



SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 138: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued) (Documents listed 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 and A/42/709-S/19248, A/42/778; A/C.6/42/L.6 and Corr.1)

1. Mr. BOULANDI (Chad), speaking in exercise of the right of reply, said that his delegation had duly noted the decision by the General Assembly on 12 November 1987 to defer a decision on the inclusion in the agenda of an item entitled "Aggression against and occupation of Chad by Libya". Thus, the Chadian delegation's statement at the 53rd meeting had not been made under that item, but rather as a contribution to the consideration of the report of the Sub-Committee on Good-Neighbourliness. At that time, his delegation had spoken of relations between Chad and Libya.

2. Chad had heeded the appeal made by President Kaunda and continued to observe the cease-fire announced at the request of the President of Zambia on 11 September 1987, whereas Libyan aircraft made daily overflights over parts of northern Chad. Thus, it was quite clear that Libya was not interested in a dialogue under the auspices of OAU, but rather in resuming its war of aggression.

3. Relations between the Chadian and Libyan peoples were rooted in history. If those relations were currently at their lowest point, it was mainly due to the machinations of the Libyan régime, which, after occupying 114,000 square kilometres of Chadian territory in 1973, had militarily supported the rebellion in Chad in 1977 and 1978, and then had intervened directly against Chad with its troops beginning in 1980.

4. The claim that Libyans and Chadians were working side by side was true only with respect to Chad, where Libyans were free to carry on their business. In contrast, Chadians in Libya were impressed into serving in the infamous Islamic Legion. Thus, by resolution No. 32 of the Libyan General People's Congress (Sebha, February-March 1987), a decision had been taken to form district committees to round up Chadians and establish a programme of action for them. By rounding up the Chadians in Libya, the Tripoli régime intended to arm them and enlist them in the service of its policy in Africa, which was aimed, *inter alia*, at the establishment of a "United States of the Sahel". In the early 1980s, the Tripoli régime would have succeeded in annexing Chad, which its troops had been occupying, had it not been for the resistance of Chadians themselves and the vigilance of neighbouring countries committed to the independence of Chad.

5. The representative of Libya had also spoken of disagreement among the leaders of Chadian factions. However, the provisions of resolution No. 24 of the General People's Congress of February-March 1987 gave the lie to such a claim. Mr. Qaddafi himself had stated that he was not hostile to Mr. Habré and had further indicated

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that if a genuinely African Islamic Government headed by Mr. Habré was formed, there would be no problem between Libya and Chad. A Chad that would be a province, an extension, of Libya would no doubt satisfy Mr. Qaddafi's wishes.

6. With regard to co-operation with the Ad Hoc Committee of OAU, that Committee's report contained references to the refusal to co-operate on the part of Libya, which had systematically pursued the "empty chair policy", to use the expression coined by the Chairman of the Committee, Mr. El Hadj Omar Bongo. It was only at the eleventh hour, on 23 September 1987, that Libya had dispatched its Minister for Foreign Affairs to the Ad Hoc Committee in Lusaka. If the representative of Libya was sincere in his protestations of good will, proof should be given in the form of a change in his country's policy of aggression against Chad.

7. Mr. THEUAMBOUNMY (Lao People's Democratic Republic), speaking in exercise of the right of reply, expressed surprise that the constructive statement which he had made at the 53rd meeting had elicited the response given by the representative of Thailand and said he wished to clarify the matter.

8. With regard to the three Lao villages in Sayaboury province, the fact was that the Thai military authorities had sent their troops on 6 June 1984 to occupy them. However, as a result of pressure brought to bear by Thai public opinion and the international community, Thai troops had had to withdraw from the three Lao villages. They nevertheless continued deliberately to occupy certain key positions in the surrounding area, inside Lao territory.

9. As indicated in the press release dated 4 September 1987 to which the representative of Thailand had referred, the Thai Government adamantly refused to recognize Lao sovereignty over the three villages on the pretext that the 1904 and 1907 treaties between France and Thailand, at that time called Siam, provided only in general terms that the watershed line constituted the frontier and that, in the case of the three villages, the maps drawn up by the Siamese-French Boundary Commission were not sufficiently detailed. In support of its claims, Thailand had gone so far as to assert the validity of a map which it had itself drawn up using so-called modern techniques.

10. The facts of the matter were quite different, however. It was true that the Siamese-French treaties of 1904 and 1907 provided that the watershed line should form the frontier, but it was also indisputable that, on the basis of the maps prepared by the Siamese-French Boundary Commission, the three villages were clearly situated in Lao territory. Thailand's argument was therefore utterly fallacious and was based on a twisted legal interpretation intended to deceive international public opinion. Thailand's position reflected its refusal to comply with a universally recognized principle of international law, namely, the inviolability of frontiers inherited from the colonial period.

