

**40/65. Consideration of the draft articles on most-favoured-nation clauses**

*The General Assembly,*

Recalling its resolution 33/139 of 19 December 1978 relating to the report of the International Law Commission on the work of its thirtieth session,<sup>12</sup> in particular section II of that resolution, as well as its resolutions 35/161 of 15 December 1980, 36/111 of 10 December 1981 and 38/127 of 19 December 1983, entitled "Consideration of the draft articles on most-favoured-nation clauses",

Reaffirming its appreciation of the high quality of the work done by the International Law Commission in elaborating a series of draft articles on most-favoured-nation clauses,

Bearing in mind the importance of facilitating international trade and the development of economic co-operation among all States on the basis of equality, mutual advantage and non-discrimination in the establishment of the new international economic order,

Bearing in mind also the complexity of codification or progressive development of the international law on most-favoured-nation clauses at a time of rapid development of new forms of economic co-operation, notably those in favour of developing countries,

Noting from the report of the Secretary-General<sup>13</sup> that a limited number of comments have been received, which seems to indicate that most Member States are not yet in a position to decide how further to proceed in the consideration of the draft articles on most-favoured-nation clauses,

Considering that sufficient time should be given to Governments for a thorough study of the draft articles and of the questions related to the clauses in order that they may express themselves on the action that should be taken regarding the draft articles,

1. *Calls upon* Member States, interested organs of the United Nations and interested intergovernmental organizations to review the questions related to the most-favoured-nation clauses and the draft articles thereon so that the General Assembly, at its forty-third session, may decide on the action to be taken on the draft articles;

2. *Requests* the Secretary-General to reiterate his invitation to Member States and interested organs of the United Nations, as well as interested intergovernmental organizations, to submit or bring up to date, not later than 31 March 1988, any written comments and observations which they deem appropriate on the substance of the draft articles;

3. *Also requests* the Secretary-General to invite Member States to comment on the most appropriate procedure for completing work on most-favoured-nation clauses and on the forum for future discussion, bearing in mind the suggestions and proposals made in the Sixth Committee, including the suggestion to establish a working group of the Sixth Committee after one of the existing working groups accomplishes its mandate;

4. *Further requests* the Secretary-General to submit to the General Assembly at its forty-third session a report containing the comments and observations received pursuant to paragraphs 2 and 3 above with a view to taking a final decision on the procedure to be followed;

5. *Decides* to include in the provisional agenda of its forty-third session the item entitled "Consideration of the draft articles on most-favoured-nation clauses".

*112th plenary meeting  
11 December 1985*

**40/66. United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law**

*The General Assembly,*

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law<sup>14</sup> and the recommendations made by the Secretary-General and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which are contained in that report,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Recalling its resolutions 2464 (XXIII) of 20 December 1968, 2550 (XXIV) of 12 December 1969, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolution 34/144 of 17 December 1979, in which it also expressed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law sponsored jointly by the United Nations and the United Nations Institute for Training and Research, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

Noting with regret that the 1985 United Nations Institute for Training and Research regional training and refresher course in international law intended for Asian and Pacific countries could not take place for lack of a host country, and considering the difficulties which the Institute may encounter in finding host countries for the organization of future regional courses,

Noting that the fund of the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea has already become operational,

1. *Authorizes* the Secretary-General to carry out in 1986 and 1987 the activities specified in his report, including the provision of:

(a) A minimum of fifteen fellowships each in 1986 and 1987, at the request of Governments of developing countries;

(b) A minimum of one scholarship each in 1986 and 1987 under the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea to be financed by the fund of voluntary contributions made specifically for the Fellowship;

<sup>12</sup> *Ibid.*, Thirty-third Session, Supplement No. 10 (A/33/10).

<sup>13</sup> A/40/444.

<sup>14</sup> A/40/893.

(c) Assistance in the form of a travel grant for one participant from each developing country who will be invited to the regional courses to be organized in 1986 and 1987; and to finance the above activities from provisions in the regular budget and also from voluntary financial contributions which would be received as a result of the requests set out in paragraphs 9, 10 and 11 below;

2. *Expresses its appreciation* to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in 1984 and 1985, in particular for the organization of the twentieth<sup>15</sup> and twenty-first<sup>16</sup> sessions of the International Law Seminar, held at Geneva from 4 to 22 May 1984 and from 3 to 21 June 1985, respectively, and the participation of the Office of Legal Affairs of the Secretariat and its Codification Division in the activities related to the conduct of the fellowship programme in international law sponsored jointly by the United Nations and the United Nations Institute for Training and Research;

3. *Expresses its appreciation* to the United Nations Institute for Training and Research for its participation in the Programme, particularly in the organization of regional courses and in the conduct of the fellowship programme in international law sponsored jointly by the United Nations and the Institute;

4. *Expresses its appreciation* to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme, in particular for the efforts it has made to support the teaching of international law;

5. *Also expresses its appreciation* to the Government of the Republic of Cameroon and to the International Relations Institute of Cameroon for providing host facilities for the regional training and refresher course for African countries held at Yaoundé from 12 to 24 November 1984;

6. *Further expresses its appreciation* to the Hague Academy of International Law for the valuable contributions it has made to the Programme by enabling international law fellows under the sponsorship of the United Nations and the United Nations Institute for Training and Research to attend its annual international law courses and by providing facilities for seminars organized under the fellowship programme in international law in conjunction with the Academy courses and for its constructive efforts in organizing the regional training and refresher courses held at Brasilia in 1983, at Cairo in 1984 and at Rabat in 1985;

7. *Notes with appreciation* the contributions made by the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of and, if possible, an increase in their financial contributions in order to enable the Academy to carry on with the above-mentioned activities;

8. *Urges* all Governments to encourage the inclusion of courses on international law in the programmes of legal studies offered at institutions of higher learning;

9. *Requests* the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or

otherwise to assist in its implementation and possible expansion;

10. *Reiterates its request* to Member States and to interested organizations and individuals to make voluntary contributions towards the financing of the Programme, in particular for the International Law Seminar and the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea, and expresses its appreciation to those Member States, institutions and individuals that have made voluntary contributions for this purpose;

11. *Urges* in particular all Governments to make voluntary contributions with a view to covering the amount of \$30,000 needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course organized by the United Nations Institute for Training and Research, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue organizing one regional course per year;

12. *Requests* the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the Programme during 1986 and 1987 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years;

13. *Decides* to include in the provisional agenda of its forty-second session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

*112th plenary meeting  
11 December 1985*

#### **40/67. 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, and 39/75 of 13 December 1984, 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, par-

<sup>15</sup> See *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 10 (A/39/10)*, paras. 411-421.

<sup>16</sup> *Ibid.*, *Fortieth Session, Supplement No. 10 (A/40/10)*, paras. 326-334.