

United Nations  
**GENERAL  
ASSEMBLY**

THIRTY-NINTH SESSION

Official Records



**106th  
PLENARY MEETING**

Tuesday, 9 April 1985,  
at 3.30 p.m.

**NEW YORK**

**President: Mr. Paul J. F. LUSAKA  
(Zambia).**

**Resumption of the session**

1. The PRESIDENT: I declare the thirty-ninth session of the General Assembly resumed in accordance with General Assembly decision 39/456 of 18 December 1984.

**Tribute to the memory of Mr. Konstantin Ustinovich Chernenko, President of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and General Secretary of the Central Committee of the Communist Party of the Soviet Union, and of Mr. Tom Adams, Prime Minister of Barbados**

2. The PRESIDENT: It is my sad duty to recall to the General Assembly the deaths of Mr. Konstantin Ustinovich Chernenko, President of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and General Secretary of the Central Committee of the Communist Party of the Soviet Union, and of Mr. Tom Adams, Prime Minister of Barbados, which occurred since the suspension of the thirty-ninth session of the Assembly on 18 December 1984.

3. I invite representatives to stand and observe a minute of silence in tribute to their memory.

*The members of the Assembly observed a minute of silence.*

**AGENDA ITEM 115**

**Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (continued)**

4. The PRESIDENT: I invite the attention of the General Assembly to document A/39/883, which contains a letter addressed to me by the Secretary-General informing the Assembly that 13 Member States are in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.

5. I should like to remind delegations that, under Article 19 of the Charter,

“A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears

equals or exceeds the amount of the contributions due from it for the preceding two full years.”

May I consider that the General Assembly duly takes note of that information?

*It was so decided.*

**AGENDA ITEM 11**

**Report of the Security Council (concluded)**

6. The PRESIDENT: May I consider that the General Assembly takes note of the report of the Security Council [A/39/2]?

*It was so decided (decision 39/457).*

**AGENDA ITEM 12**

**Report of the Economic and Social Council (continued):\***

(a) **Report of the Council (chapters I, II, III (part I, sections D, F and G and part II, sections A to C and E to G), IV, V (sections A to C), VIII and IX (part I, sections D, E, J to N and Q));**

(b) **Reports of the Secretary-General**

7. The PRESIDENT: Members will recall that in its decision 39/444, entitled “Consumer protection”, the General Assembly decided to take note of the consensus reached, on an *ad referendum* basis, on a set of guidelines for consumer protection, and to consider the draft resolution annexed to that decision for adoption at a resumed session in 1985. May I take it that the Assembly now wishes to adopt that draft resolution?

*The draft resolution was adopted (resolution 39/248).*

8. The PRESIDENT: I call now on delegations wishing to explain their position.

9. Mr. KEYES (United States of America): The consensus agreement on the consumer guidelines marks the end of a long road. This is an agreement that many thought impossible when we first began the journey, and there were points along the way when there was indeed real cause to doubt that a consensus text was possible. But perseverance and good will have prevailed.

10. My Government still has reservations, however, about both the concept and the specifics of these consumer guidelines. This should come as no surprise to anyone. We made this quite clear in Decem-

\*Resumed from the 104th meeting.

ber of last year at the time we agreed to their adoption on an *ad referendum* basis.

11. Since then we have subjected the guidelines to an arduous examination, both within our Government and with representative groups of varying interests from many areas of American society. I can say in all sincerity that virtually no one who has studied these guidelines is overly pleased, but the overwhelming view seems to be that they represent a reasonable compromise and are therefore acceptable. At the same time, there is a strong feeling, on the part of my Government and a large majority of those interested groups which have followed this exercise and given us their views, that these guidelines represent the last step in this long process, and that they can indeed serve adequately to be what they are supposed to be, namely, guidelines for assisting countries, particularly developing countries, in their efforts to protect their consumers. Thus, I believe it is entirely fair to say that the work of the United Nations in this area is now concluded.

12. As we mentioned briefly last December, there are a number of things in these guidelines which continue to cause us problems and which we believe detract from their quality and potential usefulness. I should like to spell out here those areas where we maintain reservations, though not sufficient reservations to prevent our joining the consensus.

13. First, we would have very strongly preferred to see the guidelines speak throughout about unreasonable risks or hazards, and we interpret the risks or hazards mentioned in the guidelines to be only those that are unreasonable. We all regularly accept routine risk wherever we are, whether in our homes, at work or travelling from one place to another. Consumer protection efforts cannot be expected to deal with every conceivable risk we face, but rather only with those that are unreasonable. We believe this to be a most important point.

