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Thirty-eighth session

SUMMARY RECORD OF THE 28th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 February 1982, at 10 a.m.

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 10.20 a.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued)
(E/CN.4/1477 and Add.1; E/CN.4/1487; E/CN.4/1491; E/CN.4/1498; E/CN.4/1982/3; E/CN.4/1982/6; E/CN.4/1982/7; E/CN.4/1982/9-14; E/CN.4/1982/L.2; E/CN.4/1982/L.16; E/CN.4/1982/L.18; E/CN.4/1982/L.20; E/CN.4/1982/NGO/13)

1. Mr. HOWADI (Observer for Austria) said that, in view of the special responsibility of his country's Federal Minister for Foreign Affairs, Mr. Pahr, as Chairman of the International Conference on Kampuchea, he felt he should comment on draft resolution E/CN.4/1982/L.2, submitted by the representative of the Philippines. His delegation unreservedly supported that draft resolution and appealed once again for practical action to help the people of Kampuchea. Scarcely any progress had been made in that country towards respect for human rights. The occupation by Viet Nam was a flagrant and lasting violation of international law and human rights. The previous régime had indeed been a criminal national dictatorship; but it had been replaced by an illegal foreign domination and the sufferings of the people continued. His delegation had expressed its views on the representativity of the two régimes to the Credentials Committee of the General Assembly. The approach outlined in the Declaration on Kampuchea should be pursued with the participation of all parties in order to remedy the situation and make it possible for free elections to be held in the country.

2. Mr. TABIBI (Observer, World Muslim Congress) said that item 9 was the most important one on the agenda; the right to self-determination with which it was concerned was a fundamental right proclaimed in Article 1, paragraph 2, and Article 55 of the Charter of the United Nations. The exercise of that right over the past 30 years had brought about great changes in the lives of the nations. The Charter had been a source of inspiration for national liberation movements which had eventually achieved their aims, thereby increasing threefold the number of States Members of the United Nations. The struggle for self-determination still however encountered obstacles, particularly in the Middle East and southern Asia, on account of the increasing imbalance of power in the world and the ambitions of various aggressive ideological forces.

3. The Islamic peoples had recently been subjected to all kinds of pressures, in Palestine and Afghanistan in particular. In Palestine, zionism was aggressively pursuing its dream of a Greater Israel, while Afghanistan's sovereignty had been brutally violated by the Soviet Union in 1978, after a long period of neutrality during which treaties of friendship had been signed with all its neighbouring countries, not least with the Soviet Union itself, dating back to the time of Lenin. The unjustifiable aggression by the Soviet Union had forced between three-and-a-half and four million people, twenty per cent of the Afghan population, to seek refuge in Pakistan, Iran and other countries which had received them in an authentic spirit of Islamic solidarity. All Muslims could be proud of the sacrifices of the Afghan people, which reflected the true image of a Muslim nation ready to confront the greatest military power to defend its faith, following the example of the great heroes of Islam.

4. The Foreign Ministers of the Islamic countries, the Non-Aligned Movement, the Commonwealth countries, the United Nations General Assembly and the entire world community had condemned the Soviet intervention in Afghanistan and the violation of the Afghan people's rights. The ink had hardly dried on the so-called "Treaty of friendship, good neighbourliness and co-operation" with the Soviet Union, imposed on the first puppet President of Afghanistan in December 1978, before 100,000 Soviet soldiers equipped with the most sophisticated weaponry had violated the sovereignty of a proud and peaceful nation and subjected its people to daily acts of genocide. Since then the United Nations, and more particularly the Commission on Human Rights, had condemned that intervention and demanded the unconditional withdrawal of the Soviet troops, but the Soviet Union had sent in reinforcements and still more sophisticated squadrons of MIG aircraft. The Soviet Union alleged as its excuse that it was protecting Afghanistan against foreign aggression in conformity with the treaty that had been signed; but it was questionable whether the devastation of Afghan territory by weapons of mass destruction, including biological and chemical weapons, the massacre of tens of thousands of innocent people and the terror which had driven millions to become refugees could be portrayed as acts of friendship. The Afghan people would know how to resist Soviet aggression just as it had been able to resist the British for a century. The Koran referred to many tyrants who had been struck down by divine justice, Pharaoh for instance. The modern Pharaohs likewise would have to face the anger of God.

5. At its two preceding sessions, the Commission had condemned the aggression against Afghanistan; in the interests of peace, justice and human rights, the time had come for it to take still more forceful measures. It should seek an immediate political solution based on the withdrawal of foreign forces, the exercise of the right of the Afghan people to self-determination and respect for the sovereignty and territorial integrity of Afghanistan. If the sovereignty of Afghanistan was not restored, the Commission's work for human rights would be meaningless and become the object of derision. Furthermore, the new Secretary-General should intensify his political contacts to resolve the Afghan crisis, in conformity with General Assembly resolution 36/10. All countries should unite against the forces of evil and aggression.

