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DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: TRADE AND DEVELOPMENT

Report of the Second Committee (Part III)*

Rapporteur: Mr. Martin RAKOTONAIVO (Madagascar)

I. INTRODUCTION

1. The Second Committee held a substantive debate on item 77 (see A/46/645, para. 2). Action to be taken on sub-item (a) was considered at the 41st, 45th, 51st, 55th and 58th meetings, on 13, 19, 26 November and 4 and 11 December. An account of the Committee's consideration of the sub-item is contained in the relevant summary record (A/C.2/46/SR.41, 45, 51, 55 and 58).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.2/46/L.22

2. At the 41st meeting, on 13 November 1991, the representative of Ghana, on behalf of the States Members of the United Nations that are also members of the Group of 77, introduced a draft resolution (A/C.2/46/L.22) entitled "Strengthening international organizations in the area of multilateral trade".

3. At the 51st meeting, on 26 November, the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziaran (Islamic Republic of Iran), informed the Committee of the results of the informal consultations which had been held on the draft resolution.

* The report of the Committee on this item will be issued in twelve parts (see also A/46/645 and Add.1-11).

4. The Committee was informed that the draft resolution contained no programme budget implications.

5. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.22 without a vote (see para. 40, draft resolution I).

B. Draft resolutions A/C.2/46/L.52 and L.95

6. At the 45th meeting, on 19 November, the representative of Ghana, on behalf of the States Members of the United Nations that are also members of the Group of 77, introduced a draft resolution (A/C.2/46/L.52) entitled "Environment and international trade", which read as follows:

"The General Assembly,

"Recalling its resolution 45/210 of 21 December 1990 on environment and international trade,

"Welcoming Trade and Development Board resolution 393 (XXXVIII) of 4 October 1991 on the contribution of the United Nations Conference on Trade and Development, within its mandate, to sustainable development, in which the Board, inter alia, reaffirmed the importance of an integrated perspective of environment and development in order to tackle successfully the root causes of poverty and environmental degradation and achieve the objective of sustainable development in all countries,

"1. Welcomes the efforts of the United Nations Conference on Trade and Development to increasingly integrate the concept of sustainable development in its ongoing work, and encourages the Secretary-General of the Conference to pursue that process;

"2. Stresses the importance of the contribution of the United Nations Conference on Trade and Development, within its mandate, to the preparatory process for the United Nations Conference on Environment and Development and the follow-up to the Conference and welcomes the collaboration between the two bodies;

"3. Requests the Secretary-General of the United Nations Conference on Trade and Development to take the necessary action to pursue and expedite the studies and other work requested in paragraph 7 of Trade and Development Board resolution 393 (XXXVIII), so that they may contribute effectively to the preparatory process for the United Nations Conference on Environment and Development and its follow-up."

7. At the same meeting, the representative of Ghana, orally revised the draft resolution, as follows:

(a) In the second preambular paragraph, the word "poverty" was replaced by "underdevelopment";

(b) In operative paragraph 1, the word "Conference" was replaced by "United Nations Conference on Trade and Development";

(c) In operative paragraph 3, the words "in addition" were inserted between the words "may" and "contribute".

8. At its 55th meeting, on 4 December, the Committee had before it a draft resolution (A/C.2/46/L.95) submitted by the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziaran (Islamic Republic of Iran), on the basis of informal consultations held on draft resolution A/C.2/46/L.52.

9. The Committee was informed that the draft resolution contained no programme budget implications.

10. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.95 without a vote (see para. 40, draft resolution II).

11. In the light of the adoption of draft resolution A/C.2/46/L.95, draft resolution A/C.2/46/L.52 was withdrawn by its sponsors.

C. Draft resolutions A/C.2/46/L.53 and L.96

12. At the 45th meeting, on 19 November, the representative of Ghana, on behalf of the States Members of the United Nations that are also members of the Group of 77, introduced a draft resolution (A/C.2/46/L.53) entitled "Trade and Development Board", which read as follows:

"The General Assembly,

"Recalling its resolution 1995 (XIX) of 30 December 1964, as amended, 1/ on the establishment of the United Nations Conference on Trade and Development, the Final Act adopted by the Conference at its seventh session, held at Geneva from 9 July to 3 August 1987, 2/ and the Declaration on the twenty-fifth anniversary of the United Nations Conference on Trade and Development, contained in Trade and Development Board resolution 376 (XXXVI) of 13 October 1989, 3/ as endorsed by the General Assembly in resolution 44/19 of 14 November 1989,

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

2/ See Proceedings of the United Nations Conference on Trade and Development, Seventh Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.88.II.D.1), part one, sect. A.1.

3/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 15 (A/44/15), vol. II, sect. II.A.

