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President: Mr. Rüdiger von WECHMAR
(Federal Republic of Germany).

Expression of sympathy to the Government and the people of Algeria in connexion with the earthquake at El Asnam

1. The PRESIDENT: On behalf of all the members of the General Assembly, I should like to extend to the Government and the people of Algeria our deepest sympathy for the disaster caused by the devastating earthquake at Al Asnam, which resulted in a tragic loss of lives and material damage.

2. With the Assembly's permission, I shall read out the telegram which, as President of the General Assembly, I have sent to the President of the People's Democratic Republic of Algeria:

"In the name of the members of the United Nations General Assembly, I wish to express our deepest sympathy to the Algerian people at the consequences of the earthquake which has devastated the Al Asnam area. We have been profoundly moved by the scope of this catastrophe, and I take this opportunity to extend our support to the Government and the people of Algeria."

3. I feel certain that all the nations represented in this hall support the views expressed in that message.

4. Mr. BEDJAUI (Algeria) (*interpretation from French*): Mr. President it was with profound emotion that I listened to your words of sympathy for the Algerian people who have been so sorely stricken by the natural disaster in the El Asnam region. With your permission, I should like to express the sincere thanks of the Algerian delegation to you and, through you, to all those delegations that have associated themselves with the grief of the Algerian people. The El Asnam region has, once again, been singled out by fate to be stricken by one of the most violent earthquakes

ever experienced, one of exceptional scope that gave this tragedy frightening dimensions.

5. Although the Algerian Government has mobilized considerable human and material resources in organizing first aid for the victims—in which it has been supported by a remarkable upsurge of solidarity among the masses of the people—the efforts to save the wounded are still going on at the present time, making it premature at present to assess the number of victims of the disaster. This mobilization of effort on a national scale was swiftly supported with concrete manifestations of solidarity on the part of the international community. I should like here to pay a tribute to the Secretary-General, Mr. Kurt Waldheim, for the speed with which he contacted the Office of the United Nations Disaster Relief Co-ordinator at Geneva, which is now working in very close co-operation with my Government in order to bring in the necessary assistance and support from the international community.

6. As President Chadli Benjedid said yesterday, Algeria wishes to pay a tribute to the international solidarity that has been displayed with such sympathy on the occasion of this national tragedy. The Algerian people, whose energies are now all focused on tending the wounds of the stricken region, intends to rebuild the city of Al Asnam and to resume the process of development that, like in the other regions of the country, it had started there before this terrible event.

7. I should like again to thank you, Mr. President, for the sympathy which you have been kind enough to express to the Algerian people. On behalf of my delegation I should also like to express sincere condolences to the delegations of those countries whose citizens lost their lives in the catastrophe. I would request them to convey to the families of the victims our deeply felt sympathy. It is our hope that this common mourning will further strengthen the links of friendship and co-operation that unite our peoples.

AGENDA ITEM 115

Observer status for the Asian-African Legal Consultative Committee in the General Assembly

8. The PRESIDENT: The Assembly has before it a draft resolution originally sponsored by 18 Members, which were later joined by Gambia, Maldives and Pakistan [A/35/L.3/Rev.1].

9. I call on the representative of India to introduce the draft resolution.

10. Mr. MISHRA (India): Before introducing the draft resolution on the item, may I express my sympathy and that of my delegation to the delegation of Algeria in the catastrophe that has befallen them. Our sympathy goes also to the people and the Government of Algeria, and in particular to the bereaved

families and all those who have suffered this tremendous damage.

11. In sponsoring the proposal for observer status in the General Assembly for the Asian-African Legal Consultative Committee, our main objective has been to formalize and strengthen the relationship that has been gradually developed over the course of the past 20 years between the United Nations, its various organs and agencies and the Asian-African Committee. It is therefore appropriate that this matter should be brought before the present session of the General Assembly. During this year the Committee was privileged to organize the silver jubilee commemoration of the historic Asian-African Conference, held at Bandung in 1955 at an international level, in conjunction with its Twenty-first regular Session, which was attended by high level delegations from every part of the world.

12. The Bandung Conference, which has few parallels in history, ushered in a set of new norms and ideals for the evolution of an international legal order as enshrined in the Charter of the United Nations. One of the tangible outcomes of that memorable Conference was the establishment of the Asian-African Legal Consultative Committee. From a small beginning, when it was composed of seven original founding members, the Asian-African Committee has matured into a fully-fledged international organization with as many as 40 States participating in its work. The global impact of the Committee's activities over these years is evidenced by the fact that, in addition to observers from the United Nations, its various organs and agencies and other international organizations, observer delegations from as many as 40 to 50 nations from different parts of the world have attended the Committee's sessions over the past five years. We take particular pleasure in witnessing the growth of this organization, since it came into being primarily on the initiative of our late Prime Minister Jawaharlal Nehru, and its headquarters are located in India.

13. Even though the role originally assigned to this organization was that of an advisory organ to its member Governments in the field of international law, it soon emerged as an effective and useful body for Asian-African co-operation in matters before the United Nations. Its activities have been expanded from time to time to keep pace with the needs and requirements of its member Governments, and this has been especially so in recent years in the field of economic relations and trade law.

14. The contributions made by the Committee in various fields are sufficiently known not to require much elaboration, but specific mention may be made of its work in the field of refugees, its contribution at the United Nations Conference on Diplomatic Relations Intercourse and Immunities, held at Vienna in 1961, and of the outstanding role played by the Committee in assisting to achieve a breakthrough at the United Nations Conference on the Law of Treaties, held at Vienna in 1968-1969. During the past 10 years the Committee has been able to take some important initiatives in the negotiations on the law of the sea through promoting consultations not only between the developing countries themselves but also between the developed and developing countries. It is a matter of

satisfaction that two of the major issues involved on which broad consensus has been reached owe their origin to the deliberations of the Asian-African Committee, namely, the concept of the exclusive economic zone and that of archipelagic State.

15. With a convention on the law of the sea almost in sight, it is expected that the Asian-African Committee will be able to devote its concentrated attention to some of the practical measures for implementing the New International Economic Order. Even in this field, the progress already made has not been inconsequential. For example, with the adoption of the First United Nations Development Decade, in 1960, the Committee at its Colombo session, decided on the initiative of the Government of India to take up for examination various questions and issues concerning international transactions in commodities in view of the expected changes in the world trading pattern of the countries of the region consequent upon the achievement of their political independence. The work in this field culminated in the adoption of certain standard contracts for sale transactions on commodities, namely, agricultural produce and minerals, which have been published as documents of the Economic and Social Council. In 1978 the Committee brought into being an integrated scheme for the settlement of disputes in the economic and commercial fields with a view to creating stability and confidence in economic transactions within the region. The scheme envisages the development of national arbitration institutions in the countries of the region and the establishment of regional centres under the auspices of the Committee. Two regional centres, one at Kuala Lumpur and the other at Cairo, have already been established and a third centre, to be located at Lagos, is in the process of being formed. The International Centre for Settlement of Investment Disputes has already concluded formal agreements with the Committee in relation to these regional centres for mutual co-operation and assistance, the first agreements of their kind to be concluded by the World Bank with any organization, with the exception of the Permanent Court of Arbitration at The Hague. Following the fifth session of UNCTAD, the Committee has been closely engaged in the study and formulation of certain schemes for practical implementation of the New International Economic Order, particularly with regard to rapid industrialization in the developing countries of Asia and Africa. One of the modalities which is envisaged in this connexion is a legal framework for the harnessing of the resources of the region in the shape of capital, manpower, technology and raw materials.

16. In a programme of rapid industrialization, the developing countries would need to rely upon foreign investments in the form of both capital and technology, such investments coming either from the countries within the the Asian-African region or from outside. Therefore, the Committee is now actively studying the question of the promotion of stable but flexible relations between investors and the host countries.

