

implementation, promotion and protection of civil, political, economic, social and cultural rights.

3 States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights as well as economic, social and cultural rights.

### **Article 7**

All states should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

### **Article 8**

1 States should undertake, at the national level, all necessary measures for the realisation of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be made with a view to eradicating all social injustices.

2 States should encourage popular participation in all spheres as an important factor in development and in the full realisation of all human rights.

### **Article 9**

1 All the aspects of the right to development set forth in this Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.

2 Nothing in this Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any state, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

### **Article 10**

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adopting and implementation of policy, legislative and other measures at the national and international level.

## CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES<sup>24</sup>

*The General Assembly,*

*Recalling* that the United Nations Conference on Trade and Development, in its Resolution 45 (III) of 18 May 1972, stressed the urgency to establish generally accepted norms to govern international economic relations systematically and recognised that it is not feasible to establish a just order and a stable world as long as a Charter to protect the rights of all countries, and in particular the developing states, is not formulated,

*Recalling further* that in the same resolution it was decided to establish a Working Group of governmental representatives to draw up a draft Charter of Economic Rights and Duties of States, which the General Assembly, in its Resolution 3037 (XXVII) of 19 December 1972, decided should be composed of forty member states,

*Noting* that, in its Resolution 3082 (XXVIII) of 6 December 1973, it reaffirmed its conviction of the urgent need to establish or improve norms of universal application for the development of international relations on a just and equitable basis and urged the Working Group on the Charter of Economic Rights and Duties of States to complete, as the first step in the codification and development of the matter, the elaboration of a final draft Charter of Economic Rights and Duties of States, to be considered and approved by the General Assembly at its twenty-ninth session,

*Bearing in mind* the spirit and terms of 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, which underlined the vital importance of the Charter to be adopted by the General Assembly at its twenty-ninth session and stressed the fact that the Charter shall constitute an effective instrument towards the establishment of a new system of international economic relations based on equity, sovereign equality, and interdependence of the interests of developed and developing countries,

*Having examined* the report of the Working Group on the Charter of Economic Rights and Duties of States which, as a result of the task they performed in its four sessions held between February 1973 and June 1974, assembled the elements required for the completion and adoption of the Charter of Economic Rights and Duties of States at the twenty-ninth session of the General Assembly, as previously recommended,

*Adopts and solemnly proclaims* the following Charter:

### PREAMBLE

*The General Assembly,*

*Reaffirming* the fundamental purposes of the United Nations, in particular the maintenance of international peace and security, the development of friendly relations among nations and the achievement of international co-operation in solving international problems in the economic and social fields,

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<sup>24</sup> Resolution 3281 (XXIX) adopted on 12 December 1974 by a vote of 120 in favour, six against (Belgium, Denmark, German Federal Republic, Luxembourg, UK, USA) and 10 abstentions.

*Affirming* the need for strengthening international co-operation in these fields,  
*Reaffirming further* the need for strengthening international co-operation for development,

*Declaring* that it is a fundamental purpose of the present Charter to promote the establishment of the new international economic order, based on equity, sovereign equality, interdependence, common interest and co-operation among all states, irrespective of their economic and social systems,

*Desirous* of contributing to the creation of conditions for:

- (a) The attainment of wider prosperity among all countries and of higher standards of living for all peoples;
- (b) The promotion by the entire international community of the economic and social progress of all countries, especially developing countries;
- (c) The encouragement of co-operation, on the basis of mutual advantage and equitable benefits for all peace-loving states which are willing to carry out the provisions of the present Charter, in the economic, trade, scientific and technical fields, regardless of political, economic or social systems;
- (d) The overcoming of main obstacles in the way of the economic development of the developing countries;
- (e) The acceleration of the economic growth of developing countries with a view to bridging the economic gap between developing and developed countries;
- (f) The protection, preservation and enhancement of the environment,

*Mindful* of the need to establish and maintain a just and equitable economic and social order through:

- (a) The achievement of more rational and equitable international economic relations and the encouragement of structural changes in the world economy;
- (b) The creation of conditions which permit the further expansion of trade and intensification of economic co-operation among all nations;
- (c) The strengthening of the economic independence of developing countries;
- (d) The establishment and promotion of international economic relations, taking into account the agreed differences in development of the developing countries and their specific needs,

*Determined* to promote collective economic security for development, in particular of the developing countries, with strict respect for the sovereign equality of each state and through the co-operation of the entire community,

*Considering* that the genuine co-operation among states, based on joint consideration of and concerted action regarding international economic problems, is essential for fulfilling the international community's desire to achieve a just and rational development of all parts of the world,

*Stressing* the importance of ensuring appropriate conditions for the conduct of normal economic relations among all states, irrespective of differences in social and economic systems, and for the full respect of the rights of all peoples, as well as strengthening instruments of international economic co-operation as means for the consolidation of peace for the benefit of all,

*Convinced* of the need to develop a system of international economic relations on the basis of sovereign equality, mutual and equitable benefit and the close interrelationship of the interests of all states,

*Reiterating* that the responsibility for the development of every country rests primarily upon itself but that concomitant and effective international co-operation is an essential factor for the full achievement of its own development goals,

*Firmly convinced* of the urgent need to evolve a substantially improved system of international economic relations,

*Solemnly adopts* the present Charter of Economic Rights and Duties of States.

