



SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. DENG (Sudan)

CONTENTS

AGENDA ITEM 136: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued)

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

AGENDA ITEM 136: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued) (A/43/621-S/20195, A/43/641-S/20201, A/43/649-S/20204, A/43/662-S/20209, A/43/666-S/20211, A/43/667-20212, A/43/692-S/20220, A/43/709, A/43/725-S/20233, A/43/758-20245, A/43/772-S/20257, A/43/783-S/20260; A/C.6/43/L.11 and 14)

1. Mrs. NORIEGA (Panama) said that it was regrettable that the Sub-Committee had been unable to complete its task of identifying and clarifying the elements of good-neighbourliness and that certain States had felt that, even if there were enough time, an agreement would not be reached on the list of those elements. The Sub-Committee had, since its inception, been confronted with the obstructive manoeuvres of those delegations which, undoubtedly fearing the sanction of the majority, demanded general agreement and were thus proposing an essentially anti-democratic procedure.
2. What those delegations feared above all, however, was that a future international instrument might prohibit any act seeking to establish zones of influence or domination. They therefore sought, on the one hand, to delay the work of the Sub-Committee and, on the other, to delude others into thinking that its work was unproductive and that, in the absence of consensus, it should simply be eliminated. In truth, the hegemonistic Powers were the ones which determined the scope of the principle of good-neighbourliness, in areas which they felt affected their national security. Thus, they became "neighbours" of anyone, anywhere. There was no longer any question of common borders. That concept enabled those Powers, as could be seen in Central America, to wage war in countries which were not necessarily on their own borders; they set themselves up in those countries either to slow down their development by exploiting them or to interfere with the peace arrangements made between sovereign States, using mercenaries or their own diplomatic agents to foment uprisings on the territory of those States.
3. On the other hand, to consider as neighbours only those countries which had common borders was an ultra-reactionary and anachronistic idea. The spectacular changes that had taken place in the world meant that countries could be and actually were neighbours of one another, whatever the distance separating them. To be neighbours meant to maintain international relations, and that was the only interpretation that could be given to the concept of neighbourliness in the United Nations. For a State to maintain zones of political and economic influence in the world and at the same time to hold that a neighbouring State could only be one bordering on its own territory was to adopt a hypocritical and immoral attitude and openly use a double standard, in its own self-interest.
4. The Sub-Committee had tried to identify the elements of good-neighbourliness without even defining the notion of good-neighbourliness. It could hardly make any progress without elaborating a precise definition, which was an integral part of its mission. Not to make an effort to do so was simply another way of procrastinating.

(Mrs. Noriega, Panama)

5. Denying that good-neighbourliness was a moral and legal principle amounted to denying that international law was positively and progressively developing. No one could justifiably impede the progress and development of legal norms in that area within a body such as the Sub-Committee.
6. Referring to the statement by one delegation, which felt that in the circumstances it was a matter of practical cases rather than actual principles, she said that the particular cases were frequent enough in all parts of the world to represent a general situation and to be a source and normative context of international law.
7. Mr. AL ATTAR (Syrian Arab Republic) recalled that the Charter, in Articles 1 and 2, and other United Nations instruments - the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, the Declaration on the Strengthening of International Security and the Manila Declaration on the Peaceful Settlement of International Disputes - set forth certain elements of good-neighbourliness without defining them in detail.
8. While paying tribute to the Romanian delegation for the good quality of the document which it had submitted, his delegation was of the view that the legal foundations of good-neighbourliness were non-use of force, non-acquisition of territories - on the pretext, for example, of security - non-interference in the internal affairs of other States, guarantees against military and other ventures and prohibition against forcing a country to renounce its rights or grant privileges. Moreover, good-neighbourliness presupposed general and complete disarmament.
9. If those principles were not adhered to, the principles of humanitarian, economic, cultural and other forms of co-operation would be devoid of meaning. The principle of good-neighbourliness excluded aggression, colonial domination, use or threat of force, interference in the internal affairs of States and violation of the resolutions and other decisions of the international community. It was thus essential to apply the principle of good-neighbourliness in actual practice, which was not possible unless the international community discouraged régimes which attacked neighbouring countries, and led them to respect international law. It was not enough to support the principles of good-neighbourliness; the good faith which should govern international relations must be in evidence.
10. His delegation was in favour of extending the mandate of the Sub-Committee on Good-Neighbourliness; it supported the proposals contained in its report, especially the proposal by Libyan Arab Jamahiriya presented in the Secretary-General's report (A/38/336).
11. Mr. AHMED (Iraq) said that there was an increasing awareness that good-neighbourliness was one of the goals of the international community and that it could have an effect on international relations as a whole. The interdependence of States in the present-day world had given a new dimension to the principle of good-neighbourliness and underlined how important it was for States to base their

(Mr. Ahmed, Iraq)

international conduct on that principle, which could contribute to the settlement of current disputes by peaceful means and the establishment of relations based on peace, understanding and co-operation. Good-neighbourliness was a sine que non of peace, especially in settling border conflicts. Its application depended, however, on the will of States to apply the principles of international law in relations with their neighbours while respecting the sovereignty, independence, territorial integrity and right of States to choose their political and economic system freely.