17. Almost simultaneously with the establishment of the Committee on a regular footing, the United Nations evinced considerable interest in the Committee's activities, and close collaboration has been developed not only through inter-secretariat consultations but

also through the Committee's participation in a number of plenipotentiary conferences convened by the United Nations. In 1960 the Committee entered into official relations with the International Law Commission, in pursuance of which the Commission is traditionally represented by its Chairman at the Committee's regular sessions. In 1968 the Committee was accorded the status of a participating intergovernmental organization within UNCTAD, and in 1970 official relations were established between the Committee and the United Nations Commission on International Trade Law. In addition, the Committee has been working in close co-operation with the Office of the United Nations High Commissioner for Refugees, UNEP, IMCO, FAO and various regional economic commissions of the United Nations.

18. The Asian-African Committee, as the only international organization embracing the two continents of Asia and Africa, has oriented its activities so as to complement the work of the United Nations in several fields at a regional level. It is our hope that, with the formalization of its observer status, the relations between the United Nations and the Committee will be further strengthened and that it will have an even wider role to play in projecting the Asian-African viewpoint in matters before the United Nations and particularly in the evolution of the New International Economic Order through the formulation of legal instruments which could balance the interests of developing and developed nations for effective transfer of technology and co-operation in other fields. The real strength of the organization lies in the objective nature of its recommendations. We have every reason to hope that the same standard of its work will continue to be maintained in the future.

19. Finally, I should like to introduce the draft resolution in document A/35/L.3/Rev.1 on behalf of the sponsors, and of my own country.

20. It will be noted that, with the agreement of the sponsors, the operative paragraph of the draft resolution has been revised, and now reads:

"Requests the Secretary-General to invite the Asian-African Legal Consultative Committee to participate in the sessions and the work of the General Assembly in the capacity of observer."

We have deleted the words "and of its subsidiary organs" from the operative paragraph of the original text. This draft resolution, which envisages observer status for the Asian-African Legal Consultative Committee in the General Assembly, needs no further explanation. The sponsors hope that the draft resolution will be adopted by consensus.

21. I should like to conclude by wishing the Committee all success in its various fields of activity.

22. The PRESIDENT: We shall now take a decision on the draft resolution in document A/36/L.3/Rev.1. May I take it that the General Assembly wishes to adopt the draft resolution?

The draft resolution was adopted (resolution 35/2).

AGENDA ITEM 117

Observer status for the Latin American Economic System in the General Assembly

23. The PRESIDENT: In connexion with this item, a draft resolution has been submitted in document A/35/L.4/Rev.1.

24. I call on the representative of Chile to introduce the draft resolution.

25. Mr. DIEZ (Chile) (*interpretation from Spanish*): Before entering into the substance of my statement, I should like, on behalf of the group of Latin American States, to express to Algeria our solidarity and grief in connexion with the catastrophe it has suffered in recent days. Many Latin American countries, especially my own, understand the magnitude of that disaster and the sorrow it causes. We ask Algeria to accept the heartfelt condolences of the countries of the group of Latin American States.

26. I now have the honour of introducing, on behalf of the group of Latin American States, the draft resolution contained in document A/35/L.4/Rev.1, in which it is proposed to the General Assembly that the Latin American Economic System [SELA] participate in its sessions and work, with observer status.

27. This regional body, whose constitutional agreement was signed in Panama on 17 October 1975, was conceived as a co-ordinating mechanism for unifying common positions and for promoting co-operation among Latin American countries at a time when the international situation was characterized by a series of bewildering political and economic changes. In its five years of existence SELA has shown itself to be a powerful instrument of ever-increasing importance in the task of structuring Latin American action in the economic sphere, on a basis that is in keeping both with smooth co-operation in accordance with the growing economic dynamism of the countries of the region and with the need for a common front on external matters solid enough to facilitate Latin American participation in the world's decision-making centres and in international organizations.

28. A corollary of this is the agreement adopted several months ago by the Ministers for Foreign Affairs of the States members of SELA to seek a place for that organization in the deliberations of the United Nations General Assembly. That agreement is reflected in draft resolution A/35/L.4/Rev.1.

29. With regard to the wording of the draft, we wish to point out that it is identical in terms to other resolutions which allowed for the participation in the sessions and work of the General Assembly of other regional bodies concerned with economic co-operation, such as the European Community and the Council for Mutual Economic Assistance. I should add that, in accordance with assurances given to us by representatives of the Secretary-General, the group of Latin American States understands that that wording would permit SELA to participate as an observer in the work of the Assembly's subsidiary bodies also.

30. The group of Latin American States hopes that the draft resolution will be adopted by consensus.

31. The PRESIDENT: We shall now take a decision on the draft resolution contained in document A/35/

L.4/Rev.1. May I take it that the General Assembly wishes to adopt the draft resolution?

The draft resolution was adopted (resolution 35/3).

AGENDA ITEM 3

Credentials of representatives to the thirty-fifth session of the General Assembly (continued):*

(b) Report of the Credentials Committee

FIRST REPORT OF THE CREDENTIALS COMMITTEE (A/35/484)

32. The PRESIDENT: The General Assembly will now consider the first report of the Credentials Committee [A/35/484]. The draft resolution recommended by the Committee appears in paragraph 18 of the report.

33. A number of communications have been received from delegations concerning the report. They have been circulated for the information of all members. In addition, an amendment sponsored by 16 members is contained in document A/35/L.5.

34. I now call on the representative of the Lao People's Democratic Republic, who wishes to introduce that amendment.

35. Mr. SOURINHO (Lao People's Democratic Republic) (*interpretation from French*): The delegation of the Lao People's Democratic Republic wishes first to associate itself with you, Mr. President, and previous speakers who have presented to the Algerian delegation profound condolences on the recent earthquake that has so sorely stricken its country.

36. The General Assembly is now considering the first report of the Credentials Committee which is contained in document A/35/484 of 24 September 1980 and concerns the credentials of representatives to the thirty-fifth session of the General Assembly.

37. In accordance with the practice that has been observed for some years now, consideration of the report of the Credentials Committee has never engendered any lengthy discussion. Normally, if no objection is raised, the General Assembly considers the report and immediately adopts it. But that cannot be so in the case of the document we are now considering, for paragraph 18 of the report recommends that we approve the credentials of a certain number of representatives including those of the representatives of the genocidal and criminal Pol Pot-Ieng Sary gang.

38. My delegation is fully aware that, in accordance with the pertinent rules of procedure of the General Assembly—rules 27 and 28—the Credentials Committee has a purely technical function: merely to consider whether the credentials of representatives have been issued in due form according to the provisions of rule 27 of the rules of procedure of the General Assembly, which states: "The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs."

39. My main challenge to the validity of the technical work that has been carried out by the Credentials

Committee in connexion with the report now before us is related to the credentials of the representatives of People's Republic of Kampuchea which were communicated, in a telegram dated 19 September 1980, to the Secretary-General of the United Nations and to the President of the thirty-fifth session of the General Assembly in a manner entirely in conformity with rule 27 of the rules of procedure. Those credentials were distributed to all the members of the Assembly in document A/35/478.

40. Reading between the lines of the report of the Credentials Committee, my delegation has noted with great regret that the report is completely silent on the credentials of the People's Republic of Kampuchea. Why that silence in a technical task that implies total impartiality?

41. At least the report should have contained a paragraph or a mention to the effect that the Credentials Committee also received credentials from the representatives of People's Republic of Kampuchea. Whether it was possible or desirable to consider them is another matter, and one which must now be settled by the General Assembly.