6. Mr. MAKOTI (Observer, Pan-Africanist Congress of Azania) referred to Commission resolution 14 (XXXVIII) concerning South Africa, and said that, since the resolution was adopted in March 1981, the situation in South Africa had deteriorated still further. The régime in power in that country had embarked upon a flagrant campaign to destabilize the independent Black States of the region (Angola, Mozambique, Seychelles, Zambia and Zimbabwe) and continued to delay the independence of Namibia. The imperialist supporters of the régime continued to give it all the material, moral and spiritual backing it needed. Imperialism wanted to maintain its monopoly of the strategic minerals in the soil of South Africa.

7. In a statement made on the CBS television network on 3 March 1981, the President of the United States of America asked whether the United States could abandon a country that had stood beside it in every war it had fought, and added that it possessed minerals that every country needed. In fact, however, the persons currently in power in South Africa had been interned during the Second World War on account of their pro-Nazi sympathies. The Chairman of PAC, Mr. Pokela, commenting on the President's speech, had stressed that the racist South African Government maintained a colonial régime in Azania and Namibia and that the Bretton Woods agreements had ushered in a totally modern form of colonialism devoted to the

expansion of commercial corporations. Racist South Africa fitted well into that pattern: it had an infrastructure and material resources which gave it the appearance of a stable society, but it maintained that appearance through a machinery of legal, physical and psychological repression which violated all human rights and violently denied to the black people of Azania and Namibia their right to self-determination.

8. In such a situation, international solidarity in the struggle was very important, for the enemy was a powerful one and he had the moral, material and military support of a significant section of the existing world order. The United Nations had proclaimed 1982 to be the International Year of Mobilization for Sanctions against South Africa. The Paris Declaration on sanctions offered a framework for effective international action. He asked the Commission resolutely to support such sanctions which, to date, had always been nullified by the veto of certain major Powers, in particular, as had recently occurred again, the United States of America. It was a well-known fact that the United States of America had vetoed the Security Council resolution concerning the invasion of Angola by South Africa; it had acted in the same way after the annexation by Israel of the occupied Syrian territory of the Golan Heights.

9. South Africa itself did not, however, hesitate to apply severe sanctions against its political opponents whether inside or outside the country. It had recently cut off the supply of petroleum products to Zimbabwe. Within its territory, it had adopted laws concerning banning and banishment orders, curtailing political protests and on detention and interrogation. The most brutal physical and mental tortures were inflicted in implementation of those laws. The people of Azania had become a nation of prisoners, as was illustrated by the conviction of nine activists of the Black Consciousness Movement of Azania by Justice Boshoff at Pretoria in December 1976. That racist Judge, noting that, according to the accused, grave injustices had been committed by Whites against Blacks, concluded that their language was of a nature to encourage hostility and arouse political violence among Blacks. On that basis he delivered his verdict, referring to the 1974 Riotous Assemblies Amendment Act, the 1927 Bantu Administration Act and the 1967 Terrorism Act, which all prohibited the promotion of racial hostility and the endangering of law and order.

10. The banning orders imposed on the political adversaries of the racist régime stemmed from the 1950 Suppression of Communism Act. In a bill recently submitted to the racist South African Parliament, the definition of "Communism" was once again revised. In a television interview beamed to viewers in the United States of America, the former Prime Minister Vorster had maintained that only individuals acting and speaking in favour of Communism were banned. One such banned person, Mr. David de Beer, a lay member of a religious body, received, in answer to a letter he had written asking why he had been banned, the reply that, if he bore in mind the definition of Communism set out in the Act, he should have no difficulty in identifying those aspects of his activities which had given rise to the action taken against him.

11. Those examples confirmed the case for the unconditional release of all political prisoners and the cancellation of all banning and banishment orders. The Commission should focus its attention on the case of the hundreds of political opponents of the racist South African régime held in the Robben Island prison for having taken part in the campaign for national independence and for their opposition to violations of the right to self-determination and human rights. It was the brutalities of the racist régime and its contempt for human rights which had led the various organizations and liberation movements to pursue their struggle, including the recourse to arms. Consequently, all the measures imposed on the adversaries of apartheid should be lifted.

12. On the occasion of the Day of Solidarity with South African and Namibian Political Prisoners, 12 October 1981, the Chairman of PAC, who had himself long been detained on Robben Island, had called for the release of all political prisoners and, in particular of the freedom fighter Zephania Mothopeng.

13. Mr. Mothopeng had been arrested, convicted and imprisoned several times since 1960. He had, with 17 other persons, been tried at Bethal, a small town in East Transvaal, where the South African régime arranged a secret trial under the 1977 Procedure Act. Foreign diplomats and journalists had very limited access to the hearings, which were for the most part held in camera. Mr. Mothopeng had been found guilty of reviving the banned PAC, of sending people abroad for military training with the intention of overthrowing the Government of South Africa and of incitement to riot. Four of the 18 accused had been tortured to death before the trial began and the others, whom he named, were all convicted.

14. Many members of PAC, ANC, SWAPO and BCM were held in South African prisons or had been executed. The international community should express its solidarity with those martyrs and with their armed struggle against the racist régime.