12. The foreign policy of Iraq was based on the principle of good-neighbourliness, as could be seen in its desire to implement Security Council resolution 598 (1987) in good faith. Iraq had faith in peace. It believed that international relations should be based on peaceful coexistence, good-neighbourliness and the settlement of conflicts through negotiations, and that it was necessary to strengthen the United Nations system and ensure the pre-eminence of the Charter. That explained the importance which it attached to the task of identifying and clarifying the elements of good-neighbourliness with a view to elaborating a suitable international document on the matter. However, a prerequisite to the entire undertaking was the collective effort and real political will of States to respect the principle of good-neighbourliness.

13. Admittedly, the Sub-Committee's work had been useful; however it could have done more. The outlines were emerging of an instrument which could give practical form to the principles of the Charter and strengthen the Organization's contribution to the establishment of new relations. Iraq trusted that the work of elaborating such an instrument would continue, and hoped that it would soon be completed.

14. MR. TANASIE (Romania) said that in three sessions, the Sub-Committee on Good-Neighbourliness had made progress on a topic which would henceforth be considered in a more rigorous manner. The list in document A/C.6/43/L.11 set forth the proposals made by all groups of States, and it would be seen that most of the square brackets had been removed. The results went beyond the account given in the report and should be evaluated in a context much broader than the mandate of the Sub-Committee. The Sixth Committee itself had recently adopted by consensus the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the role of the United Nations in that field. The list in the document under consideration emphasized the universality of the concept of good-neighbourliness and was of significant importance for all the work relating to definition and clarification. There would, however, be many other elements which should be highlighted.

15. Romania considered that the policy of good-neighbourliness formed part of the strengthening of relations of friendship, understanding, esteem and respect and guaranteed peace at the regional and world levels. A theme of such wide scope raised many political, legal and practical issues, but his delegation would confine its analysis to two aspects only, namely the topicality and specificity of the concept of good-neighbourliness.

(Mr. Tanasie, Romania)

16. With regard to the former, it was becoming clearer each year that good-neighbourliness was an objective of the international community. Since 1979, when the item had been included in the agenda of the General Assembly on the initiative of Romania, one key idea had emerged: it had to be acknowledged that opportunities for co-operation were particularly favourable between neighbouring countries and that such co-operation could exert a constructive influence on international relations as a whole. Yet another key idea had appeared, namely that the major changes that had occurred in the world imparted a new dimension to good-neighbourliness from the standpoint of the general conduct of States, and made it more imperative than ever for that conduct to conform to those new requirements.

17. With regard to the topicality of strengthening good-neighbourly relations, history showed that the collective solution of the problems of living together was an effective means of preventing international conflicts and strengthening peace, mutual understanding and co-operation in many fields. As the Secretary-General had observed (A/43/1), "while the power to destroy the Earth is concentrated in a few hands, the power to make and strengthen peace is widely dispersed". That meant that promotion of, and respect for, good-neighbourliness should be the duty of all, so that genuine peace might be achieved. Good-neighbourliness also promoted the democratization of international relations; it made it easier for States to participate in international life on an equal footing and enabled countries - particularly the developing countries - to play a more influential role.

18. With regard to the second aspect, that of the legal specificity of good-neighbourliness, it should be noted first that, while the fundamental principles of international law formed the legal basis of good-neighbourliness, they were never applied in abstracto, but always in practice to specific situations, cases or facts. Moreover, good-neighbourliness was a concept which had a permanent and very specific element. The norms or rules governing it should therefore correspond basically to a factual, real and objective situation. They should accordingly be a concretization of State practice.

19. It was also necessary to consider the eventual utility of the envisaged norms and their effectiveness from the standpoint of preventing conflicts and promoting friendship. It would be noted that the majority of States already respected the principles of good-neighbourliness because they considered that such conduct was good, just, necessary and in conformity with the law. That attitude was reflected, for example, in the joint communiqué of the Meeting of the Ministers for Foreign Affairs of the Balkan Countries, held at Belgrade in February 1988 (A/43/206), of which he quoted a passage, emphasizing the relevance of a document which showed that the practice of good-neighbourliness had a specific practical content. Furthermore, if the actual term "good-neighbourliness" were synonymous with another principle or norm, it would not be used in judicial practice or by legal writers.

