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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

Report of the Sixth Committee

Rapporteur: Mr. Jargalsaikhany ENKHTSAIKHAN (Mongolia)

1. The item 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" was included in the provisional agenda of the thirty-fourth session of the General Assembly pursuant to Assembly decision 33/424 of 16 December 1978.
2. At its 4th plenary meeting, on 21 September 1979, 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. The Sixth Committee had before it a note by the Secretary-General (A/31/172) and a working paper submitted by the Philippines (A/C.6/34/L.7).
4. The Sixth Committee considered the item at its 55th to 61st meetings, held between 29 November and 6 December 1979. The summary records of these meetings (A/C.6/34/SR.55-61) contain the views of representatives who spoke during the consideration of this item.
5. At the 57th meeting, on 3 December, the representative of the Philippines introduced a draft resolution (A/C.6/34/L.17) which read as follows:

"The General Assembly,

"Bearing in mind Article 13, paragraph 1 (a), of the Charter of the United Nations, which calls on the General Assembly to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

"Noting the relevant provisions of the United Nations Charter relating to international economic relations, in particular the promotion of "social progress and better standards of life in larger freedom" in its Preamble; the achievement of "international co-operation in solving problems of an economic, social, cultural, or humanitarian character" in paragraph 3 of Article I; and the promotion of "higher standards of living, full employment and conditions of economic and social progress and development" in Article 55,

"Recalling its resolutions 2542 (XXIV) of 11 December 1969 on the Declaration on Social Progress and Development, 2625 (XXV) of 24 October 1970 on the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and 2626 (XXV) of 24 October 1970 on the International Development Strategy for the Second United Nations Development Decade,

"Recalling further its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974 on the Declaration and Programme of Action on the Establishment of the New International Economic Order; 3281 (XXIX) of 12 December 1974 on the Charter of Economic Rights and Duties of States; and 3262 (S-VII) of 16 September 1975 on development and international economic co-operation,

"Considering that the above-mentioned resolutions and declarations, as well as other resolutions and decisions adopted by bodies within the United Nations system and by conferences held under United Nations auspices, relating to the establishment of the new international economic order together contain principles and norms of international economic law which should govern economic relations between and among States of differing levels of development and different economic systems,

"1. Requests the Secretary-General to study the question of the 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, with a view to the possible drafting of an international convention or such other instrument that may be appropriate on this matter;

"2. Requests further the Secretary-General to submit at its thirty-fifth session a preliminary report on his study under the item 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'."

6. At the 60th meeting, on 5 December, the representative of the Philippines introduced a revised version of the draft resolution (A/C.6/34/L.17/Rev.1). In the fifth preambular paragraph of the revised version, the words "United Nations Charter and the" were added after the words "Considering that the". In addition, the operative paragraphs of the draft resolution were revised to read as follows:

/...

"1. Requests the Secretary-General, in collaboration with the United Nations Institute for Training and Research and in co-ordination with the United Nations Commission on International Trade Law, to study the question of the 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, with a view to embodying them in an appropriate instrument;

"2. Invites Member States to submit their views on this question not later than 31 July 1980;

"3. Requests further the Secretary-General to submit to the General Assembly at its thirty-fifth session a preliminary report on his study and the views of Governments received under the item 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'."

7. At the 61st meeting, on 6 December, the representative of the Philippines orally revised operative paragraph 1 by substituting, at the end of that paragraph, the words "one or more instruments, as appropriate" for the words "an appropriate instrument".

8. At the same meeting, the Committee adopted draft resolution A/C.6/34/L.17/Rev.1, as orally revised, by a roll-call vote of 79 to 7, with 26 abstentions (see para. 10). The voting was as follows: 1/

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Barbados, Bhutan, Botswana, Brazil, Burma, Burundi, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Ghana, Guatemala, Guyana, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Morocco, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Rwanda, Senegal, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, France, Germany, Federal Republic of, Greece, Luxembourg, United Kingdom of Great Britain and Northern Ireland, United States of America.

1/ Subsequently the delegations of Guinea and the Sudan indicated that, had they been present, they would have voted in favour.

Abstaining: Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Finland, German Democratic Republic, Hungary, Iceland, Ireland, Italy, Japan, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

9. Statements in explanation of vote before the vote were made by the representatives of the Union of Soviet Socialist Republics, the United States of America, the Netherlands, Jamaica, Canada, Mexico and Norway. Statements in explanation of vote after the vote were made by the representatives of Japan, Israel, Austria and the United Kingdom of Great Britain and Northern Ireland.

RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

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

The General Assembly,

Bearing in mind Article 13, paragraph 1 a, of the Charter of the United Nations, which calls on the General Assembly to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Noting the relevant provisions of the Charter relating to international economic relations, in particular the promotion of social progress and better standards of life in larger freedom in its Preamble, the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character in Article 1, paragraph 3, and the promotion of higher standards of living, full employment and condition of economic and social progress and development in Article 55,

Recalling its resolutions 2542 (XXIV) of 11 December 1969 containing the Declaration on Social Progress and Development, 2625 (XXV) of 24 October 1970 containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and 2626 (XXV) of 24 October 1970 on the International Development Strategy for the Second United Nations Development Decade,

Recalling further 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 and 3362 (S-VII) of 16 September 1975 on development and international economic co-operation,

Considering that the Charter and the above-mentioned resolutions and declarations, as well as other resolutions and decisions adopted by bodies within the United Nations system and by conferences held under United Nations auspices relating to the establishment of the new international economic order, together contain principles and norms of international economic law which should govern economic relations between and among States of differing levels of development and different economic systems,

1. Requests the Secretary-General, in collaboration with the United Nations Institute for Training and Research and in co-ordination with the United Nations Commission on International Trade Law, to study the question of the 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, with a view to embodying them in one or more instruments, as appropriate;

2. Invites Member States to submit their views on this question not later than 31 July 1980;

3. Further requests the Secretary-General to submit to the General Assembly at its thirty-fifth session a preliminary report on his study and the views of Governments received under the item 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".