14. Secondly, we are not happy to see references in the document to specific products or industries. To single out a few, even such important ones as those mentioned, is to distort the picture. Many other product areas, too numerous to mention, might logically have been included. It would have been fairer and more balanced to omit mention of any specific products or industries, particularly when we consider that the relative importance of any product varies from country to country.

15. Thirdly, we believe the guidelines remain biased towards government intervention in the marketplace. We believe that self-regulatory mechanisms by business and the forces of free and competitive markets will generally prove to be the most effective means of protecting consumers and advancing their interests.

16. Fourthly, while the original language has been vastly improved, it is still possible that the guidelines might be used to justify protectionist measures or discrimination against foreign investors. This would be unfortunate and damaging to much-needed efforts to expand international trade. It is surely not what the guidelines are designed to do. All countries should take pains to ensure that the guidelines are not misused for protectionist purposes.

17. Finally, we remain dubious that the United Nations has a truly useful role to play in this and other similar efforts in the regulatory area. To join in the negotiations in the first place was a difficult

decision for us. We believe that there are better ways of achieving the goals sought here and better things on which the United Nations should expend its limited resources and time. It is our view that the free flow of trade and investment offers the best means of meeting the interests of consumers. We have seen all too often the pernicious effects of excessive government controls and intervention in the marketplace. The principal beneficiaries of such regulation and control are all too often the regulators and controllers.

18. But, when all is said and done, we have, despite these many concerns, determined that the guidelines are an acceptable conclusion to our efforts, and that they do what they were meant to do—namely, offer useful guidance to countries in their own efforts to develop reasonable and useful programmes in consumer protection, appropriate to their particular circumstances.

19. Ms. ERIKSSON (Sweden): Sweden has always attached great importance to questions regarding consumer affairs. It was therefore with particular satisfaction that we joined other delegations in adopting by consensus the draft resolution annexed to decision 39/444.

20. The consumer guidelines approved today are the result of many years of hard work by delegations, government experts and the Secretariat. At the beginning of the thirty-ninth session the outlook for a consensus solution still seemed bleak. It is a tribute to the perseverance and the negotiating skills of the delegations most immediately concerned—we are particularly grateful to the representatives of Pakistan and the United States—that we could reach a basic agreement on the guidelines in December. Since then the internal process of approval within the United States has been concluded and it has thus been possible to reach the final step in approving the guidelines.

21. In my delegation's view, this resolution should be seen as one of the major accomplishments of the thirty-ninth session in the economic field. As they are followed up by action at national levels, the guidelines will in a very concrete way be of direct benefit to millions of consumers all over the world in their everyday life.

22. Mr. PASHKEVICH (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): In the Second Committee, on 14 December last year, the delegations of the People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the Mongolian People's Republic, the Polish People's Republic, the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic, the Czechoslovak Socialist Republic and the Byelorussian Soviet Socialist Republic made a joint statement on taking note of the achievement of consensus, on an *ad referendum* basis, on the draft resolution on consumer protection. Now our delegations consider it necessary to reaffirm their position of principle on the question of consumer protection, set forth in particular in the replies of our countries to the questionnaire sent by the Secretary-General.

23. We believe that the interrelationship between consumers and manufacturers of goods and services is an internal matter for States and should be resolved at the national level. This question becomes international in character only when it comes to matters of international trade in the context of

protecting the interests of developing countries as collective importers and consumers of goods and services. The work of the United Nations in this field is justified only if and when it promotes the defence and protection of the interests of the developing countries in the realm of international economic relations and also the protection of the broad working masses in the developing and developed capitalist countries against the dictates of transnational corporations.

24. We regret that the task of eliminating the ill effects of the activities of transnational corporations has not been reflected at all in this text of general principles or guidelines for consumer protection, although it did appear in all the previous versions of the document. The decision of some of the sponsors to yield to the pressure of certain delegations and to delete any reference to transnational corporations from the final text has led to a situation in which the whole idea of producing general guidelines for consumer protection has departed from reality, become very abstract in nature and virtually lost its initial significance. All of this, of course, inevitably changed our attitude towards this idea.

## AGENDA ITEMS 12 AND 92

### Report of the Economic and Social Council (concluded)

#### International Research and Training Institute for the Advancement of Women: report of the Secretary-General (concluded)\*

25. The PRESIDENT: I should like to draw the attention of the General Assembly to part I of the report of the Fifth Committee on agenda item 12, concerning the report of the Economic and Social Council; part I of the report of the Committee on item 12 deals also with item 92, concerning the International Research and Training Institute for the Advancement of Women. It is contained in document A/39/613. In paragraph 4 of that report, the Fifth Committee recommends to the General Assembly the adoption of a draft resolution entitled "Statute of the International Research and Training Institute for the Advancement of Women". The Fifth Committee adopted it without objection. May I take it that the Assembly also wishes to adopt that draft resolution?

