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Chairman: Mr. GOERNER (German Democratic Republic)

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AGENDA ITEM 123: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued)

ORGANIZATION OF WORK

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 123: DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued) (A/39/56-S/16231, A/39/59-S/16241, A/39/60-S/16242, A/39/71-S/16262, A/39/95-S/16304, A/39/110, A/39/122, A/39/126-S/16394, A/39/134-S/16418, A/39/153, A/39/158-S/16445, A/39/159-S/16451, A/39/163-S/16460, A/39/169-S/16466, A/39/176, A/39/179-S/16477, A/39/187-S/16489, A/39/190, A/39/203-S/16496, A/39/205, A/39/213-S/16506, A/39/220, A/39/226-S/16522, A/39/258-S/16563, A/39/268-S/16577, A/39/274-S/16581, A/39/288-S/16603, A/39/306, A/39/309, A/39/313, A/39/317, A/39/318-S/16637, A/39/320-S/16641, A/39/334-S/16653, A/39/337-S/16655, A/39/367-S/16684, A/39/396-S/16697, A/39/413-S/16707, A/39/426-S/16712, A/39/431-S/16719, A/39/448-S/16723, A/39/451-S/16727, A/39/469-S/16733, A/39/473-S/16734, A/39/475-S/16736, A/39/495-S/16742, A/39/502-S/16747, A/39/524-S/16757, A/39/540-S/16761, A/39/552-S/16769, A/39/561-S/16774)

1. Mr. HOLMES (Ireland), speaking on behalf of the 10 States members of the European Community, said that the Sixth Committee, in considering item 123, should take into account the position of as many Governments and international organizations as possible, as well as the relevant international instruments.
2. The members of the Community firmly believed in the necessity of friendly relations with all States and considered that the strengthening and development of relations between neighbouring States, on the basis of the principle of non-interference in internal affairs and respect for the sovereignty, territorial integrity and political independence of States, could be an important contribution to the promotion of peace. In Europe, the Community was an illustration of good-neighbourly relations in practice.
3. The Romanian working paper (A/38/440) covered a wide range of topics, some of which had already been dealt with in other forums. The Committee should concentrate only on the legal aspects of the subject, but must be careful not to duplicate work being carried out by other bodies, including the International Law Commission. The first priority must be to establish which elements were appropriate for further study by the Committee. At an appropriate time, the United Nations Secretariat might be invited to prepare material concerning existing instruments to help identify elements not already dealt with in other forums.
4. The Committee could not begin to decide on the appropriate framework for further consideration of the topic, as requested by the General Assembly in resolution 38/126, until the elements which merited further study had been identified. It would therefore be premature, at the current session, to consider the establishment of a new body. However, one of the existing special committees which reported to the Sixth Committee and whose work was relevant to the subject might be entrusted with the task of identifying those elements.
5. The European Community considered that any further study of good-neighbourliness should be consistent with the principles enshrined in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.

6. Mr. KIRSCH (Canada) said that his country attached particular importance to the maintenance of international peace and security and to close co-operation between neighbouring States, on the basis of such fundamental legal principles as respect for sovereignty and territorial integrity.
7. Canada had only one close neighbour, the United States, with which it had the highest level of bilateral trade in the world. In spite of some inevitable conflicts of interest, relations between the two countries had always been cordial because of a mutual concern to keep a dialogue going. To that end, joint meetings at the highest level were held on a regular basis each year.
8. When problems could not be solved by consultation and negotiation in an informal context, it had been necessary to develop special mechanisms. Under a 1909 treaty, for example, Canada and the United States had established an independent commission to forestall water-related disputes which had since played an important role in resolving environmental problems. In 1979, they had agreed to submit a dispute concerning the delimitation of the maritime boundary in the Gulf of Maine area to a special Chamber of the International Court of Justice, which had just delivered its judgement in the case. Informal consultations and such special mechanisms played a fundamental role in the maintenance of good relations between the two countries.
9. The item before the Sixth Committee was linked to a number of other questions, including international peace and security, transport, the environment and economic relations. The legal component of some of those questions was not yet well defined. Many aspects of good neighbourliness were already being dealt with in such other forums as the First Committee, other Main Committees, the International Law Commission, the Special Committee on the Charter, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, and the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries.
10. It would be premature to establish a special committee or a working group of the Sixth Committee. The Committee should set up working groups only to accomplish specific, well-defined tasks. Moreover, the simultaneous existence of more than one working group in the Committee meant that each of them could only make very slow progress and imposed time pressures on delegations, particularly the smaller ones.
11. Mr. NGUYEN QUY BINH (Viet Nam) said that good-neighbourliness was crucial to peace and security in the current international atmosphere. An attempt to clarify the elements of good-neighbourliness, as the General Assembly had requested, first required an examination of those aspects of the behaviour of States which had a negative effect on the practice of good-neighbourliness and those which had a positive effect.
12. The first category included all acts aimed at violating the sovereignty and territorial integrity of States or subjugating their peoples. The use of force was incompatible with good-neighbourliness. New threats of war and subversion posed by