"Recalling also its resolution 45/203 of 21 December 1990 on the report of the Trade and Development Board,

"Considering that the eighth session of the United Nations Conference on Trade and Development, to be held in Colombia in 1992, provides, with its development-oriented agenda, a timely opportunity to advance the dialogue on major development issues, taking into account the global political, economic and technological changes of the recent past,

"Considering Trade and Development Board resolution 396 (XXXVIII) of 4 October 1991 on debt and development problems of developing countries 4/ as part of the continuing contribution of the Board to the search for a durable solution to the problem of the external indebtedness of developing countries, as well as to the substantive preparations for the eighth session of the Conference,

"Reiterating that the Uruguay Round of multilateral trade negotiations cannot be concluded without a substantial and balanced outcome in all areas involved, including areas of particular importance to developing countries,

"Noting that the Trade and Development Report, 1991, 5/ constitutes a valuable contribution to the debate on the interdependence of the problems of trade, development finance and the international monetary system, as well as to the understanding of the issues examined within the Uruguay Round of multilateral trade negotiations,

"1. Takes note of the report of the Trade and Development Board on the second part of its thirty-seventh session and the first part of its thirty-eighth session, 6/ and urges all member States to give effect to the provisions of the resolutions and decisions adopted by the Board;

"2. Notes with appreciation the contribution made by the Trade and Development Board to the understanding of global interdependence, in particular among key sectors concerning trade flows in goods and services and developments in the areas of money, finance, debt, commodities and technology, as well as among national economies and economic actors;

"3. Reaffirms the need for all countries to fulfil their responsibilities in strengthening the rules and disciplines of the multilateral trading system for the benefit of all countries and, to this

4/ Ibid., Forty-sixth Session, Supplement No. 15 (A/46/15), vol. II, sect. II.A.

5/ United Nations publication, Sales No. E.91.II.D.15.

6/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 15 (A/46/15), vols. I and II.

end, urges all participants in the Uruguay Round of multilateral trade negotiations to adopt a constructive and comprehensive approach thereto in order to achieve a successful and balanced outcome in accordance with the Ministerial Declaration on the Uruguay Round; 7/

"4. Reiterates its invitation to the United Nations Conference on Trade and Development, at its eighth session, to assess the outcome of the Uruguay Round, in particular in areas of interest or concern to developing countries;

"5. Welcomes Trade and Development Board resolution 394 (XXXVIII) of 4 October 1991 4/ on economic cooperation among developing countries and problems of trade and trade financing as a further concrete step in the implementation of the Caracas Programme of Action, 8/ stresses the need for continued support by the secretariat of the United Nations Conference on Trade and Development to the process of economic cooperation among developing countries and invites the United Nations Development Programme and other funding institutions to provide financial support to this process;

"6. Also welcomes the progress achieved so far in the substantive preparations for the eighth session of the United Nations Conference on Trade and Development;

"7. Stresses the crucial importance of the eighth session of the Conference in advancing the development dialogue and in giving new impetus to multilateral economic cooperation and affirms the need to achieve at that session a positive action-oriented outcome in the interrelated areas of trade, money, finance, resources for development, technology, commodities and services which will be instrumental to the revitalization of the development process of the developing countries, will strengthen the work of the Conference in national and international policy-making and will give life to the commitments and policies contained in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries." 9/

13. At its 55th meeting on 4 December, the Committee had before it a draft resolution (A/C.2/46/L.96) submitted by the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziaraan (Islamic Republic of Iran), on the basis of informal consultations held on draft resolution A/C.2/46/L.53.

7/ See GATT, Focus Newsletter, No. 41, October 1986.

8/ A/36/333 and Corr.1, annex.

9/ Resolution S-18/2, annex.

14. The Committee was informed that the draft resolution contained no programme budget implications.

15. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.96 without a vote (see para. 40, draft resolution III).

16. In the light of the adoption of draft resolution A/C.2/46/L.96, draft resolution A/C.2/46/L.53 was withdrawn by its sponsors.

D. Draft resolution A/C.2/46/L.55

17. At the 45th meeting, on 19 November, the representative of Ghana, on behalf of the States Members of the United Nations that are also members of the Group of 77, introduced a draft resolution (A/C.2/46/L.55) entitled "Economic measures as a means of political and economic coercion against developing countries".

18. At the 58th meeting, on 11 December, the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziaran (Islamic Republic of Iran), informed the Committee of the results of informal consultations held on the draft resolution.

19. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.55 by a recorded vote of 100 to 28, with 11 abstentions (see para. 40, draft resolution IV). The voting was as follows: 10/

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote D'Ivoire, Cuba, Cyprus, Democratic Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Qatar, Rwanda, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

10/ Subsequently, the representative of Haiti stated that his delegation had intended to abstain.

Against: Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belarus, Greece, Liberia, Lithuania, Philippines, Republic of Korea, Spain, Ukraine, Union of Soviet Socialist Republics, Uruguay.

20. After the adoption of the draft resolution, statements were made by the representatives of the United States of America, Cyprus and Kuwait (see A/C.2/46/SR.58).

E. Draft resolution A/C.2/46/L.56

21. At the 45th meeting, on 19 November, the representative of Ghana, on behalf of the States Members of the United Nations that are also members of the Group of 77, introduced a draft resolution (A/C.2/46/L.56) entitled "Adjustment of the Trade Control Measures Information System of the United Nations Conference on Trade and Development, as called for by the General Assembly in resolution 45/210".