42. The effectiveness and credibility of our Organization in the way it fulfils its noble objectives hinges essentially on its action regarding all the questions submitted to it for consideration. In our opinion just action must be based on three criteria: first, respect for the Charter of the United Nations; secondly, realities; and thirdly, justice.

43. First, as far as respect for the Charter of the United Nations is concerned, Articles 3 and 4 in particular stipulate clearly that the Members of the United Nations are States—I stress the word "States"—not phantom Governments, and even less gangs of traitors and of the worst kind of assassins of their own people. To accept such a phantom Government or a gang of traitors and of the worst kind of assassins of their own people as Member of the United Nations would be tantamount to doing grave damage to our Organization and would shock all peoples that cherish legality, reality, justice and peace throughout the world.

44. Secondly, as far as realities are concerned, despite a defamatory campaign that has been cleverly orchestrated by the leaders of Beijing, in collusion with the imperialists and their lackeys, the real situation in Kampuchea is that the People's Revolutionary Council of Kampuchea exercises total power and effectively controls the country; that fact was recognized even by the representative of Singapore, who is an ardent defender of the genocidal Pol Pot-Ieng Sary clique, in the statement that he made before the Credentials Committee, an excerpt from which is to be found in the report before us.

45. Thirdly, as far as justice is concerned, just a short time ago the whole world was shocked by the genocidal policy which was practised to the utmost against the people of Kampuchea by the Fascist band of Pol Pot-Ieng Sary which, in the space of less than four years massacred more than 3 million Kampuchean. This crime is without equal in history, because it was genocide practised by a bloody band intent on exterminating its own nation.

* Resumed from the 1st meeting.

46. That the socialist countries, and first and foremost the Soviet Union, did not raise any protest against that crime in various international forums is attributable to that fact that they were mindful of the provisions of Article 2, paragraph 7 of the Charter of the United Nations, which does not authorize any State to interfere in the internal affairs of another State. This shows how much the socialist countries, including my own, respect the Charter of the United Nations.

47. The fact that so-called Democratic Kampuchea cynically claims today that it is continuing its struggle to defend its race and its nation against the so-called Vietnamese invaders, to defend the principles and purposes of the Charter of the United Nations, which justly accords a prominent place to human rights, including the fundamental rights to life, health, education and other rights, and to preserve peace and security in South-East Asia and throughout the world, while it was that very régime that during its existence instigated frontier clashes with all its neighbours including Thailand, is a grotesque farce which can only arouse strong repugnance on the part of all Governments and peoples that cherish peace and justice and all those who really respect and do not simply pay lip service to basic human rights.

48. The people of Kampuchea who carried out a mass uprising in 1978 to overthrow the genocidal Pol Pot-Ieng Sary clique in order to escape extermination will never forgive—and this is also the attitude taken by all peoples throughout the world that have suffered the same fate—anyone, whoever he may be, who attempts to replace the criminal Pol Pot gang in power in Kampuchea, either directly or through an intermediary, so that it may complete its criminal work of genocide. In the same way it will certainly not be fair to the people of Kampuchea to continue to support the presence of representatives of that bloody gang in the United Nations, and to allow them to speak and act on behalf of that people.

49. In view of all the points I have just made, it is my honour, on behalf of the sponsors and my own delegation, to present an amendment, which appears in document A/35/L.5, to the report of the Credentials Committee.

50. This amendment seeks to add, at the end of the draft resolution, after the words "the Credentials Committee", the following phrase: "except with regard to the credentials of the representatives of Democratic Kampuchea".

51. In submitting this amendment, it is our feeling that the present report of the Credentials Committee is dealing with a particularly crucial issue, crucial not only to the proper conduct of the proceedings of the present session but also to the prestige of the United Nations in the pursuit of its objectives. The creation of a good atmosphere, and of conditions propitious to the achievement of positive results in accordance with the fundamental purposes and principles of the Charter, depends to a great extent on a just solution of the question under discussion.

52. The draft amendment that I am submitting for consideration reflects our profound concern over the implications which might be inherent in the first report of the Credentials Committee during the present session of the General Assembly. That is why we have

proposed this draft amendment which is aimed at offsetting the negative impact that the report could have on the deliberations of the present session and on the United Nations in general.

53. The sponsors of the amendment are convinced that the Credentials Committee did not pay sufficient attention to consideration of the representation of Kampuchea. Indeed, in the case of Kampuchea, the Credentials Committee was not sufficiently objective or impartial in considering all the credentials that were sent to the Secretary-General and to the President of the General Assembly. The Credentials Committee in fact, under the impact of arbitrary pressures, examined and passed judgement on only one communication. But it is our contention that all documents relating to credentials should have been considered and judged not on the basis of their form alone. The fundamental criteria for determining the validity of credentials upon which the Committee should base itself are, we believe, the competence and legitimacy of the authority issuing those credentials, for it is absolutely clear that no one can delegate powers he does not possess.

54. The Pol Pot-Ieng Sary clique which, in a cold and premeditated way had carried out a policy of genocide by massacring, as I stated previously, more than 3 million persons in Kampuchea, was overthrown and swept away by the people of Kampuchea; thus it represents no one and only serves the interests of the expansionists and imperialists. Furthermore, in the exercise of its right of self-determination, the people of Kampuchea in January 1979 placed in power the People's Revolutionary Council of Kampuchea, headed by Mr. Heng Samrin, and it is that Council which at present exercises effective control over Kampuchea. It is the sole legitimate authority possessing sovereign rights over both the domestic and the foreign affairs of the country.

55. Without wishing to offend anyone, I should like to emphasize that if any delegation votes in favour of the report of the Credentials Committee as it now appears in document A/35/484, its position will be tantamount to giving legal sanction to the odious crimes that have been committed by the Pol Pot-Ieng Sary clique. As some members are aware, the crime of genocide, as defined in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide [*resolution 260 A (III), annex*], is strongly condemned and in no way can there ever be support in the United Nations for those individuals who have committed such crimes.

56. It is our profound conviction that the General Assembly should not approve the credentials of the alleged representatives of Democratic Kampuchea. We have no doubt that approval of those credentials would constitute an attempt to blot out and pardon the monstrous crimes which have been committed by the Pol Pot-Ieng Sary régime.

57. That is why I call upon all the members of this Assembly to consider attentively, with a clear conscience and in a responsible manner, the amendment which I have the honour of submitting and in favour of which I would request an overwhelming vote.

58. Mr. KOH (Singapore): I should like to extend, on behalf of the Government and people of Singapore,

our sympathy and condolences to the Government and people of Algeria. My delegation will support all appropriate efforts by the international community to assist the victims of the earthquake.

59. The Assembly has before it this morning two documents for consideration. The first, document A/35/484 of 24 September 1980, contains the first report of the Credentials Committee. On 22 September 1980 the Credentials Committee held its first meeting. At that meeting, the Committee was informed by the Secretariat that the credentials of the representatives of 68 delegations to this session of the General Assembly had been received. The Committee was further informed that the credentials of the 68 delegations complied with rule 27 of the rules of procedure of the General Assembly. Under rule 27, the credentials shall be issued either by a head of State or Government or by a Minister for Foreign Affairs. Some members of the Credentials Committee expressed their reservations on the credentials of three delegations. The Committee, however, adopted without a vote a resolution accepting the credentials of all the 68 delegations which had submitted them. The Credentials Committee recommends to this Assembly the adoption of a draft resolution contained in paragraph 18 of the Committee's report. The draft resolution asks this Assembly to approve the first report of the Credentials Committee.

60. The second document before this Assembly bears the symbol A/35/L.5 and is dated 3 October 1980. In that document 16 delegations have sponsored an amendment to the draft resolution recommended by the Credentials Committee. The amendment has just been introduced by my friend Mr. Sourinho of the Lao People's Democratic Republic. The purpose of the amendment is that the General Assembly should not approve the credentials of the representatives of Democratic Kampuchea.