15. Human rights were also violated in other areas, with respect to the ownership of land, for instance. The racist régime maintained that the Whites had initially settled on lands which were peopled only by small tribes of Bushmen and Hottentots, and that the Blacks had arrived later from the north and had settled in what were currently called the "homelands". The people of South Africa were unable to accept such colonial sovereignty over land and rejected the policy of ethnic autonomy. While it was encouraging to see that the ethnic States set up by the racist régime had not been recognized by the international community, the activities of imperialist powers in the regions still gave rise to apprehension. It was to be feared that, in view of the co-operation of the Government of the United States of America with the racist South African régime, some countries might recognize the principle of ethnic autonomy.

16. Imperialist co-operation with South Africa and Israel was based on White racism. Not long after his accession to power, the racist Prime Minister Botha had invited White notables to assist him in stifling the Black revolution and ending the international isolation of South Africa. He had urged that the Marxist drive which aimed at controlling the sub-continent should be fought by all available means. He promised, in return, to introduce the reforms needed to adapt the whole social system to the purposes of the war. The South African Government had begun by strengthening control over the press, imposing a code of conduct under which journalists could be disqualified from their profession. It was obviously aimed at the Black journalists.

17. The Prime Minister had had several new Acts passed to restrict human rights and fundamental freedoms, to place the country under martial law and to supervise every aspect of economic and political life. It was interesting to note that the imperialist supporters of the racist South African régime had had no comments to make upon those new Acts.

18. It was the duty of the international community to remove the obstacles to the right to self-determination in Azania and to assist in establishing the conditions for its exercise, in accordance with the principles of solidarity, interdependence, international justice and collective responsibility, i.e., the basic purposes of the Charter.

19. Mr. AL-QUTAISH (Observer for Democratic Yemen) said that the question of human rights in the occupied Arab territories, including Palestine, that of the violations of human rights in South Africa and the problem of Namibia had a common origin in the discriminatory and fascist policies of the Pretoria racists and the Israeli Zionists. The three peoples which were the victims of those policies were struggling for their freedom against a common enemy, supported by the same Western countries. At its previous session, the Commission had rightly decided to give priority to those questions, since the right of self-determination was a prerequisite for the other human rights and for political independence.

20. Israel could not indefinitely halt the march of history and hope to eliminate the Palestinian nation. The allies of Israel should also recognize that the Palestinian people was fighting for its national rights. There would be no solution in the Middle East until the Palestinian people was allowed to exercise its rights, including the right to return to its homeland and to create its own State in Palestine. That was precisely what had been pointed out by the Committee on the Exercise of the Inalienable Rights of the Palestinian People in its report (A/36/35, para. 50). The Committee had also observed that attempts had been made to proceed with negotiations which ran counter to the Palestinian people's right to attain self-determination and independence under the leadership of its only authentic representative, the Palestine Liberation Organization. In his view, such attempts could not bring about a solution. They included, in particular, the Camp David agreements, which were intended to deprive the Palestinian people of the rights that had been recognized, as theirs, particularly by the General Assembly in its resolution 3236 (XXIX).

21. All those who had suffered from colonialism understood the aspiration of the peoples to freedom. That was the case with Democratic Yemen, whose people had not hesitated to sacrifice themselves to obtain its independence and freedom. It was necessary to make a clear distinction between terrorism and the legitimate struggle for national self-determination and freedom. General Assembly resolution 1514 (XV) should be implemented and the colonial States should be prevented from continuing to deprive peoples of their independence.

22. The continuing occupation of Namibia by South Africa showed that colonialism was being perpetuated in that area, with the assistance of certain major Powers which placed their economic and strategic interests above the sufferings of the population. The international community could no longer content itself with condemning the illegal occupation of Namibia, the exploitation of its labour and its resources, the murder of Namibian patriots and the inhuman intimidation of its

population. It could no longer content itself with stating its concern about acts of racist aggression against independent front-line States. It should oppose any co-operation which might encourage South Africa in its policy.

23. The United Nations would continue to be responsible for Namibia so long as that country was not independent. It was clear that Pretoria wanted to transfer power to certain puppet groups so as to continue to dominate Namibia with the support of the transnational economic interests which were exploiting that country in spite of the resolutions of the United Nations. It was just as clear that the United States Government was opposed to the peoples which were struggling for their independence and for that reason was refusing to recognize the liberation movements. The truth was that South Africa was just a bridgehead of imperialist exploitation, in which the multinational and transnational enterprises were participating. For that reason, the member States of the so-called Western Contact Group were reluctant to bring pressure to bear on South Africa. The Namibian people was therefore faced with an imperialist plot aimed at imposing upon it a colonialist solution and preserving the political, economic and military interests of certain countries.

24. His delegation proclaimed its solidarity with the South African and Namibian peoples which were struggling for their freedom. The only solution was to impose on South Africa the sanctions provided for in Chapter VII of the Charter.