## CHAPTER I

### FUNDAMENTALS OF INTERNATIONAL ECONOMIC RELATIONS

Economic as well as political and other relations among states shall be governed, *inter alia*, by the following principles:

- (a) Sovereignty, territorial integrity and political independence of states;
- (b) Sovereign equality of all states;
- (c) Non-aggression;
- (d) Non-intervention;
- (e) Mutual and equitable benefit;
- (f) Peaceful coexistence;
- (g) Equal rights and self-determination of peoples;
- (h) Peaceful settlement of disputes;
- (i) Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for normal development;
- (j) Fulfilment in good faith of international obligations;
- (k) Respect for human rights and fundamental freedoms;
- (l) No attempt to seek hegemony and spheres of influence;
- (m) Promotion of international social justice;
- (n) International co-operation for development;
- (o) Free access to and from the sea by land-locked countries within the framework of the above principles.

## CHAPTER II

### ECONOMIC RIGHTS AND DUTIES OF STATES

#### **Article 1**

Every state has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever.

#### **Article 2**

- 1 Every state has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities.

- 2 Each state has the right:
- (a) To regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its laws and regulations and in conformity with its national objectives and priorities. No state shall be compelled to grant preferential treatment to foreign investment;
  - (b) To regulate and supervise the activities of transnational corporations within its national jurisdiction and take measures to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host state. Every state should, with full regard for its sovereign rights, co-operate with other states in the exercise of the right set forth in this subparagraph;
  - (c) To nationalise, expropriate or transfer ownership of foreign property, in which case appropriate compensation should be paid by the state adopting such measures, taking into account its relevant laws and regulations and all circumstances that the state considers pertinent. In any case where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalising state and by its tribunals, unless it is freely and mutually agreed by all states concerned that other peaceful means be sought on the basis of the sovereign equality of states and in accordance with the principle of free choice of means.

**Article 3**

In the exploitation of natural resources shared by two or more countries, each state must co-operate on the basis of a system of information and prior consultations in order to achieve optimum use of such resources without causing damage to the legitimate interest of others.

**Article 4**

Every state has the right to engage in international trade and other forms of economic co-operation irrespective of any differences in political, economic and social systems. No state shall be subjected to discrimination of any kind based solely on such differences. In the pursuit of international trade and other forms of economic co-operation, every state is free to choose the forms of organisation of its foreign economic relations and to enter into bilateral and multilateral arrangements consistent with its international obligations and with the needs of international economic co-operation.

**Article 5**

All states have the right to associate in organisations of primary commodity producers in order to develop their national economies, to achieve stable financing for their development and, in pursuance of their aims, to assist in the promotion of sustained growth of the world economy, in particular accelerating the development of developing countries. Correspondingly all states have the duty to respect that right by refraining from applying economic and political measures that would limit it.

**Article 6**

It is the duty of states to contribute to the development of international trade of goods, particularly by means of arrangements and by the conclusion of long-term multilateral commodity agreements, where appropriate, and taking into account the interests of producers and consumers. All states share the responsibility to promote the regular flow and access of all commercial goods

trade at stable, remunerative and equitable prices, thus contributing to the equitable development of the world economy, taking into account, in particular, the interests of developing countries.

**Article 7**

Every state has the primary responsibility to promote the economic, social and cultural development of its people. To this end, each state has the right and responsibility to choose its means and goals of development, fully to mobilise and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its peoples in the process and benefits of development. All states have the duty, individually and collectively, to co-operate in order to eliminate obstacles that hinder such mobilisation and use.

**Article 8**

States should co-operate in facilitating more rational and equitable international economic relations and in encouraging structural changes in the context of a balanced world economy in harmony with the needs and interests of all countries, especially developing countries, and should take appropriate measures to this end.

**Article 9**

All states have the responsibility to co-operate in the economic, social, cultural, scientific and technological fields for the promotion of economic and social progress throughout the world, especially that of the developing countries.

**Article 10**

All states are juridically equal and, as equal members of the international community, have the right to participate fully and effectively in the international decision-making process in the solution of world economic, financial and monetary problems, *inter alia*, through the appropriate international organisations in accordance with their existing and evolving rules, and to share equitably in the benefits resulting therefrom.