20. The term was used so frequently that States must consider that it had a minimum content, especially a legal content, the essence of which was assumed to be known to all. The definition and analysis of that content would provide even clearer answers. It was worthwhile completing the task, because

(Mr. Tanasie, Romania)

good-neighbourliness should form the basis of each country's foreign policy and be the key principle of international relations.

21. The general character of the concept of good-neighbourliness should not be an obstacle to its strengthening and development, but rather a stimulus, for the aim was to foster directly peace, international co-operation and the democratization of relations between States. Neighbourliness was an objective situation which could be improved - politically, legally and morally - by human action. Neighbours, could not be chosen, they were inherited as a result of history and geography, and good-neighbourliness was essential to the survival of mankind on Earth.

22. For all those reasons, his delegation considered that the Sub-Committee should continue its analysis of good-neighbourliness and prepare an appropriate international document in the form of a declaration, for example. His delegation, together with others, would submit a draft resolution on the item. It hoped to receive the most constructive co-operation from all other delegations.

23. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that, if the future was to differ radically from the past, it was necessary to view the contemporary world in a realistic light and adopt a corresponding new political approach. In the Charter of the United Nations, the peoples of the world had undertaken to live together in peace with one another as good neighbours, a goal which must be achieved through reason and the rule of law, not by force and political pressure. In an interdependent world, all States were neighbours at the global level, a situation which guided his country in establishing its foreign policy priorities.

24. The USSR had improved the quality of its relations with the Socialist countries of Europe and Asia and with Cuba and a long period of cohabitation had enabled it to see more clearly the tasks to be carried out in the interest of friendly and allied States. With regard to its relations with the United States, the dialogue must be widened and continued on realistic bases with a view to achieving concrete results, which would be all the more important because the solution of current and future problems concerned not only those two countries but the world as a whole.

25. Europe should pursue its efforts to achieve co-operation that was faithful to its history, its capacities and its responsibilities. One could no longer speak of the division of Europe. An increasing number of European Governments were ready to co-operate in building a "European house" founded on the principle of good-neighbourliness. The European States shared common fears and hopes and should overcome their rivalries and politically hostile attitudes dating from the time of the cold war, in order to build in peace.

26. His country's policy in Asia was based on freedom of choice and peaceful coexistence. A dynamic dialogue had been initiated with many countries in the region with a view to achieving political détente, promoting trade and economic relations and contributing to the development of the countries concerned in a spirit of good-neighbourliness.

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(Mr. Ordshonikidze, USSR)

27. The Soviet Union welcomed the endeavour to achieve a settlement in Central America and, where southern Africa was concerned, was in favour of quadripartite talks among Angola, Cuba, South Africa and the United States in order to ensure both security for Angola and independence for Namibia.
28. As to development of the concept of good-neighbourliness, all the constituent elements of the concept were of equal importance, whether it was a question of co-operation in trade, of economic and scientific co-operation, or of exchanges in the fields of culture, training and information. The principle of good-neighbourliness must find more extensive application both regionally and internationally, and it must be implemented in all areas - for example, in the military, political, economic and humanitarian fields.
29. The Sub-Committee had made hardly any progress in fulfilling the mandate entrusted to it by the General Assembly in resolution 42/158, owing to the failure of some delegations to show the necessary political will to contribute to the development of the relevant international law. The future instrument must be drawn up in accordance with the wishes of the majority of States that had indicated a desire to prepare a document setting forth the legal components of development and of the strengthening of good-neighbourliness. The European experience, which was based on the new political thinking, should be taken as an example. The Soviet Union was convinced that the undertaking in question would serve to achieve the purposes of the Charter, in accordance with the requirements of today's world and in keeping with the level of contemporary civilization. It hoped that self-interest would give way to the common interest of mankind and that the work on the future document would continue and be completed as soon as possible.
30. Mr. THAPA (Nepal) said that on the whole the Sub-Committee had been successfully continuing its task of identifying and clarifying the elements of good-neighbourliness set forth in document A/C.6/43/L.11.
31. Nepal, which had great faith in the Charter of the United Nations and in non-alignment, was convinced that good-neighbourliness was the fundamental principle that should govern relations between States. That concept was set forth not only in the Charter but also in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. In Nepal's view, the principle of good-neighbourliness extended beyond the concept of geographical proximity.
32. Some elements of good-neighbourliness to which Nepal attached particular importance were: equality and mutual advantage, and mutual respect and understanding; co-operation and peace; respect for the independence, sovereignty and territorial integrity of States; adherence to the generally accepted principles and norms of international law; refraining by States from actions that might aggravate a conflict situation or a dispute between neighbours; concerted action with a view to strengthening world peace and security, and economic and social progress.

