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SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 134: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES (continued)

Draft resolution A/C.6/42/L.8

1. The CHAIRMAN drew attention to document A/C.6/42/L.14, containing the statement of programme budget implications of draft resolution A/C.6/42/L.8.
2. Mr. SAYALOU (Nigeria), introducing the draft resolution on behalf of its sponsors, said that Turkey had joined them. Although the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries had made some progress at its most recent session, it had yet to accomplish the task entrusted to it by the General Assembly; hence the need for the draft resolution before the Sixth Committee. Except for minor changes, the preambular paragraphs of the draft were the same as those of the corresponding resolutions of previous years. The Ad Hoc Committee's seventh session, which was referred to in paragraph 5 of the draft, would be a three-week session, as indicated in document A/C.6/42/L.14, paragraph 3, and the dates of the session would be set by the Secretariat. The sponsors of the draft hoped that the Sixth Committee would be able to adopt it without a vote.
3. Mr. MIRZAI-E-YENGEJEH (Islamic Republic of Iran), explaining his delegation's position on draft resolution A/C.6/42/L.8, said that there was an urgent need to draw up, at the earliest possible date, an international convention against the recruitment, use, financing and training of mercenaries. His delegation endorsed the fourth and sixth preambular paragraphs of the draft resolution, in particular. It had noted with satisfaction the progress made by the Ad Hoc Committee at its most recent session, and was in favour of the renewal of the Ad Hoc Committee's mandate. However, it had misgivings about the attitudes of certain countries, which had themselves been involved in the use of mercenaries as an instrument of their foreign policy. The States in question, such as the aggressor against the Islamic Republic of Iran, sometimes took positions inconsistent with the will of the overwhelming majority of countries. Paradoxically, they sometimes even co-sponsored draft resolutions against mercenarism. It was quite clear that the aim was not only to deceive the international community, but also to cover up their record of recruiting, using and financing mercenaries.
4. Draft resolution A/C.6/42/L.8 was adopted.
5. Mr. BERNHARD (Denmark), explaining the position of the States members of the European Community, said that their statement at the Sixth Committee's 13th meeting had left no doubt as to their strong condemnation of the activities of mercenaries and their will to continue to take an active part in the Ad Hoc Committee's work towards a universally acceptable convention. However, they were concerned at developments in other forums. The overlapping between the activities of the

(Mr. Bernhard, Denmark)

Economic and Social Council and the Third Committee, on the one hand, and the activities of the Sixth Committee, on the other hand, is unfortunate in itself and obviously also created a danger of conflict between the activities in question. In addition, the Twelve wished to reaffirm the view they had expressed on previous occasions concerning the fourth preambular paragraph of the draft resolution, which stated that the activities of mercenaries were contrary to fundamental principles of international law. Of course, such activities might be contrary to international law when, for example, they involved interference in the internal affairs of a State at the instigation or with the assistance of another State. In other cases, however, while the crimes of individuals acting on their own behalf were clearly reprehensible, the activities in question could not be imputed to States or regarded as violations of international law.

6. The Twelve maintained a positive attitude towards the Ad Hoc Committee's work and were therefore pleased that the draft resolution had been adopted without a vote. They hoped that it would be possible to continue that work in a constructive way in the forum that, in their view, was the proper one.
7. Mr. BRING (Sweden), speaking on behalf of the delegations of Denmark, Finland, Iceland and Norway, as well as his own delegation, said that they had joined in the consensus on draft resolution A/C.6/42/L.8 because they strongly condemned the activities of mercenaries and supported the Ad Hoc Committee's work.
8. The Nordic States fully supported the views just expressed on behalf of the European Community.
9. Mr. ROSENSTOCK (United States of America) said that his delegation had joined in the consensus on the draft just adopted, despite serious reservations concerning the treatment of the topic in the Third Committee. The United States had voted against draft resolution A/C.3/42/L.14 because, inter alia, it duplicated Sixth Committee work on the subject. Not only were several of that draft resolution's preambular paragraphs identical to or substantially the same as those of the draft resolution just adopted, but one of its operative paragraphs urged all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory. That kind of overlap was unacceptable, and it was to be hoped that the Sixth Committee would redress that situation at the next session of the General Assembly.
10. As in the case of resolution 41/80, his delegation had difficulty with the fourth preambular paragraph of draft resolution A/C.6/42/L.8, which stated that the activities of mercenaries were contrary to fundamental principles of international law, and then listed principles that applied not to the actions of individuals such as mercenaries, but to those of States.
11. Mr. HAYASHI (Japan) said that his delegation had supported the adoption without a vote of draft resolution A/C.6/42/L.8 because it endorsed the content of the text in general. However, it wished to reiterate its reservations regarding the statement in the fourth preambular paragraph that the activities of mercenaries