22. At the 55th meeting, on 4 December, the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziaran (Islamic Republic of Iran), read out the following revisions which had been agreed upon during informal consultations held on the draft resolution: in operative paragraph 4, the word "further" was placed between the words "improve" and "and strengthen"; and the words "where appropriate" were added between "promote" and "and facilitate".

23. The Committee was informed that the draft resolution contained no programme budget implications.

24. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.56, as orally revised, without a vote (see para. 40, draft resolution V).

F. Draft resolutions A/C.2/46/L.57 and L.118

25. At the 51st meeting, on 26 November, the representative of Uganda, also on behalf of Bolivia, Botswana, Burundi, Chad, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mongolia, Nepal, Rwanda, Swaziland and Zambia, subsequently joined by Burkina Faso, Cape Verde, the Central African Republic, Niger and Zimbabwe, introduced a draft resolution (A/C.2/46/L.57) entitled "Specific actions related to the particular needs and problems of land-locked developing countries", which read as follows:

"The General Assembly,

"Recalling the provisions of its resolution 44/214 of 22 December 1989 and all other resolutions of the United Nations relating to the particular needs and problems of land-locked developing countries,

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

"Recognizing also that 15 of the 21 land-locked developing countries are also classified by the United Nations as least developed countries and that their geographical situation is an added constraint on their overall ability to cope with the challenges of development,

"Noting that most transit countries are themselves developing countries facing serious economic problems, including the lack of adequate infrastructure in the transport sector,

"Recognizing that measures to deal with the transit problems of land-locked developing countries require close cooperation and collaboration between those countries and their transit neighbours,

"Recalling the United Nations Convention on the Law of the Sea, adopted on 10 December 1982, 11/

"Recognizing the important role played by bilateral and regional and subregional integration and cooperative arrangements towards alleviating the transit problems of the land-locked developing countries and improving the transit transport systems in land-locked and transit developing countries,

"Noting with concern that the international support 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 international law;

"2. Calls upon both the land-locked developing countries and their transit neighbours, within the spirit of South/South cooperation, to implement measures to strengthen further their cooperative and collaborative efforts in dealing with their transit problems;

11/ 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).

"3. 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 the previous relevant resolutions adopted by the General Assembly and the United Nations Conference on Trade and Development, the International Development Strategy for the Fourth United Nations Development Decade, 12/ the Declaration on International Economic Cooperation, in particular, the Revitalization of Economic Growth and Development of the Developing Countries, 13/ adopted at the eighteenth special session of the General Assembly, and the relevant provisions of the Programme of Action for the Least Developed Countries for the 1990s; 14/

"4. Invites the land-locked developing countries and their transit neighbours to intensify further their cooperative arrangements for the development of transit infrastructures, institutions and services to facilitate the movement of goods in transit with financial and technical assistance from donors and international agencies;

"5. Emphasizes that assistance for the improvement of transit facilities and services should be integrated into the overall economic development strategy of the land-locked developing countries and that donor assistance should consequently take into account the requirement for long-term restructuring of the economies of the land-locked developing countries, including, as appropriate, the promotion of import-substituting industries producing high-bulk, low-value goods and developing high-value, low-bulk goods for export;

"6. Urges donor countries and multilateral financial and development institutions to provide land-locked and transit developing countries with adequate financial and technical assistance in the form of grants or concessional loans for the construction, maintenance and improvement of their transit infrastructures, communications and facilities in order fully to integrate them into the regional and international transport and communications networks;

"7. Requests the Administrator of the United Nations Development Programme to promote and strengthen bilateral, subregional, regional and interregional projects to expand further its support to the land-locked developing countries and activities of technical cooperation for development geared towards achieving national and collective self-reliance among them;

12/ See General Assembly resolution 45/199 of 21 December 1990.

13/ General Assembly resolution S-18/3, annex.

14/ See A/CONF.147/18.

"8. Takes note with appreciation of the contribution of the United Nations Conference on Trade and Development in formulating international measures to deal with the special problems of the land-locked developing countries, and requests the Secretary-General of the Conference:

"(a) To keep under constant review the evolution of transit infrastructure facilities, institutions and services and to recommend means of improving them in the light of changing requirements of individual land-locked developing countries, taking into account technological developments, particularly in the area of information and communications;

"(b) To act as focal point for promoting cross-regional interchange of information and experience in cooperation with regional and subregional organizations;

"(c) To continue to monitor the implementation of specific measures for the land-locked developing countries agreed upon in the General Assembly, the United Nations Conference on Trade and Development and other international forums;

"(d) To collaborate with all initiatives being undertaken to overcome the particular problems of land-locked developing countries, including those of the private sector and the non-governmental organizations;

"9. Requests the Secretary-General of the United Nations Conference on Trade and Development to carry out specific studies in the following areas and to report on the results of these studies to the Trade and Development Board and to the General Assembly:

"(a) Liberalization of transit services and streamlining of transit documentation and procedures;

"(b) Implications of high-transit costs on the overall development of the land-locked developing countries;

