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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

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## I. INTRODUCTION

1. At its thirty-eighth session, the General Assembly, on 19 December 1983, adopted resolution 38/128 entitled "Progressive development of the principles and norms of international law relating to the new international economic order". The Assembly, in paragraph 1 of the resolution, requested the United Nations Institute for Training and Research (UNITAR) to continue preparing the third and final phase of the analytical study on the progressive development of the principles and norms of international law relating to the new international economic order, and to complete it in time for the Secretary-General to submit it to the General Assembly at its thirty-ninth session. The Assembly, in paragraph 2 of the resolution, requested UNITAR to prepare a summary and an outline of the study in order to facilitate debate; and, in paragraph 3, urged Member States to submit, not later than 31 May 1984, relevant information with respect to the study, including proposals concerning further action to be taken on the study.
2. The present report is submitted pursuant to paragraph 5 of resolution 38/128. The report refers, in section II below, to the work done by UNITAR pursuant to General Assembly resolutions 35/166 of 15 December 1980, 36/107 of 10 December 1981 and 37/103 of 16 December 1982; and, in section III, to the work done by UNITAR pursuant to resolution 38/128.
3. Information provided by the Government of Cuba pursuant to paragraph 3 of resolution 38/128 is reproduced in document A/39/504/Add.2. Additional information provided by Governments pursuant to that paragraph will be set out in further addenda to the present report.

## II. WORK DONE BY THE UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH UNDER GENERAL ASSEMBLY RESOLUTIONS 35/166, 36/107 AND 37/103

4. The General Assembly at its thirty-fifth session, in paragraph 1 of its resolution 35/166 of 15 December 1980, requested UNITAR to prepare, on the basis of texts listed in the resolution, analytical study on the progressive development of the principles and norms of international law relating to the new international economic order. The request read as follows:

"(a) To prepare a list of the 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, as contained, inter alia, in the following texts:

- "(i) Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations; 1/
- "(ii) Declaration and Programme of Action on the Establishment of a New International Economic Order; 2/
- "(iii) Charter of Economic Rights and Duties of States; 3/
- "(iv) General Assembly resolution 3362 (S-VII) of 16 September 1975 on development and international economic co-operation;
- "(v) International Development Strategy for the Third United Nations Development Decade; 4/
- "(vi) Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices; 5/
- "(vii) Final Acts of the United Nations Conference on Trade and Development and declarations adopted by all United Nations conferences relevant to the new international economic order;

"(b) To prepare an analytical study, on the basis of the list referred to in subparagraph (a) above, on the progressive development of the principles and norms of international law relating to the new international economic order.

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- 1/ Resolution 2625 (XXV), annex.
  - 2/ Resolutions 3201 (S-VI) and 3202 (S-VI).
  - 3/ Resolution 3281 (XXIX).
  - 4/ See sect. V, resolution 35/56, annex.
  - 5/ TD/RBP/CONF/10."

5. At its thirty-sixth and thirty-seventh sessions, in resolutions 36/107 and 37/103, the General Assembly requested UNITAR to continue and complete its analytical study.

6. The General Assembly at its thirty-sixth session in 1981 had before it a "Compendium of topics or issues of the principles and norms of international law relating to the new international economic order" (A/36/143 and Add.1 and 2), prepared by UNITAR pursuant to resolution 35/166.

7. At its thirty-seventh session in 1982, the General Assembly had before it a progress report prepared by UNITAR (A/37/409, sect. II). The following were

identified by UNITAR in that document as principles relating to the new international economic order:

- (a) Preferential treatment for developing countries;
- (b) Stabilization of export earnings of developing countries;
- (c) Permanent sovereignty over natural resources;
- (d) Right of every State to benefit from science and technology;
- (e) Entitlement of developing countries to development assistance;
- (f) Participatory equality of developing countries in international economic relations;
- (g) Common heritage of mankind.

8. At the same session, the General Assembly had before it analytical papers prepared by UNITAR on subparagraphs (a), (b) and (c) of paragraph 7 above together with analytical appendices of texts of relevant instruments (UNITAR/DS/5).

9. The General Assembly at its thirty-eighth session in 1983 had before it a progress report (A/38/366, sect. II) and analytical papers prepared by UNITAR on subparagraphs 5 (d), (e) and (g) of paragraph 7 above together with analytical appendixes of texts of relevant instruments (UNITAR/DS/6).

10. The analytical paper on subparagraph (f) of paragraph 7 above could not be completed by UNITAR in time for the thirty-eighth session of the General Assembly, but is now submitted to the current session. The analytical compilation of relevant texts was included in document UNITAR/DS/6.

### III. WORK DONE BY UNITAR UNDER GENERAL ASSEMBLY RESOLUTION 38/128

11. The General Assembly, in resolution 38/128, requested UNITAR to complete, for submission to the Assembly at its thirty-ninth session, the third and final phase of the analytical study, and to prepare a summary and an outline of the study in order to facilitate debate.

12. The above-mentioned outline and summary as well as the third and final phase of the study, which study was prepared by a consultant retained by UNITAR and was reviewed by the latter, are contained respectively in annexes I, II and III to the present report (see A/39/504/Add.1).