(Mr. Nguyen Quy Binh, Viet Nam)

imperialistic and racist forces presented insurmountable difficulties for the peoples of many regions of the world in achieving good-neighbourliness. South-East Asia, for example, had suffered from aggression and outside interference for four decades. Peace and stability had still not returned to some areas of the region because of the policies of expansionism and confrontation that were being pursued by other States.

13. Good-neighbourliness could be achieved if States complied with their obligations, recognized the interests of others and co-operated for peace, security and mutual development; it should be practised without regard to ideology or socio-political systems. Good-neighbourliness had real meaning at the regional and subregional levels: it could help small developing countries, such as those of Indo-China, to ward off the aggression and interference of imperialist and hegemonist Powers.

14. Viet Nam had made every effort over the past 10 years to promote friendly relations with neighbouring States. It has established normal relations with former adversaries, had proposed the conclusion of treaties of non-aggression and peaceful coexistence with neighbouring States and was engaged in multilateral initiatives aimed at reducing tension in the region.

15. Recognizing that the settlement of border disputes was a particularly important element in good-neighbourliness, Viet Nam had proposed negotiations with China with a view to settling their dispute. However, a satisfactory solution had not yet been found. Viet Nam had also undertaken to establish with neighbouring countries provisional measures for the settlement of territorial disputes, the delimitation of maritime boundaries and co-operation in the exploitation of natural resources. If implemented, such measures would have long-lasting effects on good-neighbourliness in the whole region.

16. His delegation believed that a global consideration of the concept of good-neighbourliness was timely and could make an important contribution to peace, co-operation and the proper conduct of international relations.

17. Mr. NZAKUNDA (Rwanda) said that the complex concept of good-neighbourliness existed not only as a principle of foreign policy for all countries committed to peace and justice, but also as a principle of international law.

18. As a legal concept, good-neighbourliness was composed of several internationally recognized principles, namely, peaceful coexistence, non-interference, non-aggression, peaceful settlement of disputes and peaceful co-operation.

19. Rwanda attached great importance to peaceful coexistence with all its neighbours with a view to avoiding conflict and strengthening existing relations. Indeed, the Rwandese Constitution embodied that principle as a fundamental rule of foreign policy.

(Mr. Nzakunda, Rwanda)

20. The principle of peaceful coexistence had been recognized by the Economic Community of the Great Lakes Countries, which included Rwanda and whose main objective was to ensure the security of States and of their inhabitants against any disruption on their respective borders.
21. The principle of good-neighbourliness also included the concept of non-interference in internal affairs. However, a neighbour which was the victim of outside aggression should be given both moral and material support, provided that it consented, that it was a party to a collective security agreement with the State providing the support and that the purposes of such support were humanitarian and were consistent with international law.
22. Furthermore, good-neighbourliness precluded any act of aggression against a neighbouring State and any act which might threaten the peace, security or independence of another State.
23. Respect for the above-mentioned principles would also help to settle current or future conflicts by peaceful means. However, that required the firm determination of every State. In order to fulfil their obligation to live in peace, neighbouring States must avoid all acts of aggression, including economic and political pressure.
24. Peaceful international co-operation deserved particular attention in connection with good-neighbourliness. Rwanda had always sought to promote co-operation with its neighbours, with other developing countries and with all the countries committed to peace, liberty and justice. As the President of Rwanda had said, good-neighbourliness and peaceful coexistence could be safeguarded through ongoing bilateral co-operation and through co-operation in the context of regional and subregional organizations.
25. The means of developing and strengthening good-neighbourliness included scrupulous respect for the principles outlined above, in addition to the intensification of direct dialogue between the heads of State of neighbouring countries, the exchange of permanent diplomatic missions, the conclusion of bilateral agreements, the convening of summit meetings within regional and subregional organizations and the establishment of joint commissions.
26. Rwanda was convinced that the development of good-neighbourly relations was essential to peace and should therefore be promoted through the wide variety of ties that could exist between neighbouring States. Since peace was a prerequisite for harmonious development, rapprochement and international co-operation, his delegation would spare no effort in promoting the elaboration of an international document containing elements which could provide an institutional basis for good-neighbourliness, as a universal principle of international law.
27. Miss ROVIROSA-PRIEGO (Mexico) stressed that, while the working paper submitted by Romania (A/38/440) contained many elements which should be considered to be basic for the development and strengthening of good-neighbourliness, it was important to avoid a repetition of the countless norms and principles of international law which were already embodied in other instruments.