"(c) Identification of specific areas in the context of subregional and regional cooperation for the promotion and integration of transit infrastructure and services and harmonization of transit transport policies and legislation;

"(d) Identification of specific areas for the expansion of the trade sector of land-locked developing countries, including the assessment of regional trade possibilities;

"(e) Improvement of the security of goods in transit;

"(f) Transit facilities accorded to land-locked developing countries in different regions;

"(g) Improvement of current transit insurance regimes;

"(h) Application of new information technology to improve transit services;

"(i) Identification of specific training needs to improve the managerial capacities and the skills of personnel involved in transit operations to ensure effective utilization of transit transport facilities;

"(j) Development and expansion of all other alternatives and/or complements to ground transportation in order to improve the access of land-locked countries to foreign markets;

"10. Requests the Secretary-General of the United Nations Conference on Trade and Development, in collaboration with the Administrator of the United Nations Development Programme and, where relevant, the executive heads of the subregional economic groupings, to convene subregional symposia/workshops of experts of land-locked and transit developing countries in 1992/93 on the basis of the studies in paragraph 9 above and other relevant studies;

"11. Requests the Secretary-General of the United Nations Conference on Trade and Development to convene a meeting of high-level governmental experts of developing land-locked and transit countries and donor countries and financial and development institutions in 1993 to:

"(a) Discuss the particular problems of land-locked developing countries in general, including those that are peculiar to individual countries;

"(b) Consider support measures to foster better cooperative arrangements between transit and land-locked developing countries;

"(c) Provide an opportunity to exchange views on how effectively to tailor assistance programmes to meet the specific requirements of land-locked developing countries, including those programmes and projects that enhance cooperative arrangements between land-locked and transit developing countries;

"(d) Identify the problems faced in implementing donor assistance programmes in land-locked developing countries;

"(e) Propose a concrete programme of action for the land-locked and transit developing countries, to be forwarded to the Trade and Development Board and the General Assembly, at its forty-eighth session, for appropriate action;

"12. Decides to strengthen the branch of the United Nations Conference on Trade and Development dealing with land-locked and island

developing countries in order to ensure the effective implementation of the activities called for by the present resolution and other measures in support of land-locked developing countries;

"13. 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, submitted pursuant to resolution 44/214, and requests him to prepare another report, taking into account the provisions of the present resolution, the results of the studies to be undertaken in accordance with paragraph 9 above, and the outcome of the meeting of governmental experts of developing land-locked and transit countries and donor countries and financial and development institutions, for submission to the General Assembly at its forty-eighth session."

26. A statement by the Secretary-General on the programme budget implications of the draft resolution, submitted in accordance with rule 153 of the rules of procedure of the General Assembly, was subsequently circulated in document A/C.2/46/L.85.

27. At its 58th meeting, on 11 December, the Committee had before it a draft resolution (A/C.2/46/L.118), submitted by the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziaran (Islamic Republic of Iran), on the basis of informal consultations held on draft resolution A/C.2/46/L.57.

28. The Committee was informed that the programme budget implications contained in document A/C.2/46/L.85 did not apply to the draft resolution contained in A/C.2/46/L.118.

29. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.118 without a vote (see para. 40, draft resolution VI).

30. After the adoption of the draft resolution, the representative of Turkey made a statement.

31. In the light of the adoption of draft resolution A/C.2/46/L.118, draft resolution A/C.2/46/L.57 was withdrawn by its sponsors.

G. Draft resolution A/C.2/46/L.91

32. At the 58th meeting, on 11 December, the Committee had before it a draft resolution entitled "United Nations/International Maritime Organization Conference of Plenipotentiaries on a Draft Convention on Maritime Liens and Mortgages" (A/C.2/46/L.91) submitted by the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziaran (Islamic Republic of Iran), on the basis of informal consultations.

33. A statement by the Secretary-General on the programme budget implications of the draft resolution, submitted in accordance with rule 153 of the rules of procedure for the General Assembly, was circulated in document A/C.2/46/L.113.

34. The representative of the Programme, Planning and Budget Division made a statement.

35. Before the adoption of the draft resolution, statements were made by the representatives of the Netherlands, on behalf of the States Members of the United Nations that are members of the European Community, and the United States of America.

36. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.91 without a vote (see para. 40, draft resolution VII).

H. Draft resolution A/C.2/46/L.92

37. At the 55th meeting, on 4 December, the Committee had before it a draft resolution entitled "International code of conduct on the transfer of technology" (A/C.2/46/L.92) submitted by the Vice-Chairman of the Committee, Mr. Bozorgmehr Ziari (Islamic Republic of Iran), on the basis of informal consultations.

38. At the same meeting, the Committee adopted draft resolution A/C.2/46/L.91 without a vote (see para. 40, draft resolution VIII).

39. At its 58th meeting, on 11 December, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it should take note of the note by the Secretary-General on progress in the implementation of specific action related to the particular needs and problems of land-locked developing countries (A/46/496 and Add.1) (see para. 41).

