



President: Mr. Imre HOLLAI (Hungary).

### AGENDA ITEM 3

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

(b) Report of the Credentials Committee

1. Mr. NATORF (Poland): At the thirty-sixth session, speaking in explanation of vote at the 4th meeting after the vote concerning the amendment to the report of the Credentials Committee, the representative of Poland said that an injustice had been done to the People's Republic of Kampuchea and, indeed, to the cause of the United Nations.

2. This should not happen again. The United Nations should not again fail in its political and moral obligations. The situation, in which the credentials of individuals who are connected with the overthrown genocidal régime are accepted while the only legitimate and authentic representative of the Kampuchean people has been denied its rightful place in this Hall, should not be repeated.

3. These individuals represent nobody but themselves—the inhuman, discredited clique which is responsible for the mass murders carried out against its own people. There should be no place for them among the Members of the United Nations. Their presence in the United Nations chambers is an arrogant challenge to the principles of the Charter of the United Nations, visible evidence of support rendered to those individuals by certain Member States pursuing a policy directed against the interests of the peoples of South-East Asia, and an insult to the memory of the millions of victims of the Pol Pot régime.

4. The Government of the People's Republic of Kampuchea is the sole legitimate and true representative of the Kampuchean people. This is the Government that was formed by the National Assembly established as a direct result of national elections held in 1981, in accordance with the country's Constitution. This Government exercises authority over the whole territory of Kampuchea. Its policy is devoted to the speediest possible reconstruction and development of the national economy, education and culture. Its achievements in all fields of national life need not be emphasized. They are well known by all those who want to know the truth about this reborn country, which has been brought back to life from the brink of the abyss and the verge of annihilation at the hands of the Pol Pot-Ieng Sary clique.

5. The Government of the People's Republic of Kampuchea pursues a foreign policy based on the

principles of sovereignty, territorial integrity, non-interference in the internal affairs of others, equality, stability and peace. This policy is well reflected in the international activities it carries out in the interest of strengthening peace and developing friendly relations with all the countries of the region regardless of their political, economic and social systems.

6. My delegation once again firmly supports the legitimate representation of the people and Government of the People's Republic of Kampuchea, which has a full right to the seat in the General Assembly. Unfortunately, once again the Credentials Committee has submitted a recommendation that totally disregards the real situation, ignores the relevant provisions of international law and neglects the obvious facts.

7. The new coalition dress of the Pol Pot régime, which was custom-tailored in foreign places, should not be regarded by the United Nations as anything other than a suit of camouflage. It should not mislead anybody. Consequently, my delegation will vote in favour of the amendment submitted [A/37/L.8 and Add.1] since we cannot accept the first report of the Credentials Committee [A/37/543], for the reasons I have given.

8. Mr. RÁCZ (Hungary) (*interpretation from French*): The delegation of Hungary will vote in favour of the amendment submitted. We consider that those who claim to be the representatives of Kampuchea under the name "Democratic Kampuchea" have no place in this Hall. Our sense of justice and morality and, even more, the rules of international law do not permit us to agree that people who, while exercising absolute power in the past, committed one of the most monstrous acts of our time should continue to represent that country in international organizations after having virtually destroyed its civilization and its people. Throughout these past years it has been difficult for us not to give way to our feelings of disgust, loathing and repugnance with respect to those who are guilty of genocide in the strictest sense of the word when they have shamelessly claimed at this rostrum that they are the saviours of the Khmer race, of its culture and of its traditions. Apparently, moral degradation knows no bounds.

9. I need hardly demonstrate here that the phenomenon of the "coalition government" has in no way changed the basic elements of the situation. Countless facts indicate most clearly that it is still the old rulers of the so-called Democratic Kampuchea, ousted from their country in 1979, who are playing a decisive role in this doubtful enterprise. They only needed a more respectable image to conceal their true face from the international community of nations. That patent attempt in itself suffices to gauge the nature of the manoeuvres, of which the United Nations are the witness and to some extent the victims. No one,

including those who allowed themselves to be carried away by the torrent of falsehoods and distortions, thus making themselves accomplices in such acts, should have any illusions about the true motives, or the inescapable outcome of these manoeuvres.

10. It is the Government of the People's Republic of Kampuchea that is the sole and authentic representative of the Khmer people, both in the United Nations and in other international organizations. We believe, however, that the primary task incumbent upon us at present is to remove the usurpers from Kampuchea's seat in the United Nations. It is for this reason that we consider the amendment submitted a step in the right direction.

11. Mr. TROYANOVSKY (Union of Soviet Socialist Republics) (*interpretation from Russian*): In determining our position on the first report of the Credentials Committee, the delegation of the Soviet Union proceeds from the premise that the sole lawful representative of the people of Kampuchea in the United Nations and in other international organizations and forums can only be the Government of the People's Republic of Kampuchea, which is exercising effective control over the whole territory of the country and has the full support of the people of that country. After the overthrow of the Pol Pot régime, which was conducting a policy of genocide against its own people, the process of national rejuvenation in Kampuchea is growing in strength from year to year. General elections to the National Assembly were held in the country on a free and democratic basis. The Constitution has been adopted. The organs of statehood have been formed and are functioning successfully. The changes that have taken place in Kampuchea are irreversible because they are the result of the choice of the Kampuchean people itself.

12. There is increasing recognition of the peace-loving foreign policy of the People's Republic of Kampuchea, which is striving to develop good neighbourly relations with neighbouring countries and to strengthen peace and security in South-East Asia and throughout the world in accordance with the principles of the Charter of the United Nations.

