

and to develop their international relations according to their peoples' interests, free of outside interference, subversion, direct and indirect coercion or threats of any kind,

Deeply concerned at the fact that the trade embargo against Nicaragua still persists and has been extended and broadened as from May 1986,

Considering the Judgment of the International Court of Justice, dated 27 June 1986, by which the Court decided that the country that imposed the embargo had a duty immediately to cease and to refrain from said act,⁷

Having considered the report of the Secretary-General on the trade embargo against Nicaragua,⁸

1. *Invites* all States members of the international community to continue to promote concrete forms of co-operation in Central America, in particular to help reduce the negative effects of the trade embargo adopted against Nicaragua;

2. *Deplores* the continuation of the trade embargo contrary to General Assembly resolution 40/188 and the Judgment of the International Court of Justice, and requests once again that those measures be immediately revoked;

3. *Requests* the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.

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41/165. Economic measures as a means of political and economic coercion against developing countries

The General Assembly,

Recalling the relevant principles set forth in the Charter of the United Nations,

Recalling also its resolutions 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, 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, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Reaffirming article 32 of the Charter of Economic Rights and Duties of States, which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Bearing in mind the general principles governing international trade and trade policies for development contained in its resolution 1995 (XIX) of 30 December 1964, United Nations Conference on Trade and Development resolution 152 (VI) of 2 July 1983⁴ on rejection of coercive economic measures, and the principles and rules of the General Agreement on Tariffs and Trade and paragraph 7 (iii) of the Ministerial Declaration adopted on 29 November 1982 by the Contracting Parties to the Gen-

eral Agreement on Tariffs and Trade at their thirty-eighth session,⁹

Reaffirming its resolutions 38/197 of 20 December 1983, 39/210 of 18 December 1984 and 40/185 of 17 December 1985,

Taking note of the report of the Secretary-General on the adoption and effects of economic measures taken by developed countries for coercive purposes, including their impact on international economic relations,¹⁰ and considering that further work should be undertaken in order to implement resolutions 38/197, 39/210 and 40/185,

Gravely concerned that the use of coercive measures adversely affects the economies and development efforts of developing countries and that, in some cases, those measures have worsened, creating a negative impact on international economic co-operation,

1. *Calls upon* the international community to adopt urgent and effective measures in order to eliminate the use of coercive measures against developing countries, which have been increasing and have taken new forms;

2. *Deplores* the fact that some developed countries continue to apply and, in some cases, have increased the scope and magnitude of economic measures that have the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of developing countries subject to those measures;

3. *Reaffirms* that developed countries should refrain from threatening or applying trade restrictions, blockades, embargoes and other economic sanctions, incompatible with the provisions of the Charter of the United Nations and in violation of undertakings contracted multilaterally and bilaterally, against developing countries as a form of political and economic coercion that affects their economic, political and social development;

4. *Requests* the Secretary-General to prepare a comprehensive, in-depth report on effective measures to eliminate the use of coercive measures against developing countries, mentioned in paragraph 1 above, and on the economic measures that adversely affect the development efforts of developing countries, mentioned in paragraph 3 above, taking into account existing information and including:

(a) Relevant information from Governments;

(b) Information from all the pertinent organs and organizations of the United Nations system;

(c) Suggestions for monitoring application of the measures referred to in paragraph 3;

(d) A compilation of the norms, rules, regulations, resolutions and other decisions existing in the pertinent organs and organizations of the United Nations system that are being violated by the use of coercive economic measures against developing countries;

5. *Appeals* to Governments and to the pertinent organs and organizations of the United Nations system to provide the necessary information to the Secretary-General, so that he may prepare the report called for in paragraph 4 above;

⁷ See *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, *I.C.J. Reports 1986*, p. 14.

⁸ A/41/596 and Add.1 and 2.

⁹ See General Agreement on Tariffs and Trade, *Basic Instruments and Selected Documents, Twenty-ninth Supplement* (Sales No. GATT/1983-1), document I/5424.

