



SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. FRANCIS (Jr aica)

CONTENTS

AGENDA ITEM 133: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued)

AGENDA ITEM 130: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-EIGHTH SESSION (continued)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room DC3.750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.6/41/SR.51
26 November 1986

ORIGINAL: ENGLISH

The meeting was called to order at 10.30 a.m.

AGENDA ITW 133: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued) (A/C.6/41/L.14 and L.17)

1. Mr. QADER (Bangladesh) said that international peace depended as much on good relations between neighbours as on any other factor of international conduct. Although the task of identifying and clarifying the elements of good-neighbourliness was by no means easy, examples of "had-neighbourliness" could be used as a basis for specifying the type of conduct to be avoided. To that might he added the experience of good neighbours such as the United States and Canada, and the members of the European Economic Community (EEC). In that context, the United Kingdom, in its statement on behalf of the Twelve, had referred to the basic elements of the concept of good-neighbourliness.

2. His delegation noted with satisfaction the progress being made by the Sub-Committee on Good-Neighbourliness. Its report (A/C.6/41/L.14) identified, firstly, the relevant legal elements and, secondly, areas of co-operation, followed by ways and means of developing and strengthening good-neighbourliness. His Government supported the efforts of the Sub-Committee and remained convinced that work in that area needed to be given effect through a legal act of the international community. It would examine the Sub-Committee's report further and offer its detailed views by the next session.

3. Mr. PHAM VAN THANG (Viet Nam) said that his delegation was satisfied with the progress achieved by the Sub-Committee, which had drawn up a list of possible elements pertaining to good-neighbourliness (A/C.6/41/L.14, para.7). With regard to the legal elements in part I of the list, his delegation considered that further emphasis should be placed on the principles underlying good-neighbourliness. As to part II, his delegation considered co-operation in political fields to be of primary importance in the promotion of friendly relations and mutual understanding among neighbours. Good-neighbourliness should be practised irrespective of ideology and socio-political systems. It could be developed only to the extent that States had the political will to respect the fundamental principles of international law enshrined in the Charter, which constituted the framework for broader co-operation in economic, cultural and social spheres.

4. Good-neighbourliness was of particular significance to the developing countries. The legacy of colonialism had often endowed them with hostility, mutual distrust and problems such as border disputes. Good-neighbourliness was a significant factor in promoting the efforts of those States to conform to a set of established obligations, to recognize the interests of others and to co-operate in various areas for the sake of peace and mutual development.

5. It was at the regional and subregional levels that the concept of good-neighbourliness had real meaning. It had proven to be the vital factor for three Indo-Chinese countries in the successful struggle for national liberation against foreign aggression and domination in the past few decades. Immediately following the Viet Nam War, the Socialist Republic of Viet Nam had looked forward to establishing a new era of good-neighbourliness with its neighbours. However,

/...

(Mr. Pham Van Thang, Viet Nam)

certain hostile circles had tried to undermine the solidarity and good-neighbourliness of the three Indo-Chinese nations, continuing to exploit the so-called "Kampuchea problem" in order to hamper the process of dialogue and to maintain instability in the region. Such a policy, which only served the interests of Powers outside the region, was inconsistent with the trend towards establishing South-East Asia as a region of peace, stability and co-operation.

6. The Sub-Committee should continue its work on the development and strengthening of good-neighbourliness between States. In his delegation's opinion, the proposal to extend its mandate to the preparation of a suitable international instrument was a realistic one.

7. Mr. ZHULATI (Albania) said that a number of factors continued to impede the maintenance of international peace and security, in particular the rivalry between the two super-Powers) they were instigating explosive situations and creating new threats and dangers in order to lay the groundwork for their direct interference in those situations. The question of the development and strengthening of good-neighbourliness between States must therefore be considered as a separate agenda item. It was necessary more than ever to overcome the hostilities inherited from the past, to settle by agreement the problems which remained unsolved between neighbouring countries, to eliminate foreign military bases, to ensure the withdrawal of foreign troops, and to deny port facilities to the fleets of the military blocs.

8. Albania attached the highest priority to good relations with its neighbours. It desired fruitful co-operation with them, in the belief that normal exchanges in fields of mutual interest promoted understanding, friendship, and the peace and security of the Balkan region, on the basis of the principles of respect for national sovereignty, full equality, non-interference in the internal affairs of States and mutual benefit. The development of bilateral relations in the fields of trade, culture, communications, technology and science was the best and most effective way to create the kind of friendly atmosphere needed for the development of good-neighbourly relations. As a Balkan country, Albania strongly condemned the policy pursued in the region by the two imperialist super-Powers, which were endeavouring to perpetuate the problems inherited from the past and instigate new ones in order to divide the Balkan peoples. Albania's unchanging policy of opposing the two super-Powers and defending the principles enshrined in its Constitution by inter alia prohibiting foreign military bases in its territory, was a useful factor in safeguarding peace and security in the region.

9. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that in the nuclear and space age, relations between States must be based on co-operation and consideration of mutual interests. The way to achieve good-neighbourliness was to improve the international situation, decrease tension and strengthen international peace and security. The programme proposed by the Soviet Union aimed at achieving a nuclear-free world had opened up genuine prospects for rebuilding relations between States in order to ensure the survival and progress of mankind, in particular, through joint action to end preparations for nuclear war and to limit arms. In the current world political situation, those problems were crucial to

(Mr. Ordshonikidze, USSR)

the continuance of life itself. The set of carefully balanced and integrated proposals put forward by the Soviet Union in Reykjavik constituted evidence that the world was close to achieving a start to the elimination of nuclear weapons.