11. With regard to the frontier between Sayaboury province (on the Lao side) and the provinces of Loei and Phitsanoulouk (on the Thai side), the provisions of the protocol to the 1907 treaty clearly indicated that the frontier ran from the

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Democratic Republic)

southern Mekong at Paknam Heung, following the Nam Heung to its source at Phu Khao Mieng. By relying on tendentious arguments in support of a frontier along the Nam Heung and the Nam Heung Nga (the protocol to the 1907 treaty described the Nam Heung and not the Nam Heung Nga as constituting the frontier), the Thai Government was seeking in vain to distort the legal situation.

12. In the circumstances, the Government of the Lao People's Democratic Republic could not agree that the two problems were closed matters. The Lao Minister for Foreign Affairs had reiterated at the current session of the General Assembly the Lao Government's appeal to the Government of Thailand to demonstrate genuine good will and to agree to a resumption of negotiations with the Lao side at the earliest possible date.

13. Mr. OMAR (Libyan Arab Jamahiriya), speaking in exercise of the right of reply, said that the statement made earlier in the meeting by the representative of Chad was incorrect: it was untrue that Libya was occupying Chad, since in reality the sector in question was Libyan, as Libya had stated repeatedly. It had submitted documents confirming that fact to the Ad Hoc Committee set up by the Organization of African Unity (OAU). As to the Chadians working in Libya, there were thousands of them living in various parts of the country and they were treated with kindness; there was no question of militarizing them. Neither was Libya conducting an Islamic war, as the representative of Chad had alleged. At the 53rd meeting, he (Mr. Omar) had emphasized that the disputes between the two brotherly peoples had been exploited by forces outside the continent, which rendered the situation even more complicated. In that regard, he cited the book The secret wars of the CIA, 1981-1987, by Bob Woodward, which revealed the actions of foreign Powers that had helped to complicate the situation in Chad. As for the assertions by the representative of Chad concerning Libya's co-operation with the Ad Hoc Committee of OAU, they, too, were incorrect: the representative of Chad had mentioned only one source and had omitted to mention others which did not bear out his argument.

14. Mr. ORTIZ-GANDARILLES (Bolivia), speaking in exercise of the right of reply, said that the assertions by Chile that it owed nothing to Bolivia betrayed a guilty conscience. Bolivia had certainly suffered the loss, more than 100 years earlier, of its sea coast, and Chile had thus gained access to the vast resources of saltpeter, guano and copper in that area. Many statements had been made in Chile in favour of continuing the dialogue with Bolivia and against the Chilean Government's decision to break off the bilateral talks; journalists, party leaders and writers had expressed their regret at the negative attitude of Admiral Merino, a member of the ruling junta, and the lack of logic manifested by the Chilean Ministry of Foreign Affairs.

15. At Montevideo, Bolivia had submitted not an ultimatum but a reasonable and well-balanced proposal, which largely coincided with that which the Chilean Government had itself proposed in 1975. That time, however, Chile had neither made a counter-proposal nor left room for the possibility of an exchange enabling the dialogue to be resumed; it had adopted an attitude which obstructed any possibility

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of reaching agreement. The Chilean delegation had stated that Bolivia had been a "maritime" country and not a land-locked country, which was incorrect; Bolivia, on acceding to independence, had had a coast over 400 kilometres long, including four ports and six bays, but the coastal zone had been invaded and occupied militarily by Chile in 1879. The annexation of that zone had been declared unilaterally in 1887, 17 years before the signature of the Treaty of 1904, which had been imposed on Bolivia and under which the right of free transit had been established.

16. With regard to the claim that there was no dispute between Chile and Bolivia, he pointed out that the Organization of American States, at the nine most recent sessions of its General Assembly, had declared itself in favour of a solution to the problem and had requested Chile and Bolivia to negotiate. Subregional organizations and, since 1979, the Movement of Non-Aligned Countries, had expressed the same views.

17. The 1904 Treaty, signed by Bolivia under duress from Chile, contained all the clauses set forth in the note dated 13 August 1900 from Abraham Koning, the Chilean plenipotentiary. That note was intended to justify the annexation of Bolivian territory by stating: "Chile has occupied the coast and taken possession of it ... Our rights are the fruit of victory, the supreme law of nations ... We are well aware that the coast is rich and is worth many millions".

18. The Chilean delegation had also mentioned a letter of 1950 from Víctor Paz Estenssoro addressed to Hernán Siles Zuazo when both of them were already political leaders but had not yet become Presidents of their respective countries. Having taken charge in 1952 of the economic reforms, President Paz Estenssoro had realized that the lack of access to the sea was an obstacle to the country's development, and in 1961 and 1962 had sought to open negotiations in order to regain for Bolivia a strip reaching to the Pacific Ocean. Those negotiations could not take place, however, since in 1962 Bolivia had had to break off diplomatic relations with Chile after the latter had arbitrarily decided to divert the waters of the River Lauca. In any case, it was clear that President Paz Estenssoro, during his two previous terms as President and also during his current term, had tried to reach agreement with Chile so that Bolivia might have a corridor giving it access to the sea.