¹⁰ A/41/739.

6. *Requests* the Secretary-General to submit the above-mentioned report to the General Assembly at its forty-second session.

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41/166. International code of conduct on the transfer of technology

The General Assembly,

Recalling its resolution 40/184 of 17 December 1985, in which it invited the Secretary-General of the United Nations Conference on Trade and Development and the President of the United Nations Conference on an International Code of Conduct on the Transfer of Technology to consult, as appropriate, with regional groups and Governments, taking into account the need for balanced geographical representation, with a view to identifying appropriate solutions to the issues outstanding in the code of conduct,

1. *Takes note* of the report of the Secretary-General of the United Nations Conference on Trade and Development on the consultations held in 1986 relating to the negotiations on an international code of conduct on the transfer of technology;¹¹

2. *Notes* that the consultations have not been completed and that further work is required in the search for possible solutions to the outstanding issues in order to complete successfully the negotiations on a code of conduct;

3. *Invites* the Secretary-General of the United Nations Conference on Trade and Development and the President of the United Nations Conference on an International Code of Conduct on the Transfer of Technology to continue and to finalize in 1987, on the basis of a more structured consultative mechanism, their consultations with regional groups and interested Governments with a view to identifying appropriate solutions to the issues outstanding in the code of conduct;

4. *Further invites* the Secretary-General of the United Nations Conference on Trade and Development to report to the General Assembly at its forty-second session on the progress made in the consultations referred to in paragraph 3 above;

5. *Decides* to take, at that session, in the light of the consultations, further action on the negotiations on the code of conduct, including the possible reconvening of the United Nations Conference on an International Code of Conduct on the Transfer of Technology, preferably in 1988.

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41/167. Restrictive business practices

The General Assembly,

Recalling its resolution 35/63 of 5 December 1980, by which it adopted the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,¹² and decided to convene, in 1985, under the auspices of the United Nations Conference on Trade and Development, a United Nations conference to review all aspects of the Set of Principles and Rules,

¹¹ A/41/715.

¹² A/C.2/35/6, annex.

Having considered the report of the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, together with the proposals made by regional groups,¹³ and the outcome of the consultations held in pursuance of General Assembly resolution 40/192 of 17 December 1985, reflected in the report of the Secretary-General of the United Nations Conference on Trade and Development,¹⁴

1. *Decides* to convene, in 1990, under the auspices of the United Nations Conference on Trade and Development, a United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

2. *Decides also* that the Intergovernmental Group of Experts on Restrictive Business Practices, at its annual session in 1990, shall serve as the preparatory body for that Conference.

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41/168. Commodities

The General Assembly,

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 United Nations Conference on Trade and Development resolutions 93 (IV) of 30 May 1976,² 124 (V) of 3 June 1979³ and 155 (VI) of 2 July 1983⁴ on the Integrated Programme for Commodities and 153 (VI) of 2 July 1983⁴ on the Common Fund for Commodities,

Expressing deep concern at the problems facing commodity-producing countries,

Bearing in mind Trade and Development Board decision 341 (XXXIII) of 3 October 1986, as adopted,¹⁵ on the provisional agenda, place, date and duration of the seventh session of the United Nations Conference on Trade and Development,

1. *Stresses* the urgent need for appropriate and early action to address the present world situation in the field of commodities;

2. *Urges* all States to make the maximum effort to contribute to the achievement of positive results at the seventh session of the United Nations Conference on Trade and Development, in solving short-term and long-term commodity problems, particularly those adversely affecting the economies of developing countries;

3. *Requests* the Secretary-General of the United Nations Conference on Trade and Development to continue to monitor closely movements in international commodity trade, including long-term trends and prospects for pri-

¹³ For the proposals, see A/C.2/40/12, annex. The report of the Conference was issued as document TD/RBP/CONF.2/8 and Corr.1.

¹⁴ A/41/598.

¹⁵ *Official Records of the General Assembly, Forty-first Session, Supplement No. 15 (A/41/15), vol. II, sect. II.A.*