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(Miss Rovirosa-Priego, Mexico)

28. While limiting territorial jurisdiction, frontiers should not constitute an obstacle to close co-operation between neighbouring countries having shared interests. However, such co-operation must be free of political pre-conditions, discrimination and impossible reciprocity demands.

29. In view of the complexity of relations between neighbouring States, which had been compounded by economic interdependence and scientific and technological progress, permanent consultative machinery should be established for the settlement of common problems. That type of machinery, which should not be utilized only in the case of conflict, should be included as a basic element of the future document.

30. Mexico had consistently sought to settle any problems with its neighbours by peaceful means and believed that it would be beneficial for the international community as a whole to follow the same path in connection with disputes concerning the delimitation of both maritime and land boundaries. Accordingly, Mexico welcomed the recent decision taken by the International Court of Justice in connection with the delimitation of the maritime boundary between the United States and Canada in the Gulf of Maine.

31. State practice in the settlement of such problems had developed into a category of customary law which could be included in the document to be elaborated. Codification activities might also include lege ferenda tasks and might establish new obligations for neighbouring States with a view to avoiding tension in peacetime and creating a climate of mutual trust. For example, provision could be made for notification of troop movements or of large-scale military manoeuvres and for acceptance of the participation of observers. Such commitments would constitute fundamental progress in the development of good-neighbourliness and, accordingly, Mexico advocated their inclusion in regional legal instruments.

32. Referring to document A/38/440, she expressed her delegation's concern about the use of the words "shared resources" in section IV (annex, p. 10, para. 3), which stemmed from an erroneous idea of shared property. She suggested that the words "frontier resources" should be used in connection with the exploitation of resources which were located on both sides of a border.

33. Lastly, her delegation felt that the Committee was the appropriate forum for the continued discussion of the legal and political aspects of good-neighbourliness. Mexico would participate in activities to define the content of specific rules of conduct governing good-neighbourly relations.

34. Mr. DJOUDI (Algeria) observed that the certainty that nations had the ability to promote trusting and mutually beneficial coexistence was evident in Article 74 of the Charter, which attributed universal scope to the general principle of good neighbourliness. That principle was an integral part of the policy his country had always pursued.

(Mr. Djoudi, Algeria)

35. Territorial contiguity was more than a geographical fact of life; it could help States to recognize the great possibilities offered by proximity, particularly in the context of economic and social development. However, the close and varied ties arising from contiguity also created difficulties. Accordingly, in any effort to promote good neighbourliness, the conduct of States must be consistent with the norms and principles of international law.

36. Nothing undermined good-neighbourliness so much as armed conflict, expansionist designs, conquest and intervention. Nothing was more diametrically opposed to good-neighbourliness than political and military alliances erected against a people or a State belonging to a potentially harmonious region. The denial of the right of peoples to self-determination and independence, manoeuvres which threatened the sovereignty of States, the acquisition of territory by force and theories such as that of "moving frontiers" all challenged the very quintessence of good-neighbourliness. While good-neighbourliness was primarily an attitude, it took concrete shape in methodical and disciplined action and must be supported by improved bilateral relations.

37. Clearly, frontiers could either impede communication and create friction or foster understanding and rapprochement. Africa had taken an extremely important step in that regard by confirming the inviolability of the frontiers which had existed at the time of the accession to independence of the States members of the Organization of African Unity. Algeria firmly supported that principle and had undertaken to delimit the common frontier with those neighbours which shared its support for African law and its determination to eliminate potential barriers to harmony. Accordingly, several bilateral conventions had been concluded and were being registered with the United Nations.

38. Algeria was developing close co-operation with each of those countries. Joint discussions and co-operation were also being pursued with its partners on the northern shores of the Mediterranean.

