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

Report of the Sixth Committee

Rapporteur: Mr. Antonio VIÑAL (Spain)

I. INTRODUCTION

1. The item entitled "Progressive development of the principles and norms of international law relating to the new international economic order: report of the Secretary-General" was included in the provisional agenda of the thirty-sixth session of the General Assembly pursuant to paragraph 4 of General Assembly resolution 35/166 of 15 December 1980.
2. On the recommendation of the General Committee, the General Assembly decided at its 4th plenary meeting, on 18 September 1981, to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connexion with the item, the Sixth Committee had before it a report of the Secretary-General (A/36/143 and Add.1 and 2).
4. The Sixth Committee considered the item at its 62nd to 65th meetings, held between 30 November and 2 December 1981. The summary records of those meetings (A/C.6/36/SR.62-65) contain the views of representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTION (A/C.6/36/L.17)

5. At the 63rd meeting, on 1 December, the representative of the Philippines introduced a draft resolution (A/C.6/36/L.17) on behalf of Bangladesh, Ecuador, Egypt, Pakistan, the Philippines, Romania and Venezuela, later joined by Sri Lanka, Morocco, and Nigeria, which 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, and 3362 (S-VII) of 16 September 1975 on development and international economic co-operation,

"Recalling its resolutions 34/150 of 17 December 1979, and 35/166 of 29 January 1981, 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',

"Noting the report of the Secretary-General contained in document A/36/143 and the Study prepared by UNITAR entitled 'List of existing and evolving principles and norms of international law relating to the new international economic order concerning the economic relations among States, international organizations and other entities of public international law, and the activities of transnational corporations', and its Compendium and the views submitted by some States in response to resolution 35/166,

"Taking note in particular of the recommendation that UNITAR completes the Study by preparing the 'analytical study on the progressive development of the principles and norms of international law relating to the new international economic order', in accordance with operative paragraph 1. (b) of resolution 35/166,

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

- "1. Welcomes UNITAR's Study;
- "2. Requests UNITAR to prepare the study referred to in the fifth preambular paragraph above and to complete it in time for the Secretary-General to submit it to the General Assembly at its thirty-seventh session;
- "3. Urges Member States to submit relevant information with respect to the Study not later than 31 July 1982;
- "4. Requests the United Nations Commission on International Trade Law, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the regional commissions, the United Nations Centre on Transnational Corporations and other relevant intergovernmental and non-governmental organizations active in this field, as

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determined by the United Nations Institute for Training and Research, to submit relevant information and to co-operate fully with the Institute in the implementation of the present resolution;

"5. Requests the Secretary-General to waive control and limitation of documentation rules on UNITAR's Study;

"6. Requests the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the study made by the United Nations Institute for Training and Research for its consideration on a priority basis, under an item entitled 'Progressive development of the principles and norms of international law relating to the new international economic order' to be included in the provisional agenda of that session."

6. At the 64th meeting, on the same date, the representative of the Philippines orally revised draft resolution A/C.6/36/L.17 as follows:

(a) In the third preambular paragraph, the words "29 January 1981" were replaced by "15 December 1980".

(b) In the sixth preambular paragraph, the word "urgent" was deleted.

(c) In operative paragraph 1, the word "Welcomes" was replaced by "Takes note of the ...".

(d) Operative paragraph 5 was revised as follows:

"Requests the Secretary-General to waive control and limitation of documentation rules, and exercise reasonable restraint with respect to the volume of documentation on the UNITAR Study;"

7. At the 65th meeting, on 2 December, in the light of a statement made by the Chief Editor, Department of Conference Services of the United Nations Secretariat, concerning control and limitation of documentation, the representative of the Philippines further orally revised draft resolution A/C.6/36/L.17 by deleting operative paragraph 5.

8. The Committee had before it a statement of the administrative and financial implications of the draft resolution (A/C.6/36/L.23).

9. At the 65th meeting, the Committee adopted draft resolution A/C.6/36/L.17, as orally revised, by a recorded vote of 77 to 1, with 32 abstentions (see para. 13). The voting was as follows:

In favour: Algeria, Austria, Bahamas, Bahrain, Bangladesh, Bolivia, Brazil, Burma, Burundi, Central African Republic, Chad, China, Congo, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Ghana, Greece, Guinea, Guyana, India, Indonesia, Iran, Iraq, Israel, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mauritania,

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Mexico, Morocco, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Cuba.

Abstentions: Afghanistan, Argentina, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, France, German Democratic Republic, Germany, Federal Republic of, Hungary, Iceland, Ireland, Italy, Ivory Coast, Japan, Luxembourg, Mongolia, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

10. Statements in explanation of vote before the vote were made by the United States of America and by the Union of Soviet Socialist Republics (also on behalf of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Poland and the Ukrainian Soviet Socialist Republic).

11. Statements in explanation of vote after the vote were made by the representatives of Argentina, Belgium, Spain, Chile, Federal Republic of Germany, France, Italy, the United Kingdom of Great Britain and Northern Ireland and Uruguay.

12. The representative of Uganda stated that, had he been present during the voting, he would have voted in favour of the draft resolution. The representative of Cuba stated that her delegation had intended to vote in favour of the draft resolution and that a negative vote had mistakenly been recorded.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

13. 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,

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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, and 3362 (S-VII) of 16 September 1975 on development and international economic co-operation,

Recalling 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",

Noting the report of the Secretary-General and the Study prepared by the United Nations Institute for Training and Research entitled "List of existing and evolving principles and norms of international law relating to the new international economic order concerning the economic relations among States, international organizations and other entities of public international law, and the activities of transnational corporations", 1/ and its compendium and the views submitted by some States in response to resolution 35/166, 2/

Taking note, in particular, of the recommendation that the United Nations Institute for Training and Research should complete the study by preparing the "analytical study on the progressive development of the principles and norms of international law relating to the new international economic order", in accordance with paragraph 1 (b) of resolution 35/166,

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

1. Takes note of the study prepared by the United Nations Institute for Training and Research;
2. Requests the United Nations Institute for Training and Research to prepare the study referred to in the fifth preambular paragraph above and to complete it in time for the Secretary-General to submit it to the General Assembly at its thirty-seventh session;
3. Urges Member States to submit relevant information with respect to the study not later than 31 July 1982;
4. Requests the United Nations Commission on International Trade Law, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the regional commissions, the United Nations Centre on Transnational Corporations and other relevant intergovernmental and

1/ A/36/143.

2/ A/36/143/Add.1 and 2.

non-governmental organizations active in this field, as determined by the United Nations Institute for Training and Research, to submit relevant information and to co-operate fully with the Institute in the implementation of the present resolution;

5. Requests the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the study made by the United Nations Institute for Training and Research for its consideration, on a priority basis, under the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order" to be included in the provisional agenda of that session.