III. RECOMMENDATIONS OF THE SECOND COMMITTEE

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

DRAFT RESOLUTION I

Strengthening international organizations in the area of multilateral trade

The General Assembly,

Reaffirming the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990, and the International Development Strategy for the Fourth United Nations Development Decade, contained in the annex to its resolution 45/199 of 21 December 1990,

Recalling its resolution 45/201 of 21 December 1990,

Taking note of the note by the Secretary-General concerning institutional developments related to the strengthening of international organizations in the area of multilateral trade, 15/

1. Urges all Governments and the executive heads of the specialized agencies and other organizations and programmes of the United Nations system to endeavour to present their views to the Secretary-General on this matter;

2. Requests the Secretary-General to prepare, for submission to the General Assembly at its forty-seventh session, an updated report, taking into account the outcome of the Uruguay Round of multilateral trade negotiations and the eighth session of the United Nations Conference on Trade and Development.

DRAFT RESOLUTION II

Environment and international trade

The General Assembly,

Recalling its resolution 45/210 of 21 December 1990 on environment and international trade,

Welcoming Trade and Development Board resolution 393 (XXXVIII) of 4 October 1991 on the contribution of the United Nations Conference on Trade

and Development, within its mandate, to sustainable development, in which the Board, inter alia, reaffirmed the importance of an integrated perspective of environment and development in order to tackle successfully the root causes of underdevelopment and environmental degradation and achieve the objective of sustainable development in all countries,

1. Welcomes the efforts of the United Nations Conference on Trade and Development to integrate increasingly the concept of sustainable development in its ongoing work, and encourages the Secretary-General of United Nations Conference on Trade and Development to pursue that process;

2. Stresses the importance of the contribution of the United Nations Conference on Trade and Development, within its mandate, to the preparatory process for the United Nations Conference on Environment and Development and to the follow-up to that Conference;

3. Invites the Secretary-General of the United Nations Conference on Trade and Development to take the necessary action to pursue and expedite, where appropriate, the studies and other work requested in paragraph 7 of Trade and Development Board resolution 393 (XXXVIII), taking into account what is being done by the United Nations Conference on Environment and Development in this area, so that they may in addition contribute effectively, within the mandate of the United Nations Conference on Trade and Development, to the preparatory process for the United Nations Conference on Environment and Development and its follow-up.

DRAFT RESOLUTION III

Trade and Development Board

The General Assembly,

Recalling its resolution 1995 (XIX) of 30 December 1964, as amended, 16/ on the establishment of the United Nations Conference on Trade and Development, the Final Act adopted by the Conference at its seventh session, held at Geneva from 9 July to 3 August 1987, 17/ and the Declaration on the twenty-fifth anniversary of the United Nations Conference on Trade and Development, contained in Trade and Development Board resolution 376 (XXXVI) of 13 October 1989, 18/ as endorsed by the General Assembly in resolution 44/19 of 14 November 1989,

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

17/ See Proceedings of the United Nations Conference on Trade and Development, Seventh Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.88.II.D.1), part one, sect. A.1.

18/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 15 (A/44/15), vol. II, sect. II.A.

Recalling also its resolution 45/203 of 21 December 1990 on the Trade and Development Board,

Considering that the eighth session of the United Nations Conference on Trade and Development, to be held in Colombia in 1992, provides, with its development-oriented agenda, a timely opportunity to advance the dialogue on major development issues, taking into account the global political, economic and technological changes of the recent past,

Considering Trade and Development Board resolution 396 (XXXVIII) of 4 October 1991 on debt and development problems of developing countries 19/ as part of the continuing contribution of the Board to the search for a durable solution to the problems of the external indebtedness of developing countries, as well as to the substantive preparations for the eighth session of the Conference,

Reiterating that the Uruguay Round of multilateral trade negotiations should result in a substantial and balanced outcome in all areas involved, including areas of particular importance to developing countries,

Noting that the Trade and Development Report, 1991, 20/ constitutes a valuable contribution to the debate on the interdependence of the problems of trade, development finance and the international monetary system, as well as to the understanding of the issues examined within the Uruguay Round of multilateral trade negotiations,

1. Takes note of the report of the Trade and Development Board on the second part of its thirty-seventh session and the first part of its thirty-eighth session, 21/ and urges all member States to give effect to the provisions of the resolutions and decisions adopted by the Board;

2. Notes with appreciation the contribution made by the Trade and Development Board to the understanding of the interdependence of problems of trade, development finance and the international monetary system, taking into account the needs of developing countries;

3. Reaffirms the need for all countries to fulfil their responsibilities in strengthening the rules and disciplines of the multilateral trading system for the benefit of all countries and, to this end,

19/ Ibid., Forty-sixth Session, Supplement No. 15 (A/46/15), vol. II, sect. II.A.

20/ United Nations publication, Sales No. E.91.II.D.15.

