



General Assembly

Distr.
GENERAL

A/46/685
26 November 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 126

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

Report of the Sixth Committee

Rapporteur: Mr. Aleksa NEDELICHEV (Bulgaria)

I. INTRODUCTION

1. The item entitled "Progressive development of the principles and norms of international law relating to the new international economic order" was included in the provisional agenda of the forty-sixth session of the General Assembly pursuant to paragraph 4 of Assembly resolution 44/30 of 4 December 1989.
2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, 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 the report of the Secretary-General (A/46/352 and Add.1).
4. The Sixth Committee considered the item at its 3rd, 4th and 42nd meetings, on 25 and 26 September and 22 November 1991. The summary records of those meetings are contained in documents A/C.6/46/SR.3, 4 and 42.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/46/L.6 AND Rev.1

5. A draft resolution entitled "Progressive development of the principles and norms of international law relating to the new international economic order", sponsored by the Congo, Cuba, Ecuador, Equatorial Guinea, Ethiopia, Ghana, Guinea, Iraq, the Lao People's Democratic Republic, the Libyan Arab

Jamahiriya, Mali, Nigeria, Togo, the United Republic of Tanzania, Venezuela and Viet Nam, later joined by Angola, Cameroon, China, Costa Rica, Democratic People's Republic of Korea, Namibia, Rwanda, Uganda, Yemen and Zambia, was circulated under the symbol A/C.6/46/L.6. It 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 (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 cooperation, 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, 40/67 of 11 December 1985, 41/73 of 3 December 1986, 42/149 of 7 December 1987, 43/162 of 9 December 1988 and 44/30 of 4 December 1989, 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 cooperation and the negotiations undertaken for that purpose, particularly in view of the economic difficulties encountered by the developing countries,

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

"Bearing in mind that the analytical study 1/ submitted to the General Assembly at its thirty-ninth session by the United Nations Institute for Training and Research can constitute a valuable source of information, in common with the relevant resolutions adopted on this question by various United Nations organs,

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

"1. Considers that the impact on developing countries of the current international economic situation should be examined;

"2. Notes with appreciation the views and comments submitted by Governments pursuant to resolutions 40/67, 41/73, 42/149, 43/162 and 44/30; 2/

"3. Decides to establish a working group of the Sixth Committee to develop the principles and norms of international law relating to the new international economic order;

"4. Calls on the Secretary-General to request Member States and competent international organizations to formulate their comments, in particular on the principles which they think could receive priority attention by the working group, and to include their comments in a report to be submitted to the General Assembly at its forty-seventh session;

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

"2/ A/41/536, A/42/483 and Add.1 and 2, A/43/529 and Add.1, A/44/455 and Add.1, and A/46/352 and Add.1."

6. At the 42nd meeting, on 22 November, the representative of Cuba introduced a revised version of the draft resolution (A/C.6/46/L.6/Rev.1), sponsored by Angola, Cameroon, China, the Congo, Costa Rica, Cuba, the Democratic People's Republic of Korea, Ecuador, Equatorial Guinea, Ethiopia, Ghana, Guinea, Iraq, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mali, Namibia, Nigeria, Rwanda, Togo, Uganda, the United Republic of Tanzania, Venezuela, Viet Nam, Yemen and Zambia, later joined by Niger.

7. At the same meeting, the Committee took the following action on the draft resolution:

(a) Operative paragraph 3 was adopted by a recorded vote of 74 to 34, with 2 abstentions. The voting was as follows:

In favour: Algeria, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Grenada, Guinea, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Peru, Philippines, Republic of

Korea, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Mongolia.

(b) Draft resolution A/C.6/46/L.6/Rev.1, as a whole, was adopted by a recorded vote of 76 to 18, with 18 abstentions (see para. 9). The voting was as follows: 3/

In favour: Algeria, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Peru, Philippines, Republic of Korea, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Israel, Japan, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

3/ The representative of Senegal subsequently indicated that she had intended to vote in favour of the draft resolution. The representative of Rwanda subsequently indicated that had he been present he would have voted in favour of the draft resolution.

Abstaining: Albania, Argentina, Austria, Bulgaria, Czechoslovakia, France, Greece, Ireland, Italy, Liechtenstein, Marshall Islands, Poland, Portugal, Romania, Spain, Turkey, Ukraine, Union of Soviet Socialist Republics.

8. Statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the 12 States members of the European Community), Australia (also on behalf of Canada and New Zealand) and the United States of America. Statements in explanation of vote after the vote were made by the representatives of the Netherlands (on behalf of the 12 States members of the European Community) and Brazil.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. 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 cooperation 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, 40/67 of 11 December 1985, 41/73 of 3 December 1986, 42/149 of 7 December 1987, 43/162 of 9 December 1988 and 44/30 of 4 December 1989, 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 cooperation and the negotiations undertaken for that purpose particularly in view of the economic difficulties encountered by the developing countries,

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

Bearing in mind that the analytical study 4/ submitted to the General Assembly at its thirty-ninth session by the United Nations Institute for Training and Research can constitute a valuable source of information, in common with the relevant resolutions adopted on this question by various United Nations organs,

1. Considers that the impact on developing countries of the current international economic situation should be examined;
2. Notes with appreciation the views and comments submitted by Governments pursuant to resolutions 40/67, 41/73, 42/149, 43/162 and 44/30; 5/
3. Decides to establish a working group of the Sixth Committee to develop the principles and norms of international law relating to the new international economic order;
4. Calls upon the Secretary-General to request Member States and competent international organizations to formulate their comments, in particular on the principles which they think could receive priority attention by the working group, and to include their comments in a report to be submitted to the General Assembly at its forty-eighth session;
5. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order".

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

5/ A/41/536, A/42/483 and Add.1 and 2, A/43/529 and Add.1, A/44/455 and Add.1, and A/46/352 and Add.1.