

International Development Law

Development issues in international fora are varied and disparate and consequently it is only possible to touch on some of the more important legal developments of the past year. For the purpose of this piece, we will highlight various issues under what has loosely become known as the new international economic order which encompasses nearly all development questions. This concept had its origins in three resolutions, adopted by the United Nations in May 1974, entitled Declaration on the Establishment of a New International Economic Order, the Programme of Action on the Establishment of a New International Economic Order, and the Charter of Economic Rights and Duties of States.

Codes of Conduct

In the economic sphere a number of codes designed to establish guidelines for the transfer of science and technology between developed and developing countries and/or to govern the activities of transnational corporations are being negotiated. Among these may be included the Code of Conduct on the Transfer of Technology and the Code on Transnational Corporations, both of which are still under negotiation, in addition to the Principles and Rules for the Control of Restrictive Business Practices which were recently adopted by the 35th General Assembly.

The negotiations on the Code of Conduct on the Transfer of Technology are designed to formulate standards that would facilitate this transfer with the aim of encouraging access to science and technology on improved terms for developing countries taking into account their special developmental requirements. The outstanding issues that remain to be settled relate to the relationship of RBPs to the transfer of technology, suitable provisions on dispute settlement and applicable law, and decisions on chapters on institutional machinery and guarantees. The main objective of the Principles and Rules for the Control of RBPs is to establish guidelines to ensure that such practices (e.g. price fixing, collusive tendering and market sharing) do not adversely affect international trade and development particularly of the developing countries. Canada has supported the three exercises in part due to its unique position as a developed, technology and capital-importing country that is host to many multi-national corporations. This situation results in Canada sharing in some instances the same problems and aspirations as developing countries, while at the same time agreeing with other developed countries on other issues.

Of central importance in all three negotiations has been the question of their legal character. The developed countries, including Canada, have insisted that these arrangements be of a voluntary non-binding nature. This has been largely based on the