21/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 15 (A/46/15), vols. I and II.

urges all participants in the Uruguay Round of multilateral trade negotiations to adopt a constructive and comprehensive approach thereto in order to achieve a successful and balanced outcome in accordance with the Ministerial Declaration on the Uruguay Round; 22/

4. Reiterates its invitation to the United Nations Conference on Trade and Development, at its eighth session, to assess the outcome of the Uruguay Round, in particular in areas of interest or concern to developing countries;

5. Welcomes Trade and Development Board resolution 394 (XXXVIII) of 4 October 1991 19/ on economic cooperation among developing countries and problems of trade and trade financing as a further step in the implementation of the Caracas Programme of Action, 23/ stresses the need for continued support by the secretariat of the United Nations Conference on Trade and Development to the process of economic cooperation among developing countries through studies, extension of expertise and technical assistance and, in this connection, invites the United Nations Development Programme and other funding institutions to continue to provide financial support to this process;

6. Also welcomes the progress achieved so far in the substantive preparations for the eighth session of the United Nations Conference on Trade and Development;

7. Stresses the crucial importance of the eighth session of the Conference in advancing the development dialogue and in giving new impetus to multilateral economic cooperation, and affirms the need to achieve at that session a positive, action-oriented outcome in the interrelated areas of trade, resources for development, technology, commodities and services, which, in particular, will be instrumental to the revitalization of the development process of the developing countries, will strengthen further the impact of the work of the Conference on national and international policy-making and will contribute to the implementation of the commitments and policies contained in the Declaration on International Economic Cooperation, in particular the Revitalisation of Economic Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990.

DRAFT RESOLUTION IV

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,

22/ See GATT, Focus Newsletter, No. 41, October 1986.

23/ A/36/333 and Corr.1, annex.

Recalling also its resolutions 2625 (XXV) of 24 October 1970, 3201 (S-VI) and 3202 (S-VI) of 1 May 1974 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 measures 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 the relevant resolutions and rules of the United Nations Conference on Trade and Development and the General Agreement on Tariffs and Trade,

Reaffirming its resolutions 38/197 of 20 December 1983, 39/210 of 18 December 1984, 40/185 of 17 December 1985, 41/165 of 5 December 1986, 42/173 of 11 December 1987 and 44/215 of 22 December 1989, and considering that further work needs to be undertaken in order to implement them,

Gravely concerned that the use of coercive economic measures adversely affects the economy and development efforts of developing countries and creates a general negative impact on international economic cooperation and on the world-wide effort to move towards a non-discriminatory, open, trading system,

Taking into account the note by the Secretary-General prepared in response to Assembly resolution 44/215, 24/ and his assessment of how to continue his task,

Concerned that the mandate provided in paragraph 6 of resolution 44/215 has not been fully implemented,

1. Calls upon the international community to adopt urgent and effective measures to eliminate the use by some developed countries of unilateral economic coercive measures against developing countries with the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of the countries subject to those measures;

2. Deplores the fact that some developed countries continue to apply economic measures and, in some cases, have increased their scope and magnitude, as evidenced by trade restrictions, blockades, embargoes, freezing of assets and other economic sanctions incompatible with the Charter of the United Nations;

3. Calls upon developed countries to refrain from making use of their predominant position in the international economy to exercise political or

economic coercion through the application of economic instruments with the purpose of inducing changes in the economic, political, commercial and social policies of other countries;

4. Requests the Secretary-General to pursue fully his mandate as contained in paragraph 6 of Assembly resolution 44/215, through the Office of the Director-General for Development and International Economic Cooperation and in close cooperation with the United Nations Conference on Trade and Development;

5. Also requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

DRAFT RESOLUTION V

Adjustment of the Trade Control Measures Information System of the United Nations Conference on Trade and Development, as called for by the General Assembly in resolution 45/210

The General Assembly,

Stressing the principle of free and fair global trade, which should be conducive to the significant enhancement of the trade and development prospects of all countries, in particular developing countries, and the importance to that end of promoting transparency with regard to national trade measures,

Recalling Trade and Development Board decision 354 (XXXIV) of 10 May 1988, 25/ in which the Board recognized that the computerized database on trade measures was a valuable source of information on general and product-specific trade measures and authorized the secretariat of the United Nations Conference on Trade and Development to provide, on request, the information contained in that database,

Recalling also paragraph 1 (b) of its resolution 45/210 of 21 December 1990, in which it called for the adjustment of the Trade Control Measures Information System of the United Nations Conference on Trade and Development to monitor environmental regulations for possible protectionism and to monitor non-tariff measures that have a bearing on the environment, in accordance with paragraph 6 of Trade and Development Board decision 384 (XXXVII) of 12 October 1990, 26/

25/ Official Records of the General Assembly, Forty-third Session, Supplement No. 15 (A/43/15), vol. I, sect. II.A.

26/ Ibid., Forty-fifth Session, Supplement No. 15 (A/45/15), sect. III.B.2.

