

United Nations
GENERAL
ASSEMBLY
FORTIETH SESSION
*Official Records**



SIXTH COMMITTEE
51st meeting
held on
Tuesday, 3 December 1985
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. AL-QAYSI (Iraq)

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Distr. GENERAL
A/C.6/40/SR.51
11 December 1985
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 10.50 a.m.

AGENDA ITEM 131: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES: REPORT OF THE SECRETARY-GENERAL (continued) A/40/450 and Add.1 and 2, A/40/59-S/16872, A/40/60-S/16873, A/40/62-S/16876, A/40/63-S/16879, A/40/67-S/16882, A/40/69-S/16883, A/40/70, A/40/76, A/40/79-S/16890, A/40/80-S/16891, A/40/81-S/16892, A/40/83-S/16894, A/40/94-S/16902, A/40/98, A/40/111-S/16916, A/40/116, A/40/120-S/16944, A/40/126-S/16952, A/40/129-S/16955, A/40/134-S/16964, A/40/138-S/16968, A/40/140-S/16970, A/40/146, A/40/155-S/16988, A/40/161, A/40/170, A/40/172-S/17023, A/40/175, A/40/181-S/17041, A/40/182-S/17042, A/40/206-S/17057, A/40/208-S/17060, A/40/210-S/17064, A/40/212-S/17066, A/40/214-S/17068, A/40/220, A/40/234-S/17102, A/40/235-S/17103, A/40/240-S/17109, A/40/255-S/17112, A/40/257-S/17116, A/40/264-S/17126, A/40/268-S/17131, A/40/273-S/17135 and Corr.1, A/40/287-S/17155, A/40/288-S/17158 and Corr.1, A/40/293-S/17165, A/40/294-S/17167 and Corr.1, A/40/296, A/40/297-S/17173, A/40/309-S/17185, A/40/310-S/17186, A/40/311-S/17187, A/40/316-S/17194, A/40/323, A/40/330-S/17208 and Corr.1, A/40/331-S/17209, A/40/332, A/40/333-S/17211, A/40/338-S/17218, A/40/351, A/40/352-S/17236, A/40/355, A/40/364-S/17247, A/40/368-S/17250, A/40/371-S/17256, A/40/378-S/17296, A/40/382-S/17276, A/40/391-S/17285, A/40/401-S/17301, A/40/403-S/17303, A/40/419-S/17311, A/40/424-S/17318, A/40/449-S/17350, A/40/466-S/17330, A/40/479-S/17339, A/40/484, A/40/495, A/40/500-S/17352, A/40/501, A/40/505-S/17359, A/40/507-S/17361, A/40/512-S/17365, A/40/526-S/17377, A/40/538-S/17390, A/40/545-S/17395, A/40/556-S/17403, A/40/568-S/17414, A/40/573-S/17417, A/40/582-S/17420, A/40/599-S/17432, A/40/630-S/17458, A/40/636-S/17464, A/40/640-S/17468, A/40/664-S/17479, A/40/674-S/17489, A/40/675-S/17490, A/40/685-S/17499, A/40/690-S/17504, A/40/732-S/17545, A/40/753-S/17568, A/40/782-S/17582, A/40/821-S/17594, A/40/839-S/17604, A/40/859-S/17613, A/40/866-S/17615, A/40/899-S/17636, A/40/902-S/17637, A/40/908-S/17641, A/40/911-S/17644, A/40/922-S/17651; A/C.6/40/L.28 and L.29)

1. Mr. HERRERA CACERES (Chairman of the Sub-Committee on Good-Neighbourliness), introducing the report of the Sub-Committee (A/C.6/40/L.28), said that the results of its work constituted a first step towards the fulfilment of the mandate given to the Sixth Committee by the General Assembly in resolution 39/78 to proceed with the task of identifying and clarifying the elements of good-neighbourliness.

2. The Sub-Committee's task had been rendered more difficult by the lack of legal analyses and the scarcity of judicial precedents and bilateral or multilateral agreements establishing the international practice in that field. The Sub-Committee had therefore chosen an inductive method and decided to take as a starting-point the practical manifestations of good-neighbourly relations between geographically contiguous States in order to define the main aspects of such relations between States situated in the same subregion and the same region and at the world-wide level. Owing to lack of time, the Sub-Committee had not been able to clarify the elements of good-neighbourliness and had been able to identify them only in a partial and preliminary way.