61. The approval or disapproval of the credentials of a delegation is normally a technical question. The question is whether the credentials of a delegation have been issued in compliance with rule 27 of our rules of procedure. The first question which I put to this Assembly is therefore this: have the credentials of the representatives of Democratic Kampuchea been issued in accordance with rule 27? The answer, as contained in a memorandum dated 19 September 1980, submitted by the Secretary-General to the Credentials Committee is clearly that they are in order.

62. On what grounds, therefore, should this Assembly accept the amendment contained in document A/35/L.5? Why should this Assembly not approve the credentials of the representatives of Democratic Kampuchea even though they are in compliance with rule 27? According to the sponsors of that amendment and their sympathizers, there are two grounds on which this Assembly should not approve the credentials of the representatives of Democratic Kampuchea. The first ground is that the Government of Democratic Kampuchea has been overthrown by the people of Kampuchea and is therefore no longer entitled to represent Kampuchea in the United Nations. It is argued that the place of Kampuchea in this Organization should be taken by the representatives of the People's Revolutionary Council of the People's Republic of Kampuchea. In order to rebut this first argument

it is necessary for me to recall some important facts of recent history.

63. First, it is untrue that the Government of Democratic Kampuchea was overthrown by a popular revolt by the Kampuchéans. The truth is that in late December 1978 Viet Nam sent over 100,000 troops into Kampuchea, forcing the Government of that country to flee its capital for the countryside and to wage a war of resistance against the invaders. Secondly, the so-called People's Revolutionary Council of the People's Republic of Kampuchea, led by Mr. Heng Samrin, is nothing more than a puppet régime installed by the Vietnamese and kept in office by the more than 200,000 Vietnamese troops in Kampuchea. It is therefore not Heng Samrin but the occupying army of Viet Nam which exercises control over much of the territory of Kampuchea. In view of these facts, it would be very strange if we were to punish the victim of foreign armed aggression by denying the victim the right to represent its country in the United Nations. To do so would be tantamount to rewarding the aggressor.

64. The second ground on which we are told to reject the credentials of the representatives of Democratic Kampuchea is that the Government is a "bloody despot" and has committed gross violations of the human rights of its people. My Government, unlike some other Governments, has never defended the human rights record of the Government of Democratic Kampuchea. My Government has never denied that the Government of Democratic Kampuchea has, in the past, committed gross and extensive violations of the human rights of its people. But the issue is not whether the Government of Democratic Kampuchea has a satisfactory record in human rights or not. A satisfactory record in human rights is not one of the criteria by which we approve or reject the credentials of a delegation. In the last 35 years we have seen several despots and tyrants overthrown in some of the Member States of this Organization. It would be invidious for me to name them. But I wish simply to point out that in no single instance did the United Nations reject the credentials of the representatives sent by those despots and tyrants to this Assembly.

65. Please do not misunderstand me: I am not saying that I am not prepared to consider, on its merits, a proposal that in future the United Nations ought to reject the credentials of a delegation sent by a régime which has been guilty of gross and extensive violations of the human rights of its people. If we are to adopt such a rule it must be applied prospectively and not retrospectively. It must be applied uniformly and not selectively. There is certainly no good reason, in logic or in morality, for applying such a rule, which does not yet exist, to a régime which was the victim of foreign armed aggression.

66. I think I am also entitled to question the sincerity of the denunciations of human rights violations in Kampuchea by such countries as Viet Nam, the Soviet Union and some of the other sponsors of the amendment in document A/35/L.5. The Government of Democratic Kampuchea was nurtured and sustained by Viet Nam. Indeed, without the aid and assistance of Viet Nam, it is very doubtful whether the Khmer Rouge would have succeeded in seizing power in April 1975. The gross and extensive violations of the

human rights of the Kampuchean people were perpetrated by the Khmer Rouge between 1975 and 1978. Until December 1978, when Viet Nam invaded Kampuchea, did the Governments of Viet Nam, the Soviet Union and the other sponsors of the amendment condemn the violations of human rights by the Khmer Rouge? The answer is, regrettably, no. On the contrary, Viet Nam, the Soviet Union and their supporters defended the human rights record of the Khmer Rouge until the Vietnamese invasion.

67. Consider the following evidence: on 15 September 1978, the United Kingdom submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, meeting at Geneva, a draft resolution asking for an inquiry into the violations of human rights in Kampuchea and requesting that the matter be given the highest priority.¹ Fifteen members of the Commission voted in favour of the resolution, three voted against and two abstained. All three negative votes were cast by members of the socialist bloc, including the Soviet Union.

68. In the light of the above we are compelled, are we not, to conclude that the tears which Viet Nam, the Soviet Union and their supporters are shedding over the crimes of Pol Pot are crocodile tears. The world must not be deceived by the cynical attitude of these communist countries towards the question of human rights. For them human rights is only a political weapon to be used to beat their opponents. Thus, when Pol Pot was their friend, they denied there was any violation of human rights in Kampuchea. As soon as Pol Pot became their political adversary, they made a U-turn and denounced him as a bloody despot.

69. I have been asked: do the members of the Association of South East Asian Nations [ASEAN] want to restore Pol Pot to power in Kampuchea? I answer categorically: no, we do not want to restore Pol Pot to power. If we do not want to restore Pol Pot to power, why are the ASEAN countries fighting to retain the seat of Kampuchea for the representatives of Democratic Kampuchea? Are our two positions not contradictory?

70. I should like to take this opportunity to give a clear explanation of our position. The political objective for which the ASEAN countries are working is emphatically not the restoration of Pol Pot to power. Our political objective is to persuade the Government of Viet Nam to agree to negotiate a political settlement which would include two cardinal points: first, all foreign forces would be withdrawn from Kampuchea; secondly, free elections, under the supervision of the United Nations, would be held in Kampuchea. In such elections, Pol Pot and his Khmer Rouge colleagues, in the light of their past record, are unlikely to be elected.

71. But until such time as a political settlement is arrived at and until a new Government is elected in Kampuchea, under United Nations supervision, it is important for us to retain the seat of Kampuchea for the representatives of Democratic Kampuchea. Let me explain why: first, it is important because the right of Democratic Kampuchea to retain its seat in the United Nations has become conterminous with

the defence of certain fundamental principles of the Charter of the United Nations. These principles include the principle that every State is entitled to respect for its independence, sovereignty and territorial integrity, the principle of non-interference in the internal affairs of other States, the principle of non-use of force in international relations and the obligation to settle international disputes by peaceful means.

72. Secondly, if Democratic Kampuchea were to lose its seat in the United Nations, it would be tantamount to saying that it is permissible for a militarily powerful State to invade its weaker neighbour, overthrow its Government and impose a puppet régime on it.

73. Thirdly, if Democratic Kampuchea lost its seat in the United Nations, Viet Nam's policy of might is right would have prevailed and Viet Nam would have no incentive to negotiate a political solution to the conflict in Kampuchea.

74. The ASEAN countries have also been asked: why not leave the seat of Kampuchea in the United Nations vacant until such time as we have a Kampuchean Government which commands the support of the Kampuchean people?

75. I should like to explain briefly why the ASEAN countries cannot accept the vacant-seat proposal. In our study of science, we all are familiar with Boyle's Law. In case members have forgotten their physics, I may remind them that a layman's explanation of Boyle's Law is that nature hates a vacuum. If a vacuum exists, gas will expand to fill that vacuum. In politics as in science, Boyle's Law can be observed to apply. If a vacuum exists, political forces will move in to fill that vacuum. If the seat of Kampuchea in the United Nations were to be vacated by Democratic Kampuchea, it would not be long before the vacant seat would be occupied by the Heng Samrin puppet régime. In other words, the ASEAN countries reject the vacant seat formula because we see a vacant seat as a prelude to recognition of the puppet régime at Phnom Penh.

