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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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* A/44/150.

I. INTRODUCTION

1. On 9 December 1988, the General Assembly adopted resolution 43/162, entitled "Progressive development of the principles and norms of international law relating to the new international economic order". In that resolution, the Assembly referred to the analytical study submitted to it at its thirty-ninth session by the United Nations Institute for Training and Research (A/39/504/Add.1, annex III), and requested the Secretary-General to continue to seek proposals of Member States concerning the most appropriate procedures to be adopted with regard to the consideration of the analytical study, as well as the codification and progressive development of the principles and norms of international law relating to the new international economic order, and to include the proposals received in a report to be submitted to the Assembly at its forty-fourth session.
2. The Secretary-General accordingly addressed to the Governments of Member States a note dated 17 February 1989 inviting them to communicate to him any views and comments that they might wish to send, pursuant to resolution 43/162.
3. The present report contains the replies received from Governments as at 21 August 1989. Further replies will be reproduced in addenda to the present report.

II. VIEWS AND COMMENTS SUBMITTED BY GOVERNMENTS

DEMOCRATIC YEMEN

[Original: Arabic]

[14 June 1989]

1. With reference to paragraph 2 (a) of General Assembly resolution 43/162, the People's Democratic Republic of Yemen is pleased to express the view that there is an urgent necessity to adopt measures for restructuring international economic relations on a basis of justice and equality among States, since that is a major prerequisite if the various peoples of the world are to exercise their right to development. The gradual democratization of international economic relations would unquestionably help to strengthen international security and stability as well as contributing to the alleviation of international tension and opening up broad prospects for international co-operation.
2. Questions relating to the restructuring of international economic relations are especially important in view of the practices of certain States aimed at obstructing economic co-operation among the States of the world through the application of the policy of economic blockade and pressure against developing countries that oppose the harsh conditions they dictate to it.
3. Such practices are totally contrary to the purposes and principles of the Charter of the United Nations and the norms of international law in general and

make the developing countries' demand for sovereignty over their natural resources and the establishment of equitable international economic relations both legitimate and just.

4. The Government of Democratic Yemen fully realizes that the restructuring of international economic relations on a basis of equality and mutual benefit is something that can be achieved only on the premise that such principles are not inconsistent with the principles and norms of contemporary international law.
5. Democratic Yemen supports all initiatives aimed at the implementation of the principles of economic co-operation on a basis of equality and mutual benefit and considers that the instruments approved by the General Assembly, such as the Charter of Economic Rights and Duties of States (resolution 3281 (XXIX)) and the Declaration and the Programme of Action on the Establishment of a New International Economic Order (resolution 3201 (S-VI) and 3202 (S-VI)), provide the necessary conditions for the establishment of appropriate legal principles and norms for the restructuring of international economic relations.
6. The transformation of the recommendations relating to the establishment of the new international economic order into binding legal norms governing the conduct of States in their economic relations with each other is a complicated operation, which requires, first and foremost, political will on the part of States.
7. The United Nations has been able, through its active efforts, to achieve great successes at the political level, foremost among them the successes have been achieved in the field of bringing about world peace. Democratic Yemen believes that there is a major possibility of participation in the establishment of just international economic relations based on the principles of international law.
8. The People's Democratic Republic of Yemen believes that the progressive development of norms of international law relating to the new international economic order must transcend the sphere of limited discussions and advance to the stage where all the States of the world participate in this operation on an equal footing. Accordingly, the discussion of this subject in an international forum is a matter of extreme importance. Democratic Yemen believes that there is no need to set up new organs for State representation in the debate on the question of the establishment of a new international economic order when the existing specialized organs of the United Nations can serve this purpose, namely, the Sixth Committee of the General Assembly.
9. The Sixth Committee has rich experience in the preparation of conventions and other instruments aimed at the progressive development of international law. It meets both the criterion of outstanding capacity in the field of international law and the criterion of representation of the various States of the world in a global manner and thus qualifies to serve as the international forum entrusted with the preparation of legal provisions regulating international economic relations on just and sound bases that will effectively contribute to the establishment of the pillars of the new international economic order.

