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SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. SCHARIOTH (Federal Republic of Germany)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 138: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (documents referred to on pages 8 to 10 of document A/C.6/42/L.1; A/42/593-S/19159, A/42/598-S/19168, A/42/615-S/19173, A/42/616-S/19174, A/42/619-S/19178, A/42/622-S/19181, A/42/624-S/19182, A/42/626-S/19183, A/42/632-S/19188, A/42/634-S/19189, A/42/656-S/19207, A/42/662, A/42/663-S/19212, A/42/666, A/42/680-S/19229, A/42/681, A/42/686-S/19231, A/42/707-S/19247, A/42/709-S/19248; A/C.6/42/L.6

1. Mr. MIKULKA (Czechoslovakia), Chairman of the Sub-Committee on Good-Neighbourliness, introducing the report of the Sub-Committee (A/C.6/42/L.6), said that the Sub-Committee had held eight meetings, at which it had concentrated on the points appearing between square brackets in the list of elements of good-neighbourliness as set forth in the Sub-Committee's earlier report (A/C.6/41/L.14). For the most part, acceptable solutions had been found. However, point No. 3 of section II A (Promotion of disarmament and limitation of armaments) and a part of point No. 20 of section II C (The rights of persons belonging to national minorities) raised particular difficulties. The changes introduced into the list by the Sub-Committee were itemized in paragraph 5 of the current report.

2. Although all the solutions had been adopted by consensus, and only after detailed consideration of the issues involved, some delegations had again reserved their position on the list as a whole and on specific points. They had also opposed the inclusion in the Sub-Committee's report of any recommendation concerning the continuation or completion of the task of identifying and clarifying the elements of good-neighbourliness. Other delegations had, however, taken the view that, given the progress achieved at the current session, the Sub-Committee should be able to complete its task at the forty-third session. The Sixth Committee might wish to submit an appropriate recommendation on the matter to the General Assembly.

3. Mr. TĂNĂSIE (Romania), noting that the Sub-Committee had made progress in its task of identifying and clarifying the elements of good-neighbourliness, said that the few remaining square brackets in the list of elements did not denote any inherent difficulty in the subject itself, but were rather due to options of a political nature that could be dealt with in informal negotiations. The list of elements had benefited from a consensus approach, and the agreement on the universal nature of the concept of good-neighbourliness was of direct relevance in identifying and clarifying that concept.

4. Good-neighbourliness was a highly topical question. With every passing year, there was a heightened awareness of good-neighbourliness as an objective of the international community. Since 1979 when, at the proposal of Romania, the idea of good-neighbourliness had first been discussed in detail by the General Assembly, it had been a central theme that co-operation between neighbouring countries was particularly beneficial and could have a positive influence on international

(Mr. Tănăsie, Romania)

relations as a whole. Another central theme was that the political, economic and social changes and the scientific and technological advances that made nations more interdependent than ever added a new dimension to good-neighbourliness and underlined the need to base international conduct on that concept. It had rightly been said that the development of good-neighbourliness and the relevant norms and principles would consolidate friendly relations and co-operation among States in accordance with the Charter of the United Nations. The promotion of good-neighbourliness had proved to be an effective means of preventing international disputes, or settling existing disputes by peaceful means. It could also contribute to an ongoing policy of peace, mutual understanding and co-operation. In addition, the establishment of good-neighbourly relations between States helped to democratize international relations, enabled all States to participate in international life on an equal footing, and broadened the role of the developing countries.

5. In addition to being highly topical, the concept of good-neighbourliness had a precise legal context. The legal basis of good-neighbourliness lay in the fundamental principles of international law, which applied not in the abstract but to concrete situations. Specific norms relating to good-neighbourliness should have a direct bearing on such situations. New norms were emerging from State practice, and the fact that the majority of States respected those norms was the strongest evidence of their value in averting disputes and promoting understanding.

6. The norms in question had special legal characteristics which differentiated them from other legal norms. With its own distinctive content, the concept of good-neighbourliness was well understood and was clearly more than a mere political notion.

7. The clarification and development of the principle of good-neighbourliness was a worthwhile undertaking, despite its complexity, since good-neighbourliness was an essential element in the foreign policy of countries. The United Nations, which had enunciated the principle in its Charter, had a decisive role to play in enhancing the political, legal and moral aspects of the principle.

8. Bearing in mind the need to identify and clarify the elements of good-neighbourliness by 1988, and to commence preparation of an appropriate international instrument, his delegation had joined with a number of others in finalizing a draft resolution on the development and strengthening of good-neighbourliness among States.

9. Mr. KOZUBEK (Czechoslovakia) said that his delegation, which had participated in the work of the Sub-Committee on Good-Neighbourliness, was pleased to note that most of the questions which had not been resolved at its 1986 meetings had now been settled. The two remaining problems in section II of the list of elements could be solved on the basis of the texts of universally adopted documents.

10. One of the Sub-Committee's most important achievements, in his delegation's view, was the inclusion of a new point in section I A of the list (Universal

(Mr. Kozubek, Czechoslovakia)

applicability of the concept of good-neighbourliness between neighbouring States). Czechoslovakia also considered that the agreement on the new wording of the title of section I B would pave the way for a constructive discussion of the points under that title, and would make it possible to narrow the differences on the question whether contemporary international law provided for special rights and duties proper to neighbouring States alone.

11. His delegation welcomed the new wording of a number of points in the list, in particular point 10 of section I B, point 6 of section II A, points 15 and 16 of section II B and point 19 of section II C. The incorporation of point 25 in section II D was also useful.

12. His delegation was pleased that the Sub-Committee had proceeded by way of consensus, but found it surprising that certain delegations planned to use the principle of consensus as a means of blocking the Sub-Committee's future activities. In particular, those delegations had refused to subscribe to the majority view that the task of identifying and clarifying the elements of good-neighbourliness should be concluded at the forty-third session of the General Assembly. His delegation, for its part, was ready to take an active part in the further consideration of the matter, and had decided to join the sponsors of the draft resolution on the item.

STATEMENT BY THE CHAIRMAN

13. The CHAIRMAN recalled that, earlier in the session, the Sixth Committee had received a letter from the Fifth Committee concerning the publications of the International Court of Justice. That letter had been transmitted to the Chairmen of the five regional groups for consideration and comment. The Sixth Committee had now received a letter from the Legal Counsel of the United Nations which might assist the Committee in formulating its response to the Fifth Committee. If there was no objection, he would transmit the Legal Counsel's letter to the Chairmen of the five regional groups for its content to be taken into account in connection with the Fifth Committee's letter.

14. It was so decided.

The meeting rose at 3.55 p.m.