76. I hope I have succeeded in clarifying some of the issues involved in this debate. A vote against the amendment in document A/35/L.5 is a vote in defence of the principles of the Charter of the United Nations. A vote against A/35/L.5 is a vote for the State of Kampuchea to recover its lost independence. A vote against the amendment in A/35/L.5 is a vote which will help the diplomatic efforts of the ASEAN countries to persuade Viet Nam to negotiate a political solution to the conflict in Kampuchea.

77. Mr. HA VAN LAU (Viet Nam) (*interpretation from French*): Before I address myself to item 3 on the agenda, I should like to take this opportunity to associate myself with you, Mr. President, in conveying to the people and Government of the People's Democratic Republic of Algeria our full solidarity and the most sincere condolences of my delegation for the irreparable loss of life and the very considerable material damage caused by the terrible earthquake that has afflicted that country. May we also extend our sympathy to the families of the Algerian victims and those of other countries in their unprecedented time of sorrow.

¹ Adopted as resolution 11 (XXXI). For the text, see E/CN.4/1296, p. 71.

78. The report of the Credentials Committee proposes once again that we accept the credentials of the representatives of so-called Democratic Kampuchea. That proposal is all the more unrealistic since world public opinion, having acquired an increasingly greater understanding of the realities prevailing in Kampuchea, has become more reluctant with every passing day to support the Pol-Pot-Ieng Sary clique and is more and more in favour of the People's Revolutionary Council of Kampuchea.

79. Who—so-called Democratic Kampuchea or the People's Republic of Kampuchea—is entitled to represent Kampuchea at the United Nations, in conformity with the principles and provisions of the Charter?

80. A small number of people in political circles seek unashamedly to preserve at all costs the seat of Kampuchea for the Pol Pot-Ieng Sary criminals who were ousted by the Kampuchean people on 7 January 1979. Among them are leaders in Peking, Washington and Tokyo and certain members of ASEAN. Although supporting the Pol Pot clique, all those countries, with the exception of Peking, have publicly condemned it. On the other hand, many countries strongly support the candidature of the People's Revolutionary Council of Kampuchea and are firmly convinced of the soundness of their position, which is fully in conformity with the precepts of justice and international law.

81. However, the great majority of the delegations here perhaps find themselves confronted by a great dilemma. Are they to choose the Pol Pot-Ieng Sary clique? By international law, the presence of that clique in the United Nations is quite unjustifiable from every point of view. That clique is infamously illegal for many reasons.

82. First, that clique must answer for the horrible crimes of genocide for which it was tried and sentenced to death by the People's Revolutionary Tribunal in Phnom Penh in accordance with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Since then, more light has been shed on the monstrous record of those criminals; the atrocities committed by them are worse than those of the Nazis themselves. Even today, more than 20 months later, new mass graves are being found and the already long list of their unspeakable crimes is growing longer: 3 million unfortunate Kampucheans exterminated by the most horrible methods of killing, that is to say, nearly half of the total population of Kampuchea. Among them, more than 500,000 Moslems, that is, five sevenths of the Moslem population in Kampuchea, were exterminated.

83. It is easily understandable that in such conditions the well justified indignation of public opinion in the West has brought strong pressure to bear on Governments and has forced one of the Western countries to withdraw its recognition of that clique of criminals. Here in the United States, while voting in favour of that clique as a result of their clear collusion with Peking, the representatives of that country did so "with very long pincers and holding their noses," as stated by an American diplomat. This is a quotation from *The Washington Post* of 17 September 1980.

84. The Reverend Father Theodore Hesburgh, President of Notre Dame University in the United States, founding member of the National Committee on the Kampuchean Crisis, a personality well known in the United Nations and among the American public, stated at a press conference after his return from Kampuchea last July that "no civilized country should recognize the Pol Pot régime since they are murderers and bandits". He added: "Pol Pot should not be admitted anywhere except to gaol." And he said, further: "To seat Pol Pot in the United Nations is tantamount to installing Hitler".

85. While considering a similar case in the report of the Credentials Committee in 1970, the General Assembly rejected the credentials of the representatives of South Africa [*resolution 2636 (XXV)*] precisely because of the policy of *apartheid* of that régime which was in violation of the principles of the Charter and the Universal Declaration of Human Rights.

86. On this point, it is truly regrettable that the representative of Singapore should have deliberately forgotten United Nations history and the work of our Assembly, including its most recent work on this question.

87. Never in the history of the world has there been a State power, except the Pol Pot-Ieng Sary clique, which has systematically exterminated almost half its people. That régime was totally illegal even before it was overthrown—I repeat, even before it was overthrown—because those cutthroats can in no way represent the aspirations and interests of their victims. In fact, they only represent foreign interests which are attempting to achieve the designs of their masters of Peking, that are seeking to turn Kampuchea into a new type of Chinese colony and a spring-board for their hegemonistic policy in South-East Asia.

88. Thus, with respect to this first point, and except for Peking, all—those who reject the Pol Pot clique as well as those who support it—are unanimous in condemning it.

89. It is equally undeniable that, while it was still in power, that régime practised a policy of utter xenophobia. It was Ieng Sary himself who in 1975 brutally expelled all United Nations international organizations then operating in Phnom Penh, and his régime systematically boycotted at that time all international organizations, including the United Nations. It cannot be forgotten that that clique committed inadmissible hostile acts of authentic armed aggression against all of Kampuchea's neighbouring countries, Thailand included. Everyone is well aware of the strong protest voiced by the Thai Government on 31 January 1977 at the attack launched by Pol Pot troops on three Thai villages. I refer to the White Book on the massacre of 28 January 1977, published by the Ministry of Foreign Affairs of Thailand and circulated at the United Nations in March 1977.

90. What is particularly serious is that that clique has made itself the voluntary tool of the war of aggression launched by Peking against Viet Nam on its south-western flank. From the armed attacks unceasingly launched since 1975, it went on to unleash a real war against Viet Nam in April 1977. Large-scale attacks were launched along the length of the frontiers, with incursions deep into Vietnamese territory over a

distance of more than 30 kilometres, posing a direct threat to Ho Chi Minh City which is only 60 kilometres from the border. More serious still, that bellicose clique unilaterally severed diplomatic relations with Viet Nam in December 1977, and has continued systematically to reject all proposals for negotiations put forward by Viet Nam and other countries. Thus, in the first half of 1978, Viet Nam resorted in vain to the good offices of Sri Lanka, then Chairman of the non-aligned movement, and asked for action by the Secretary-General of the United Nations. Subsequently that clique opposed a draft resolution submitted by Viet Nam to the Conference of Ministers for Foreign Affairs of the non-aligned countries, held at Belgrade in July 1978, urging that the Conference call on the two sides to settle the conflict through negotiations.

91. It will be remembered that this clique categorically opposed in November 1978 every action taken by the Security Council aimed at preventing an aggravation of the conflict in the border area between Kampuchea and Viet Nam following the massing of the Pol Pot troops in that area.

92. Together with this arrogant attitude, the Pol Pot-Ieng Sary clique has stubbornly persisted in its war of aggression against Viet Nam for Peking's benefit, perpetrating savage massacres and systematic destruction on Vietnamese territory, which has resulted in tens of thousands of victims over the 1,000-kilometre frontier between Viet Nam and Kampuchea.

