

高等院校法学教学参考书

国际经济法资料选编

(上册)

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编

(中英文对照)

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国际经济法资料选编（上）

International Economic Law: Materials (I)

CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

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 recognized that it is not feasible to establish a just order and a stable world as long as a charger 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 economic 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, respectively, the Declaration and the Programmed 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 on its fourth session, transmitted to the General Assembly by the Trade and Development Board at its fourteenth session.

Expressing its appreciation to the Working Group on the Charter of Economic Rights and Duties of States which, as a result of the task 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 at the twenty-ninth session of the General Assembly, as previously recommended.

Adopts and solemnly proclaims the following Charter:

CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

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,

Affirming the need for strengthening international co-operation for development,

各国经济权利和义务宪章

(联合国大会 1974 年 12 月 12 日通过)

大会，

回顾联合国贸易和发展会议在其 1972 年 5 月 18 日第 45 (III) 号决议里强调迫切需要建立普遍接受的准则，来有系统地调节国际经济关系，并认识到如不订立一份宪章来保护所有国家、特别是发展中国家的权利，就不可能建立公正的秩序和稳定的世界，

又回顾同一决议里决定设立一个由政府代表组成的工作组去草拟《各国经济权利和义务宪章》草案，这个工作组经大会在 1972 年 12 月 19 日第 3037 (XXVII) 号决议里决定由四十个会员国组成，

注意到大会在 1973 年 12 月 6 日第 3082 (XXVIII) 号决议里重申坚信急需订立或改善可以普遍适用的准则，以便在公正合理的基础上发展国际经济关系，并敦促各国经济权利和义务宪章工作组完成《各国经济权利和义务宪章》最后草案的拟订，以便提交大会第二十九届会议审议并核准，作为这份宪章的编纂和发展的第一步，

铭记着 1974 年 5 月 1 日分别关于《建立新的国际经济秩序宣言》和《行动纲领》的第 3201 (S—VI) 和 3202 (S—V I) 号决议的精神和条文，这两个决议强调大会在第二十九届会议上通过这份《宪章》的极端重要性，并强调这份《宪章》应该是建立一个以公平、主权平等和发达国家与发展中国家利益相互依存为基础的国际经济关系新制度的有效文件，

审议了各国经济权利和义务宪章工作组第四届会议的报告，这份报告是由贸易和发展理事会第十四届会议转递给大会的，

感谢各国经济权利和义务宪章工作组，它从 1973 年 2 月至 1974 年 6 月举行了四届会议执行任务以后，集合了一切必要要素，使大会可以按照以前的建议，在第二十九届会议上完成和通过各国经济权利和义务宪章》，

通过并庄严宣布下列《宪章》

各国经济权利和义务宪章

序 言

大会，

重申联合国的基本宗旨，尤其是：维持国际和平与安全，发展各国间的友好关系，实现国际合作以解决经济及社会领域的国际问题，

确认需要在这些领域加强国际合作，

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

Desirous of contributing to the criterion 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 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 international community,

Considering that 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 common 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 a 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 cooperation 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 1 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;

进一步重申需要加强国际合作以谋发展，

声明本宪章的基本宗旨之一是在所有国家，不论其经济及社会制度如何，一律公平、主权平等、互相依存、共同利益和彼此合作的基础上，促进建立新的国际经济秩序，

深愿为创造实现下列目标的条件作出贡献：

(a) 所有国家都达到较普遍的繁荣，各国人民都达到较高的生活水平，
(b) 由整个国际社会促进所有国家特别是发展中国家的经济和社会发展，
(c) 鼓励各国，不论其政治，经济或社会制度如何，在对所有愿意履行本宪章义务的爱好和平国家都是公平互利的基础上，进行经济、贸易、科学和技术领域的合作，

(d) 克服发展中国家经济发展道路上的主要障碍，

(e) 加速发展中国家的经济增长，以弥合发展中国家和发达国家之间的经济差距，

(f) 保护、维护和改善环境，

考虑到需要通过下列途径来建立和维持一个公平合理的经济和社会秩序；

(a) 实现较为公平合理的国际经济关系，并鼓励世界经济的结构变革，

(b) 为在所有国家间进一步扩大贸易和加强经济合作创造条件，

(c) 加强发展中国家的经济独立，

(d) 建立和增进国际经济关系，要照顾到发展中国家在发展方面公认的差异和它们的特殊需要，

决心在严格尊重每个国家主权平等的前提下，并通过整个国际社会的合作，促进集体经济安全以谋发展，特别是发展中国家的发展，

考虑到各国间在对国际经济问题进行共同商讨并采取协调行动基础上的真正合作，是实现国际社会促成世界各地公平合理发展的共同愿望的必要条件，

强调为使所有国家之间，不分社会和经济制度的差异，进行正常经济关系和充分尊重各国人民的权利，保证适当条件的重要性，以及加强国际经济合作的工具作为巩固和平造福全人类的手段的重要性，