25. His country also proclaimed its solidarity with the struggle of the Puerto Rican people.

26. The people of Western Sahara had also been struggling for years under the leadership of its liberation movement, the Polisario Front, to vindicate its rights over the former territory of Spanish Sahara. It enjoyed the unreserved support of the United Nations, the Organization of African Unity, non-aligned States and the entire international community, as testified by the numerous resolutions adopted since 1975. Democratic Yemen had welcomed with satisfaction the proposals made at the eighteenth African Summit Meeting at Nairobi with regard to the right of the Saharan people to self-determination, as well as the decision by OAU to hold a referendum in Western Sahara. Unfortunately, the proposed settlements had been frustrated by a lack of political will and by differences of interpretation. It was certain that the manoeuvres carried out by the United States with a view to acquiring new base facilities for combating national liberation movements everywhere were not making the solution to the problem any easier. It was essential that the right of the Saharan people to self-determination should be acknowledged so that peace could be restored to that region.

27. Mr. VO ANH TUAN (Observer for Viet Nam) said that, since the end of the Second World War, colonial empires had collapsed one after the other and dozens of independent countries had made their appearance in all parts of the world. It was regrettable, however, that the vestiges of colonialism continued to persist in many areas and that more and more crafty manoeuvres were being made to subjugate once again the peoples which had recently been freed from the colonial yoke.

28. The colonialist and imperialist forces, led by the United States, did not hesitate to use any means to regain their lost positions. They were allied with the hegemonist expansionists and were providing support to the racist régimes, especially the Zionist régime and the apartheid régime, to repress the liberation struggle of the peoples of Namibia, South Africa, Palestine, Western Sahara, El Salvador, etc. According to some sources, the United States Government was preparing a massive intervention - in El Salvador and more generally in Central America - the first targets of which would be Cuba, Nicaragua and Grenada. According to the Washington Post of 14 February 1982, there was a secret American plan to create a "political opposition" to the Nicaraguan Government, to strengthen the economic blockade of Cuba and to supply additional aid to the dictatorships of Central America and the Caribbean. Mr. Stoesser, the American Under-Secretary of State, had revealed that military intervention in El Salvador was not ruled out. It was indeed already under way, as testified by the pictures recently shown on American television of American military "advisers" armed with M-16 rifles, like those which had been used in Viet Nam.

29. The United States Government has plunged into the most unbridled arms race and had 500,000 soldiers stationed in its 2,500 military bases and installations throughout the world. Washington was also trying to enlarge its existing bases, find new ones and reopen bases that had been closed. According to the Thai daily newspaper La Nation of 26 December 1981, aircraft of the Seventh American Fleet had been authorized to resume using the Utapao air base in Thailand. In North Africa, the United States was demanding the use of two military bases in Morocco in exchange for aid to that country.

30. The Vietnamese people, which had gained for itself its right to self-determination in a desperate struggle at the cost of millions of victims, supported the war of the peoples for national liberation and free development. At the same time, Viet Nam denounced every imperialist, hegemonist, racist, Zionist and other manoeuvre aimed at opposing that inalienable right of the peoples, at sowing confusion in public opinion and at keeping peoples under domination.

31. Viet Nam warmly supported the heroic struggle of the people of Western Sahara for its independence under the leadership of the Polisario Front. It hoped that the Commission would adopt a resolution that would contribute to the implementation of General Assembly resolution 36/46, asking Morocco and the Polisario Front to negotiate with a view to establishing a cease-fire and concluding a peace agreement so that a referendum could be held in Western Sahara.

32. With regard to the alleged "situation in Afghanistan", his delegation thanked the representative of the Democratic Republic of Afghanistan for having supplied some valuable information and having clearly described his Government's position designed to put an end to the undeclared war against his country and to normalize its relations with the neighbouring countries. Viet Nam vigorously condemned the policy of intervention and aggression of the United States, which was being carried out in collusion with China and with the complicity of their allies, including

Pakistan, against the Democratic Republic of Afghanistan. The Afghan Government's Declaration of 24 August 1981 contained some detailed proposals for a political settlement. It was necessary, first, to normalize Afghanistan's relations with the neighbouring countries and then to make any armed intervention or other interference in Afghanistan's affairs impossible, thereby eliminating the reason for the presence of the limited contingent of Soviet troops in that country. No one could doubt the sincerity and goodwill of the Afghan Government, or its desire to reach a realistic solution.

33. With regard to the so-called question of the "right of self-determination" of the Kampuchean people, his delegation fully supported the Government of the People's Republic of Kampuchea, which was opposed to any consideration by the Commission of matters related to its sovereignty. It would consider any such consideration an intolerable interference in its internal affairs, and would regard any other resolution which might be adopted concerning its country as illegal and without effect.

34. For the information of the members of the Commission who were anxious to defend the Kampuchean people's right of self-determination, his delegation wished to describe the actual situation in that country. Certain delegations, which proclaimed themselves champions of that right, had distorted the facts and in so doing had falsely described the relations between Viet Nam and Kampuchea.