93. Such crimes of aggression are irrefutable, in spite of all that has been done by the protectors of the Pol Pot clique to keep them in the dark. Those criminals should be tried and condemned, in conformity with the Nuremberg principles and the basic principles of the Charter of the United Nations.

94. I come now to a third, equally indisputable point. Since January 1979 the Pol Pot-Ieng Sary criminals, overthrown and driven out of Kampuchean territory, have been reduced to a gang of rebels which, supported by an Asian hegemonistic Power, take advantage of "sanctuaries" established on Thai territory and use the unfortunate Kampuchean refugees as hostages and cannon-fodder in their sabotage activities against the Kampuchean people's reconstruction efforts, while creating obstacles to the humanitarian assistance operations undertaken by international organizations. This situation is the root cause of the dangerous tension now prevailing in the border areas between Kampuchea and Thailand. How can anyone seriously call this political corpse a "Government"?

95. So much for the Pol Pot-Ieng Sary clique. Being totally illegal, it cannot meet any of the criteria required for it to represent Kampuchea.

96. What about the current Government in Kampuchea, the People's Revolutionary Council? There are many who affirm that the People's Revolutionary Council is the legitimate and legal representative of the Kampuchean people, while there are some who hesitate to do so on the pretext that the presence of Vietnamese military units in Kampuchea endangers Kampuchea's sovereignty.

97. To elucidate this question, I should like to shed some light on a fundamental point that is poorly known by world public opinion, namely, the Kampuchean

people's uprising in the bleak days when genocide was taking place. Battered to death and threatened by extermination, the Kampuchean people had no alternative but to take up arms to drive out its executioners and defend its own survival and that of the entire nation. If one takes into account the fact that this clique carried out genocide at the instigation of the Peking rulers and a contingent of over 20,000 Chinese advisers, the Kampuchean people has well founded reasons for seeking to overthrow its oppressors. In fact, it can rely on the legitimacy enshrined and repeatedly reaffirmed in a series of resolutions adopted by the General Assembly concerning the peoples' struggle for the exercise of their inalienable right to self-determination. That is the case of the armed struggle of oppressed peoples waged by the South West Africa People's Organization [SWAPO] in Namibia, the Palestine Liberation Organization [PLO] in Palestine, the Zimbabwe Patriotic Front, the African National Congress of South Africa, the Uganda Liberation Front and so on.

98. The uprising began in 1975. At first spontaneous and scattered throughout the country, the process made progress in 1975 and 1976, led to large-scale movements in 1977 and their progressive unification in 1978, giving birth in December 1978 to the United Front for the National Salvation of Kampuchea, which led the Kampuchean people's struggle to a historic victory on 7 January 1979. That uprising had been virtually unknown before the liberation of Kampuchea in view of the fact that communications with foreign countries had been entirely cut off and deliberately kept so by the Pol Pot clique at the time in order to realize quietly and with impunity their sinister designs of genocide, unbeknownst to world public opinion.

99. Therefore, the People's Revolutionary Council of Kampuchea, which was set up after the overthrow of the Pol Pot clique and is an offspring of the United Front for the National Salvation of Kampuchea, derives its legitimacy and legality from the exercise of the Kampuchean people's right to self-determination. That intrinsic legality of the People's Revolutionary Council has been greatly reinforced after 20 months of exercising government authority and managing state affairs throughout the territory of Kampuchea. The remarkable achievements recorded since January 1979 in the gigantic work of reconstruction of a devastated country and restoration of an entire traumatized people provide evident proof of the unanimous support that government enjoys from the Kampuchean people. All of Pol Pot's and Ieng Sary's hide-outs inside the country have been wiped out. Famine has been checked, agricultural production has been vigorously promoted and this year's crop, it is hoped, will be doubled; factories and plantations have resumed their operations; schools, hospitals and pagodas have been reopened. Family units have been reconstituted; freedom to marry, freedom of movement and freedom to work have been restored. Nearly 1 million children go to school; education and medical care will from now on be free of charge. The people's administration has all the affairs of the country well in hand and manages them with efficiency in almost total order and security. On the basis of all these successes, the Constitution of the People's Republic of Kampuchea is being elaborated and it has been

announced that general elections are to be held early in 1981 with a view to allowing the Kampuchean people freely to choose their leaders and return to normal democratic activities.

100. With regard to external relations, the remarkable successes that have been achieved have constantly heightened the prestige of the People's Revolutionary Council of Kampuchea. It is worthy of note that since the overthrow of the old régime the country has been opened to thousands of foreigners from the five continents, of different nationalities, political persuasions and religious beliefs, who have visited Kampuchea and had an on-the-spot view of the realities prevailing in that country.

101. The destruction and ruin left behind by the criminal Pol Pot clique was so massive that one wonders how many future generations of Kampuchians will have to work hard to overcome and eliminate all its consequences. The results achieved in the past 20 months in all fields of national rebirth and reconstruction have been more than encouraging. All international and private organizations, such as UNICEF, the International Committee of the Red Cross, OXFAM and so on, which carried out humanitarian aid missions in Kampuchea, have agreed that the stage of emergency food aid is over and that soon there can be a shift to reconstruction aid.

102. The aforementioned international organizations and specialized agencies of the United Nations have stated explicitly that, thanks to the active and effective co-operation of the People's Revolutionary Council of Kampuchea, they were able to make a successful contribution to the restoration and reconstruction of Kampuchea. Thus we can say that the internal and external situation of the People's Republic of Kampuchea has been fundamentally stabilized. The martyred Kampuchean people continue to rise vigorously from the ruins left behind by the fallen criminal régime.

103. The People's Revolutionary Council is therefore asserting itself as the unquestionable authority exercising effective power over the whole national territory in the name of the entire people of Kampuchea, which is the master of its own destiny. It is this Council and this Council alone that is capable of fulfilling the obligations of a Member State as prescribed in the Charter. It is that Council and that Council alone that is entitled, under the provisions of the Charter, to represent Kampuchea in our Organization.

104. I come now to another aspect of the problem, namely, the presence of Vietnamese troops in Kampuchea, an element which, according to some, constitutes an obstacle to the recognition of the People's Revolutionary Council of Kampuchea.

105. The question that arises is, why are the Vietnamese troops in Kampuchea? Now, the whole world knows that they came in response to an appeal by the Kampuchean people, to assist it in its struggle against the genocidal Pol Pot-Ieng Sary régime. They were there also to exercise their sacred right to self-defence, recognized by the Charter, because their territory had for four years been the victim of armed aggression launched by the Pol Pot clique acting on Peking's orders. As we stated earlier, the war unleashed by that clique against Viet Nam was continuously intensified and became especially threatening

from April 1977 onwards. At first, the Pol Pot aggressors rejected systematically all Vietnamese offers of negotiations and good offices to put an end to the conflict. Then, in late 1978, they sent 19 out of 23 divisions of their troops to the south-western frontier of Viet Nam to carry out a decisive plan of attack in the direction of Ho Chi Minh City, while hundreds of thousands of Chinese troops already massed on the northern border of Viet Nam were prepared to launch a simultaneous attack. The danger of Viet Nam's being crushed between the two arms of a pincer was imminent. Viet Nam had to react in a timely manner to defend its sovereignty and territorial integrity. It had to repel and annihilate the Pol Pot forces of aggression. Which sovereign State would not have acted in the same way in Viet Nam's place? In those tragic times, when genocide was at its peak and when thousands of innocent people were being killed each day, the United Front for the National Salvation of Kampuchea launched a pathetic call for help from all the forces of peace in the world in its declaration of 2 December 1968, and Viet Nam took it upon itself as a duty to come to the rescue of this people threatened with extinction.

106. Viet Nam has done just as did India in 1971 when it came to the help of the people of Bangladesh, or as did Tanzania, which some years ago came to the rescue of the people of Uganda, in keeping with numerous relevant resolutions of the General Assembly adopted in the name of the peoples' right to self-determination.