*The draft resolution was adopted (resolution 39/249).*

## AGENDA ITEM 17

### Appointments to fill vacancies in subsidiary organs and other appointments (continued):

#### (g) Appointment of members of the Joint Inspection Unit

26. The PRESIDENT: I should now like to invite the attention of the Assembly to document A/39/881, dealing with a vacancy in the Joint Inspection Unit.

27. Even though the Assembly has already considered agenda item 17 (g), may I take it that the Assembly has no objection to reopening it in order to

appoint one member of the Joint Inspection Unit at this meeting?

*It was so decided.*

28. The PRESIDENT: As indicated in document A/39/881, the General Assembly is required to appoint a person to fill a vacancy in the Joint Inspection Unit created by the death of Mr. Toman Hutagalung of Indonesia on 19 December 1984.

29. As a result of consultations, including consultations with the President of the Economic and Social Council and with the Secretary-General in his capacity as Chairman of the Administrative Committee on Co-ordination, I now submit to the Assembly the candidacy of Mr. Kahono Martohadinegoro of Indonesia for appointment as member of the Joint Inspection Unit for a five-year term beginning on 9 April 1985 and expiring on 31 December 1989. May I take it that it is the wish of the General Assembly to appoint this candidate?

*It was so decided (decision 39/305C).*

## AGENDA ITEM 38

### Launching of global negotiations on international economic co-operation for development (continued)

30. The PRESIDENT: Next, the Assembly will turn to agenda item 38. I suggest to the Assembly that this item be considered at our next plenary meeting this week. If there is no objection, it will be so decided.

*It was so decided.*

## AGENDA ITEM 80

### Development and international economic co-operation (continued):\*

#### (c) Trade and development:

##### (i) Report of the Trade and Development Board;

##### (ii) Reports of the Secretary-General

31. The PRESIDENT: Next, I should like to draw the attention of the General Assembly to a note of 21 March 1985 contained in document A/39/867, in which the Secretary-General informed the Assembly that the United Nations Conference on Conditions for Registration of Ships had requested him to seek the approval of the General Assembly at its resumed thirty-ninth session to resume the Conference for a period of two weeks in July 1985. May I take it that the General Assembly has no objection to reopening consideration of item 80 (c) in order to consider at this resumed session the request submitted by the Conference?

*It was so decided.*

\*Resumed from the 104th meeting.

\*Resumed from the 101st meeting.

32. The PRESIDENT: The Assembly will consider this agenda item again as soon as the Fifth Committee has met on the programme budget implications of the proposed resumption.

### AGENDA ITEM 81

**Operational activities for development (concluded):**

(j) **Liquidation of the United Nations Emergency Operation Trust Fund and allocation of the remaining balance: report of the Secretary-General**

33. The PRESIDENT: The Assembly will turn next to agenda item 81 (j). The Assembly, by its decision 39/456 of 18 December 1984, decided to consider this item at its resumed session. In this connection, the Assembly has before it the report of the Second Committee [A/39/791]. The recommendation of the Second Committee appears in paragraph 30 as draft decision IV entitled "Liquidation of the United Nations Emergency Fund and allocation of the remaining balance". May I take it that the General Assembly wishes to adopt that draft decision?

*The draft decision was adopted (decision 39/458).*

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\*Resumed from the 101st meeting.

### AGENDA ITEM 93

**United Nations Decade for Women: Equality, Development and Peace (continued):\***

(b) **Preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women**

34. The PRESIDENT: Finally, I should like to draw the attention of the Assembly to document A/39/884, which contains a request addressed to me by the representatives of Argentina, Egypt, India, Indonesia and Kenya to seek the approval of the Assembly at its resumed thirty-ninth session to reopen agenda item 93 (b), entitled "Preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women". May I take it that the General Assembly has no objection to reopening agenda item 93 (b) as requested?

*It was so decided.*

35. The PRESIDENT: There is no formal proposal at this stage. As soon as one is submitted, and if it appears to have programme budget implications, may I consider that the Assembly agrees that it be referred directly to the Fifth Committee?

*It was so decided.*

36. The PRESIDENT: The Assembly will take up this item again at a later stage this week.

*The meeting rose at 4 p.m.*