(Mr. Hayashi, Japan)

were contrary to fundamental principles of international law. Such activities, being acts committed by individuals, did not necessarily constitute violations of international law. Furthermore, Japan wished to place on record its serious concern regarding draft resolution A/C.3/42/L.14, and the action that the Third Committee had taken on it despite strong opposition from a number of delegations. It was regrettable that the Third Committee had failed to take account of the wishes and the work of the Sixth Committee and the Ad Hoc Committee. Such developments could only have a negative impact on progress in the Ad Hoc Committee, which had been engaged in a serious endeavour to draft an international convention.

12. Mr. AL-ADHAMI (Iraq) said that the delegation of the Iranian régime, which had been lying as usual, had been caught out by its own lies. The relationship between Iraq and that régime and the acts of aggression constantly perpetrated by the latter were reminiscent of the Middle Ages or perhaps even prehistory. The Iranian régime should act in accordance with the Charter and Security Council resolution 598 (1987).

13. Mr. MIRZAI-E-YENGEJEH (Islamic Republic of Iran) said that the Sixth Committee was not the proper forum for discussing the issues raised by the representative of Iraq.

AGENDA ITEM 137: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

Draft resolution A/C.6/42/L.10

14. The CHAIRMAN drew attention to document A/C.6/42/L.16, containing the statement of programme budget implications of draft resolution A/C.6/42/L.10.

15. Mr. MADI (Egypt), introducing the draft resolution, said that Argentina and Malaysia had joined the sponsors. They all hoped that the text could be adopted without a vote.

16. Draft resolution A/C.6/42/L.10 was adopted.

AGENDA ITEM 129: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)

Draft resolution A/C.6/42/L.5

17. Mr. VOICU (Romania), introducing draft resolution A/C.6/42/L.5, of which Malaysia, Malta and Paraguay had also become sponsors, said that the preamble reproduced the corresponding provisions of General Assembly resolution 41/74. He drew particular attention to the fourth preambular paragraph and the last preambular paragraph, which underlined that efforts for strengthening the process of peaceful settlement of disputes should be continued. The references in the earlier resolution to the resort to a commission of good offices, mediation or

(Mr. Voicu, Romania)

conciliation had been eliminated because delegations felt that appropriate provisions concerning good offices were already included in the mandate of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Paragraph 4, which requested the Secretary-General to submit a report containing the replies of Member States and of other bodies on the implementation of the Manila Declaration, was entirely new. Paragraph 5 had been the result of extensive consultations among delegations. He drew attention to the fact that the Manila Declaration had been adopted without a vote, and expressed the hope that all delegations which had committed themselves to it in 1982 were still committed to it and would therefore adopt the draft resolution without a vote.

18. Mr. ROSENSTOCK (United States of America) said that, although all States were obligated by Article 2, paragraph 3, of the Charter to settle disputes by peaceful means, that did not mean that the Article needed to be kept on the agenda every year. No useful purpose was therefore served by paragraph 5 of the draft resolution. Moreover, with regard to paragraph 4, although all delegations still supported the Manila Declaration, that did not mean that a Secretariat study of it was needed only five years after its adoption. It was improper to speak of implementation in connection with a recommendation. Furthermore, the United States was unable to accept the idea that it was an efficient use of finite resources to burden the Codification Division by asking States what they thought of the Manila Declaration. His delegation would therefore vote against paragraphs 4 and 5, and abstain in the vote on the draft resolution as a whole.