深信有需要发展一个以主权平等、公平互利和所有国家的利益密切相关为基础的国际经济关系的制度，

重申每个国家肩负本国发展的首要责任，但是同时进行有效的国际合作是充分实现其发展目标的一个必要因素，

坚信有迫切需要促成一个大为改进的国际经济关系体制，

兹郑重通过这份各国经济权利和义务宪章。

第一章 国际经济关系的基本原则

各国间的经济关系，如同政治和其他关系一样，除其他外要受下列原则指导：

(a) 各国的主权、领土完整和政治独立；

(b) 所有国家主权平等；

(c) 互不侵犯；

(d) 互不干涉；

(e) 公平互利；

(f) 和平共处；

(g) 各民族平等权利和自决；

- (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 its normal development;
- (j) Fulfillment in good faith of international obligations;
- (k) Respect for human rights and international obligations;
- (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, cooperate with other States in the exercise of the right set forth in this subparagraph;

(c) To nationalize, 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 nationalizing 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 organization 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 organizations 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 interest of producers and consumers. All States share the responsibility to promote the regular flow and access of all commercial goods traded 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.

- (h) 和平解决争端；
- (i) 对于以武力造成的、使得一个国家失去其正常发展所必需的自然手段的不正义情况，应予补救；
- (j) 真诚地履行国际义务；
- (k) 尊重人权和基本自由；
- (l) 不谋求霸权和势力范围；
- (m) 促进国际社会正义；
- (n) 国际合作以谋发展；
- (o) 内陆国家在上述原则范围内进出海洋的自由。

第二章 各国的经济权利和义务

第一条 每个国家有依照其人民意志选择经济制度以及政治、社会和文化制度的不可剥夺的主权权利，不容任何形式的外来干涉、强迫或威胁。

第二条

1. 每个国家对其全部财富、自然资源和经济活动享有充分的永久主权、包括拥有权、使用权和处置权在内，并得自由行使此项主权。

2. 每个国家有权：

(a) 按照其法律和规章并依照其国家目标和优先次序，对在其国家管辖范围内的外国投资加以管理和行使权力。任何国家不得被迫对国外投资给予优惠待遇；

(b) 管理和监督其国家管辖范围内的跨国公司的活动，并采取措施保证这些活动遵守其法律、规章和条例及符合其经济和社会政策。跨国公司不得干涉所在国的内政。每个国家在行使本项内所规定的权利时，应在充分顾及到本国主权权利的前提下，与其他国家合作；

(c) 将外国财产的所有权收归国有、征收或转移，在收归国有、征收或转移时，应由采取此种措施的国家给予适当的赔偿，要考虑到它的有关法律和规章以及该国认为有关的一切情况。因赔偿问题引起的任何争论均应由实行国有化国家的法院依照其国内法加以解决，除非有关各国自由和互相同意根据各国主权平等并依照自由选择方法的原则寻求其他和平解决办法。

第三条 对于两国或两国以上所共有的自然资源的开发，各国应合作采用一种报道和事前协商的制度，以谋对此种资源作最适当的利用，而不损及其他国家的合法利益。

第四条 每个国家，不论政治、经济和社会制度的任何差异，有权进行国际贸易和其他方式的经济合作。任何国家不应遭受纯粹基于此种差异的任何歧视。每个国家在进行国际贸易和其他方式的经济合作时，可自由选择其对外经济关系的组织方式，订立符合其国际义务及国际经济合作需要的双边和多边协议。

第五条 所有国家为了发展其民族经济，为了稳定获得发展资金，并为了实现其目的，帮助促进世界经济的持续增长，特别是加速发展中国家的的发展，有权参加初级商品生产者的组织；所有国家也有尊重这种权利的相应义务，不采取限制这种权利的经济和政治措施。

第六条 各国义务利用种种安排，及在适当情况下缔结长期多边商品协定，对国际货物贸易的发展作出贡献，要照顾到生产者和消费者的利益。所有国家共同有义务促进一切在稳定、有利和公平的价格上交易的商品的正常流动和进出，从而有助于世界经济的公平发展，并要特别顾到发展中国家的利益。

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 the responsibility to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development. All States have the duty, individually and collectively, to co-operate in eliminating obstacles that hinder such mobilization 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 organizations in accordance with their existing and evolving rules, and to share in the benefits resulting therefrom.