39. The unification of the Maghreb, which the Algerian Constitution described as a fundamental option and which his country was seeking systematically to achieve, was a collective aspiration of all the peoples of the region. That had recently been reaffirmed by the Algerian Minister for Foreign Affairs. The corner-stone of that historic project was the Treaty of Fraternity and Concord between Tunisia, Mauritania and Algeria, which contained the essential elements of good-neighbourliness and fulfilled the prerequisites for orderly evolution towards unity. It strengthened the rule of law in the region and included all of its peoples in efforts to achieve stability, development and peace. The Moroccan and Saharan peoples instinctively knew that their fratricidal war was extremely detrimental to the Maghreb and that each of them must devote their intelligence and energy to unification.

40. The discussion on item 123 would help to clarify the principle of good-neighbourliness and to enrich the relevant doctrine. Moreover, the United Nations could now undertake a systematic study of the purposes, principles,

(Mr. Djoudi, Algeria)

conditions and implications of good-neighbourliness. His delegation would support any proposal which would ensure that that study was carried out in the most propitious framework. In that process, juridical science must be combined with political experience, and due attention must be devoted to the practice of States. Good-neighbourliness did not constitute a panacea for every conflict and could flourish only in the context of lawfulness. Moreover, the concept of good-neighbourliness must not be allowed to lose its relationship with reality.

41. Mr. ROSENSTOCK (United States of America) said that, if item 123 was to have any meaning, the term "neighbours" should be restricted to States having a common border. His country had one of the longest borders in the world and, from time to time, had had problems with its immediate neighbours involving, most recently, territorial, maritime and economic matters.

42. The United States and Canada had just settled an important maritime issue by judicial means. They had submitted other boundary issues to arbitration. An international joint commission established in 1910 to deal primarily with maritime boundary questions was still functioning effectively. There were also numerous commissions and agreements relating to various aspects of relations between the two countries, and frequent meetings were held between Canadian and United States officials at all levels.

43. The United States and Mexico also made great efforts to maintain excellent relations. An international boundary and water commission performed a number of functions, including the sensitive one of allocating the waters of the Colorado River for use by both sides, and extensive agreements and an elaborate system of co-operation had been established between the law enforcement officials of both countries. Efforts were made to maintain contact at all levels of government.

44. The United States did not take its relations with its neighbours for granted, and all three countries were dedicated to maintaining them at an excellent level. The United States therefore recognized the particular importance for neighbours to learn to live with each other, not merely to tolerate each other passively but, more ambitiously, to seek mutual enrichment from the accident of geography.

45. Like relations between States in general, those of neighbours must be in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations among States. The question was whether there existed specific legal principles uniquely applicable to relations between neighbours, whether there was a moral imperative to bear in mind the consequences of one's conduct on one's neighbour.

46. The materials submitted under the item touched upon a great many topics currently being examined in existing forums. It would be useful to have specific suggestions as to what the Sixth Committee could do that was not being done elsewhere. A request from the Secretary-General for comments by Governments on that subject might produce some such suggestions. In due course, sufficient specific suggestions might be put forward to make it prudent to commence an independent exercise devoted to the topic. His delegation did not, however, believe that that time had yet come.

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47. Mr. AKDAG (Turkey) said that the principle of regional and world peace was the basis of Turkey's policy towards its neighbours and all other members of the international community. His country had concluded treaties of friendship and good-neighbourliness with several States, in particular with its neighbours, even before the entry into force of the Charter. It had, from the outset, supported the initiative of Romania and other States on the question.

48. The reference in the Preamble to the Charter to good-neighbourliness as one of the basic conditions for peace would act as a stimulus for future work on the subject. Article 74 of the Charter, which mentioned good-neighbourliness in the context of social, economic and commercial matters, was another useful guide. Several legal and political instruments, as well as the replies received from Governments, further clarified the concept of good-neighbourliness and cited related principles.

49. The discussion on the item would enable the Committee to decide on the most suitable forum for developing, strengthening and clarifying the principle.

50. Mr. MUENCH (German Democratic Republic) said that a concept of good-neighbourliness suited to present conditions would help promote détente and safeguard peace, a constant objective of the foreign policy of his country and the other socialist States. The basis for the development of good-neighbourly relations was strict observance of the fundamental principles of international law contained in the Charter, particularly the principles of sovereign equality, non-interference in internal affairs, respect for territorial integrity and inviolability of borders, non-use of force, and peaceful settlement of disputes.