19. Moreover, with regard to the railway service which Bolivia was said to be under-utilizing, it should be recalled that Bolivia was paying in dollars for the use of that railway, which carried both Bolivian and Chilean goods and facilitated the development of northern Chile; in addition, the freight charges in Chile's northern ports were comparatively high. The Chilean delegation had stated that Bolivia enjoyed substantial transit facilities, even better than those provided for in the United Nations Convention on the Transit Trade of Land-locked States; however, the free transit which Chile granted Bolivia was not a concession but an obligation stemming from the 1904 Treaty. In signing the aforementioned Convention, Bolivia had declared that it was not a land-locked country but a nation which, because of temporary circumstances, was deprived of access to the sea on its own coast.

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20. That Convention was being studied by the Bolivian Congress with a view to its ratification. That did not mean that Bolivia intended to substitute that Convention for the bilateral régime of free transit with Chile. It should be pointed out, however, that Chile had not ratified the United Nations Convention on the Law of the Sea, because it did not wish to recognize the right of land-locked countries to share in the living resources of the sea, as provided for in the Convention. Bolivia had proposed negotiating with Chile on that subject when the latter had broken off the negotiations.

21. Mr. NIYOMREKKS (Thailand), speaking in exercise of the right of reply, said that the representative of the Lao People's Democratic Republic, a country which had the same history, culture and language as Thailand, had once again resorted to factual distortions in referring to incidents at the border. However, the problem arising in connection with the three villages - or the elements which had created a problem - had disappeared. In his delegation's view, it was therefore a "non-issue". Other relevant assertions in the statement by the Lao representative could be transmitted to the competent provincial or national organs, which were more appropriate for that purpose than the Sixth Committee.

22. Mr. BOULANDI (Chad), speaking in exercise of the right of reply, said it was outrageous that the Libyan representative dared to state that Libya did not occupy a part of Chad. When Chad had acceded to independence in 1960, Libya, which itself had already been independent for 10 years, had made no protest concerning the frontiers. It was not until 1973 that Libya had occupied the Aouzou Strip, thereby challenging a cardinal principle of OAU, that of the inviolability of frontiers inherited from the colonial period, a principle which it had embodied in resolution 16 (I), of which Libya and Chad had, furthermore, been sponsors.

23. With regard to the documents mentioned by the Libyan representative, they had been transmitted to the Ad Hoc Committee, and their contents should not be prejudged. As to the presence of Chadians in Libya, he maintained that they were rounded up and recruited by force for the Islamic Legion. He also cited an incident that had occurred at the end of 1986, during Goukouni's presence in Libya, when he had been shot at and two of his bodyguards had been killed.

24. Mr. OMAR (Libyan Arab Jamahiriya), speaking on a point of order, said that the Sixth Committee was not the appropriate forum in which to discuss the Chad-Libya dispute - an issue on which, as the General Assembly had declared, no decision should be taken until the results of the work of the Ad Hoc Committee of OAU were known.

25. Mr. BOULANDI (Chad) said that his statement did indeed come under agenda item 138. Chad was a secular country inhabited by Muslims, Christians and Animists, and there was no question of establishing an Islamic Government. Chad was committed to its secularism. The situation between Libya and Chad had begun to grow worse in 1976. When French troops stationed in Chad had left, Libya had seized the opportunity to invade Chad. Until that time, there had been no foreign interference. The current situation was that Chad, a victim of aggression, had

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appealed to friendly countries to assist it in safeguarding its independence. That was a case of self-defence within the meaning of Article 51 of the Charter of the United Nations.

26. The information in Bob Woodward's book on the CIA had been refuted by the United States Government. The disputes between Chndian factions referred to by the Libyan representative constituted a spurious issue. It was Libya that was using certain individuals as men of straw in an attempt to secure its goals in Chad.

27. Ms. VOLOCHINSKY (Chile), speaking in exercise of the right of reply, said that no individual, country, group or international organization could compel a State to engage in negotiations that could jeopardize its sovereignty or call in question a treaty that was still in force. The frontier between Chile and Bolivia was the result of the 1904 Treaty, negotiated on the proposal of Bolivia. Under that Treaty, Bolivia had undertaken to renounce all claims to access to the sea, while Chile had undertaken to grant Bolivia most-favoured-nation treatment, as well as funds, in annual instalments, to construct a railway line for the transport of its products to the Pacific coast. Chile had constructed, at its own expense, railway lines to link Bolivia to the Pacific Ocean, and had financed the construction of an internal access network of roads and railway lines in Bolivia. The main Bolivian negotiators of the 1904 Treaty had gone on to hold the highest offices in Bolivia, which had freely ratified the Treaty.