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(Mr. Thapa, Nepal)

33. The concepts of co-operation and zones of peace could play a very constructive role in the identification of the elements forming the foundation of good-neighbourly relations between States. On the basis of that conviction, Nepal had played an active part, in the Asian-African Legal Consultative Committee, in studying the concept of zones of peace in the context of international law.

34. The endeavour to develop the concept of good-neighbourliness should be focused on co-operation in the political, economic, cultural, social and environmental fields. It was to be hoped that an appropriate international document could be drawn up without much delay.

35. Mr. EMDORID (Libyan Arab Jamahiriya) said that he welcomed the progress made by the Sub-Committee in its work, because good-neighbourliness had a decisive impact on peace and development. It was clear that since good-neighbourliness had always existed there should be lessons to be learned from the past. However, the contemporary era was characterized by scientific progress and the nuclear threat. The peoples of the world protected themselves by adhering to the principles laid down in the Charter, as well as by strengthening the role of the United Nations in the prevention of war and by safeguarding the heritage of future generations. The Sub-Committee must, *inter alia*, give consideration to the situation of peoples struggling to achieve their independence, in Palestine and Namibia, and strengthen international peace and security through good-neighbourliness. Although the world appeared to be going through a period of détente, the causes of tension had not all disappeared.

36. The Libyan Arab Jamahiriya played an active role in the maintenance of good-neighbourly relations. For example, it had signed an agreement with Malta with a view to facilitating the movement of individuals and had co-operated with Tunisia in many other fields; moreover, it had restored diplomatic relations with Chad and was participating in the development of the region.

37. His delegation believed that the Sub-Committee's mandate should be extended.

38. Mr. VILLAGRAN DE KRAMER (Guatemala) said that good-neighbourly relations between States were both dynamic and dialectical, as in the case of love and hate, since the interests and expectations of different but neighbouring peoples played a role in them. The crux of the matter was therefore outside the strictly legal field, as demonstrated by the list annexed to the document under consideration.

39. As a Central American country, Guatemala saw good-neighbourly relations from two angles: there were normal relations, and there were crisis relations. It was in the light of the latter type of relations that the validity of the various views put forward in the Sub-Committee should be assessed. For example, despite the crisis that Central America was experiencing, the countries of the region had succeeded in cultivating and intensifying their diplomatic relations, and in keeping co-operation and integration organizations functioning. One might therefore ask whether dealing with crises at the regional level was more productive than the global approach. Clearly, the regional approach would be appropriate in certain cases but not in others.

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(Mr. Villagran de Kramer, Guatemala)

40. There was also the problem of relations between neighbours belonging to such defensive alliances as the Warsaw Pact and NATO. It would appear that relations between such States exhibited particular characteristics that should be evaluated, recognized and respected by others. However, it was not clear whether the countries members of such alliances would be able to tackle, in such bodies as the Sub-Committee or the Sixth Committee, the particular problems that arose from the fact that they were neighbours.

41. In paragraph 7 of its report the Sub-Committee indicated that, even if there had been sufficient time agreement could not have been reached on the list of elements set forth in the annex to the report. Some delegations did not appear to be willing to draw up another text, or even to amend the text proposed by the Secretary-General. A consensus therefore appeared to be very far off. Guatemala believed that a certain amount of time should be set aside for reflection so as to allow States that wished to do so to set up a framework for negotiations. In the mean time, the Sixth Committee should endeavour to establish in which fields the regional approach might be effective and in which other fields a global approach should be taken.

42. Mr. ROSENSTOCK (United States of America) said that his country sought good relations with all its neighbours in the north, north-west and south. It believed that the Charter and the principles of international law governing friendly relations should determine the components of good-neighbourliness. The concept of the brotherhood of man should inform States' attitudes to one another. Confusing principles of law with political attitudes was not a positive contribution.

43. The United States believed that the lack of success in question should not be attributed to lack of will or lack of intellect but to the simple fact that good-neighbourliness was a question of attitudes and not of a legal concept.

44. Mr. VOICU (Romania) said that his delegation was preparing a draft resolution on the item under consideration. He invited delegations wishing to become sponsors of the draft to inform him accordingly.

The meeting rose at 4.50 p.m.