51. The establishment of good-neighbourly relations enabled the States of a region to shoulder their responsibility for maintaining international peace and security, first and foremost in their own part of the world. His country considered that good-neighbourly relations among States with different social systems, based on the fundamental principles of international law and full respect for the realities that resulted from the Second World War, were of particular importance in central Europe. The conclusion of a treaty on the renunciation of the use of military force and the maintenance of peaceful relations between the States members of the Warsaw Treaty Organization and those of NATO, as well as other measures proposed by the socialist countries, would help develop such relations between those two groups of States.

52. The threat posed by first-strike nuclear weapons was not conducive to good-neighbourliness. His delegation supported all proposals which, on the basis of the principle of equality and equal security, could contribute to arms reduction. His country had offered to make its entire territory available for the establishment of a zone free from theatre nuclear weapons, provided that the Federal Republic of Germany was prepared to do the same. The refusal of States to make their territory available for hostile acts or the preparation of such acts against other States was an integral part of good-neighbourliness.

(Mr. Muench, German Democratic Republic)

53. Rather than being overburdened with detailed guidelines, an internationally binding document on good-neighbourliness should call upon States to organize relations with their neighbours within the framework of the fundamental principles of international law, bearing in mind their responsibility for peace and the destiny of mankind. The United Nations could play an important role in that endeavour, thus helping to reduce international tension and improve the international climate. His delegation was ready to participate actively in clarifying and formulating the elements of good-neighbourliness and in elaborating a document on the subject. The item should continue to be considered within the framework of the Sixth Committee.

54. Mr. BHINDER (Pakistan) said that, while the peaceful settlement of disputes, the non-use of force and the strengthening of the role of the United Nations were undoubtedly means of maintaining and restoring international peace and security, the principle of good-neighbourliness was of even greater importance since it implied a state of peace, in which disputes were an exception. The United Nations should, therefore, focus its efforts on the prevention of those exceptions.

55. The real problem was to put into practice the many valuable suggestions made by States on the subject. His delegation felt that any future document must include the following: the principle of sovereign equality and political independence of States; respect for territorial integrity; the principle of peaceful coexistence; the principle of non-interference in internal affairs; confidence-building measures; measures to minimize chances of intolerance; the principle of mutual co-operation as the basic contributor to good-neighbourliness; the principle of pacta sunt servanda, since the non-performance of treaty obligations created an atmosphere of distrust which generated disputes; the sanctity of the right of self-determination, as the violation of that right affected good-neighbourly relations; and the principle of interdependence, with recognition of the special needs of the more deserving States.

56. In addition, the document should specify that States must refrain from allowing minor situations to escalate into major disputes and that States should be left alone to develop the political and economic system which was most appropriate to their local conditions.

57. His delegation acknowledged that the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, and the Declaration on the Strengthening of International Security all represented attempts to realize the principle of good-neighbourliness.

58. Many developing States had been dragged into disputes which were the sad legacy of the colonial past and had grown out of situations created with the granting of independence. Therefore, the major Powers had a special responsibility to contribute to good-neighbourly relations among the developing States. He noted with satisfaction that the developing States themselves had taken positive steps in that direction by establishing regional organizations for mutual co-operation.

(Mr. Bhinder, Pakistan)

59. Pakistan had always scrupulously adhered to the principle of good-neighbourliness and had always maintained that disputes should be settled peacefully and that interference in the internal affairs of other States should be strictly avoided. It had bound itself with the Islamic Republic of Iran and Turkey in a trilateral organization, was a member of the Organization of the Islamic Conference and was now engaged in the development of a new South Asian organization which would contribute to good-neighbourly relations and help in the peaceful settlement of existing disputes between States of the region.

60. His delegation was willing to work within any framework that was appropriate to the subject and enjoyed wide support.

ORGANIZATION OF WORK

61. The CHAIRMAN proposed that a continuous list of speakers should be used, on an experimental basis, during the Committee's consideration of items 133 and 124. If any delegation was not in a position to speak when its turn came, it would revert to the end of the list. Those delegations which, for various reasons, wished to speak at a particular meeting would be able to do so by informing the Secretary of the Committee. They could speak at the beginning of the meeting in question and would be followed by the next delegation on the continuous list. Therefore, his proposed arrangement did not infringe the right of delegations to take the floor when they so desired. The experiment would be subject to review.

62. If he heard no objection, he would take it that the Committee wished to adopt that arrangement.

63. It was so decided.

The meeting rose at 4.55 p.m.