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Charter of Economic Rights and Duties of States Report of the Second Committee

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ARTICLE 33

1. Nothing in the present Charter shall be construed as impairing or derogating from the provisions of the Charter of the United Nations or actions taken in pursuance thereof.

2. In their interpretation and application, the provisions of the present Charter are interrelated and each provision should be construed in the context of the other provisions.

ARTICLE 34

An item on the Charter of Economic Rights and Duties of States shall be inscribed on the agenda of the General Assembly at its thirtieth session, and thereafter on the agenda of every fifth session. In this way a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which might become necessary, would be carried out and appropriate measures recommended. Such consideration should take into account the evolution of all the economic, social, legal and other factors related to the principles upon which the present Charter is based and on its purpose.

Charter of Economic Rights and Duties of States

Report of the Second Committee

Rapporteur: MR. LUIS LASCARRO (Columbia)

1. The General Assembly, at its 2237th plenary meeting, on 21 September 1974, allocated to the Second Committee agenda item 48, entitled "Charter of Economic Rights and Duties of States."

2. The Second Committee considered this item in the context of its general debate at its 1587th to 1598th and 1600th and 1601st meetings, between 23 September and 8 October 1974. The Committee resumed its consideration of the item at its 1638th to 1644th and 1647th to 1651st meetings, on 25, 27, 28 November and between 2 and 9 December 1974. An account of the discussions of the Committee on the item is contained in the relevant summary records (A/C.2/SR.1587-1598, 1600, 1601, 1638-1644 and 1647-1651).

3. For the consideration of the item, the Committee had before it the report of the Trade and Development Board on the first part of its fourteenth session,² and the report of the Working Group on the Charter of Economic Rights and

²Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 15 (A/9615).

Duties of States on its third and fourth sessions (TD/B/AC.12/3 and TD/B/AC.12/4).

4. At the 1638th meeting, on 25 November, the Chairman of the Working Group of the United Nations Conference on Trade and Development on the Charter of Economic Rights and Duties of States, made a statement, in which he introduced the report of the Working Group (TD/B/AC.12/3 and TD/B/AC.12/4).

5. At the 1639th meeting, on 27 November, the representative of Mexico, on behalf of *Afghanistan, Algeria, Argentina, Bahrain, Bahamas, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Burma, Burundi, the Central African Republic, Chad, Chile, the Congo, Colombia, Costa Rica, Cuba, Cyprus, Dahomey, Democratic Yemen, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, the Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, the Libyan Arab Republic, Madagascar, Malawi, Malaysia, the Maldives, Mali Mauritania, Mauritius, Mexico, Morocco, Nepal, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, the Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Arab Emirates, the United Republic of Cameroon, the United Republic of Tanzania, the Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire and Zambia*,³ introduced a draft resolution (A/C.2/L.1386), entitled "Charter of Economic Rights and Duties of States" . . .

9. At the 1647th meeting, on 6 December, the delegation of France, on behalf of *Belgium, Denmark, France, Germany (Federal Republic of), Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland*, introduced a draft resolution (A/C.2/L.1419) the text of which read as follows:

The General Assembly,

Recalling resolution 45 (III) of the United Nations Conference on Trade and Development,

³The draft resolution contained a footnote which read as follows:

"The sponsorship of this draft resolution does not preclude in any manner the formulation by the sponsors of interpretive declarations as to the scope they recognize to certain provisions of the Charter of Economic Rights and Duties of States."

Recognizing the usefulness for the international community of a charter defining the economic rights and duties of States,

Considering that, in view of its object and its universal character, such a charter should reflect the largest possible agreement between all countries.

Taking into account the considerable progress already achieved in the successive stages of the preparation of this charter and the search for a consensus,

Noting that there still exist controversial points which it would be highly desirable to settle through appropriate consultations before proposing a text for adoption by the United Nations,

1. *Requests* the countries which have participated in the Working Group established under the aforementioned resolution 45 (III) to continue their efforts with a view to submitting a complete and generally accepted draft charter to the special session of the General Assembly devoted to development and international economic co-operation (September 1975);

2. *Invites* the Secretary-General of UNCTAD to assist in facilitating the consultations for this purpose, from the beginning of 1975.

10. At the same meeting, at the request of the representative of *France*, the Committee decided, in accordance with rule 131 of the rules of procedure of the General Assembly, to give priority consideration to draft resolution A/C.2/L.1419.

11. At its 1647th meeting, on 6 December, the representative of the United States of America requested that all the votes taken under this item should be recorded.

12. At the same meeting, the Committee rejected the draft resolution (A/C.2/L.1419) by 81 votes to 20, with 15 abstentions.

In favour: Austria, Belgium, Canada, Denmark, France, Germany (Federal Republic of), Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Chad, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, India, Iran, Iraq, Ivory Coast, Jamaica, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malta, Mauritania, Mexico, Mongolia,

Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Swaziland, Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zaire, Zambia.

Abstaining: Australia, Cyprus, Dahomey, Finland, Greece, Grenada, Indonesia, Jordan, Khmer Republic, Laos, Malawi, Malaysia, New Zealand, Singapore, Thailand.

23. At the 1648th meeting, on 6 December, the Committee voted on the draft resolution (A/C.2/L.1386), as revised, as a whole. The draft resolution was adopted by a roll-call vote of 115 to 6 with 10 abstentions (see para. 25 below). The result of the voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, Denmark, Germany (Federal Republic of), Luxembourg, United Kingdom of Great Britain and Northern Ireland, United States of America.