(Mr. Herrera Caceres)

3. Many delegations had played an active role in the Sub-Committee's work and had expressed very constructive views. However, it had proved impossible to reach a general position endorsed by the Sub-Committee as a whole.

4. The debate had shown the need to analyse the question from both the legal and practical angles and if the Sixth Committee decided to pursue its study of the question, it should consider requesting the Office of Legal Affairs to prepare a comparative and analytical study of treaties, agreements and practices relating to good-neighbourliness.

5. Good-neighbourly relations offered many examples of co-operation that provided world public opinion with convincing evidence that confrontation was neither a normal nor a constant situation in relations between States and that the latter maintained permanent contacts and links that reflected their collaboration in all fields and constituted the essence of their regular activities.

6. Mr. DIACONU (Romania), introducing draft decision A/C.6/40/L.29, said it was similar to General Assembly resolution 39/78 of 13 December 1984 and was the outcome of consultations with many delegations, including the sponsors of the draft resolution adopted at the previous session.

7. His country would have liked to submit a draft resolution, but agreement had been possible only on a compromise text. He hoped that all delegations would agree to adopt draft decision A/C.6/40/L.29 without a vote.

8. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) observed that the general international crisis situation left no options but survival or annihilation, and that all countries on all continents could make a contribution to action that would promote good-neighbourliness.

9. His country attached great importance to its relations of friendship, confidence, solidarity and assistance with the socialist community. At the world level, peaceful coexistence between States with different systems was the only way of eliminating the reign of force and replacing it by good-neighbourliness and co-operation for the benefit of all peoples. The recent peaceful initiatives by his country in many fields proved that it clearly understood the real situation. Its approach was broad and diversified and took into account the practical interests of different States.

10. The Soviet Union and the United States of America currently bore a special responsibility with regard to world affairs because of their position and their special capabilities. The Geneva meeting between the leaders of those two States was important for both bilateral relations and world relations. The agreements reached provided a good basis for promoting an improvement in the international situation.

11. Europe had always occupied an important place in his country's foreign policy. The relations among the States of the region were based on the Final Act

(Mr. Ordzhonikidze, USSR)

of the Helsinki Conference, according to which they should seek to develop co-operation on a basis of equality and to promote good-neighbourly relations. His country was working to strengthen détente in Europe, where all countries maintained good-neighbourly relations. Thus, the Paris Summit had produced decisions favourable to the development of bilateral relations between France and the USSR.

12. His country also attached great importance to the Pacific region, the States of which had many common interests that necessitated co-operation and good-neighbourliness with respect for the security of all. His country had also proposed a process of co-operation in Asia to ensure the security and peaceful development of all the States concerned. It believed that political dialogue among all the countries of Asia was essential. Its relations with India were satisfactory and were based on co-operation and peace. Their friendly character was of exemplary value in the field of foreign policy. His country was also in favour of the development of co-operation with China and Japan, which were its neighbours. It believed that all the regions of the world should develop good-neighbourliness and co-operation and was actively seeking to promote progress in that direction. As Mr. Gorbachev had said, his country's political goal was to achieve a peaceful world, without weapons and living in a state of good-neighbourliness.

13. The results of the Sub-Committee's work confirmed the complexity of the material considered. The divergent views that existed regarding the identification of the legal elements of the concept of good-neighbourliness and their practical application, taking into account the geographical, political and economic characteristics of each State, were not easy to analyse or to reconcile, but the continuation of work on that subject was bound to serve the cause of peaceful coexistence.

14. Mrs. DIAGO ULACIA (Cuba) said that the guiding principles of her country's foreign policy were peaceful coexistence and the strengthening of international peace and security, and that as a socialist State, Cuba attached the greatest importance to the principles tending to strengthen good-neighbourliness among all States and to halt aggression between neighbouring countries. Those principles, which were set forth in the Charter, especially the principles of the sovereign equality of States, the self-determination of peoples, the political independence and territorial integrity of States, non-interference in internal affairs and non-recourse to the threat or use of force, should be included in the definition of good-neighbourliness. At the same time, the failure to fulfil the obligations set forth in treaties, coercion, the use of pressure and economic sanctions should be denounced and declared inadmissible in international relations.