35. For nearly 40 years, Viet Nam, Kampuchea and Laos had been the victims of the policy of aggression and domination of the imperialists and of the Chinese expansionists, who had always regarded the whole of Indo-China as a battlefield, while trying to divide the three countries in order to rule them. In the face of the military superiority of their aggressors, the three peoples had had no other recourse but to unite and to search for genuine allies. That militant solidarity between the peoples of Viet Nam, Laos and Kampuchea had enabled them to break the chains of colonialism, to foil the imperialist aggressors, to oppose the hegemonist and expansionist aims of the great Powers and to recover their independence and sovereignty. The presence of Vietnamese troops in Kampuchea had to be considered from that point of view. As on two preceding occasions, those troops had responded to the appeal of Kampuchean patriots. Moreover, everyone knew that, strictly respecting the rights of the Kampuchean people, the Vietnamese troops had withdrawn from the country in 1954 and 1975.

36. It was obvious that, for the United States and China, the fighting solidarity of the three Indo-Chinese peoples and their military co-operation constituted a major obstacle to their aggressive aims. For its part, China had always regarded South-East Asia as its own zone of influence and natural expansion toward the south and would never regard the three States as independent and sovereign. It had concealed its expansionist aims during the United States' war of aggression, but had let them appear in the light of day after the United States' defeat.

37. In 1975, the Kampuchean people had come under the thumb of the Pol Pot régime, a régime at the service of Peking. With 20,000 Chinese advisers and China's financial and military aid, that régime had mobilized 23 divisions which, in less than four years, had massacred three million persons, including 500,000 Moslems; at the same time, it had started a war of aggression against Viet Nam in 1976, with a view to occupying the entire Vietnamese Mekong Delta, thus facilitating Chinese aggression against Viet Nam from the north.

38. The popular rising which had taken place in 1975 against the bloody Pol Pot régime had, by the end of 1978, brought about the establishment of the National Union Front for the status of Kampuchea, which had led the Kampuchean people to victory in January 1979. In 1978, while thousands of innocent persons were being killed daily in a veritable genocide, the Vietnamese armed forces, responding to the appeal of the National Union Front, had for the third time made it their duty to go to the assistance of that people when it was threatened with extinction.

39. In that connection, he quoted an article from Le Monde diplomatique of December 1981 which stated that the world had been relieved to see the overthrow of a hated régime and that the Vietnamese had carried out a duty which nobody had wanted to assume but that, by playing the Chinese card, the West had prevented a speedy solution of the Kampuchean problem.

40. The three countries of Indo-China were currently confronted with a serious menace. In the north, China was threatening Viet Nam with a second war of aggression. It was occupying the Hoang Sa Archipelago (Paracel Islands), and it had massed near the border an army of 400,000 men who were carrying out acts of provocation and raids. In addition, it was recruiting mercenaries from among the refugees to stir up trouble in Viet Nam and in Laos.

41. The Chinese authorities had rejected the Vietnamese proposal - which had been approved by the Secretary-General of the United Nations - to cease hostilities at the border on the occasion of the traditional New Year's Day (25 January), a fact which once again showed the hostility of the Chinese authorities to Viet Nam.

42. In the south-west, the armed bands of Pol Pot and other Kampuchean reactionaries, who were being equipped by the Chinese and by the diversion of a large part of the international humanitarian aid to refugees, were engaging in subversive activities and acts of sabotage against the Kampuchean people from their "sanctuaries" in Thailand.

43. In addition, there was the secret activity of the United States, which, according to the British journal, War Monthly of September 1981, had organized the Kampuchean Emergency Group, led by Colonel Michael Allen, under the auspices of the United States Ambassador at Bangkok. That group, composed of former senior United States officers who had fought in Indo-China, was responsible, in co-ordination with the Thai Task Force 80, for directing the criminal activities of the Pol Pot bands along the border between Kampuchea and Thailand. It should not be forgotten

either that there were two American military bases in the Philippines and that the Seventh Fleet, whose aircraft were authorized to resume their use of the former American base at Utapao in Thailand, was in the South China Sea.

44. All those elements constituted a permanent danger for the peoples of Kampuchea, Viet Nam and Laos, which were thus prevented from freely exercising their right to decide their own destiny without foreign interference. It was therefore urgently necessary to put an end to the war of aggression and the policies of intervention and subversion of Peking which, in collusion with Washington, was threatening the independence, sovereignty and territorial integrity of those three countries.

45. Concerning the current presence of Vietnamese troops in Kampuchea, he quoted the communiqué of the Fifth Conference of Ministers for Foreign Affairs of the three Indo-Chinese countries, held on 16 and 17 February at Vientiane, according to which that presence was the result of an agreement reached between the Government of the People's Republic of Kampuchea and the Government of the Socialist Republic of Viet Nam with a view to facing up to the hegemonism of China. The withdrawal of those troops was to be decided upon by the two Governments when that threat had disappeared.

46. The Vietnamese troops in Kampuchea were in no way threatening the security of Thailand and the three countries of Indo-China were prepared to study any proposal aimed at stabilizing the situation along the border between Kampuchea and Thailand on the basis of mutual respect for the independence, sovereignty and territorial integrity of each country. They were also willing to consider any question of common interest with Thailand, directly or indirectly, without those contacts being linked to any mutual recognition, whether de facto or de jure of the situation. A partial withdrawal of the Vietnamese troops from Kampuchea could be decided upon in the light of such contacts. Lastly, the three countries of Indo-China once more approved the proposal of the People's Republic of Kampuchea concerning the establishment of a demilitarized zone under international control between Kampuchea and Thailand.