1. Welcomes Trade and Development Board decision 395 (XXXVIII), of 4 October 1991, 27/ in which the secretariat of the United Nations Conference on Trade and Development was invited to make use of the information collected by and held in the International Trade Centre as well as the General Agreement on Tariffs and Trade and other relevant organizations for the purpose of facilitating collection by the Conference of data on environmental measures related to trade in the Trade Control Measures Information System, and to continue to make available on request information from the System;
2. Notes the initial steps taken by the secretariat of the Conference to introduce the adjustments in the System called for by the General Assembly in resolution 45/210;
3. Also notes the measures initiated by the Secretary-General of the Conference to disseminate the information contained in the database, and invites Member States that have not yet done so to designate focal points to facilitate the exchange and dissemination of information contained in the System;
4. Stresses the need to improve further and strengthen the database, including an expansion of its coverage of countries and measures and more continuous updating of the information contained therein, with a view to enhancing its utility for trade negotiations and export promotion, as well as for analytical purposes, and requests the Secretary-General of the Conference to take all the additional measures necessary to expedite the work required, in particular the adjustment of the System called for by the Assembly in resolution 45/210, and to promote, where appropriate, and facilitate the dissemination of information from the System and any analysis thereof, pursuant to paragraph 5 of Trade and Development Board resolution 393 (XXXVIII) of 4 October 1991. 19/

DRAFT RESOLUTION VI

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

The General Assembly,

Recalling the provisions of its resolution 44/214 of 22 December 1989 and all other relevant resolutions of the United Nations relating to the particular needs and problems of land-locked developing countries,

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

27/ Ibid., Forty-sixth Session, Supplement No. 15 (A/46/15), vol. II, sect. II.B.

Recognizing also that fifteen of the twenty-one land-locked developing countries are also classified by the United Nations as least developed countries and that their geographical situation is an added constraint on their overall ability to cope with the challenges of development,

Recognizing further that most transit countries are themselves developing countries facing serious economic problems, including the lack of adequate infrastructure in the transport sector,

Recalling also that measures to deal with the transit problems of land-locked developing countries require close cooperation and collaboration between those countries and their transit neighbours,

Recalling the United Nations Convention on the Law of the Sea, adopted on 10 December 1982, 28/

Recognizing the important role played by bilateral cooperative arrangements and regional and subregional integration in alleviating the transit problems of the land-locked developing countries and improving the transit transport systems in land-locked and transit-developing countries,

Noting the importance of strengthening the existing international support measures with a view to further addressing the problems of land-locked developed 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 international law;
2. Reaffirms also that transit-developing countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for land-locked developing countries should in no way infringe upon their legitimate interests;
3. Calls upon both the land-locked developing countries and their transit neighbours, within the spirit of South/South cooperation, including bilateral cooperation, to implement measures to strengthen further their cooperative and collaborative efforts in dealing with their transit problems;
4. 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 the previous resolutions adopted by the General

28/ 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.

Assembly and the United Nations Conference on Trade and Development, the International Development Strategy for the Fourth United Nations Development Decade, ^{29/} the Declaration on International Economic Cooperation, in particular, the Revitalization of Economic Growth and Development of the Developing Countries, adopted at the eighteenth special session of the General Assembly, contained in the annex to its resolution S-18/3 of 1 May 1990, and the relevant provisions of the Programme of Action for the Least Developed Countries for the 1990s; ^{30/}

5. Invites the land-locked developing countries and their transit neighbours to intensify further their cooperative arrangements for the development of transit infrastructures, institutions and services to facilitate the movement of goods in transit with financial and technical assistance from donors and international agencies;

6. Emphasizes that assistance for the improvement of transport transit facilities and services should be integrated into the overall economic development strategy of the land-locked developing countries and that donor assistance should consequently take into account the requirement for long-term restructuring of the economies of the land-locked developing countries;

7. Urges donor countries and multilateral financial and development institutions to provide land-locked and transit-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, storage and transit infrastructures and facilities, including alternative routes and improved communications;

8. Requests the United Nations Development Programme, as appropriate, further to promote subregional, regional and interregional projects and programmes and to expand its support in the transport and communication sectors to the land-locked and transit-developing countries and its technical cooperation for development geared towards promoting national and collective self-reliance among them;

9. Takes note with appreciation of the contribution of the United Nations Conference on Trade and Development in formulating international measures to deal with the special problems of the land-locked developing countries, and urges the Conference to, inter alia, keep under constant review the evolution of transport transit infrastructure facilities, institutions and services, monitor the implementation of agreed measures, collaborate in all relevant initiatives, including those of private sector and non-governmental organizations, and serve as a focal point on cross-regional issues of interest to land-locked developing countries;

^{29/} See General Assembly resolution 45/199, annex, of 21 December 1990.

^{30/} See A/CONF.147/18.