10. Democratic Yemen considers it extremely important that, in the treatment of the topic of the progressive development of principles and norms of international law relating to the new international economic order, attention should be paid to the important questions relating to the various economic difficulties faced by developing countries and appropriate remedies found for them. Democratic Yemen stresses the importance of the adoption of appropriate remedial measures such as reducing interest rates on such debts, abolishing interest on debts owed by the poorest States, setting longer terms for repayment, establishing a loan system that takes into account the repayment capacities of developing countries, eliminating all forms of compulsion and pressure practised by certain developed countries and creating appropriate circumstances to support the products of developing countries.

11. The analytical study presented by the United Nations Institute for Training and Research, although vague in certain aspects, has considerable importance not only for developing countries but for developed countries also, because it lays down legal provisions for the regulation of international economic relations and seeks to achieve equality between the States of the world irrespective of their political and social systems and their size and economic potentials. This should really help in the creation of appropriate circumstances so that the developing countries can become members with full rights in international economic relations.

12. Democratic Yemen considers that for the purposes of the codification and progressive development of the principles and norms of international law relating to the new international economic order account should be taken of the principles defined by the Institute, as well as the international instruments relating to the establishment of the new international economic order. It also supports the recommendation of the General Assembly contained in paragraph 3 (a) of resolution 43/162 that the Sixth Committee should be the international forum for discussion of this topic.

PAKISTAN

[Original: English]

[11 May 1989]

Consistent with its support of resolution 43/162, the Government of Pakistan believes that the establishment of a working group of the Sixth Committee, which could be open-ended, during the consideration of this item at the regular session of the General Assembly would be the most appropriate procedure for consideration of progressive development of principles and norms of international law relating to the new international economic order mentioned in paragraph 2 (a) of the resolution. The establishment of any special committee for this purpose would impose an additional financial burden on the resources of the United Nations.

SPAIN

(On behalf of the Twelve States members of the European Community)

[Original: English/Spanish]

[25 May 1989]

The Twelve States members of the European Community wish to draw the attention of the Secretary-General to their common statement of 15 November 1988 before the Sixth Committee (see A/C.6/43/SR.42), as well as to their note of 22 August 1986 as contained in document A/41/536 of 15 September 1986, which still reflect their position.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[18 August 1989]

1. The conceptual approach of the Ukrainian SSR to the question of the progressive development of principles and norms of international law relating to a new international economic order has been set out in our previous replies on the subject (A/43/529/Add.1, A/42/483/Add.1, A/41/536, A/40/446/Add.1). As a supplement to these, we wish to add the following observations.
2. The Ukrainian SSR is in favour of the establishment of the primacy of international law in intra-State relations and in that context supports the idea put forward by the Union of Soviet Socialist Republics concerning the creation of a world society of law-abiding States whose foreign policies would be based on strict adherence to legally established rules of conduct. The realization of this idea would make it possible to solve the global problems and questions of social and economic development facing humanity. It would open the possibility of new approaches to intra-State relations, including economic relations.
3. One of the essential elements of an international legal order should be the codification and progressive development of the principles and norms of international law relating to a new international economic order. Their significance continues to grow as the process of transformation of the world economy into a single organism continues in the modern interconnected and interdependent world. Not a single State can develop normally outside this organism.
4. Objectively, every State is interested, willy-nilly, in the establishment of international legal principles and norms in the sphere of economic relations directed towards the broadest possible co-operation and renunciation of the use of economic relations as an instrument of political pressure.

5. The Ukrainian SSR considers essential strict compliance by all States with the principle of the inadmissibility of the use or threat of force to achieve any goals, including economic goals, and regards this as an essential factor in ensuring international economic security. Political and economic relations between States should be established on the basis of the primacy of law in international relations.