47. To demand the immediate withdrawal of the Vietnamese troops from Kampuchea would be tantamount to ignoring the situation and leaving the field open to China and the United States, which, with the complicity of certain ASEAN countries, wanted to reimpose the genocidal Pol Pot régime while preventing the Kampuchean people from defending themselves. That would also amount to recognizing that China was entitled to engage in aggression and intervention against the countries of Indo-China. According to an article published on 13 February 1981 in the Far East Economic Review, which could hardly be accused of pro-Vietnamese sympathies, the Kampucheans themselves hoped that the Vietnamese would remain in Kampuchea as long as there was still a real danger of a return of the bloody régime of the Red Khmers.

48. Since January 1979, the Kampuchean people had regained control over its destiny, and that people, having emerged from the hell of genocide, was experiencing a renaissance. In that connection, he referred the members of the Commission to the telegram addressed to the Secretary-General by the Vice-President of the Council of Ministers and Minister for Foreign Affairs of the People's Republic of Kampuchea (E/CN.4/1982/13) on the subject of the economic and social progress made in Kampuchea during the past three years. Those spectacular improvements were corroborated by a joint communiqué of UNICEF and ICRC of December 1980. The democratic general elections of May 1981 showed the people's confidence in popular power and its determination to reject once and for all Pol Pot and those who had preceded him. The rapid renaissance of the Kampuchean people and the consolidation of the People's Republic were undeniable facts, which put paid to all the allegations of hostile propaganda.

49. His delegation supported the position of the People's Republic of Kampuchea concerning that country's representation in the work of the Commission on Human Rights, as stated in the message of the Vice-President of the Council of Ministers and the Minister for Foreign Affairs dated 27 January. According to that message, it was an insult to international public opinion and a dishonour to the United Nations and the Commission on Human Rights to admit to the current session the criminal representatives - who had been convicted by the People's Court of Phnom Penh - of a Government which had systematically violated the most elementary human rights. Since "Democratic Kampuchea" had neither territory nor population, it represented only a gang of criminals manipulated by expansionists and imperialists to reimpose the genocidal régime on the Kampuchean people.

50. In that connection, his delegation categorically rejected the slanderous allegations on the matter by the delegations of China, the United States, the Philippines, Canada, Pakistan, Japan, Australia and Austria and, as an example, concerning the use of chemical weapons in Kampuchea. It was as ridiculous as it was sinister to see those who had massacred one million Kampucheans under the régime of Long Nol, or were responsible for three million deaths in the time of Pol Pot, shedding tears at the current lot of the Kampucheans who had escaped the carnage. There was no way that the machinations of the United States and China could be whitewashed. One would be entitled to ask all those countries on whose side they had been during the war of aggression of the United States in Viet Nam, in Laos and in Cambodia; to ask them whether they had supported the resistance movements in those countries when they were struggling for their independence and whether they had even once raised their voices against the barbarity of the aggression of the United States in Indo-China.

51. In conclusion, his delegation hoped that the representatives of those Member States which were anxious to defend law and justice would encourage the renaissance of the Kampuchean people and would vote against draft resolution E/CN.4/1982/L.2, introduced by the Philippines, which, under the pretext of respecting the Kampuchean people's right to self-determination, was designed to oppose it.

52. The CHAIRMAN gave the floor to the representative of the German Democratic Republic under rule 69 of the Commission's Rules of Procedure.

53. Mr. FRAMBACH (German Democratic Republic) said that, on a number of occasions his country had already described its position with regard to the right to self-determination of all peoples. Since peace and détente were the most favourable conditions for the liberation of oppressed peoples, his Government was working actively to consolidate the foundations of a peaceful co-operation among peoples and States. The first objective of its foreign policy was to supply assistance to the peoples struggling for their liberation, since that solidarity was a question not of tactics but of principle. Faithful to the revolutionary traditions of the working class movement, his country respected the principle of the sovereignty of peoples and supported their struggles for independence and self-determination. The negotiations which it had carried out over the years in Libya, Angola, Zambia, Mozambique and Ethiopia, as well as the discussions in which it had participated at OAU headquarters testified to the firm bonds which associated it with the struggle of the African peoples. The treaties of friendship and co-operation which it had concluded with Angola, Mozambique, Ethiopia and the People's Democratic Republic of Yemen provided that the signatories undertook to do everything in their power to ensure respect for the Declaration on the Granting of Independence to Colonial Countries and Peoples and reaffirmed the support given by the German Democratic Republic to all peoples struggling for their freedom, independence and sovereignty and for social progress.

