



General Assembly

Dist.
GENERAL

A/36/143/Add.1
29 September 1981

ORIGINAL: ARABIC/ENGLISH/
FRENCH/SPANISH

Thirty-sixth session
Agenda item 112

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

Report of the Secretary-General

Addendum 1/

CONTENTS

	<u>Page</u>
III. REPLIES RECEIVED FROM MEMBER STATES	
Chile	2
Czechoslovakia	3
Mexico	4
Qatar	4
Romania	6

1/ The present addendum, which constitutes section III of the report, contains the replies received from Member States pursuant to paragraph 2 of General Assembly resolution 35/166 as of 1 September 1981. Sections I and II of the report appear in document A/36/143. Additional replies which might be received from Member States will be issued in further addenda.

III. REPLIES RECEIVED FROM MEMBER STATES

CHILE

[Original: Spanish]

[6 May 1981]

1. The Government of Chile considers that international economic co-operation, based on the principles of contemporary international law, is one of the most effective means of promoting the rapprochement of peoples and of ensuring that joint development is the basis of peaceful relations between peoples.
2. For years the international community has been striving to elaborate norms of conduct corresponding to the desires of the third world - which Chile shares - for an effective participation in a more just and equitable economic order, so that the feeling of solidarity deriving from such an order will encourage the industrialized nations to co-operate with the countries that are suffering the consequences of poverty. The new international economic order on which we have set our hopes corresponds to an inevitable requirement, which will serve the interest of developed and developing countries alike.
3. As was stated in the Sixth Committee of the General Assembly at the most recent session, Chile is convinced that countries have the right to determine their own economic systems, productive structures and market mechanisms in the way that best suits their national interests. Chile is therefore opposed to any general norm of supranational scope implied in rules of conduct which impede economic relations through the imposition of all-inclusive systems.
4. Chile welcomes the opportunities provided by the North-South and South-South negotiations to find areas of agreement leading to commitments concerning economic conduct based on equal terms and on the legitimate interests of the parties, even though the disagreements which have emerged in the negotiations preclude, for the time being, the adoption of formulas enjoying general consensus. This should not, however, prevent the dialogue and the search for fruitful methods from continuing.
5. Chile has shown a continual interest in access to markets, the treatment of basic commodities and the transfer of technology, despite the dissimilar position of the developed countries, which are seeking to hold back the industrialization of weaker nations. The questions of international market penetration by developing countries, the excessive protectionism of the developed world and the difficulties of ensuring free competition in commodities are therefore viewed with preoccupation.
6. In this connexion, Chile has spoken of the desirability of greater liberalization and improved access to the international market and international trade, the reduction of tariff barriers by degrees and the establishment of norms which do not discriminate against foreign investment.
7. Although Chile's position has been stated on various occasions, an in-depth study of all the norms and principles that will form the basis for the new international economic order is needed. Chile therefore welcomes the work

undertaken by UNITAR in its global analysis of the subject - a subject of great complexity, as Chile is aware - which will at the same time bring substantial advances in the dynamic and growing area of international trade, for which the new international economic order is the best way of overcoming the crisis of the international system. Accordingly, Chile is prepared to co-operate closely in the study and refinement of this matter of prime concern.

CZECHOSLOVAKIA

[Original: English]

[14 August 1981]

1. In a statement by the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Viet Nam made at the eleventh special session of the United Nations General Assembly concerning the contribution by the above-mentioned socialist countries members of the Council for Mutual Economic Assistance to the attainment of the aims and purposes of the international strategy for the third United Nations Development Decade (document A/S.11/AC.1/4), the socialist States emphasized, among other things, that in this decade they will be prepared to develop even more their economic, scientific and technical co-operation with the developing countries.
2. This economic, scientific and technical co-operation is being implemented by way of concluding predominantly bilateral agreements between the respective States.
3. It is proposed that the international legal principles of such bilateral agreements on economic, scientific and technical co-operation be included, pursuant to paragraph 1 of General Assembly resolution 35/166, in the study that is being prepared by the United Nations Institute for Training and Research.
4. These bilateral agreements in the field of inter-State economic relations are important international instruments, because the principles adopted by State Parties to these agreements offer, at the same time, guarantees that the mutually assumed commitments will be respected in private legal contracts through which such agreements are implemented. The principles of economic and scientific-technical co-operation are reflected in many predominantly bilateral, but also multilateral, agreements, involving socialist as well as other countries. Document A/CN.9/176 of the UNCITRAL Working Group on the New International Economic Order, too, includes the preparation of a study of intergovernmental bilateral agreements on industrial co-operation. In view of the fact that the UNCITRAL Working Group has on its agenda the examination of the conditions of private legal contracts on industrial co-operation, it appears appropriate to study also this aspect of inter-State economic relations.
5. The study of these agreements and their principles will strengthen the progressive basis of such relations and will eliminate their negative aspects which hinder development and social progress.