15. Her delegation would continue to co-operate with the Sub-Committee. It considered that the preliminary debate should serve to define the fundamental aspects of good-neighbourliness, before Member States expressed their views during the in-depth consideration of the document that the Sub-Committee would produce on completing its work.

16. Mr. MIMOUNI (Algeria) said that the task of identifying and clarifying the elements of good-neighbourliness could only be carried out collectively and should be the subject of the widest possible debate, for although the principle involved a political approach, its basic elements unquestionably derived from the legal sphere.

17. The concept of good-neighbourliness evoked the idea of proximity and pre-supposed the existence of States which, by reason of their geographical situation, were natural and inevitable partners, whatever their political, economic or social system. However, good-neighbourliness could not be limited solely to peaceful coexistence. Relations between neighbouring States could be conceived only within the framework of constant harmonization among such States, conducive to a climate of understanding and confidence and tending to attenuate differences of opinion. In that regard, the establishment of good-neighbourliness between developing countries was of particular importance in view of the current critical international economic situation.

18. Although it was true that good-neighbourliness was a natural result of strict observance of the rules of international law, it was also true that the political will to translate those rules into practice was essential. A policy of good-neighbourliness could only be conceived of between States that fostered mutual respect, and it was incompatible with national rivalries and expansionism. When force took precedence over the law and violence replaced dialogue, the very foundation of good-neighbourliness was undermined. Any attempt to reduce good-neighbourliness to a concept that was divorced from reality would therefore appear to be fraught with danger, and there would be no point in making the concept more general with a view to broadening its scope so that it could be applied universally. Good-neighbourliness could be considered only in the light of geographical proximity, taking account of regional peculiarities.

19. Algeria was committed to a policy of promoting in its region the principles of mutual respect, good-neighbourliness and co-operation, and co-operation among the Maghreb countries was a key element of its foreign policy. One of the foremost guarantees for the promotion of harmonious relations between neighbouring States was the delimitation of the borders between such States. Since Algeria was convinced of the fundamental importance of the principle of respect for borders, it had concluded treaties of brotherhood, good-neighbourliness and concord with all the States of the Maghreb. The Treaty of brotherhood, concord and good-neighbourliness concluded by Tunisia, Mauritania and Algeria in 1983 provided for the possibility of accession by other countries in the region and represented a major step forward in the building of the Greater Maghreb, while at the same time providing the doctrine of good-neighbourliness with a precise legal content and a broader territorial foundation.

20. Consideration of the matter in the Sub-Committee on Good-Neighbourliness had shed light on the various approaches taken to the subject, and the exchange of views that had taken place had facilitated the delimitation of the concept. It was obvious that initial discussion on such a major question could not produce positive results immediately. However, it was to be hoped that the difficulties encountered were not early signs of a stalemate and that in the future all States would

(Mr. Mimouni, Algeria)

demonstrate the necessary political will to enable the Sub-Committee to fulfil its mandate.

21. Mr. AZAIEZ (Tunisia) said that the principle of good-neighbourliness was a prerequisite for peace and well-being at a time when hotbeds of tension were developing and when the threat of the militarization of outer space was becoming apparent. The concept in question should therefore be defined more precisely, and its elements should be identified first of all. Although it was of a political nature, the subject none the less had legal aspects and some of its essential elements were set forth in the Charter. For example, the right to independence, respect for the sovereignty of States, the non-use of force and of the threat of force and the peaceful settlement of disputes represented the very essence of good-neighbourliness. However, that concept also implied that States should not have a hegemonistic mentality and that they should refrain from acts of aggression, interference in the internal affairs of other States and acts with a view to destabilizing the Governments of other States.

22. His delegation had taken note more of the will demonstrated by all States to achieve a consensus on the mandate entrusted to the Sub-Committee, as laid down in General Assembly resolution 39/78, than of the difficulties relating to the approach to be taken that had been highlighted in the course of the general exchange of views. It would be appropriate to proceed on a pragmatic basis with the analysis of various international instruments that would facilitate clarification of various forms of action in the field of good-neighbourliness.