6. The prospective reduction of military expenditures will make it possible to channel the resources freed into social and economic development. From this point of view it very important to find effective solutions to the problems of conversion of military production, so as to further the creation of a new international economic order. The United Nations can and should take a positive part in this process.

7. Although the conversion of military industry is among the most urgent of problems, it is not the only one. Priority must also be given to the settlement of the long crisis of the developing States.

8. Moreover, in order to guarantee the steady development of the world economy on the basis of strict adherence to the principle of the supremacy of international law it is necessary to create the requisite mechanisms for environmental stabilization, which involve a high degree of co-ordination in order to overcome global economic threats. From this point of view, priority should be given to the implementation of the proposal by the Union of Soviet Socialist Republics concerning the establishment within the framework of the United Nations of a centre for emergency environmental assistance and an international environmental laboratory.

9. The Ukrainian SSR considers the codification and progressive development of the principles and norms of international law relating to a new international economic order an important means for the reordering of all the structures of inter-State economic relations on a just and democratic basis guaranteeing the economic security of all States. The codification and progressive development of these principles and norms should be carried out on the basis of the international law embodied in the United Nations Charter, an adaptation to the goal of development and the concrete implementation of its provisions of the Charter of Economic Rights and Duties of States, the Declaration and Programme of Action on the establishment of a new economic order, and several other documents.

10. The work of codification is a rather complicated process requiring an expert approach. It should be carried out at the level of Government representatives in existing United Nations bodies. In the opinion of the Ukrainian SSR, the Sixth Committee of the General Assembly offers the best possibilities for this.

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the work-study findings of experts from the military industry and the experience gained in using that industry's equipment, buildings and plan for civilian production. It has selected a number of enterprises in which its conversion model will be tested in practice. At the same time, the Soviet Union appeals to all States, particularly major military Powers, also to present to the United Nations national plans for the conversion of military production. It proposes the creation of a group of scientists to study the question of conversion in depth, with a view to preparing a report for submission to the Secretary-General of the United Nations and the possible consideration of this question at a future session of the General Assembly.

9. Although it is a priority issue, the conversion of military production cannot solve all the difficulties that must be overcome in establishing an economic order that will guarantee equal economic security for all States on the basis of the rule of law in international economic relations.

10. Another priority for United Nations action in establishing a new international economic order is to solve the external debt problem and settle the debt crisis, starting from the principle of the primacy of international law.

11. The Soviet Union is prepared to institute a long-term moratorium of up to 100 years on the repayment of the debt of the least developed countries and to write off that debt completely in quite a number of cases. A way out can be found in an internationalized approach and the discussion of possible solutions in multilateral forums.

12. The international economic security of States, based on their readiness to be bound by international law, is indissolubly linked with overcoming the world ecological threat. The implementation of the Soviet proposal for a United Nations emergency environmental assistance centre and the establishment of an international space laboratory to monitor natural conditions would be especially relevant in this connection.

13. The progressive development of international law relating the new international economic order would seem to form an integral part of the safeguarding of international economic security and the strengthening of the international legal order as a whole.

14. The legal basis for a uniform understanding of the principles and norms of international law relating to the new international economic order is to be found in a number of well-known documents: the Charter of the United Nations, the Charter of Economic Rights and Duties of States, the Declaration and Programme of Action on the Establishment of a New International Economic Order, and others. The practical expression and development of the provisions of those documents, and efforts to maximize their effectiveness, will help to consolidate the rule of international law in this field and to ensure its primacy.

15. Given the need to continue efforts to enhance the effectiveness of international law, the Soviet Union proposes that an agreement be worked out within the United Nations on a uniform understanding of the principles and norms of

international law, including those relating to the new international economic order. It therefore believes that work on codification must go beyond the expert level and be conducted in a representative forum, within the framework of existing United Nations machinery. The Sixth Committee of the General Assembly offers such a forum, and its future areas of activity could include work on the codification and progressive development of principles and norms of international law aimed at the restructuring of international economic relations on a just and democratic basis.
