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PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF
INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL
ECONOMIC ORDER

Report of the Sixth Committee

Rapporteur: Mr. José María CASTROVIEJO (Spain)

I. INTRODUCTION

1. The item entitled "Progressive development of the principles and norms of international law relating to the new international economic order: report of the Secretary-General" was included in the provisional agenda of the forty-first session of the General Assembly pursuant to paragraph 3 of General Assembly resolution 40/67 of 11 December 1985.
2. On the recommendation of the General Committee, the General Assembly, at its 3rd plenary meeting, on 20 September 1986, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it a report of the Secretary-General (A/41/536). The Committee also had before it a letter dated 24 November 1986 from the Deputy Minister for Foreign Affairs and Deputy Head of the delegation of the Union of Soviet Socialist Republics to the forty-first session of the General Assembly addressed to the Secretary-General (A/C.6/41/5).
4. The Sixth Committee considered the item at its 47th to 49th meetings and at its 54th meeting, held between 18 and 20 November, and on 26 November 1986. The summary records of those meetings (A/C.6/41/SR.47-49 and 54) contain the views of representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/41/L.22

5. At the 54th meeting, on 26 November 1986, the representative of the Philippines introduced and orally revised a draft resolution (A/C.6/41/L.22) sponsored by Cuba, Egypt, India, Jamaica, Kenya, Mexico, Pakistan, the Philippines, Senegal, Tunisia, and Venezuela, later joined by Colombia, Romania and Zambia.

6. The draft resolution, as orally revised, read as follows:

"The General Assembly,

"Bearing in mind that, in accordance with the Charter of the United Nations, the General Assembly is called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

"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 (XLIX) 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 its resolutions 34/150 of 17 December 1979 and 35/166 of 15 December 1980, entitled 'Consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order', and its resolutions 36/107 of 10 December 1981, 37/103 of 16 December 1982, 38/128 of 19 December 1983, 39/75 of 13 December 1984 and 40/67 of 11 December 1985, entitled: 'Progressive development of the principles and norms of international law relating to the new international economic order',

"Bearing in mind the urgent need to adopt measures to reactivate the process of international economic co-operation and the negotiations undertaken for that purpose, particularly in view of the economic difficulties encountered by the developing countries,

"Considering the close link between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework,

"Recognizing the need for the codification and progressive development of the principles and norms of international law relating to the new international economic order,

"Reiterating the importance of the analytical study submitted to the General Assembly at its thirty-ninth session by the United Nations Institute for Training and Research, 1/

"1. Urges Member States that have not done so to submit their views and comments with respect to the analytical study;

"2. Requests the Secretary-General:

"(a) To seek proposals of Member States concerning the most appropriate procedures to be adopted with regard to the consideration of the analytical study; as well as the codification and progressive development of the principles and norms of international law relating to the new international economic order;

"(b) To include the proposals received in accordance with subparagraph (a) above in a report to be submitted to the General Assembly at its forty-second session;

"3. Recommends that the consideration of the most appropriate procedures for completing the elaboration of the process of codification and progressive development of the principles and norms of international law, and of the forum that would be entrusted with the task, be undertaken by the General Assembly at its forty-second session, with a view to making a final decision after taking into account the proposals and suggestions made by Member States on the matter;

"4. Decides to include in the provisional agenda of its forty-second session the item entitled 'Progressive development of the principles and norms of international law relating to the new international economic order'."

7. The representative of Ethiopia orally proposed the addition of the words "relating to the new international economic order" after the words "progressive development of the principles and norms of international law" in operative paragraph 3 of the draft resolution. The proposal was adopted without a vote.

8. The Committee adopted draft resolution A/C.6/41/L.22, as orally revised, by a roll-call vote of 93 to none, with 21 abstentions (see para. 10). The voting was as follows:

In favour: Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, German Democratic Republic,

1/ A/39/504/Add.1, annex III.

Ghana, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe.

Against: None.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

9. Statements in explanation of vote were made by the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the 12 States members of the European Community), Canada, Argentina, Japan, the United States of America and Chile.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Progressive development of the principles and norms of international law relating to the new international economic order

The General Assembly,

Bearing in mind that, in accordance with the Charter of the United Nations, the General Assembly is called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

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 its resolutions 34/150 of 17 December 1979 and 35/166 of 15 December 1980, entitled "Consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order", and its resolutions 36/107 of 10 December 1981, 37/103 of 16 December 1982, 38/128 of 19 December 1983, 39/75 of 13 December 1984 and 40/67 of 11 December 1985, entitled: "Progressive development of the principles and norms of international law relating to the new international economic order",

Bearing in mind the urgent need to adopt measures to reactivate the process of international economic co-operation and the negotiations undertaken for that purpose, particularly in view of the economic difficulties encountered by the developing countries,

Considering the close link between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework,

Recognizing the need for the codification and progressive development of the principles and norms of international law relating to the new international economic order,

Reiterating the importance of the analytical study submitted to the General Assembly at its thirty-ninth session by the United Nations Institute for Training and Research, 2/

1. Urges Member States that have not done so to submit their views and comments with respect to the analytical study;

2. Requests the Secretary-General:

(a) To seek proposals of Member States concerning the most appropriate procedures to be adopted with regard to the consideration of the analytical study, as well as the codification and progressive development of the principles and norms of international law relating to the new international economic order;

(b) To include the proposals received in accordance with subparagraph (a) above in a report to be submitted to the General Assembly at its forty-second session;

2/ A/39/504/Add.1, annex III.

3. Recommends that the consideration of the most appropriate procedure for completing the elaboration of the process of codification and progressive development of the principles and norms of international law relating to the new international economic order, and of the forum that would be entrusted with the task, be undertaken by the General Assembly at its forty-second session, with a view to making a final decision after taking into account the proposals and suggestions made by Member States on the matter;

4. Decides to include in the provisional agenda of its forty-second session the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order".
