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

Report of the Secretary-General

Addendum 1/

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ARGENTINA

[Original: Spanish]

[22 July 1982]

1. The Government of the Republic of Argentina shares the concerns at the lack of a legal guide to direct the development of the new international economic order. It would therefore welcome certain additions to the list of background documents on the item mentioned in General Assembly resolution 36/107. Resolutions 2626 (XXV) on the International Development Strategy for the Second United Nations Development Decade and 33/193 on preparations for the third decade might, for instance, be included. It further believes that the new international economic order should also envisage social progress and development and that the content of resolution 2542 (XXIV) should therefore also be taken into account. Finally, it would be useful to review the implementation of resolutions 33/144 and 33/135 on the importance of the public sector for the expansion of industrial development and on raising the cultural level of the population in general.

2. Outside the framework of the United Nations, account should be taken of the importance of the Declarations adopted at Conferences of Heads of State or Government of Non-Aligned Countries, in particular those of the Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries, held at Havana from May to June 1982 and those adopted at Ministerial Meetings of the Group of 77.

3. The establishment of a new international economic order calls for a dynamic approach to contemporary international law. To achieve this, account must be taken of the primary source of such law, namely United Nations resolutions. It is essential, therefore, for the development of international law that the implementation of those resolutions and possible ways of implementing them be studied.

4. One of the questions to which the Republic of Argentina attaches particular importance within this new approach to international relations is that of the environment. Argentina believes that countries and the international community must have appropriate and effective tools to enable them to resolve environmental problems. It is important that progress be made in drafting environmental norms that are internationally valid. Such norms must be aimed at reconciling the prevention criteria chosen with the socio-economic situation of the different States. The basic principles adopted in this connexion must be reflected in national legislation aimed at protecting the environment.

5. The Argentine Government believes that the lack of co-ordination between legal systems reflecting different socio-economic situations is a serious obstacle to achieving the above-mentioned objectives.

6. Finally, the Argentine Government wishes to point out that it does not consider it appropriate to introduce the item on the Antarctic under the heading "Common heritage of mankind". It should be recalled that the legal and political status of the area, as recognized by the Antarctic Treaty, clearly differentiates that issue from other items to which it might appear similar.

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7. The lists drawn up so far provide a basis for initiating studies in keeping with international interests. Argentina agrees that efforts must be centralized in some way. This might best be achieved through an ad hoc committee, of restricted composition, along the lines of the committee that successfully drew up the Charter of Economic Rights and Duties of States, a document which might serve as direct background for the in-depth treatment of the legal consequences of the new international economic order.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[14 September 1982]

1. The United Kingdom has reservations about the study by UNITAR on the "Progressive Development of the Principles and Norms of International Law relating to the New International Economic Order", which have been explained during the debates in the Sixth Committee. The United Kingdom did not vote in favour of General Assembly resolution 35/166, which initiated the study. It wishes to draw attention once again to the defects of a study based upon an a priori identification of existing and evolving principles and norms of international law, to be followed only in the second place by an analysis of State practice and other basic material, since it is only the latter which makes it possible to isolate and identify, in accordance with established criteria, rules of international law. While the United Kingdom well understands that the framework for the study has been laid down for UNITAR by General Assembly resolution 35/166, it wishes to make clear that it cannot accept the implicit value-judgement attaching to the lengthy list of topics and issues annexed to phase 1 of the UNITAR study; in particular, many of the said items would not seem to qualify, on any analysis, as rules of law.

2. The United Kingdom expresses its satisfaction at UNITAR's intention now to proceed with a careful and rigorous analysis of State practice and other basic materials and reserves the right to submit further materials of this kind, at a later stage, in the light of the development of phase 2 of the UNITAR study.

Notes

1/ The present addendum, which constitutes section III of the report, contains the replies received from Member States pursuant to paragraph 3 of General Assembly resolution 36/107 as of 1 October 1982. Sections I and II of the report appear in document A/37/409. Additional replies which might be received from Member States will be issued in further addenda.