**Article 11**

All states should co-operate to strengthen and continuously improve the efficiency of international organisations in implementing measures to stimulate the general economic progress of all countries, particularly of developing countries, and therefore should co-operate to adapt them, when appropriate, to the changing needs of international economic co-operation.

**Article 12**

- 1 States have the right, in agreement with the parties concerned, to participate in subregional, regional and interregional co-operation in the pursuit of their economic and social development. All states engaged in such co-operation have the duty to ensure that the policies of those groupings to which they belong correspond to the provisions of the present Charter and are outward-looking, consistent with their international obligations and with the needs of international economic co-operation, and have full regard for the legitimate interests of third countries, especially developing countries.
- 2 In the case of groupings to which the states concerned have transferred or may transfer certain competencies as regards matters that come within the scope of the present Charter, its provisions shall also apply to those groupings, in regard to such matters, consistent with the responsibilities of such states as members of such groupings. Those states shall co-operate in the observance by the groupings of the provisions of this Charter.

**Article 13**

- 1 Every state has the right to benefit from the advances and developments in science and technology for the acceleration of its economic and social development.
- 2 All states should promote international scientific and technological co-operation and the transfer of technology, with proper regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology. In particular, all states should facilitate the access of developing countries to the achievements of modern science and technology, the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies and their needs.
- 3 Accordingly, developed countries should co-operate with the developing countries in the establishment, strengthening and development of their scientific and technological infrastructures and their scientific activities so as to help to expand and transform the economies of developing countries.
- 4 All states should co-operate in research with a view to evolving further internationally accepted guidelines or regulations for the transfer of technology, taking fully into account the interests of developing countries.

**Article 14**

Every state has the duty to co-operate in promoting a steady and increasing expansion and liberalisation of world trade and an improvement in the welfare and living standards of all peoples, in particular those of developing countries. Accordingly, all states should co-operate, *inter alia*, towards the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade and, to these ends, co-ordinated efforts shall be made to solve in an equitable way the trade problems of all countries, taking into account the specific trade problems of the developing countries. In this connection, states shall take measures aimed at securing additional benefits for the international trade of developing countries so as to achieve a substantial increase in their foreign exchange earnings, the diversification of their exports, the acceleration of the rate of growth of their trade, taking into account their development needs, an improvement in the possibilities for these countries to participate in the expansion of world trade and a balance more favourable to developing countries in the sharing of the advantages resulting from this expansion, through, in the largest possible measure, a substantial improvement in the conditions of access for the products of interests to the developing countries and, wherever appropriate, measures designed to attain stable, equitable and remunerative prices for primary products.

**Article 15**

All states have the duty to promote the achievement of general and complete disarmament under effective international control and to utilise the resources released by effective disarmament measures for the economic and social development of countries, allocating a substantial portion of such resources as additional means for the development needs of developing countries.

**Article 16**

- 1 It is the right and duty of all states, individually and collectively, to eliminate colonialism, *apartheid*, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development. States which

practise such coercive policies are economically responsible to the countries, territories and peoples affected for the restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those countries, territories and peoples. It is the duty of all states to extend assistance to them.

- 2 No states has the right to promote or encourage investments that may constitute an obstacle to the liberation of a territory occupied by force.

**Article 17**

International co-operation for development is the shared goal and common duty of all states. Every state should co-operate with the efforts of developing countries to accelerate their economic and social development by providing favourable external conditions and by extending active assistance to them, consistent with their development needs and objectives, with strict respect for the sovereign equality of states and free of any conditions derogating from their sovereignty.

**Article 18**

Developed countries should extend, improve and enlarge the system of generalised non-reciprocal and non-discriminatory tariff preferences to the developing countries consistent with the relevant agreed conclusions and relevant decisions as adopted on this subject, in the framework of the competent international organisations. Developed countries should also give serious consideration to the adoption of other differential measures, in areas where this is feasible and appropriate and in ways which will provide special and more favourable treatment, in order to meet the trade and development needs of the developing countries. In the conduct of international economic relations the developed countries should endeavour to avoid measures having a negative effect on the development of the national economies of the developing countries, as promoted by generalised tariff preferences and other generally agreed differential measures in their favour.

**Article 19**

With a view to accelerating the economic growth of developing countries and bridging the gap between developed and developing countries, developed countries should grant generalised preferential, non-reciprocal and non-discriminatory treatment to developing countries in those fields of international economic co-operation where it may be feasible.

**Article 20**

Developing countries should, in their efforts to increase their overall trade, give due attention to the possibility of expanding their trade with socialist countries, by granting to these countries conditions for trade not inferior to those granted normally to the developed market economy countries.

**Article 21**

Developing countries should endeavour to promote the expansion of their mutual trade and to this end may, in accordance with the existing and evolving provisions and procedures of international agreements where applicable, grant trade preferences to other developing countries without being obliged to extend such preferences to developed countries, provided these arrangements do not constitute an impediment to general trade liberalisation and expansion.