Article 11 All States should co-operate to strengthen and continuously improve the efficiency of international organizations 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 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 competences 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 development 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 research and technological 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 interest of developing countries.

Article 14 Every State has the duty to co-operate in promoting a steady and increasing expansion and liberalization 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 connexion, 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 interest to the developing countries and, wherever appropriate, measures designed to attain stable, equitable and remunerative prices for primary products.

第七条 每个国家有促进其人民的经济、社会和文化发展的首要责任。为此，每个国家有权利和责任选择其发展的目标和途径，充分动员和利用其资源，逐步实施经济和社会改革，并保证其人民充分参与发展过程和分享发展利益。所有国家有义务个别地和集体地进行合作，以消除妨碍这种动员和利用的种种障碍。

第八条 各国应进行合作，以促进较为公平合理的国际经济关系，并在一个均衡的世界经济的意义上鼓励结构变革，要符合所有国家特别是发展中国家的需要和利益，并为此目的采取适当的措施。

第九条 所有国家有责任在经济、社会、文化、科学和技术领域进行合作，以促进全世界尤其是发展中国家的经济发展和社会进步。

第十条 所有国家在法律上一律平等，并作为国际社会的平等成员，有权充分和有效地参加——包括通过有关国际组织并按照其现有的和今后订定的规则参加——为解决世界经济、金融和货币问题作出国际决定的过程，并公平分享由此而产生的利益。

第十一条 所有国家应进行合作，加强和不断改进国际组织执行各项措施的效能，以促进所有国家特别是发展中国家总的经济发展，因此还应该斟酌情况为使这些组织适应国际经济合作方面不断变化的需要而进行合作。

第十二条

1. 各国有权在有关各方同意之下，参加分区域、区域和区域间的合作，以谋经济和社会发展。所有参加这种合作的国家，有义务保证其所属集团的政策是符合本宪章的规定的、外向型的、同它们的国际义务相一致的，是同国际经济合作的需要相一致的，而且是充分顾及到第三国、特别是发展中国家的合法利益的。

2. 在有关国家将属于本宪章范围内事项的某些权限已经转移给或可能转移给所属集团的情况下，在这些事项方面，本宪章的各项规定也应适用于这些集团，与这些国家作为有关集团成员的责任相一致。这些国家也应合作，使各集团遵守本宪章的规定。

第十三条

1. 每个国家有权分享科学技术进步和发展的利益，以加速它的经济和社会发展。

2. 所有国家都应促进国际间的科学和技术合作与技术转让，要适当地照顾到一切的合法利益，包括技术持有者、提供者和接受者的权利和义务。特别是，所有国家应促进；发展中国家取得现代科学和技术的成果、转让技术、以及为了发展中国家的利益而创造本国技术，其方式和程序要符合其经济与需要。

3. 因此，发达国家应与发展中国家合作，建立、加强和发展它们的科学和技术基层结构，以及它们的科学研究和技术活动，以帮助发展和改造发展中国家的经济。

4. 所有国家都应在研究方面进行合作，以期进一步制定为国际间所接受的关于技术转让的准则或规章，要充分顾及到发展中国家的利益。

第十四条 每个国家有义务进行合作，促进世界贸易稳定的、日益增加的发展和自由化以及各国人民、特别是发展中国家人民的福利和生活水平的改善。因此，所有国家应进行合作，逐渐打破妨碍贸易的种种障碍，改善进行世界贸易的国际体制。为此，各国应作出协调的努力，公平地解决所有国家的贸易问题，要考虑到发展中国家的具体贸易问题。在这方面，各国应采取措施，使发展中国家的国际贸易取得更多的利益，从而使它们的外汇收益大幅度地增加；使其出口商品多样化；考虑到它们的发展需要，加速它们的贸易增长率，增加这些国家参与世界贸易扩展的机会；并尽量通过大大改善发展中国家的产品进入市场的条件，通过酌情采取可使初级产品取得稳定、公平和有利的价格的措施，在分享由这种扩展而产生的利益方面取得对发展中国家较为有利的均衡。

Article 15 All States have the duty to promote the achievement of general and complete disarmament under effective international control and to utilize 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 State 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 in 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 generalized 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 organizations. 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 generalized 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 economic gap between developed and developing countries, developed countries should grant generalized 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 over-all 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 liberalization and expansion.