10. Invites the Secretary-General of the United Nations Conference on Trade and Development to carry out, within the overall level of resources for the biennium 1992-1993, specific studies in the following areas, inter alia, bearing in mind the need to address the concerns for transit-developing countries, and to report on the results of the studies to the Trade and Development Board and the General Assembly at its forty-eighth session:

(a) Implications of high transit costs on the overall development of the land-locked developing countries;

(b) Identification of specific areas in the context of subregional and regional cooperation for the promotion and integration of transit infrastructure and services and harmonization of transit transport policies and legislation and the assessment of regional trade possibilities for the expansion of the trade sector of land-locked developing countries;

(c) Improvement of current transit insurance regimes;

(d) Application of new information technology to improve transit services;

(e) Identification of specific training needs to improve the managerial capacities and the skills of personnel involved in transit operations to ensure effective utilization of transit transport facilities;

(f) Development and expansion of all other alternatives and/or complements to ground transportation in order to improve the access of land-locked countries to foreign markets;

11. Invites the Secretary-General of the United Nations Conference on Trade and Development, in collaboration with the Administrator of the United Nations Development Programme and, where relevant, the executive heads of the subregional economic groupings, to convene subregional symposia/workshops of experts of land-locked and transit-developing countries in 1992-1993 on the basis of the studies cited in paragraph 10 above and in other relevant studies;

12. Requests the Secretary-General to convene a meeting of governmental experts from developing land-locked and transit-developing countries and representatives of donor countries and financial and development institutions in 1993 to review and propose appropriate concrete action to address the problems of land-locked developing countries, to be forwarded to the Trade and Development Board and to the General Assembly at its forty-eighth session, for appropriate action;

13. Calls on the Secretary-General, in consultation with the Secretary-General of the United Nations Conference on Trade and Development, to take appropriate measures to enhance the capacity of the Conference, within existing resources for the biennium 1992-1993, in the area dealing with land-locked and island developing countries so as to ensure the effective implementation of the activities called for in the present resolution and of existing measures in support of land-locked developing countries;

/...

14. Welcomes the report of the Secretary-General of the United Nations Conference on Trade and Development on the progress being made to address the particular needs and problems of land-locked developing countries, ^{31/} and requests him to prepare another report, taking into account the provisions of the present resolution, for submission to the General Assembly at its forty-eighth session.

DRAFT RESOLUTION VII

United Nations/International Maritime Organization Conference
of Plenipotentiaries on a Draft Convention on Maritime Liens
and Mortgages

The General Assembly,

Recognizing the importance of the subject of maritime liens and mortgages in ship financing and in the development of national merchant fleets,

Emphasizing the need for international uniformity and for the establishment of a widely acceptable international legal instrument governing the subject of maritime liens and mortgages,

Recognizing the desirability of facilitating the harmonious and orderly development of world trade,

1. Expresses its appreciation to the United Nations Conference on Trade and Development and to the International Maritime Organization for the valuable work done in preparing a draft convention on maritime liens and mortgages;

2. Decides that a United Nations/International Maritime Organization Conference of Plenipotentiaries on a Draft Convention on Maritime Liens and Mortgages shall be convened at Geneva during the first half of 1993 for a period of three weeks to consider the draft convention and to embody the results of its work in a convention on maritime liens and mortgages;

3. Decides that the following shall be invited:

(a) All States, to participate in the Conference;

(b) All members of the International Maritime Organization, to participate in the Conference;

(c) Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers, in the sessions and the work of all international conferences

^{31/} A/46/496 and Add.1.

convened under its auspices; these representatives would participate in the Conference in that capacity, in accordance with Assembly resolution 3237 (XXIX) of 22 November 1974;

(d) Representatives of the national liberation movements recognized by the Organization of African Unity in its region; these representatives would participate in the Conference in the capacity of observers, in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974;

(e) The specialized agencies, the International Atomic Energy Agency and the General Agreement on Tariffs and Trade, as well as interested organs of the United Nations, which should be represented by observers at the Conference;

(f) Intergovernmental bodies in consultative status with the United Nations Conference on Trade and Development and the International Maritime Organization, which should be represented by observers at the Conference;

(g) Directly concerned non-governmental organizations in consultative status with the United Nations Conference on Trade and Development and the International Maritime Organization, which should be represented by observers at the Conference;

4. Requests the Secretary-General of the United Nations Conference on Trade and Development and the Secretary-General of the International Maritime Organization to make the necessary arrangements, within existing resources, for holding the Conference at Geneva, to submit to the Conference all relevant documentation, including the rules of procedure of the Conference, and to arrange for the necessary staff, facilities and services that it will require;

5. Decides that the languages of the Conference shall be those used in the General Assembly and its Main Committees.

DRAFT RESOLUTION VIII

International code of conduct on the transfer of technology

The General Assembly,

Recalling its resolution 45/204 of 21 December 1990 on an international code of conduct on the transfer of technology,

1. Takes note of the report of the Secretary-General of the United Nations Conference on Trade and Development on the consultations carried out in 1991 on an international code of conduct on the transfer of technology; 32/

2. Decides to transmit that report to the United Nations Conference on Trade and Development at its eighth session;

3. Requests the Secretary-General of the United Nations Conference on Trade and Development to report to the General Assembly at its forty-seventh session on the outcome of the consideration of the report by the Conference at its eighth session.

* * *

41. The Second Committee also recommends to the General Assembly the adoption of the following draft decision:

Note by the Secretary-General on progress in the implementation
of specific action related to the particular needs and problems
of the land-locked developing countries

The General Assembly decides to take note of the note by the Secretary-General on progress in the implementation of specific action related to the particular needs and problems of land-locked developing countries. 33/
