, aggravated by the trade embargo against Nicaragua,

Considering that the international community is unanimous in contributing to the economic and social progress of the countries of the area and to the reinforcing of the process of economic integration of the area, in order to contribute to the quest for a negotiated political solution to the regional crisis,

Reaffirming the sovereignty and inalienable right of Nicaragua and the rest of the States in the region to decide freely on their own political, economic and social systems, to develop their international relations according to their people's interests, free from outside interference, subversion, direct or indirect coercion or threats of any kind,

45/ Resolution 217 A (III).

46/ Official Records of the Security Council, Thirty-ninth Year, Supplement for July, August and September 1984, document S/16775, annex.

Deeply concerned that said trade embargo jeopardizes the principles of free trade and non-discrimination that should prevail among nations,

1. Regrets the recent trade embargo and other measures imposed against Nicaragua and requests that those measures be immediately revoked;
2. Invites all States to promote and take concrete actions of co-operation in the economic and technological spheres in Central America, in particular to help reduce the negative effects of the trade embargo and other measures imposed against Nicaragua and to contribute to economic and social development and to regional economic integration;
3. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

DRAFT RESOLUTION VII

Report of the Trade and Development Board

The General Assembly,

Recalling its resolutions 1995 (XIX) of 30 December 1964 on the establishment of the United Nations Conference on Trade and Development as an organ of the General Assembly, as amended, 47/ 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975 on development and international economic co-operation and 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade,

Mindful of the forthcoming seventh session of the Conference, to take place in 1987 and which constitutes a major opportunity for progress in key issues in the field of international trade and related areas of international economic co-operation for development,

Noting that the Trade and Development Report, 1985 48/ has made a constructive contribution to the examination by the Trade and Development Board, at its thirty-first session, of the world economic situation and its future prospects,

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

48/ United Nations publication, Sales No. E.85.II.D.16.

1. Takes note of the report of the Trade and Development Board on the work of its thirtieth, fourteenth special and thirty-first sessions; 49/
2. Requests the United Nations Conference on Trade and Development to continue and intensify its important contribution and the role it has been playing in the revitalization and strengthening of international trade and related areas of international economic co-operation for development;
3. Calls upon all Governments and the relevant international organizations to commence intensive and thorough preparations for the seventh session of the United Nations Conference on Trade and Development.

DRAFT RESOLUTION VIII

Particular problems facing Zaire with regard to transport, transit and access to foreign markets

The General Assembly,

Referring to its resolution 32/160 of 19 December 1977, in which it recalled Economic and Social Council resolution 2097 (LXIII) of 29 July 1977 and proclaimed the period 1978-1988 the Transport and Communications Decade in Africa,

Referring also to its resolutions 34/193 of 19 December 1979, 35/59 of 5 December 1980, 36/139 of 16 December 1981, 37/205 of 20 December 1982 and 38/143 of 19 December 1983 on particular problems facing Zaire with regard to transport, transit and access to foreign markets, and approving the organization in 1985 of a second round-table meeting with donor countries and financing institutions for Zaire's projects in these three fields,

Recalling resolution 110 (V) of 3 June 1979 50/ of the United Nations Conference on Trade and Development,

Recalling also Economic and Social Council decision 249 (LXIII) of 25 July 1977 and resolution 1981/68 of 24 July 1981, as well as resolution 293 (XIII) of 26 February 1977 adopted by the Conference of Ministers of the Economic Commission for Africa, 51/

49/ Official Records of the General Assembly, Fortieth Session, Supplement No. 15 (A/40/15), vols. I and II.

50/ See Proceedings of the United Nations Conference on Trade and Development, Fifth Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.79.II.D.14), part one, sect. A.

51/ See Official Records of the Economic and Social Council, Sixty-third Session, Supplement No. 7, vol. I (E/5941), part three.

Bearing in mind the report of the Secretary-General on the outcome of the first round-table meeting on the financing of the transport projects of Zaire, held at Kinshasa on 28 and 29 June 1983, 52/

1. Requests the Secretary-General to take the necessary steps to ensure that the programme submitted to the first round-table meeting on the financing of the transport projects of Zaire, held in 1983, as updated, is again submitted to donors and financial institutions before the forty-first session of the General Assembly, through a second round-table meeting or any other appropriate mechanism;

2. Also requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the implementation of the present resolution.

DRAFT RESOLUTION IX

Reverse transfer of technology

The General Assembly,

Recalling its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, 3281 (XXIX) of 12 December 1974, 3362 (S-VII) of 16 September 1975, 35/56 of 5 December 1980 and the relevant resolutions on the reverse transfer of technology,

Continuing to believe that since the outflow of skilled personnel from developing countries seriously hampers their development, there is an urgent need to formulate national and international policies to avoid the "brain drain" and to obviate its adverse effects,

Convinced that the search for durable solutions to the problem of the reverse transfer of technology requires the full participation of all parties concerned,

1. Takes note of the report of the Inter-Agency Group on Reverse Transfer of Technology covering meetings held at Geneva on 24 and 25 June 1985; 53/

2. Takes note also of the outcome of the Third Meeting of Governmental Experts on the Reverse Transfer of Technology, held at Geneva from 26 August to 4 September 1985; 54/

52/ A/38/264/Add.1-E/1983/90/Add.1.

53/ A/40/798, annex.

54/ See A/40/15 (vol. II), annex III.

3. Requests the Secretary-General of the United Nations Conference on Trade and Development to convene a meeting of governmental experts to review the current situation with respect to all aspects of the international migration of skilled personnel from developing countries; the governmental experts should focus, in their study, scale and effect of such flows, taking into account the concerns of all parties, with a view to proposing to the Conference and, as appropriate, other international organizations, further work that they may carry out to mitigate adverse consequences of this phenomenon, especially as it affects the developing countries, also taking into account, as appropriate, the work done thus far by governmental expert groups and any other relevant material;

4. Also requests the Secretary-General of the United Nations Conference on Trade and Development to prepare studies providing:

(a) A review of the existing situation with respect to the international migration of skilled personnel from developing countries based on the most recently available and generally acceptable statistics;

(b) A comprehensive bibliography of current literature in this field;

5. Recommends that the Secretary-General of the United Nations Conference on Trade and Development should invite all interested United Nations organs and bodies and other appropriate international organizations to participate in the preparation of the studies and in the work of the meeting of governmental experts;

6. Requests the Secretary-General of the United Nations Conference on Trade and Development to report on the outcome of the meeting to the General Assembly at its forty-second session, through the Trade and Development Board;

7. Requests the Secretary-General to convene further meetings of the Inter-Agency Group on Reverse Transfer of Technology and to report on the results of those meetings to the General Assembly at its forty-second session.

DRAFT RESOLUTION X

United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

The General Assembly,

Having considered the report of the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, together with the proposals made by regional groups, 55/

55/ See A/C.2/40/12, annex.

Invites the Secretary-General of the United Nations Conference on Trade and Development and the President of the Conference to undertake consultations, as appropriate, with regional groups and Governments on the reconvening of the Conference at Geneva and to report thereon to the General Assembly at the earliest opportunity.

* * *

72. The Second Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Protectionism and structural adjustment

The General Assembly decides to refer to its forty-first session for consideration the draft resolution entitled "Protectionism and structural adjustment". 56/

DRAFT DECISION II

Status of the Agreement Establishing the Common
Fund for Commodities

The General Assembly decides to take note of the report of the Secretary-General on the status of the Agreement Establishing the Common Fund for Commodities. 57/

56/ A/C.2/40/L.8.

57/ A/40/717.