Article 22

1. All States should respond to the generally recognized 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 mobilization 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 organizations of which they are members, should provide appropriate and effective support and co-operation.

第十五条 所有国家都有义务促进实现在有效国际管制下的全面彻底裁军，把从有效的裁军措施节省下来的资源用于各国的经济和社会发展，把其中相当大的一部分作为满足发展中国家的发展需要的额外资源。

第十六条

1. 所有国家有权利和义务个别地和集体地采取行动，消除殖民主义、种族隔离、种族歧视、新殖民主义与一切形式的外国侵略、占领和统治，以及其经济和社会后果，作为发展的先决条件。实施这种胁迫政策的国家，对于受到影响的国家、领土和民族负有经济上的责任，必须补救和充分赔偿这些国家、领土和民族的自然资源和一切其他资源所遭受的剥削、消耗和损害。所有国家都有义务向它们提供援助。

2. 任何国家没有权利促进或鼓励足以妨碍被武力占领的领土获得解放的投资。

第十七条 国际合作以谋发展是所有国家的一致目标和共同义务。每个国家都应对发展中国家的努力给予合作，提供有利的外界条件，给予符合其发展需要和发展目标的积极协助，要严格尊重各国的主权平等，不附带任何有损它们主权的条件，以加速它们的经济和社会发展。

第十八条 发达国家应当向发展中国家施行、改进和扩大普遍的、非互惠的和非歧视的关税优惠制度，但要按照在主管国际组织范围内就这一制度所通过的有关协议结论和有关决定。发达国家还应认真考虑在可行和适当的领域内，并以给予特别和较为有利的待遇的方式，采取其他区别对待的措施，以满足发展中国家的贸易和发展需要。发达国家在其国际经济关系中，对于由普遍关税优惠和其他有利于发展中国家的普遍协议的区别对待的措施所增进的发展中国家民族经济的发展，应尽力避免采取有消极作用的措施。

第十九条 为了加速发展中国家的经济增长，弥合发达国家和发展中国家之间的经济差距，发达国家在国际经济合作可行的领域内应给予发展中国家普遍优惠的、非互惠的和非歧视的待遇。

第二十条 发展中国家在增加它们的全面贸易的努力中，应对扩大它们同社会主义国家的贸易的可能性给予应有的注意，给予社会主义国家的贸易条件不应当亚于它们通常给予发达的市场经济国家的贸易条件。

第二十一条 发展中国家应努力促进它们之间相互贸易的扩展，并为此目的，可以按照国际协定中凡能适用的现有或制订中的规定和程序，向别的发展中国家提供贸易优惠，而没有义务将这种优惠给予发达国家，但是这种安排不得成为对普遍贸易自由化和扩展的阻碍。

第二十二条

1. 所有国家应响应一般公认的或彼此同意的发展中国家的发展需要和目标，在考虑到有关国家的任何义务和承诺的情况下，促使增加的真实资源净额从所有各方流入发展中国家，以增强它们为加速其经济和社会发展所作的努力。

2. 在这个意义上，所有国家应按照上述目标，并考虑到这方面的任何义务和承诺，努力增加流向发展中国家的官方资金净额，并改善其条件。

3. 发展援助资源的流动应包括经济和技术援助。

第二十三条 发展中国家为了增强其本国资源的有效动员，应当加强它们的经济合作并扩大它们之间的相互贸易以加速它们的经济和社会发展。所有国家，特别是发达国家，应当个别地和通过它们为其成员的主管国际组织，提供适当的、有效的支持和合作。

Article 24 All States have the duty to conduct their mutual economic relations in a manner which takes into account the interest 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 different economic and social systems. International trade should be conducted without prejudice to generalized 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 objectives, 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 exploitation of its resources are carried out exclusively for peaceful purposes and that the benefits derived therefore are shared equitably by all States, taking into account the particular interest 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 a 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 environment and development 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.