19. Mr. KATEKA (United Republic of Tanzania) said that he agreed with the United States that it was not necessary to go on urging Member States each year to implement the Manila Declaration. However, in the interest of political solidarity, his delegation would vote in favour of the draft resolution.

20. After a procedural discussion [in which Mr. VOICU (Romania), Mr. ROSENSTOCK (United States of America) and Mr. AL-KHASAWNEH (Jordan) took part], the CHAIRMAN said that separate roll-call votes on paragraphs 4 and 5 and a roll-call vote on the draft resolution as a whole had been requested.

21. A vote was taken by roll call on paragraph 4 of draft resolution A/C.6/42/L.5.

In favour: Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Qatar, Romania, Rwanda, Saudi

Arabia, Senegal, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Brazil, Canada, Denmark, Finland, Hungary, Iceland, Ireland, Israel, Lebanon, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Turkey, Venezuela.

22. Paragraph 4 of draft resolution A/C.6/42/L.5 was adopted by 91 votes to 8, with 19 abstentions.

23. A vote was taken by roll call on paragraph 5 of draft resolution A/C.6/42/L.5.

In favour: Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Canada, Denmark, Finland, France, Iceland, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Belgium, Brazil, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Lebanon, New Zealand, Turkey.

24. Paragraph 5 of draft resolution A/C.6/42/L.5 was adopted by 96 votes to 13, with 11 abstentions.

25. A vote was taken by roll call on draft resolution A/C.6/42/L.5 as a whole.

In favour: Albania, Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libya, Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Italy, Japan, Lebanon, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

26. Draft resolution A/C.6/42/L.5 as a whole was adopted by 101 votes to none, with 20 abstentions.

27. Mr. VELASCO (Peru), speaking in explanation of vote, said that his delegation wished to reaffirm the comments it had made when the Manila Declaration had been adopted, more particularly with regard to its understanding of certain provisions in that Declaration.

28. Mr. BERNAL (Mexico) said that his delegation had voted in favour of paragraph 4 of the draft resolution, for the reasons stated by the Tanzanian representative and subject to the same reservations.

29. Mr. HAYASHI (Japan) said that his delegation had abstained in the vote on the draft resolution as a whole. In as much as the Manila Declaration was not a legal document, the request made in paragraph 4 was neither useful nor appropriate. Also, Japan did not agree with paragraph 5, for the question of the peaceful settlement of disputes was central to the item relating to the report of the Special Committee on the Charter (item 137). His delegation's position on the draft resolution should not, however, be regarded as a derogation from its commitment to the principle of peaceful settlement of disputes.

30. Mr. AL-KHASAWNEH (Jordan) said that, while his delegation supported the draft resolution, it had doubts about the legal validity of the request made in paragraph 4, since the Manila Declaration was merely a recommendation. Also, for reasons connected with the rationalization of the Organization's work, it had doubts about the need to include the question of peaceful settlement of disputes in the agenda of the forty-third session of the General Assembly.

31. Mr. BERNHARD (Denmark), speaking on behalf of the States members of the European Community, said that the acceptance by those States of binding procedures for the settlement of disputes was indicative of their basic approach to international relations. Most of those States had, however, been unable to accept the draft resolution because of the content of paragraphs 4 and 5. In their view, the procedure envisaged in paragraph 4 would not resolve the underlying problem, which was a lack of the political will to use established procedures for the peaceful settlement of disputes. Instead they favoured the inclusion, in the resolution on the report of the Special Committee on the Charter, of an appeal to Governments to make use of the many procedures for the settlement of disputes provided for in the Charter. The separate agenda item called for in paragraph 5 of the draft resolution would then be superfluous.