107. Subsequently, on 18 February 1979, a Treaty of Peace, Friendship and Co-operation was signed between the Socialist Republic of Viet Nam and the People's Republic of Kampuchea, reaffirming the agreement between the two Governments on the economic, political and military assistance provided by Viet Nam to Kampuchea.

108. In addition, this is not the first time that Vietnamese troops happen to be in Kampuchea, as well as in Laos. They have already been there twice in the last three decades, and their presence was made necessary by the need to preserve the militant solidarity of the Indo-Chinese peoples in defence of their freedom and independence against the common enemy—the colonialist and imperialist aggressors—who had turned Indo-China into a single battlefield. It is well known that, once the aggressor had been defeated and victory secured, Viet Nam, in both those instances, immediately withdrew its troops from Kampuchea and Laos in strict respect for the sovereignty and territorial integrity of the two brother countries. These precedents constitute the best guarantee that this time too, as before, the Vietnamese troops, whose presence in Kampuchea is only temporary, will undoubtedly withdraw as soon as the threat from the common enemy has been eliminated, because Viet Nam has never had any territorial ambition with regard to the sister People's Republic of Kampuchea.

109. It is interesting to note that the representatives of those countries that are doing their best to accuse Viet Nam of aggression in Kampuchea happen to be those that waged the most brutal wars of aggression against Viet Nam and other Indo-Chinese countries—namely, the United States of America and the

Peking hegemonists—as well as some of the countries belonging to ASEAN which supported the United States venture in Indo-China, offering that country the military bases necessary for aggression and sending their troops to the Indo-Chinese countries to fight side by side with the aggressors.

110. Our Organization has, first and foremost, to solve the question of the representation of Kampuchea in such a way as to contribute positively to the maintenance of justice and to respect for international law.

111. In the view of my delegation, the least one should do would be to expel without delay from our Organization those who are guilty of genocide, that is, the representatives of the illegal Pol Pot-Ieng Sary clique. To allow this gang of criminals, which is unanimously condemned by the whole of mankind, to be seated in our midst in this Assembly would be tantamount to legalizing the genocide they have committed, in defiance of all the tenets of justice and norms of international law. It would challenge the universal conscience. By accepting the powers of this gang of genocidal criminals, who have been prosecuted by their own people and who find shelter only in unlawful sanctuaries outside their country, the United Nations would be creating for the first time since its founding a scandalous precedent which would undoubtedly damage its prestige as an Organization responsible for the defence of justice and international law.

112. Secondly, when we recall the noble purposes enshrined in Charter of the United Nations to contribute positively to the defence of fundamental human rights and human dignity, there could hardly be any justification for the recognition by the United Nations of the executioners who have trampled underfoot the right to life of 3 million Kampuchians who have been tragically exterminated. Quite to the contrary, justice should be done, so that similar crimes may never again be repeated.

113. Thirdly, as long as the United Nations allows those guilty of genocide to take a seat in its General Assembly, it seriously hampers the efforts of the 4 million surviving Kampuchians to free themselves from their horrible nightmare and to carry out their work of restoration and reconstruction. Such a position on the part of the United Nations would reinforce the Kampuchians' obsessional fear of the return of their executioners.

114. Lastly, with regard to the task of the United Nations to contribute positively to the maintenance of international peace and security, the recognition of the People's Revolutionary Council of Kampuchea by the United Nations would help to create favourable international conditions which would allow the young People's Republic of Kampuchea, which is a strong factor for peace and stability in the region, to carry on successfully the work of normalizing the life of its people and national reconstruction.

115. At the same time, the recognition of the authentic and legal power of the Kampuchean people would put an end to the political fiction of this defunct régime and would prevent the Pol Pot clique, the factor causing the troubles, from perpetrating its crimes against Kampuchea's neighbours.

116. If that political corpse continued to find a place in the United Nations, it would be tantamount to helping Peking to manipulate the Organization in order to continue its criminal sabotage activities against the Kampuchean people and to prolong the dangerous tension along the border between Kampuchea and Thailand. This would gravely hinder the talks between members of ASEAN and Indo-Chinese countries, which have just begun at United Nations Headquarters between the Ministers for Foreign Affairs of Viet Nam and Thailand, with a view to restoring peace and stability in South-East Asia. Those talks are being followed with sympathy and encouragement by the international community and the Secretary-General of the United Nations is making his contribution to them.

117. In conclusion, I should like to appeal to the sense of responsibility and justice of all delegations present, so that at last a judicious solution to the problem of the representation of Kampuchea may be found.

118. Whatever may be the final decision taken by our Assembly with regard to the representation of Kampuchea at the United Nations, the People's Republic of Kampuchea will continue to move forward because for it everything has been clear for 20 months: Pol Pot and Ieng Sary are but shadows of the past.

119. For 21 years the United Nations unjustly refused to restore to the People's Republic of China its rightful seat because of the political manoeuvres of some countries. That was ludicrous and only served to damage the honour of those who took part in it, without being able to reverse the trend of history.

120. It is ironical to note that today it is precisely that victim of 21 years of injustice that is today the most ardent champion of Pol Pot's gang of criminals and supports them in their unjustifiable atrocities.

121. Today our Assembly finds itself again facing a dilemma. The general opinion is that there is unanimous condemnation of the monstrous crimes perpetrated by the Pol Pot clique by both those who support the clique and those who reject it—with the exception of Peking. But opinion is still divided as to the question of the representation of the People's Revolutionary Council of Kampuchea. Therefore it seems to us that the most judicious solution for the present is to leave Kampuchea's seat vacant.

122. Consequently, the delegation of the Socialist Republic of Viet Nam hopes that the representatives at the present Assembly will give a favourable welcome to amendment A/35/L.5, of which Viet Nam is a sponsor, to the draft resolution recommended by the Credentials Committee.

123. In my delegation's view, Kampuchea's seat must be restored to the People's Revolutionary Council of Kampuchea. At least, until justice is done and the legitimate rights of that heroic people are restored, let the outlawed criminals be banished from our Organization.

124. Mr. MISHRA (India): We have before us the first report of the Credentials Committee and an amendment to that report sponsored by the delegation of India, among others. As is known, the Government of India has accorded recognition to the Government of the People's Republic of Kampuchea in Phnom Penh.

In accordance with that decision, my delegation considers that it is legitimate, fitting and proper for the Government of the People's Republic of Kampuchea to assume the seat of Kampuchea at the present session of the General Assembly. Since, however, a large number of delegations still hesitate to take that stand, my delegation is prepared for the moment merely to disapprove the credentials of the delegation of the so-called Democratic Kampuchea.

125. Less than six years ago a delegation said that the position of its Government on the representation of the Government of Cambodia at the United Nations was based on historical facts, the actual situation on the ground and its firm adherence to the principle of non-interference in the internal affairs of a State. It went on to argue that under a recognized rule of international law, the Government in exile had no status in a civil war. In the present case, it is our view that the delegation of Kampuchea which is present here satisfies none of the criteria for representing the people and Government of that country.

126. At this session of the General Assembly we must take decisions which reflect the realities of the situation within Kampuchea. Our efforts should be directed not so much at preserving the technicalities of particular situations as at addressing the actual problems that face the countries of South-East Asia and assisting in the solution of those problems.

127. It is a great irony that, while references are made time and again to the notion of the human rights of peoples and nations, the Assembly continues to be indifferent to the basic right to life of an entire people. It would indeed be a sad travesty of the lofty ideals of the United Nations if it were today to continue to recognize the remnants of a despotic régime as representing its very victims in this Assembly.