第二十四条 所有国家有义务在其相互间的经济关系中考虑到其他国家的利益。特别是所有国家应避免损害发展中国家的利益。

第二十五条 为了促进世界经济发展，国际社会特别是其中的发达成员应特别注意最不发达的、内陆的和岛屿的发展中国家的特殊需要和问题，以帮助它们克服其特殊困难，从而对它们的经济和社会发展作出贡献。

第二十六条 所有国家，不论政治、经济、社会和文化制度的差别，有义务宽容相待，和平相处，并为经济和社会制度不同的各国间的贸易提供便利。国际贸易的进行应不妨碍有利于发展中国家的普遍的、非歧视的和互惠的优惠待遇，并应以公平互利和交换最惠国待遇为基础。

第二十七条

1. 每个国家有权充分享受世界无形贸易的利益，并有权参与这种贸易的扩展。

2. 在有效能和公平互利的基础上进行的、促进世界经济发展的世界无形贸易，是所有国家的共同目标。发展中国家在世界无形贸易中的作用，应依照上述目标予以增进和加强，要特别注意发展中国家的特殊需要。

3. 所有国家应对发展中国家为提高从无形贸易获取外汇收入的能力所作的努力给予合作，但要符合每个发展中国家的潜力和需要，并与上述目标一致。

第二十八条 所有国家有义务为在发展中国家的出口商品价格和它们的进口商品价格之间达成调整而进行合作，以促成对发展中国家公平合理的贸易条件，使生产者有利可获，同时对生产者和消费者均应公平。

第三章 对国际社会的共同责任

第二十九条 国家管辖范围外的海床洋底及其底土，以及该海域的资源，是人类共同继承的财产。根据 1970 年 12 月 17 日联合国大会第 2749 (XXV) 号决议内通过的原则，所有国家都应保证，对该海域的探测和对其资源的开发要专门用于和平目的，并在考虑到发展中国家的特殊利益和需要的情况下，由所有国家公平分享由此所得的利益应由一项共同协议的普遍性的国际条约订立一项适用于该海域及其资源的国际制度，包括一个实施该制度的各项规定的适当国际机构。

第三十条 为了今代和后世而保护、维护和改善环境，是所有国家的责任。所有国家都应根据此项责任制定它们自己的环境和发展政策。所有国家的环境政策应对发展中国家当前的和未来的发展有所增进，而不发生不利影响。所有国家有责任保证，在其管辖和控制范围内的任何活动不对别国的环境或本国管辖范围以外地区的环境造成损害。所有国家应进行合作，拟订环境领域的国际准则和规章。

第四章 最后条款

第三十一条 所有国家有义务对世界经济的均衡发展作出贡献，要适当考虑到发达国家的福利同发展中国家有增长和发展之间的密切关联，并考虑到整个国际社会的繁荣依赖于其组成部分的繁荣。

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 into 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 improvement 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

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 cooperation 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 progress are not shared equitably by all members of the international community. The developing countries, which constitute 70 per cent of the world's population, account for only 30 per cent of the world's income. It has proved impossible to achieve an even and balanced development of the international community under the existing international economic order. The gap between the developed and the developing countries continues to widen in a system which was established at a time when most of the developing countries did not even exist as independent States and which perpetuates inequality.

2. The present international economic order is in direct conflict with current developments in international political and economic relations. Since 1970 the world economy has experienced a series of grave crises which have had severe repercussions, especially on the developing countries because of their generally greater vulnerability to external economic impulses. The developing world has become a powerful factor that makes its influence felt in all fields of international activity. These irreversible changes in the relationship of forces in the world necessitate the active, full and equal participation of the developing countries in the formulation and application of all decisions that concern the international community.

第三十二条 任何国家不得使用或鼓励使用经济、政治或任何其他措施强迫另一国家，使其在主权权利的行使方面屈从。

第三十三条

1. 本宪章任何部分不得解释为有损于或贬低联合国宪章条款或据以采取的行动。
2. 本宪章各项条款在解释和适用方面互有关联，每一条款的解释应参照其他条款。

第三十四条 联合国大会第三十届会议，及其后每五届会议的议程中应列入各国经济权利和义务宪章一项目，从而对宪章的执行情况，包括所取得的进展和任何可能成为必要的改进和增补，进行系统的全面的审议并建议适当的措施。这种审议应考虑到同本宪章所根据的原则和宗旨有关的一切经济、社会、法律和其他因素的演进情况。

建立新的国际经济秩序宣言

（联合国大会 1974 年 5 月 1 日通过）

我们联合国会员国，

在第一次召开了研究原料和发展问题的联合国大会特别会议专门考虑世界大家庭面临的最重要的经济问题之后，

铭记着联合国宪章关于促进各国人民的经济发展和进步的精神、宗旨和原则，

庄严宣布我们一致决心紧急地为建立一种新的国际经济秩序而努力，这种秩序将建立在所有国家的公正、主权平等，互相依靠、共同利益和合作的基础上，而不问它们的经济和社会制度如何，这种秩序将纠正不平等和现存的非正义并且使发达国家与发展中国家之间日益扩大的鸿沟有可能消除，并保证目前一代和将来世代在和平和正义中稳步地加速经济和社会发展。为此宣布：