28. As to the causes of the armed conflict, Bolivia had recognized in a note that Chile's claims were well founded.

29. The Bolivian claim to a coastline was unjustifiable. The Legal Committee of the General Assembly had demonstrated that, and there was no reason to elaborate on the difference between a claim and a right. Bolivia was a continental, not a land-locked, country. It was the most advantaged country without a coastline in the world, as confirmed by a November 1986 United Nations report on co-operation among developing countries in the transport sector.

30. Chile would like to avoid any breach with its sister nation, but reaffirmed the principle of inviolability of treaties.

31. Mr. THEUAMBOUNMY (Lao People's Democratic Republic), again speaking in exercise of the right of reply, emphatically reaffirmed the validity of his first statement. As far as his country and its people were concerned, there was indeed an attack on national independence and sovereignty. In accordance with the recognized principles of international law, particularly the principle of inviolability of colonial frontiers, and in accordance with the spirit and letter of the two joint communiqués issued by the Lao People's Democratic Republic and Thailand in 1979, the two outstanding problems must be settled by negotiation between the two parties. It was time for Thailand to make a positive response to the appeal for negotiations made on many occasions by the Lao Government.

32. Mr. ORTIZ-GANDARILLES (Bolivia), speaking in exercise of the right of reply, repeated that the conflict arose after Chile's occupation of the Bolivian territory of Atacama. That had led to a war against Chile, a war which had ended with the 1904 Treaty. That Treaty had in turn been subject to a whole series of challenges and unending negotiation. The important point was that Bolivia had originally had an area of 158,000 square kilometres and a coastline of 400 kilometres, as confirmed by history and international law. Nevertheless, it was not demanding the return of the vast territory, rich in copper and other minerals, or the coastline which Chile had enjoyed since the occupation; all it was demanding was access to the sea. It was astonishing that Chile, with a coastline of 5,000 kilometres, could not allow Bolivia even an access route to the sea. Bolivia's claims were based not on military force, but on law, justice and equity, as recognized by the Organization of American States and the Movement of Non-Aligned Countries.

AGENDA ITEM 127: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW; REPORT OF THE SECRETARY-GENERAL (A/42/718)

33. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the report of the Secretary-General on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/42/718), pointed out that the term of office of the current members of the Advisory Committee on the Programme was due to expire on 31 December 1987. He proposed that the new membership of the Advisory Committee should be appointed for the period 1 January 1988 to 31 December 1991, on the assumption that the term of office would be renewed for a four-year period.

34. It was suggested that, following the procedure most frequently used over the past years, the Sixth Committee, after the regional groups had agreed on the respective candidates, should include in a draft resolution on agenda item 127 its recommendations regarding the composition of the Advisory Committee. The United Nations Programme of Assistance had definite value in the area of international law. It therefore deserved from Member States all the support and assistance necessary for its effectiveness.

35. Mr. VOICU (Romania) welcomed the Secretary-General's report. Romania was concerned, however, at declining standards in the teaching of international law. That trend must be reversed, or else it would lead to a narrower appreciation of international law among those responsible for the practical application of norms and principles. There was a need to improve the aspect of wider appreciation of international law among the various objectives of the Programme of Assistance. Special consideration should be given to such subjects as the universally recognized principles of international law, the question of the primacy of international law in the conduct of all States, recent developments concerning the principles of non-use of force and peaceful settlement of disputes, the democratization of international life and international relations in general, and the role of the United Nations, through its work in the codification and progressive development of international law, in the promotion, strengthening and revalorization of the teaching, study, dissemination and, in particular, wider appreciation of international law.

(Mr. Voicu, Romania)

36. It would also be useful to encourage a greater and greater exchange of information on works and reviews in the area of international law that could be of practical value to Governments and international organizations, for instance in the field of diplomatic law. The UNITAR programme could be improved without additional cost, for example by asking specialists in various countries to lecture to young jurists on international law. That would have the added benefit of ensuring a better geographical representation in the dissemination, enrichment and appreciation of international law.

37. Mr. BERNAL (Mexico) supported the Secretary-General's recommendation regarding the implementation of the Programme for the 1988-1989 biennium. His delegation looked forward to the continuation of the practice of sending United Nations legal publications and other works to interested institutions in the developing countries. It was important that the advisory opinions of the International Court of Justice should be translated into all the languages of the United Nations, so as to promote the dissemination and appreciation of international law not only among diplomats and specialists, but also at universities and similar establishments.

The meeting rose at 11.40 a.m.