23. Although the goal was the drafting of a code on good-neighbourliness that would command the support of the international community, his delegation wished, once again, to enter reservations in respect of the concept of the universality of good-neighbourliness. For example, it was inconceivable to establish good-neighbourly relations with régimes that were denying the peoples of southern Africa and Palestine the right to self-determination, equality and sovereignty; the régimes in question, which were based on expansionism, racism and colonialism, had given aggression and terrorism the status of a rule of conduct, while both neighbouring countries and countries that were thousands of miles from their borders and whose pacificism was unquestionable were the victims of their acts of terrorism.

24. Consideration of the subject should be consistently based on practice. Accordingly, Tunisia had established trade and cultural links with many sub-Saharan countries. Since it had made good-neighbourliness the corner-stone of its foreign policy, it had signed bilateral agreements with all the Maghreb States. Moreover, it was observing with great interest similar experiments that were being carried out by regional groups in Latin America (Contadora Group), South-East Asia (ASEAN) and Africa (CEAO and CEDEAO). However, it was regrettable that the principle of good-neighbourliness was not universally observed; his delegation noted that certain States did not shrink from pursuing a policy of aggression against their neighbours and went as far as to rob foreign nationals who had worked on their territory of their property.

25. Mr. VAN TONDER (Lesotho) said that States should follow the example provided by his country and adopt a policy of good-neighbourliness, which should not be confined to neighbouring countries but should, rather, be extended to all other countries in the world. In the face of the policy of destabilization, aggression and interference in the internal affairs of Lesotho pursued by South Africa, his country, which was an enclave in the Republic of South Africa, had reaffirmed that it would continue to abide by the principles of the sovereignty, territorial integrity and independence of other States and to comply with bilateral and multilateral agreements, conventions and arrangements concluded with other countries and organizations. It regarded that approach as a way of developing and strengthening good-neighbourliness and would wish to see all States observe the principles in question. It would continue to seek to solve by peaceful means any disputes that might arise between itself and any other States and that might endanger peace and security. It would also continue to promote economic, political and social co-operation with other countries conducive to the welfare of the people of Lesotho and the peoples of other countries and with a view to according fair, just and humane treatment to the nationals of other States. Lastly, it would continue to prevent its territory and airspace from being used in any manner by anybody for the purpose of committing any illegal act prejudicial to the safety, sovereignty, territorial integrity and the economy of Lesotho and any other State.

26. Mr. GUMUCIO GRANIER (Bolivia) said that his country, whose foreign policy was based on the principles recognized under international law, wished to reaffirm its observance of the principles of the sovereign equality of States and non-interference in the internal affairs of other States, as well as its opposition to the acquisition of territory through force. Bolivia attached great importance to the question of good-neighbourliness. His country, which owing to its geographical position promoted contacts and exchanges, was playing a major role in the regional and subregional integration process.

27. Good-neighbourliness was based on respect for the elements that legal doctrines recognized as components of a free, sovereign and independent State, and it was regrettable that the principles enunciated were rarely implemented. In particular, the threat of colonialism had not disappeared but was, rather, manifesting itself in a pernicious manner; foreign domination was being exercised with the aid of political and economic pressures.

28. At the thirty-ninth session of the General Assembly, his delegation had sponsored resolution 39/78, in keeping with its wish to see the content of the concept of good-neighbourliness clarified as a result of the Committee's work at the current session, with a view to the drafting of an international instrument on the subject.

29. His delegation noted with satisfaction the work carried out by the Sub-Committee, which had facilitated the identification of the elements of good-neighbourliness and thus provided a good starting-point.

30. The Sub-Committee's report (A/C.6/40/L.28) and the papers prepared by Romania would make a valuable contribution to the work carried out with a view to drafting

(Mr. Gumucio Granier, Bolivia)

an international instrument, as defined in the relevant General Assembly resolutions. His delegation would comment on them at the following session. The Committee should continue to consider the question, and at the forty-first session a similar sub-committee should continue the work started at the current session. His delegation supported the draft decision submitted by Romania (A/C.6/40/L.29).