一、最近几十年，最大和最重要的成就是很大一批民族和国家摆脱殖民的和外来的统治而独立，从而使它们得以成为自由民族大家庭中的成员。过去 30 年在经济活动的一切方面也取得了技术进步，从而为增进一切国家的人民的幸福提供坚实的潜力。但是，外国和殖民统治的残余痕迹、外国占领、种族歧视、种族隔离和各种形式的新殖民主义仍然是阻挠发展中国家和所有有关各民族获得彻底解放和进步的最大障碍之一。技术进步带来的好处没有为国际大家庭的所有成员公平分享，占世界人口 70% 的发展中国家只享有世界收入的 30%。事实证明，在现有的国际经济秩序下，国际大家庭是不可能取得均匀和平衡的发展的。发达国家和发展中国家之间的鸿沟在这样一种制度下继续扩大：这种制度是在大多数发展中国家甚至还没有作为独立国家存在的时候建立的，而且它使不平等状况长久保持下去。

二、目前的国际经济秩序同国际政治和经济关系当前的发展是直接冲突的。自 1970 年以来，世界经济经历了一系列的严重危机，这些危机产生了严重的影响，特别是对发展中国家产生了严重的影响，因为它们普遍更容易受外来的经济冲击的损害。发展中世界已经成了一种在国际活动的所有领域中都发挥影响的强有力的因素。世界力量关系中发生的这些不可逆转的变化，使得发展中国家有必要积极地、充分地和平等地参与制订和实施同国际大家庭有关的所有决定。

3. All these changes have thrust into prominence the reality of interdependence of all the members of the world community. Current events have brought into sharp focus the realization that the interests of the developed countries and those of the developing countries can no longer be isolated from each other, that there is a close interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, and that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts. International co-operation for development is the shared goal and common duty of all countries. Thus the political, economic and social well-being of present and future generations depends more than ever on co-operation between all the members of the international community on the basis of sovereign equality and the removal of the disequilibrium that exists between them.

4. The new international economic order should be founded on full respect for the following principles:

(a) Sovereign equality of States, self-determination of all peoples, inadmissibility of the acquisition of territories by force, territorial integrity and non-interference in the internal affairs of other States;

(b) The broadest co-operation of all the States members of the international community, based on equity, whereby the prevailing disparities in the world may be banished and prosperity secured for all;

(c) Full and effective participation on the basis of equality of all countries in the solving of world economic problems in the common interest of all countries, bearing in mind the necessity to ensure the accelerated development of all the developing countries, while devoting particular attention to the adoption of special measures in favour of the least developed land-locked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities, without losing sight of the interests of other developing countries;

(d) The right of every country to adopt the economic and social system that it deems the most appropriate for its own development and not to be subjected to discrimination of any kind as a result;

(e) Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right;

(f) The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples;

(g) Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries;

(h) The right of the developing countries and the peoples of territories under colonial and racial domination and foreign occupation to achieve their liberation and to regain effective control over their natural resources and economic activities;

(i) The extending of assistance to developing countries, peoples and territories which are under colonial and alien domination, foreign occupation, racial discrimination or apartheid or are subjected to economic, political or any other type of coercive measures to obtain from them the subordination of the exercise of their sovereign rights and to secure from them advantages of any kind, and to neo colonialism in all its forms, and which have established or are endeavouring to establish effective control over their natural resources and economic activities that have been or are still under foreign control;

(j) Just and equitable relationship between the prices of raw materials, primary commodities, manufactured and semi-manufactured goods exported by developing countries and the prices of raw materials, primary commodities, manufactures, capital goods and equipment imported by them with the aim of bringing about sustained improvement in their unsatisfactory terms of trade and the expansion of the world economy;

(k) Extension of active assistance to developing countries by the whole international community, free of any political or military conditions;

(l) Ensuring that one of the main aims of the reformed international monetary system shall be the promotion of the development of the developing countries and the adequate flow of real resources to them;

(m) Improving the competitiveness of natural materials facing competition from synthetic substitutes;

(n) Preferential and non-reciprocal treatment for developing countries, wherever feasible, in all fields of international economic co-operation whenever possible;