32. Mr. KANDIE (Kenya) said that his delegation had voted in favour of the draft resolution as a whole in recognition of the universality and importance of the principle of peaceful settlement of disputes. It wished, however, to enter a reservation regarding the manner in which the subject was being handled in the Sixth Committee. It would have preferred to see the Committee take a leading role in the rationalization of the work and procedures of the United Nations.

33. Mr. NORDBACK (Sweden), speaking on behalf of the Nordic countries, said that while they supported the principle of peaceful settlement of disputes, they were not convinced of the advisability of establishing an extensive reporting procedure on the implementation of the Manila Declaration, as provided for in paragraph 4 of the draft resolution. In their view, what was needed was the political will to make use of existing methods for the peaceful settlement of disputes. They also considered, with regard to paragraph 5, that it would be preferable, for purposes of rationalization, to consider the question of peaceful settlement of disputes under the item on the report of the Special Committee on the Charter. A separate agenda item would then be superfluous. For those reasons, the Nordic delegations had abstained in the vote on paragraph 4, had voted against paragraph 5, and had abstained in the vote on the draft resolution as a whole.

AGENDA ITEM 138: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued)

Draft resolution A/C.6/42/L.11

34. Mr. VOICU (Romania), introducing draft resolution A/C.6/42/L.11 on behalf of the sponsors, said that Guyana should be added to the list. At the end of the third preambular paragraph, the references to resolution 41/84 of 3 December 1986 and decision 40/419 of 11 December 1985 should be placed in chronological order.

(Mr. Voicu, Romania)

35. The Committee would note that the draft resolution was very similar to General Assembly resolution 41/84, which had been adopted by consensus. In that connection, he also drew attention to General Assembly resolution 39/78, which had been sponsored by a number of delegations and had been adopted without a vote in 1984. Paragraph 4 of that resolution stated that the General Assembly deemed it appropriate "... to start clarifying and formulating the elements of good-neighbourliness as part of a process of elaboration of a suitable international document on the subject". The sponsors trusted that draft resolution A/C.6/42/L.11 would likewise be adopted without a vote.

36. Mr. EDWARDS (United Kingdom) said that his country had long practised good-neighbourly relations with other States. However, it continued to doubt whether the concept of good-neighbourliness corresponded to any norm of international law. It would have preferred the list of elements submitted in the report of the Sub-Committee on Good-Neighbourliness to have been the culmination of the endeavour to clarify the concept, so that consideration of the item could have been brought to a conclusion. It regretted that certain suggestions made by delegations which had misgivings on the matter were not reflected in the draft resolution. His delegation would therefore be unable to vote in favour of the draft resolution, in particular because of the inclusion of paragraphs 5 and 6.

37. Mr. WULFFTEN PALTHE (Netherlands) said that his delegation was unable to support the draft resolution, since it believed that the question of good-neighbourliness, which had become completely politicized, should not be included as a separate item on the agenda of the Sixth Committee. In particular, it would vote against paragraph 5, since it saw no need for an international instrument on yet another principle enshrined in the Charter. The only way to achieve results seemed to be to adopt a more practical approach to the matter, in the context of the Special Committee on the Charter. His delegation remained convinced that the European Economic Community was an excellent illustration of good-neighbourly relations in that connection.

38. Mr. SCHRICKE (France) recalled that his delegation had been a sponsor of several resolutions on the subject of good-neighbourliness adopted by the General Assembly at previous sessions. In doing so, however, it had never endorsed the view that good-neighbourliness represented a specific concept in international law. Although the work of the Sub-Committee over the past three years gave rise to serious doubts as to its continuing usefulness, his delegation would have been prepared to endorse a simple decision to renew the Sub-Committee's mandate for another year. Unfortunately, the chief sponsor of draft resolution A/C.6/42/L.11 had not only insisted on submitting a draft resolution rather than a draft decision to the Sixth Committee, but had also introduced into the text the notion that the elaboration of a "suitable international document" on the subject should begin at the next session, refusing to accept any suggested amendment. In the face of so intemperate an attitude, his delegation would have no choice but to vote against paragraph 5 and to abstain in the vote on the draft resolution as a whole.