54. His Government had already stated its position on the question of Afghanistan on 17 November 1981 during the thirty-sixth session of the General Assembly. It was based on the following principles: every proposal for a constructive settlement had to be consistent with the purposes and principles of the United Nations Charter; the Afghan people was entitled to free itself from the chains of imperialism and colonial oppression and to try to achieve its independence; the Democratic Republic of Afghanistan, which was based on the implementation of the right of the Afghan people to self-determination, was entitled to have its sovereignty recognized and respected; Afghanistan, like any other State, had the right to defend its democratic achievements and its status as a non-aligned country and to receive the support of other States in its struggle against imperialist subversion, aggression and domination. The undeclared war being waged against the Democratic Republic of Afghanistan, as well as all other forms of intervention in its internal affairs, were contrary to international law and should be stopped.

55. The Afghan situation called for negotiations between the Democratic Republic of Afghanistan and the neighbouring States, on the understanding that the Government of the Democratic Republic of Afghanistan was the legitimate representative of the country's interests.

56. The German Democratic Republic had stated its position with regard to the question of Kampuchea at some length on 28 October 1981, during the thirty-sixth session of the General Assembly. His delegation wished to reaffirm that nobody had the right to interfere in the internal affairs of the sovereign State of Kampuchea for the purpose of reimposing a hated régime on its people. It therefore rejected any attempt made under the pretext of neutralization or the withdrawal of foreign troops to disturb the traditional friendship and co-operation prevailing among the three countries of Indo-China.

57. After decades of struggle against imperialism and hegemonism, and then against the régime propped up by foreign Powers, it would be unthinkable that the Pol Pot régime, which was guilty of detestable acts of genocide, should be allowed to return. Any decision which might be adopted by any organization whatsoever concerning the internal affairs of the People's Republic of Kampuchea was to be regarded as null and void.

58. Certain Powers were trying to make the restoration of the hated régime a prerequisite for peace and security in South-East Asia, but it would be a complete waste of time and a dangerous illusion to think that the victory of the imperialist and hegemonist forces would represent any progress towards peace, security and stability in the region. The normalization of political, economic and cultural life, which had been evident in the People's Republic of Kampuchea for three years, posed no threat to the peace, stability and security of Indo-China.

59. Concerning the right to self-determination of the German people mentioned at the previous meeting by the representative of the Federal Republic of Germany, his own delegation did not intend to comment as to whether or not the people of the Federal Republic of Germany had exercised that right. As far as the people of the German Democratic Republic was concerned, it had exercised that right by irrevocably opting for socialism. In that connection, he recapitulated what the Minister for Foreign Affairs of the German Democratic Republic had stated to the General Assembly on 25 September 1981: security in Europe called for a reasonable relationship between the two German States; peaceful co-existence alone could provide the basis therefor; ideas that were unrealistic and incompatible with international law were not helpful to a good-neighbour relationship; on the contrary, they were bound to encourage the partisans of revenge and right-wing extremists to poison the atmosphere and to put obstacles in the way of the normal relationship that was needed.

60. Mr. KIS (Observer for Hungary) said that, in his delegation's view, the right of peoples to self-determination included the right of peoples not only to fight for their freedom but also to choose their social system and where to obtain help and assistance. It was on the basis of that principle and under a valid bilateral treaty concluded with the Soviet Union that the Government of Afghanistan had asked for military and economic assistance from the USSR to defend the achievements of the Afghan revolution and the independence of the country.

61. In his Government's opinion, the People's Republic of Kampuchea was the sole and legitimate representative of the people of Kampuchea. Under the leadership of its lawful Government and thanks to the militant solidarity of the Socialist Republic of Viet Nam, the Kampuchean people was endeavouring to remove the traces left by the horrible crimes of the Pol Pot régime and to revive the social, political and economic life of the country. The Hungarian People's Republic, which maintained close relations with the People's Republic of Kampuchea, was doing its utmost to help the Kampuchean people to establish a peaceful, independent and democratic State, embarked upon the road to socialism. It would do everything in its power to ensure that the People's Republic of Kampuchea was able to occupy its rightful seat in the United Nations.

62. Mr. TE SUN HOA (Observer for Democratic Kampuchea) said that the right of peoples to self-determination was being violated in an increasing number of countries, more particularly in the small countries. That was undoubtedly one of the reasons why the Commission, over the years, had been devoting more and more of its attention and means to that problem.

63. In Kampuchea, the Socialist Republic of Viet Nam was violating the right of the Kampuchean people to self-determination, thus threatening its well-being, its economic and cultural development and its very survival. The international community - particularly the Commission, the Economic and Social Council and the General Assembly - had not failed to condemn the Vietnamese policy of aggression and expansion which was serving the strategic ambitions of the Soviet Union in South-East Asia and to call for its immediate cessation. It was a fact that Viet Nam, through its occupation army of 250,000 men, was engaging in acts of genocide in Kampuchea, was plundering the Khmer economic, social and cultural resources, was starving the population and, worse still, was using banned chemical weapons against it. By resorting to low machinations, it was even going so far as to try to usurp the seat of Democratic Kampuchea in the international community.

64. It was important that the Commission should examine the daily practices by which the aggressor was opposing the will to independence of the Kampuchean people. In that connection, he drew the Commission's attention to six documents which his delegation had submitted to the Commission (E/CN.4/1477 and Add.1, 1487, 1498; E/CN.4/1982/3 and 6), three of which dealt with the use of chemical weapons.