MEXICO

[Original: Spanish]

[6 August 1981]

1. Mexico has contributed some important initiatives to the design and establishment of a new international economic order, whose implementation has not become a prerequisite for the maintenance of world peace.
2. Mexico has also reaffirmed the validity of the theories which rightly uphold the existence of the international right to development as a discipline that will provide normative guidelines for the effort to overcome underdevelopment.
3. The Mexican Government accordingly attaches particular importance to resolution 35/166 on the subject, which should on no account be taken as a starting point for a discussion of any proposals for reviewing or altering the bases of the new international economic order, which require expeditious elaboration, but should be used exclusively in an endeavour to develop those principles and consolidate their juridical validity.
4. If the Mexican delegation ever expressed any doubts on this subject, it was because of the mistaken approach taken to its consideration initially, when it was believed that the juridical aspects of the new international economic order must necessarily be incorporated in an international instrument. This approach is wrong not only from the juridical point of view, since it fails to take account of the individual nature of the various precepts requiring codification, but because it also casts doubt on the most elementary theories on sources of international law.
5. Instead, the General Assembly resolution on which we are commenting calls for a first step to which no one can object, namely the preparation of a list of principles relating to the new international economic order so that, on the basis of that list, a discussion can be held on the most suitable method of proceeding with the development and codification of those principles and ensuring their effective application.
6. Consequently, Mexico reaffirms its decision to co-operate in this initiative which, if it is to be successful, presupposes that there should be a certain degree of centralization of the efforts to be undertaken in this area, preferably through a Sessional Committee, of limited composition, and similar in membership to the Committee which successfully drafted the Charter of Economic Rights and Duties of States, a document whose impact on the world order no one today can deny.

QATAR

[Original: Arabic]

[25 June 1981]

1. The Government of the State of Qatar accords special importance to the intensification of international economic co-operation for development and

considers that the legal foundation on which the developing States must rely in making their claims lies in the provisions of the United Nations Charter concerning the necessity of co-operation among States on economic issues for the achievement of development (Art. 1, para. 3 and Arts. 55 and 56 of the Charter). Although the Charter provisions on this subject do not provide an integrated legal programme within a framework of specific commitments, Article 56 of the Charter clearly brings the subject of development within the compass of definite legal commitments, stating: "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55." The purposes set forth in Article 55 include:

- (a) the achievement of higher standards of living, full employment, and conditions of economic and social progress and development;
- (b) the promotion of solutions of international economic, social, health, and related problems; and
- (c) international cultural and educational co-operation.

2. Qatar therefore believes that satisfaction of the claims of the developing countries is to be regarded as a legal obligation and that this obligation comes within the scope of the obligation of the international community to bring about prosperity for all inhabitants of the world.

3. Qatar believes that it is necessary to effect a transformation in international economic relations on a just basis, and it supports the Declaration on the Establishment of a New International Economic Order and the Charter of Economic Rights and Duties of States, the implementation of which will serve to promote the establishment of international economic co-operation on a basis of equal rights, justice, respect for sovereignty, non-intervention in the internal affairs of States, the safeguarding of regional security and political independence, non-aggression, mutual and equitable benefit, the remedying of injustices which have been brought about by force and the promotion of social justice.

4. Qatar also supports the just efforts being made by developing countries to strengthen their economic independence and to consolidate and create the circumstances which will enable them to have unrestricted control over their economic resources and activities and to accelerate their economic and social development.

5. Qatar believes that the effort to establish a new international economic order must be based on co-operation among States in accordance with the Purposes and Principles of the United Nations Charter; that it calls for persistent development and alteration of existing structures in a flexible manner to meet new needs and circumstances on an ongoing basis; and that the goal must be to ensure equality for the developing countries, to enable them to participate in the world economy and to treat them as equals among the industrialized States.

6. Be this as it may, Qatar believes that there is an urgent need to unify the norms and principles of international economic law in an appropriate instrument

regulating the economic conduct of States, international organizations, transnational institutions and other entities, because the codification process will inevitably confirm and develop the important principles of sovereign economic equality among States, permanent sovereignty over natural resources and justice and mutual co-operation in economic relations. Qatar supports the format of an international convention or other international instrument incorporating the principles and norms of international economic law relating, in particular, to the legal aspects of the new international economic order. The idea of codification is a positive one which, undoubtedly, merits consideration.

7. The United Nations can play an important role in the progressive development of international law, and Qatar attaches great importance to the establishment of new norms of international law accepted by the international community.

8. The adoption by the General Assembly of the Charter of Economic Rights and Duties of States and of the Declaration and Programme of Action on the Establishment of a New International Economic Order is an important step in this direction. However, these instruments do not have a binding character, because they are made up of recommendations. Nevertheless, they have had and will have an effect in the field of international economic relations.