39. Ms. STORZ-CHARKARJI (Federal Republic of Germany) said that the maintenance of good-neighbourly relations had always been an integral part of her Government's foreign policy. Being unable to speak in favour of draft resolution A/C.6/42/L.11 therefore placed her delegation in a somewhat awkward position. However, it considered that discussions in the Sub-Committee over the past three years had failed to define any tangible element of the concept of good-neighbourliness. All the components of the concept on which agreement could be reached were adequately covered in existing international instruments. Had the sponsors of the draft resolution agreed to delete paragraph 5, her delegation would have been inclined to join a possible consensus. Under the present circumstances, however, it could not support the draft resolution. It would therefore vote against paragraph 5 and abstain in the vote on the draft as a whole.

40. A vote was taken by roll call on the last preambular paragraph of draft resolution A/C.6/42/L.11.

In favour: Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, Israel, Jordan, Lebanon, Venezuela.

41. The last preambular paragraph of draft resolution A/C.6/42/L.11 was adopted by 96 votes to 19, with 6 abstentions.

42. A vote was taken by roll call on operative paragraph 5 of draft resolution A/C.6/42/L.11.

In favour: Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Israel, Jordan, Lebanon, Venezuela.

43. Paragraph 5 of draft resolution A/C.6/42/L.11 was adopted by 95 votes to 20, with 5 abstentions.

44. A vote was taken by roll call on draft resolution A/C.6/42/L.11 as a whole.

In favour: Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore,

Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

45. Draft resolution A/C.6/42/L.11 as a whole was adopted by 101 votes to none, with 21 abstentions.

46. Mr. TUERK (Austria), speaking in explanation of vote, said that, while certainly considering the question of good-neighbourliness to be particularly important in international relations, his delegation nevertheless had doubts as to the rather ambitious programme for further work outlined in the draft resolution. A decision to embark on such a programme taken without the support of all segments of the international community would hardly advance the cause of the development and strengthening of good-neighbourliness between States. The Organization's budgetary constraints had also to be borne in mind. For those reasons, his delegation had been regretfully obliged to abstain from voting on the draft resolution.

47. Mr. TREVES (Italy) recalled that his delegation had taken a sympathetic view of the item from the outset, and had participated in the consensus on a number of resolutions, including that of 1984, which already mentioned the elaboration of an appropriate international instrument. However, developments in the Sub-Committee had shown that the time was not yet ripe for drafting a new instrument. Many of the more interesting and important aspects of the problem were already under consideration elsewhere in the United Nations. Accordingly, his delegation had voted against the last preambular paragraph and paragraph 5, and had abstained in the vote on the draft resolution as a whole.

48. Mr. ROSENSTOCK (United States of America), after stressing his country's commitment to the concept and policy of good relations with its neighbours, said that discussion in the Sub-Committee and the Sixth Committee itself had failed to reveal any legal content particular to the notion of good-neighbourliness. His delegation's inability to vote in favour of the draft resolution was not a rejection of good-neighbourliness, but rather a response to the question whether the elaboration of a document on that subject should be undertaken. Endless proliferation of international instruments tended to debase the value of existing ones, such as the Manila Declaration and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in

(Mr. Rosenstock, United States)

accordance with the Charter of the United Nations. Instead of addressing the issue of the utility of such an exercise, the draft resolution blithely proceeded to call for the elaboration of a new instrument. His delegation considered that a more prudent course would have been to suspend the work of the Sub-Committee so as to enable States to comment on its future. From a procedural point of view, a draft decision would have been a more appropriate mechanism for dealing with the matter.