65. Those chemical weapons were produced and supplied by the Government of the Soviet Union to Viet Nam, which was using them in three ways: firing heavy artillery shells containing poison gases; scattering chemicals from the air; and poisoning water sources. Between 1979 and 1980, the target areas had been areas situated in outlying parts of the country far from populated centres; but chemical warfare was currently increasing in scope and the Vietnamese army was attacking built-up areas themselves. Moreover, new methods were being used: Vietnamese agents, operating in markets and rural centres, were spreading deadly substances over foodstuffs; another method consisted of giving false medicines to hospital patients. As a result, in the first 10 months of 1981, 942 persons had died and 157 had been seriously poisoned. The number of victims for the last two months of 1981 had not yet been definitely determined.

66. If the Vietnamese army was using those barbarous and expensive weapons in Kampuchea, although it possessed an impressive arsenal of conventional Soviet weapons, it was because it was hopelessly short of resources in the face of the determination of the Kampuchean people to defend its fatherland and its survival. Since the end of the rainy season in 1981, the Vietnamese army had lost the fighting initiative in the field and had been unable to carry out any large-scale offensive. It had been strategically defeated, while the national army and the guerrilla fighters of Democratic Kampuchea were increasing in numbers and in efficiency. At the political level, the Vietnamese occupying forces had never been able to win over the Kampuchean population. Lastly, at the international level, the world, in full awareness of the situation, was giving active and increasing support to the struggle for national survival waged by the people and the Government of Democratic Kampuchea and was exerting increasingly strong and concerted pressure against Viet Nam to withdraw all its troops from Kampuchea, in conformity with the relevant resolutions of the General Assembly and the Declaration of the International Conference on Kampuchea.

67. His delegation wished to draw the Commission's attention to another aspect of the problem. It was being said that aid should be given to Viet Nam in order to lure it away from Soviet influence and bring it back to the right track. That opinion was not only mistaken but even dangerous. Viet Nam had already received considerable assistance from the international community and, if it still had an urgent need for aid, that was because, instead of using its available resources to rebuild the country, it had mobilized them for the purpose of building an army able to carry out its policy of expansion throughout the whole of South East Asia, beginning with Kampuchea and Laos. Every dollar given to the Vietnamese authorities would make them more arrogant, would further prolong the sufferings of the people under their occupation and would do nothing at all to make them respect the right of peoples to self-determination.

68. Under the leadership of the Government of Democratic Kampuchea, the people of Kampuchea was determined to carry on the struggle for its national liberation to the bitter end. The Commission should strongly support its just cause and solemnly reaffirm that the Kampuchean people, like all the peoples of the world, should exercise its inalienable right to live in freedom and independence, in territorial integrity and safe from all external interference - in other words, to exercise its right to self-determination. It should condemn Viet Nam for continuing its war of aggression and for using chemical weapons, as well as for its refusal to implement the relevant resolutions of the General Assembly. It should reiterate its appeal for the immediate withdrawal of all Vietnamese forces from Kampuchea.

69. Mr. GUNA-KASEM (Observer for Thailand) said that he was deeply concerned at the violation of human rights in Kampuchea, including the right to self-determination. The continuation of the illegal foreign occupation in Kampuchea and the employment of chemical weapons were seriously threatening international peace and security, the more so because the occupying forces were engaging in deliberate acts of aggression and intimidation against neighbouring countries, including Thailand. Moreover, the situation was giving rise to an outflow of refugees, unprecedented in the history of South-East Asia, thus placing an additional burden on the countries of first asylum and on the international community as a whole. The aggressors had even gone so far as to divert international food aid intended for the starving citizens of Kampuchea and to commit sacrilegious acts against the cultural treasures of Kampuchea, such as the temple of Angkor Vat.

70. In the face of that situation, his Government had adopted a consistent policy based on humanitarian considerations and on the need to safeguard the country's national security and legitimate national interests. The countries members of the

Association of South East Asian Nations (ASEAN) hoped that peace would be restored in an independent and neutral Kampuchea freed from foreign domination. Consequently, they were gratified by the holding of the International Conference on Kampuchea, which represented a significant step forward in the search for an over-all political solution to the Kampuchea problem which would encourage peace and stability in South-East Asia. All foreign forces should immediately be withdrawn from Kampuchea so that the Kampuchean could exercise their right to self-determination in free elections under the supervision of the United Nations. For that reason, his delegation had become a sponsor of draft resolution E/CN.4/1982/L.2.

71. The situation in Afghanistan, which was threatening international peace and security, was another example of the violation of the fundamental right to self-determination. The military invasion of that country by a super-Power was a clear violation of the basic principles of international law, particularly those of non-interference in a State's internal affairs and of the prohibition of the use of force in international relations. It was deplorable that the USSR, instead of heeding the appeals made to it by the international community to withdraw its troops from Afghanistan and allow the Afghan people to determine its future free from foreign intervention or coercion of any kind, had increased the numbers of its occupation forces. It was in response to that situation that his delegation had become a sponsor of draft resolution E/CN.4/1982/L.16.

The meeting rose at 1.5 p.m.