9. Qatar believes that special importance and consideration should be accorded to the legal aspects of international contracts in the various fields of economic, industrial, commercial and financial activities, so that there may be more co-ordination and unity in the applicable laws. The State of Qatar also attaches great importance to all efforts that may be made for the codification of legal provisions.

ROMANIA

[Original: French]

[30 July 1981]

1. In the view of the Socialist Republic of Romania, the establishment of a new international economic order is a problem which needs to be solved, on a particularly urgent basis, in the context of the development of the world economy. Accordingly, the consolidation and progressive development of the principles and norms of international economic law constitute a task which, because of its importance, timeliness and urgency, calls for priority discussion in the framework of the legal concerns and future activities of the United Nations. Romania supports the progressive fundamental principles set out in the Declaration on the Establishment of a New International Economic Order, in the Charter of Economic Rights and Duties of States and in the documents adopted by the United Nations Conferences on Trade and Development, the implementation of which should promote the establishment of international economic co-operation based on equality and respect for sovereignty and the elimination of forms of dependence and exploitation and thus lead to a more equitable distribution of resources and income among nations.

2. As far as the legal aspect is concerned, certain principles generally accepted in international law have crystallized, and constructive consolidation and progressive development and, eventually, codification of the principles and norms of international economic law, with particular reference to the legal aspects of the new international economic order, represent a most timely task. We therefore feel that the elaboration of uniform legal principles and norms is a matter of compelling necessity, since this operation would help to place relations between partners on a more certain footing and facilitate reciprocal trade. The establishment of the new international economic order presupposes the existence of certain rules of conduct in relations between States which, by their very substance, imply progressive development of, and hence improvement of, the norms and principles of international economic law; the mere fact of working on the legal aspects of the new international economic order means that there will be synthesis and progressive development of the norms and principles of international economic law. In view of the obvious need to draw up a set of principles and norms to form the legal framework for equitable and mutually advantageous economic co-operation between all States and thereby establish the co-ordinates for a new international economic order, it would seem timely to initiate action for the consolidation and progressive development of the principles and norms of international economic law as a major United Nations initiative designed to enhance international law in general.

3. The elaboration of the uniform rules has so far amply proved its usefulness. The uniform legal instruments adopted for this purpose (such as the UNCITRAL Arbitration Rules, the Convention on the Carriage of Goods by Sea - the "Hamburg Rules", and the United Nations Convention on Contracts for the International Sale of Goods), on the basis of drafts prepared by the United Nations Commission on International Trade (UNCITRAL) should help, from the legal point of view, to prepare the ground for the establishment of the new international economic order.

4. With regard to the approach to consolidation, Romania considers that this activity should focus primarily on codification and identification of the content of those guiding principles that will form the pillars of the new international economic order. Certainly, the new economic order can only be contemplated within the context of the application of the principles of national sovereignty and independence, equal rights of all States, recognition of the right of every people to choose its social and political system without any outside interference, and complete and permanent sovereignty over natural resources. At the same time it will be necessary to elaborate and establish the principles and norms necessary to ensure price stability and the procedures for price formation, the removal of all barriers and restrictions, and the elimination of any possibility of dividing the international community into opposing economic groups. This work of elaborating the principles and consolidating the norms, of international economic law should ultimately result in the elaboration of principles and norms that will facilitate free and equitable trade between the nations of the world.

5. Romania believes that in elaborating norms that will contribute to the establishment of the new international economic order and to the establishment of legal rules governing international trade, it would be appropriate:

(a) To continue work on the progressive codification of international trade law, culminating in the elaboration, within a uniform framework, of a Code of international trade law; the principles of the new international economic order must form the basis of this Code;

(b) To draw up certain uniform rules on conflicts of laws (in addition to the existing rules established at The Hague Conference on private law) designed to remove the areas of doubt still existing in world trade;

(c) To continue the work of elaborating general conditions, standard contracts and model rules for different types of commercial contracts (with special reference to clauses on compensation, penalties, force majeure, guarantees, etc.).

6. As part of the work of consolidation and progressive development of the principles and norms of international economic law, particularly regarding the legal aspects of the new international economic order, it will be necessary to provide for the establishment and elaboration of norms of international law that will facilitate the adoption and implementation of certain measures relating to the removal of inequalities in international economic relations, to increased international financing for development, using various resources, and to liberalized financing conditions, and the establishment of a new international monetary system that will ensure stability and stimulate economic development.

7. The activities carried out thus far by the United Nations and its specialized agencies show, in the opinion of Romania, that they have the capacity to undertake such action. To ensure the achievement of this objective, it is absolutely essential to provide for co-ordination of the activities of the various international agencies and for effective co-operation between them.