49. Mr. BLOKHUS (Norway), speaking on behalf of the Nordic delegations, said that those delegations had abstained from voting on the draft resolution as a whole, because work already undertaken had shown that continued attempts to agree on the elements of good-neighbourliness were unlikely to yield practical results. The Nordic delegations did not think that the Sixth Committee should use its limited resources on restating principles already set forth in existing instruments. For that reason, they had not participated in the Sub-Committee's work. While supporting all constructive efforts to enhance friendly relations between States, they continued to have strong doubts as to the wisdom of pursuing the matter in the Sixth Committee.

50. Mr. AL-ABSI (United Arab Emirates) said that his delegation had voted in favour of the draft resolution because it was firmly committed to the lofty principles reaffirmed therein. That commitment should not, however, be misconstrued as readiness to normalize relations with aggressor régimes or to submit to policies which led to the killing of innocent people under the pretext of combating terrorism.

AGENDA ITEM 132: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTIETH SESSION (continued)

Draft resolution A/C.6/42/L.9

51. Mr. TUERK (Austria), introducing draft resolution A/C.6/42/L.9 on behalf of its sponsors, said that they had been joined by Canada, Cyprus, Egypt, Greece, Hungary, India, Japan, Sweden and Turkey. The text reflected UNCITRAL's recommendations concerning the use of the Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works, and the accession of States to conventions emanating from its work. Thus, the preamble, in addition to echoing General Assembly resolution 41/77, also expressed the opinion that the Legal Guide would be helpful to all parties in concluding international contracts for the construction of industrial works, and the conviction that accession to conventions emanating from the work of UNCITRAL would benefit the peoples of all States. The Secretary-General was invited to consider taking whatever measures might be necessary, within existing resources, to provide the Commission with adequate substantive secretariat support. As evidence of the need for such action, he pointed out that four out of 11 Professional posts in the International Trade Law Branch would be vacant by 1 December 1988, and there were no immediate prospects of any relief.

(Mr. Tuerk, Austria)

52. In conclusion, he recommended the draft resolution to the Committee for adoption without a vote, in the belief that the consensus procedure followed by UNCITRAL should also prevail in the Committee.

53. Draft resolution A/C.6/42/L.9 was adopted.

54. Mr. BERNAL (Mexico) said, with reference to paragraph 9 of the draft resolution, that his Government had sent three of the four instruments to which States were invited to accede to the Mexican Senate for approval, and hoped soon to be in a position to ratify them. His delegation was particularly pleased that the Commission had completed and adopted its Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works, which Mexico saw as another step towards consolidating the new international economic order.

Draft resolution A/C.6/42/L.15

55. Mr. TUERK (Austria), introducing draft resolution A/C.6/42/L.15 on behalf of its sponsors, said that they had been joined by Cyprus. In its decision to submit its Draft Convention on International Bills of Exchange and International Promissory Notes to the General Assembly, UNCITRAL had drawn attention to the fact that all States and interested international organizations had been invited to participate in its preparation and to submit written comments on it. The draft Convention had been adopted by UNCITRAL consensus and represented more than 14 years' work.

56. Although many thought that the draft Convention should be adopted at the current session of the General Assembly and opened for signature as soon as possible, others took the view that Governments needed more time to consider it. The preamble therefore expressly recognized that Governments should be given sufficient time to study the draft Convention. The sponsors, in a spirit of compromise, were suggesting that the General Assembly should decide to consider and adopt the draft at its forty-third session, and to open the Convention for signature on 1 January 1989. Delegations wishing to comment on aspects of the draft Convention would thus be able to set out their views in detail. If their suggestions met with the Committee's general agreement, they could be suitably taken into account.

57. The sponsors of draft resolution A/C.6/42/L.15 hoped that the flexible procedure suggested would meet with the Committee's approval and that the text could be adopted without a vote.

58. The CHAIRMAN said that, as agreed previously, the Committee would take a decision on draft resolution A/C.6/42/L.15 at its next meeting.

The meeting rose at 6.40 p.m.