10. The Soviet Union had consistently advocated that Europe, Asia, Africa, Latin America and the Pacific and Indian Oceans should be zones of peace and good-neighbourliness. The results of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe had improved the prospects for stability, and the first real breakthrough on military détente in recent years had been achieved. He hoped that decisions taken at the follow-up meeting in Vienna would guarantee a high degree of security and increased co-operation in all fields in Europe. The Soviet Union would do everything to ensure the success of that meeting. It considered that Europe should constitute an example of a varied group of sovereign States that recognised their interdependence and based their relations on trust. For their part, the States parties to the Warsaw Treaty had recently affirmed the need for a renewal of détente in Europe.

11. The Soviet Union also belonged to the Region of Asia and the Pacific. It was convinced that the development of co-operation there must be in accordance with the basic interests of all the States of the region. Such co-operation not only would promote their economic independence, but would ensure them a greater political role globally.

12. It was in the Soviet Union's own interest to maintain good and peaceful relations with all its neighbours, with which it had a long and fruitful experience of co-operation. One of the central elements of current Soviet policy was to strengthen co-operation with all the socialist countries. The USSR also consistently sought to increase its links with its non-aligned neighbours on the basis of strict respect for their independence and equality. One example was its good relations with India.

13. At the global level, the Soviet Union maintained that ideological differences should not be an obstacle to the peaceful coexistence of countries with different social systems. It was possible to ensure the survival of civilization only if all the countries of the world learned to live together, which meant mastering the difficult art of taking the interests of others into account. More than ever before there was a need for intensive dialogue between East and West. Deadlock could be overcome through contacts and negotiations. Experience had shown that with good will on both sides and the resolve to develop political, economic, cultural and other ties, even fundamental differences need not hinder productive co-operation that would be of benefit to all.

14. His delegation considered that the work of the Sub-Committee should be directed towards the comprehensive development of relations between neighbouring States in all fields, especially the legal field. It hoped that at the forty-second session of the General Assembly, the Sixth Committee would continue its consideration of the item with a view to obtaining practical results.

15. Mr. ABDEL-RAHMAN (Sudan) said the fact that good-neighbourliness was not explicitly provided for in the Charter of the United Nations in no way diminished its paramount importance. Sadly, however, there were many wars and conflicts in the world because countries failed to recognise the importance of good-neighbourliness.

16. Good-neighbourliness was the major tenet of the foreign policy of the Sudan, which had eight neighbours and an unguarded land frontier extending thousands of miles. For the country, good-neighbourliness did not merely involve averting possible conflicts; it also involved settling problems relating to natural resources, grazing and agriculture in the border regions. The Sudan endeavoured to promote political and economic co-operation with its Arab and African neighbours through multilateral and bilateral channels, for which purpose it had established joint ministerial committees and co-operative bodies.

17. Despite the tremendous demands placed on the economy, food supplies, services and security by over 1 million refugees, the Sudan had never closed its doors to them. It had granted them asylum in accordance with international law, and was doing its best to alleviate their plight in a spirit of brotherliness and good-neighbourliness.

18. His delegation welcomed the approach taken by the Sub-Committee in defining the many components of good-neighbourliness, and hoped that its mandate would be renewed so that it could prepare a suitable international document.

AGENDA ITEM 130: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-EIGHTH SESSION (continued) (A/C.6/41/L.18)

19. Mr. CALERO RODRIGUES (Brazil), introducing draft resolution A/C.6/41/L.18 on behalf of the sponsors, said that they had been joined by China, France, Iceland, Jordan, Kuwait, Mexico, Mongolia, Pakistan and Paraguay. The four preambular paragraphs, as well as paragraphs 1, 2, 4, 7, 8, 10, 11 and 12 were the same as the corresponding paragraphs in resolution 40/75. Although the sponsors agreed with the desirability of updating and reissuing The Work of the International Law Commission, they did not wish to impose any additional financial burden on the Organization. They felt, therefore, that the Secretary-General should explore all possible avenues, within existing resources, to issue a new edition of the handbook as soon as possible.

20. Paragraphs 5, 6 and 9 were new. Paragraph 5 (a) requested the Commission to consider thoroughly the planning of its activities and its methods of work; paragraph 5 (b) requested it to indicate in its annual report those subjects and issues on which expressions of views by Governments would be of particular interest for the continuation of its work. It was felt that such an indication would contribute to a 'more fruitful debate in the Sixth Committee, without preventing delegations from addressing in the debate any question included in the report. Paragraph 6 expressed the view that the needs of the work of codification and progressive development of international law and the magnitude and complexity of the subjects on the agenda of the Commission made it desirable that the usual duration of its sessions should be maintained. It was felt that such a formulation

(Mr. Calero Rodrigues, Brazil)

would go a long way towards meeting all the concerns expressed. Paragraph 9 referred to the Commission's specific requests concerning the draft articles on jurisdictional immunities of States and on the status of the diplomatic courier and diplomatic bag not accompanied by diplomatic courier.

21. The sponsors were confident that the draft resolution could be adopted without a vote.

22. Draft resolution A/C.6/41/L.18 was adopted without a vote.

The meeting rose at 11.40 a.m.