**Article 22**

- 1 All states should respond to the generally recognised or mutually agreed development needs and objectives of developing countries by promoting



increased net flows of real resources to the developing countries from all sources, taking into account any obligations and commitments undertaken by the states concerned, in order to reinforce the efforts of developing countries to accelerate their economic and social development.

- 2 In this context, consistent with the aims and objectives mentioned above and taking into account any obligations and commitments undertaken in this regard, it should be their endeavour to increase the net amount of financial flows from official sources to developing countries and to improve the terms and conditions thereof.
- 3 The flow of development assistance resources should include economic and technical assistance.

### **Article 23**

To enhance the effective mobilisation of their own resources, the developing countries should strengthen their economic co-operation and expand their mutual trade so as to accelerate their economic and social development. All countries, especially developed countries, individually as well as through the competent international organisations of which they are members, should provide appropriate and effective support and co-operation.

### **Article 24**

All states have the duty to conduct their mutual economic relations in a manner which takes into account the interests of other countries. In particular, all states should avoid prejudicing the interests of developing countries.

### **Article 25**

In furtherance of world economic development, the international community, especially its developed members, shall pay special attention to the particular needs and problems of the least developed among the developing countries, of land-locked developing countries and also island developing countries, with a view to helping them to overcome their particular difficulties and thus contribute to their economic and social development.

### **Article 26**

All states have the duty to coexist in tolerance and live together in peace, irrespective of differences in political, economic, social and cultural systems, and to facilitate trade between states having difference economic and social systems. International trade should be conducted without prejudice to generalised non-discriminatory and non-reciprocal preferences in favour of developing countries, on the basis of mutual advantage, equitable benefits and the exchange of most-favoured-nation treatment.

### **Article 27**

- 1 Every state has the right to enjoy fully the benefits of world invisible trade and to engage in the expansion of such trade.
- 2 World invisible trade, based on efficiency and mutual and equitable benefit, furthering the expansion of the world economy, is the common goal of all states. The role of developing countries in world invisible trade should be enhanced and strengthened consistent with the above objective, particular attention being paid to the special needs of developing countries.
- 3 All states should co-operate with developing countries in their endeavours to increase their capacity to earn foreign exchange from invisible transactions, in accordance with the potential and needs of each developing country and consistent with the objectives mentioned above.

**Article 28**

All states have the duty to co-operate in achieving adjustments in the prices of exports of developing countries in relation to prices of their imports so as to promote just and equitable terms of trade for them, in a manner which is remunerative for producers and equitable for producers and consumers.

CHAPTER III

COMMON RESPONSIBILITIES TOWARDS THE INTERNATIONAL COMMUNITY

**Article 29**

The sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind. On the basis of the principles adopted by the General Assembly in Resolution 2749 (XXV) of 17 December 1970, all states shall ensure that the exploration of the area and the exploitation of its resources are carried out exclusively for peaceful purposes and that the benefits derived therefor are shared equitably by all states, taking into account the particular interests and needs of developing countries; an international regime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of universal character, generally agreed upon.

**Article 30**

The protection, preservation and enhancement of the environment for the present and future generations is the responsibility of all states. All states shall endeavour to establish their own environmental and developmental policies in conformity with such responsibility. The environmental policies of all states should enhance and not adversely affect the present and future development potential of developing countries. All states have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction. All states should co-operate in evolving international norms and regulations in the field of the environment.

CHAPTER IV

FINAL PROVISIONS

**Article 31**

All states have the duty to contribute to the balanced expansion of the world economy, taking duly into account the close interrelationship between the well-being of the developed countries and the growth and development of the developing countries, and the fact that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts.

**Article 32**

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.

**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 included in 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.

## **DECLARATION ON THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER<sup>25</sup>**

*The General Assembly*

Adopts the following Declaration:

We, the members of the United Nations,

Having convened a special session of the General Assembly to study for the first time the problems of raw materials and development, devoted to the consideration of the most important economic problems facing the world community,

Bearing in mind the spirit, purposes and principles of the Charter of the United Nations to promote the economic advancement and social progress of all peoples,

Solemnly proclaim our united determination to work urgently for THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER based on equity, sovereign equality, interdependence, common interest and co-operation among all states, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations, and, to that end, declare:

1 The greatest and most significant achievement during the last decades has been the independence from colonial and alien domination of a large number of peoples and nations which has enabled them to become members of the community of free peoples. Technological progress has also been made in all spheres of economic activities in the last three decades, thus providing a solid potential for improving the well-being of all peoples. However, the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved. The benefits of technological

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25 General Assembly Resolution 3201 (XXIX) of 1 May 1974 – adopted without a vote.