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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. Guillaume PAMBOU-TCHIVOUNDA (Gabon)

I. INTRODUCTION

1. The item entitled "Progressive development of the principles and norms of international law relating to the new international economic order" was included in the provisional agenda of the forty-fourth session of the General Assembly pursuant to paragraph 4 of General Assembly resolution 43/162 of 9 December 1988.
2. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/44/455 and Add.1). In addition, a letter dated 19 July 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Zimbabwe to the United Nations addressed to the Secretary-General (A/44/409-S/20743 and Corr.1 and 2) was circulated under the item, as well as a letter dated 22 September 1989 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General (A/44/551).
4. The Sixth Committee considered the item at its 15th and 16th meetings, on 10 and 11 October 1989. The summary records of those meetings (A/C.6/44/SR.15 and 16) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/44/L.6

5. At the 44th meeting, on 21 November 1989, the representative of Cuba introduced a draft resolution (A/C.6/44/L.6) sponsored by Angola, Bangladesh, Burkina Faso, Cameroon, Cape Verde, Chile, Cuba, Democratic Yemen, Ecuador, Equatorial Guinea, Ethiopia, the Lao People's Democratic Republic, Mali, Mexico, Nicaragua, the Niger, Nigeria, Panama, Peru, the Philippines, Romania, Rwanda, Venezuela, Viet Nam and Zambia, later joined by Burundi, China, the Congo, Gabon, Ghana, Guatemala, Guinea, Jamaica, Pakistan, Suriname, Uganda and the United Republic of Tanzania.

6. Draft resolution A/C.6/44/L.6 was adopted by 102 votes to none, with 25 abstentions (see para. 8).

7. The representative of the United States of America spoke in explanation of vote before the vote. The representatives of France (speaking on behalf of the 12 States members of the European Community) and Austria made statements in explanation of vote after the vote.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. 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,

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, 3362 (S-VII) of 16 September 1975 on development and international economic co-operation and 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade,

Recalling also 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", and its resolutions 36/107 of 10 December 1981, 37/103 of 16 December 1982, 38/128 of 19 December 1983, 39/75 of 13 December 1984, 40/67 of 11 December 1985, 41/73

of 3 December 1986, 42/149 of 7 December 1987 and 43/162 of 9 December 1988, entitled "Progressive development of the principles and norms of international law relating to the new international economic order",

Bearing in mind the urgent need to adopt measures to reactivate the process of international economic co-operation and the negotiations undertaken for that purpose, particularly in view of the economic difficulties encountered by the developing countries,

Considering the close link between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework,

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

Recalling the analytical study 1/ submitted to the General Assembly at its thirty-ninth session by the United Nations Institute for Training and Research,

1. Notes with appreciation the views and comments submitted by Governments pursuant to resolutions 40/67, 41/73, 42/149 and 43/162; 2/

2. Requests the Secretary-General:

(a) 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;

(b) To include the proposals received in accordance with subparagraph (a) above in a report to be submitted to the General Assembly at its forty-sixth session;

3. Recommends that the Sixth Committee should consider making a final decision at the forty-sixth session of the General Assembly on the question of the appropriate forum within its framework which would undertake the task of completing the elaboration of the process of codification and progressive development of the principles and norms of international law relating to the new international economic order, taking into account the proposals and suggestions which have been or will be submitted by Member States on the matter;

1/ A/39/504/Add.1, annex III.

2/ A/41/536, A/42/483 and Add.1 and 2, A/43/529 and Add.1 and A/44/455 and Add.1.

4. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order".