128. In the dark hour before the dawn each day, as a Western journalist recently remarked, many Cambodians still listen for the once-forbidden sound of Buddhist temple bells tinkling—the country's most reassuring sign that Pol Pot and his terror have not returned in the night. If we were to maintain the *status quo* in this Assembly, we should be pretending that that name and that terror have never gone away from Kampuchea in the first place.

129. Mr. ZAINAL ABIDIN (Malaysia): At the outset I wish on behalf of our people and Government to express condolences and sympathy to the Government and people of Algeria on the tragedy caused by the devastating earthquake that occurred in the Al Asnam region a few days ago. We share with our brothers in Algeria a deep sense of sorrow and we pray that the bereaved families will be given strength and courage in facing that catastrophe.

130. This year, once again, we are witnessing an attempt by a few Member States to deny another Member State its rightful place in this body. Only last year, at the thirty-fourth session of the General Assembly, we were confronted by a similar move and, after a lengthy debate, we succeeded in clearly pronouncing our views and our decision by endorsing the recommendation contained in the report of the Credentials Committee [resolution 34/2 A]. We thus rejected the move to replace the delegation of Democratic Kampuchea with that of the Heng Samrin régime

and a similar attempt to declare the Kampuchean seat vacant.

131. Our decision was made after lengthy deliberations. Uppermost in our minds then, in the circumstances confronting us, was the vital need to ensure respect for the basic principles of international relations that are deeply entrenched and clearly enunciated in the Charter of the United Nations. The founding Members of this unique institution, after witnessing the untold misery and ravages of the Second World War, underlined a number of international principles and ideals to govern international behaviour to save succeeding generations from the scourge of war. Our Organization and in fact the whole United Nations system and the current world order are based upon the foundation of those sacred principles. To us who cherish them, to most of us who represent small nations of the world, and to us whose resources are limited and required to be put to productive purposes, the choice is clear: no nation should be allowed to enjoy the fruit of aggression, intervention or interference in the internal affairs of another, for if that were allowed or tolerated the world would again be turned to chaos and dissension and the law of the jungle would again prevail among nations.

132. We should therefore not underrate the importance of our present deliberations on the first report of the Credentials Committee to the current session of the General Assembly. The duty of the United Nations is to ensure strict observance of its Charter by Member States, and to promote peace, international stability and the social progress of mankind. It is with those objectives in mind that we should approach the question of the credentials of Democratic Kampuchea today.

133. Events in Kampuchea are seen by us in South-East Asia in a very clear perspective. Since the Second World War the region, in particular the Indo-China area, has really known no peace or stability. It became the victim, consciously or unconsciously, of major-Power rivalry. It has been the area of super-Power conflicts and, in the process, as we all know, untold millions have lost their lives and property. When peace finally prevailed in 1975, our expectation was great. This was the opportunity upon which we could build a region that was stable and prosperous. Unfortunately that expectation was short lived. Little did we realize that those who suffered most during the war would soon, after a few years, mount another war, victimizing a small nation which has neither the capacity nor the resources to defend itself except by waging jungle warfare. Little did we expect that the legal Government of Kampuchea would be swept away and a new régime, a régime more to the liking of the aggressors, would be installed in its place.

134. We in South-East Asia regard the invasion of Kampuchea as a blatant violation of the fundamental principle by which countries of the region could coexist and live in peace and harmony for the common good. We hold that the intervention in Kampuchea by hundreds of thousands of foreign forces contains the seeds of future conflicts which could once again throw our region into a state of turmoil. We see the contravention of that sacred principle as the beginning of the destruction of our hope and aspiration together to build

a region that is truly secure and stable and contributes constructively to world peace and security.

135. There is no doubt that if the aggression of one State against another in South-East Asia were not rejected and condemned forthright and were even tolerated in one way or another, then the world body would be planting the seeds for the genesis of future dissension in our area, in which small countries like ours could no longer feel safe and would always be at the mercy of bigger and more powerful neighbours. Mistrust and suspicion would prevail and the chances of building a region of peace, stability and prosperity would be non-existent.

136. Of course, the world knows of the cruel excesses of the régime of Pol Pot, with its deplorable record on human rights. We have condemned it and we will continue to condemn it. But we are not here in defence of the policy of that régime. We are here to uphold the right of the Kampuchean people to exist as a nation, to ensure that its sovereignty and integrity are respected and to reject any excuse whatsoever that would allow or tolerate any interference or intervention of any kind from outside.

137. The legitimate right of the delegation of Democratic Kampuchea to occupy its seat in this Assembly must continue therefore to be defended and maintained. We upheld its right to do so last year. We cannot, on the basis of the principles we have all cherished, replace it by a delegation of a régime that depends for its existence on the continued and increasing presence of foreign forces which invaded the country. Nor can we take any cognizance of a situation that was brought about through the use of external forces by introducing a formula that would leave the seat vacant, just because we abhorred the evil policy of the Pol Pot régime. To do so would create a precedent that would leave us all exposed. The right to change one delegation for another rests entirely with the Kampuchean people themselves. Until or unless we are satisfied that they can exercise that right, free from domination or coercion from any direction, especially by force from outside, the right of Democratic Kampuchea to its seat in this Assembly must be upheld.

138. At the thirty-fourth session of the General Assembly, resolution 34/22 was adopted by an overwhelmingly positive vote. In no uncertain terms we called *inter alia*

“for the immediate withdrawal of all foreign forces from Kampuchea and... upon all States to refrain from all acts or threats of aggression and all forms of interference in the internal affairs of States in South-East Asia”.

139. Has there been a response to that appeal? Indeed, to this very day the call continues to be ignored. In fact that presence of foreign forces in Kampuchea has increased. We also emphatically resolved last year

“that the people of Kampuchea should be able to choose democratically their own government, without outside interference, subversion or coercion”.

140. Has that exercise been implemented? Indeed, the Heng Samrin régime and its supporters persist in maintaining that the situation in the country is irreversible. We hear reports that some kind of election will be organized in Kampuchea soon. Such an election, with the continued presence of foreign forces in the territory, could never be democratic nor reflect the genuine views and desires of the Kampuchean people.

141. We appealed to all States:

“to refrain from any interference in the internal affairs of Kampuchea in order to enable its people to decide their own future and destiny free from outside interference, subversion or coercion, and to respect scrupulously the sovereignty, territorial integrity and independence of Kampuchea”.

142. Such an appeal was again consistently ignored, as is clear from the increase in and reinforcement of foreign forces in the country.

143. In addition, the flow of starving and hungry Kampuchean people across the border continues unabated. The relevant United Nations agency is continuously seized of this tragedy and has appealed for greater contributions from Member States.

144. It is clear that the situation has not changed since we discussed the issue last year, owing to Viet Nam's continued defiance of and intransigence concerning this important resolution of the General Assembly. The thirty-fifth session of the General Assembly has no other choice therefore than to continue to deny and reject any move to unseat the delegation of Democratic Kampuchea by those who choose to ignore the appeal of this world body and those who wish to use this forum for their selfish ends. At the thirty-fifth session, the General Assembly should once again, as it did last year, accept without amendment the recommendations of the Credentials Committee on this question.

145. The amendment presented by 16 members States is designed solely to dislodge the delegation of Democratic Kampuchea from its seat in the United Nations. If most of us have agreed that the principles of the Charter must be upheld, that no nation should be allowed to enjoy the fruits of aggression, intervention or interference, that peace in South-East Asia could be secured only through the strict observance of those principles by all, then the amendment must be rejected. To do otherwise, or to abstain on the amendment, would constitute an abandonment of the principles which we all cherish and hold sacrosanct. Above all it would harm the cause of South-East Asian regional peace and security in the years ahead.

The meeting rose at 1.15 p.m.