31. Mr. GUNEY (Turkey) said that from the outset his country had supported the initiatives taken by Romania concerning the inclusion of the question of good-neighbourly relations in the agenda of the General Assembly. The obvious differences of opinion expressed by the members of the Sub-Committee had prevented that body from fulfilling its mandate in the time allotted to it. Nevertheless, consideration of the subject should be continued in the same context at the following session. Unlike other delegations, his delegation did not believe that there was any risk of detracting from the peaceful nature of good-neighbourliness by seeking to identify the elements of the concept, even though those elements gave rise to differences of opinion among States.

32. Mr. ALI (Bangladesh) said that the first meeting of Heads of State and Government of the seven South Asian countries in an exclusively regional context would be held during the first week of December at Dhaka (Bangladesh) and would open up enormous potentialities for relations between the States of the region - Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka and Bangladesh - in their quest for good- and co-operative neighbourliness.

33. In the regional co-operation movement which had developed since the end of the Second World War, South Asia had gradually evolved its own patterns of action in the light of its special characteristics. In May 1980, Bangladesh had officially put forward the idea of South Asian regional co-operation. Since then, the stage of technical studies undertaken in order to explore possible areas of co-operation had been completed. The Ministers for Foreign Affairs of the countries of the region had held their first meeting in New Delhi on 1-2 August 1983. The meeting had adopted a declaration setting out the objectives of the co-operation and had launched an integrated programme of action encompassing a range of co-operative activities unprecedented in the history of the region and meeting the mutual interests of all the partners. The results achieved so far reflected the participants' sincerity and the earnestness of their purpose, as well as their determination to give peace a chance in the region for the well-being of its vast population.

34. The next summit of Heads of State and Government of South Asian countries would solemnly mark those countries' commitment at the highest political level and would consolidate still more the process undertaken in the cause of regional co-operation and good-neighbourliness in South Asia.

35. Mr. KAHALEH (Syrian Arab Republic) said that his delegation had from the start favoured the Romanian initiative on the subject of good-neighbourliness and approved of certain positive aspects of the Sub-Committee's report. It felt, however, that the Sub-Committee should seek above all to be clear and concise and should concentrate its attention on specific elements, such as those listed in

(Mr. Kahaleh, Syrian Arab Republic)

paragraphs 10 and 45 of the report, which in fact provided a basis for genuine co-operation between neighbouring States in the areas indicated in paragraph 29.

36. All speakers on the subject had recognized that the first step should be to proclaim such concepts as the non-use of force and non-occupation of territories not one's own. In that context, it should be recalled that Israel had, since 1967, been occupying the Golan Heights, the West Bank of the Jordan, the Gaza Strip and Jerusalem and that it had invaded Lebanon in 1982. In all those territories it had, moreover, perpetrated innumerable massacres. What was more, Israel propounded the idea of Greater Israel reaching from the Nile to the Euphrates. As reported by the Christian Science Monitor of 1 November 1985, Mr. Sharon, the Israeli Minister of Trade and Industry, had accused the Prime Minister, Mr. Peres, of violating the Coalition agreement between their two respective parties by "selling out" Greater Israel. Mr. Sharon had used those terms to refer to proposals made by Mr. Peres before the General Assembly. The statement showed the reality of Israel's expansionist policy, which was detrimental to its neighbours.

37. Noting that the Sub-Committee was still in the early stages of its work, he reserved the right to speak again on the subject on a later occasion.

38. Mr. LINDHOLM (Sweden) proposed that in the second sentence of paragraph 6 of the Sub-Committee's report (A/C.6/40/L.38) the word "principle" should be replaced by "principles".

39. It was so decided.

40. The CHAIRMAN said that, if there was no objection, he would take it that draft decision A/C.6/40/L.29 was adopted without a vote.

41. It was so decided.

42. Mr. SWINNEN (Belgium), speaking on behalf of the Ten member countries of the European Economic Community and of Spain and Portugal, said that those 12 countries had not opposed the adoption of the draft decision without a vote, although some delegations would have liked a separate vote on subparagraph (b). They had, however, agreed to adoption without a vote in a spirit of compromise. They observed that the results of the Sub-Committee's work were not decisive and hoped that progress would be achieved at the forty-first session. The decision adopted at the current session in no way prejudged the position that would be taken at the following session.

