

GENERAL ASSEMBLY RESOLUTION 3281 (XXIX) CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

The adoption of a Charter of Economic Rights and Duties of States was first proposed by President Luis Echeverría of Mexico at the third session of the United Nations Conference on Trade and Development, held in Santiago, Chile, from 13 April to 21 May 1972 (TD/SR.92). On 12 May 1972, Ethiopia (on behalf of the Group of 77), taking note of the suggestion made by Mexico, introduced a draft resolution (TD/L.62) to the Conference which proposed to draw up such a charter. On 18 May 1972, after some debate, the President of the Conference submitted an amended draft resolution (TD/L.84), which was adopted by the Conference as resolution 45 (III).

By this resolution, the Conference decided to establish the Working Group on the Charter of the Economic Rights and Duties of States, composed of 31 Member States (enlarged to 40 Member States by General Assembly resolution 3037 (XXVII) of 19 December 1972), entrusted with the task of drawing up the text of a draft charter on economic rights and duties of States. The resolution further decided that the draft charter prepared by the Working Group should be sent to Member States of the Conference in order that they could communicate their suggestions. Finally, the resolution recommended that the Trade and Development Board of the Conference should examine the report of the Working Group at its thirteenth session, as a matter of priority, and should transmit that report--with its comments--to the General Assembly at the Assembly's twenty-eighth session.

At its first session, held in Geneva from 12 to 23 February 1973, the Working Group took note of the draft outline of a charter of economic rights and duties of States which had emerged from the discussions of a sub-group it had established earlier during that session. However, due to time constraints, the Working Group was unable to examine the draft outline in detail and decided to transmit it to Member States of the Conference for their comments and suggestions in accordance with resolution 45 (III) (Report of the Working Group on the work of its first session, TD/B/AC.12/1).

At its second session, held in Geneva from 13 to 27 July 1973, the Working Group utilized the draft outline as the basis for its discussions, taking into account the comments and suggestions it had received from Member States, as well as proposals made during the discussions. On 27 July 1973, following a proposal by the Philippines, the Working Group, having had insufficient time to complete its work on a draft charter, decided to recommend to the Trade and Development Board of the Conference that it should invite the General Assembly to extend the mandate of the Working Group for two further sessions and that its reports on those sessions should be transmitted to the General Assembly for consideration at its twenty-ninth session (Report of the Working Group on the work of its second session, TD/B/AC.12/2).

On 8 September 1973, the Trade and Development Board took note of the report of the Working Group and approved the proposal contained therein (Report of the Trade and Development Board to the General Assembly on the work of its thirteenth session, A/9015/Rev.1). On 21 September 1973, the recommendations made by the Working Group were transmitted by the Secretary-General of the United Nations Conference on Trade and Development to the General Assembly (A/9213), who, at its twenty-eighth session, allocated the matter to its Second Committee (A/PV.2123) under an item of its agenda related to the Report of the Trade and Development Board of the United Nations Conference on Trade and Development.

On 8 November 1973, during the debate on the item in the Second Committee, 14 Member States introduced a joint draft resolution (A/C.2/L.1295) based, in substance, on the proposal of the Working Group. This resolution was adopted by the Committee on the same day.

On 6 December 1973, the General Assembly, following the recommendation of its Second Committee, adopted resolution 3082 (XXVIII). By this resolution, the Assembly decided to extend the mandate of the Working Group for two further sessions and urged the Working Group to complete, as the first step in the codification and development of the matter, the elaboration of a final draft of a Charter of Economic Rights and Duties of States, to be considered and approved by the General Assembly at its twenty-ninth session. The resolution further requested the Trade and Development Board to examine at its fourteenth session, as a matter of priority, the report of the Working Group and to transmit it to the General Assembly, together with its comments and suggestions. Finally, the resolution decided to include in the provisional agenda of its twenty-ninth session an item entitled "Charter of Economic Rights and Duties of States".

At its third session, held in Geneva from 4 to 22 February 1974, the Working Group established two sub-groups and considered their reports on the elaboration of a final draft charter on economic rights and duties of States (TD/B/AC.12/L.6; TD/B/AC.12/L.7 and Add. 1 and 2). The Working Group took note of the proposals made by the two sub-groups and, having elaborated a consolidated text on that basis, decided to consider the text at its following session (see Report of the Working Group on the work of its third session, TD/B/AC.12/3).

At its fourth and final session, held in Mexico City from 10 to 28 June 1974, the Working Group considered the final text of the draft Charter of Economic Rights and Duties of States (TD/B/AC.12/L.13), which represented the results of wide-ranging discussions. While considerable progress was made by the Working Group during its final session, some areas of disagreement still remained. On 28 June 1974, with the recommendation that further informal consultations with interested countries on outstanding issues should be pursued, the Working Group decided to submit the final text to the Trade and Development Board, at its fourteenth session, for transmittal with its comments and suggestions to the General Assembly at the Assembly's twenty-ninth session (Report of the Working Group on the work of its fourth session, TD/B/AC.12/4 and Corr.1).

On 12 September 1974, during the first part of its fourteenth session, the Trade and Development Board took note of the report of the Working Group and decided to transmit it to the General Assembly together with its comments and suggestions. The Board adopted the proposal of the Working Group and recommended to the General Assembly that further informal consultations on outstanding issues be held with interested countries before the report of the Working Group would be taken up by the Assembly at its twenty-ninth session (Report of the Trade and Development Board to the General Assembly on the work of its fourteenth session, A/9615/Rev.1).

At its twenty-ninth session, on 21 September 1974, the General Assembly allocated to the Second Committee the agenda item entitled "Charter of Economic Rights and Duties of States" (A/PV.2237). The item was discussed at several meetings of the Second Committee (see A/C.2/29/SR.1638-1651). On 21 November 1974, Mexico, on behalf of 90 Member States of the Group of 77, submitted a draft resolution (A/C.2/L.1386 and Corr.1-5) to the Second Committee entitled "Charter of Economic Rights and Duties of States". On 5 December 1974, the Group of 77 jointly submitted a revised draft

resolution (A/C.2/L.1386/Corr.6), which was approved by the Second Committee on the following day. On 12 December 1974, the General Assembly adopted resolution 3281 (XXIX) by 115 votes to 6, with ten abstentions.