43. Mrs. CHOKRON (Israel), speaking in exercise of the right of reply, said that some delegations, such as that of the Syrian Arab Republic, regarded certain political factors as pre-conditions for good-neighbourliness. The principles listed in paragraphs 10 and 45 of the report of the Sub-Committee on Good-Neighbourliness (A/C.6/40/L.28) implied that a State should not allow armed attacks against its neighbours from its territory. When Syria had been in possession of the Golan Heights from 1947 to 1969, it had repeatedly allowed armed attacks to be launched from its territory against villages and towns in northern Israel. Her country had therefore been obliged to react in the way it had done.

(Mrs. Chokron, Israel)

44. Her delegation also wished to protest against the fact that insulting attacks against the authorities of a Member State such as those formulated by the representative of the Syrian Arab Republic were allowed to be made within a Committee of the General Assembly.

45. Good-neighbourliness meant in the first place that States did not make war on one another and refrained from attacking each other, especially when no diplomatic relations existed between them. For Israel good-neighbourly relations would always be possible so long as it was not attacked. It keenly desired good-neighbourly relations to exist, irrespective of political circumstances.

46. She feared that the subject of good-neighbourliness might, like others, provide an excuse for political clashes and expressed the hope that a deterioration of the debate might be prevented.

47. Mr. KAHALEH (Syrian Arab Republic), speaking in exercise of the right of reply, said that the report of the Armistice Commission which had existed before 1967 amply proved that it was Israel - which, incidentally was still occupying the Golan Heights - which had been at the origin of repeated acts of aggression.

48. As for the alleged use of unacceptable terms with reference to an Israeli leader, he recalled that he had merely quoted a publication reporting the actual words of a well-known Israeli.

49. Mrs. CHOKRON (Israel), speaking in exercise of the right of reply, said that her fears were being confirmed: the topic of good-neighbourliness was being used as a pretext for political skirmishing. The Committee was not the proper place to discuss statements by the Armistice Commission which had existed before 1967. It should be recalled that, in 1967, it had been Israel which had been attacked by Syria in disregard of the armistice conditions. Moreover, the remarks quoted by the representative of the Syrian Arab Republic concerned Israel's domestic affairs, which likewise should not be discussed in the Committee.

50. The continuation of such a debate was bound to be sterile and would not advance the cause of good-neighbourliness. The development, unless stopped immediately, boded ill for the future.

51. The CHAIRMAN said that the consideration of agenda item 131 had been concluded.

AGENDA ITEM 128: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (continued) (A/40/893)

52. Mr. KONADU-YIADOM (Ghana) stressed the usefulness of the Programme of Assistance, which had benefited many young lawyers, civil servants and university lecturers, in particular those from developing countries, and had rekindled interest in the study of international law and encouraged critical analysis of its principles, a process which should lead to better understanding of the mechanisms of the law and of the way in which it should be made to operate. His delegation

(Mr. Konadu-Yiadom, Ghana)

therefore supported the conclusions and recommendations in the Secretary-General's report (A/40/893). Ghana wished to see the Programme continue with the same efficacy as in the past 20 years.

53. Many States Members of the United Nations, intergovernmental organizations and private organizations and individuals had contributed greatly to the Programme's success, and Ghana was grateful to them for it. For the future, he wished to suggest that Governments and major intergovernmental organizations should be invited to provide in-house training facilities for government officials and teachers of international law from developing countries. Although General Assembly resolution 38/129 contained a reference to efforts made by States at the bilateral level to provide assistance, that form of training was not receiving due attention.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (CHAPTER I) (A/40/3)

54. The CHAIRMAN recalled that chapter I of the report of the Economic and Social Council (A/40/3) listed decisions and resolutions of the Economic and Social Council which called for action by the General Assembly or were brought to its attention.

55. If there was no objection, he would take it that the Committee took note of chapter I of the report of the Economic and Social Council.

56. It was so decided.

57. The CHAIRMAN said that the consideration of agenda item 12 had been concluded.

The meeting rose at 12.50 p.m.