13. The question of the representation of Kampuchea in the United Nations goes beyond the framework of mere formal verification of credentials, inasmuch as the persons acting as representatives of the so-called "Democratic Kampuchea"—but in actual fact of the overthrown Pol Pot régime, which has been cast out by the Kampuchean people—do not represent anyone. Can we agree with the idea that criminals who have been condemned by the Kampuchean people and by world public opinion should be considered as those expressing and representing its interests in our international organization? Of course not. It is the conviction of our delegation, as well as of very many other delegations, that the presence of these persons in the United Nations is a profoundly amoral phenomenon, which is contrary to the law, to the Charter, offends the memory of millions of victims of the Pol Pot genocide, and is an affront to the intelligence and conscience of mankind.

14. The unnaturalness of the representation in the United Nations of the Pol Pot genocide régime is so obvious that its overseas protectors have decided to

conceal this with a new façade, hammering together the so-called "Coalition Government of Democratic Kampuchea" from among the leaders of Pol Pot bands, which are the essential link of this "coalition" to representatives of reactionary Kampuchean emigration. The appearance of the "coalition" introduces nothing new to the question of the representation of Kampuchea in the United Nations and in no measure alters the unlawful character of the presence of the representatives of the Pol Pot clique in the United Nations.

15. The delegation of the Soviet Union wishes once again to emphasize that only the representatives of the People's Republic of Kampuchea can speak on behalf of the Kampuchean people in the United Nations. Only by the allocation of the seat of Kampuchea in the United Nations to the sole lawful representative of the People's Republic of Kampuchea can there be a just solution, in keeping with the aspirations of the Kampuchean people and the requirements of the Charter. No rhetoric can conceal the fact that a vote cast in favour of the Pol Pot personalities, who are trying to represent themselves as a "coalition", is a vote for a policy of genocide, which is something that goes against the conscience of mankind and which has been condemned by the Organization. The delegation of the Soviet Union is firmly opposed to the recognition of the credentials of the delegation of the so-called "Democratic Kampuchea" and supports the amendment to the report of the Credentials Committee which has been presented by a group of States.

16. Mr. ZACHMANN (German Democratic Republic): The fundamental view of the German Democratic Republic with regard to the representation of Kampuchea in the United Nations is well-known and remains unchanged. My delegation unreservedly supports the right of the People's Revolutionary Council to take the seat of Kampuchea in the United Nations.

17. On 17 September 1982, the Minister for Foreign Affairs of the People's Republic of Kampuchea, Mr. Hun Sen, addressed a telegram [A/37/481, annex] to the President of the thirty-seventh session of the General Assembly and to the Secretary-General demanding the restoration of Kampuchea's seat in the United Nations to the People's Republic of Kampuchea, a request which had the full backing of the German Democratic Republic.

18. Laws and facts reaffirm that the Government of the People's Republic of Kampuchea is the sole, authentic and competent representative of Kampuchea. That Government was created as a result of democratic elections, and it firmly and irreversibly holds the reins of power in the country. The People's Republic of Kampuchea is effectively handling all internal and external affairs of the country. The positive contributions made by the People's Republic of Kampuchea towards the strengthening of peace and stability in South-East Asia are particularly appreciated in the German Democratic Republic. Kampuchea's seat in the United Nations belongs to the Government of the People's Republic. Only representatives appointed by that Government are entitled to represent the country in the United Nations. No question whatsoever relating to Kampuchea can be adopted without it or, still less, against it in any international body.

19. The so-called "Coalition Government of Democratic Kampuchea" is merely a farce aimed at concealing the repulsive image of the Pol Pot genocidal clique. For the sake of justice and for the prestige of the United Nations, the General Assembly should unseat the Pol Pot clique. The illegal participation of representatives of the toppled Pol Pot régime in the work of the General Assembly is an insult to the millions of victims of terrorist domination. It is a mockery of the world organization and a violation of the principle of non-interference in the internal affairs of sovereign countries as enshrined in the Charter.

20. For the above reasons the delegation of the German Democratic Republic fully supports the amendment which has been submitted and will cast an affirmative vote on it.

21. Mr. LÓPEZ DEL AMO (Cuba) (*interpretation from Spanish*): For three years now the Government of the People's Republic of Kampuchea has been denied its rightful place in the Organization. This is not the first time that an injustice of this kind has been committed. For over 20 years the seat of the People's Republic of China was usurped by Taiwan. In the case of Kampuchea, a group of genocidal individuals, condemned by the universal human conscience and, first and foremost, by its own people, walk in and out of international organizations without any political, moral or any other kind of authority, arrogating to themselves a right of representation to which they are not entitled either in law or in fact.

22. The supporters of this phantom entity seek now to replace the Pol Pot façade by another called a "Government of National Coalition". However, this cosmetic change has not changed in the slightest the content of the so-called Democratic Kampuchea. This Coalition Government, which presents itself as a successful novelty, is exactly the same as the one that existed about 10 years ago under a different name but with the same persons in it, and which became the most diabolical social experience ever known in our century. The former gaolers, meeting in repugnant unison with their prisoners who survived the massacre, neither represent the Kampuchean people, nor do they exercise any authority over the territory of that country. They are no more and no less than the remnants of a past without a future. My delegation appeals to the sense of responsibility and justice of the States Members of the Organization to put an end to this farce and to restore its rightful place to the true representatives of the Kampuchean people, the people's Government of Kampuchea, open to all its patriotic sons, to all those who love, work for and believe in human dignity and happiness.

23. Mr. TSVETKOV (Bulgaria) (*interpretation from French*): Consideration of the report of the Credentials Committee involves consideration of a problem which is of particular importance, not only for the work of the present session, but also for the prestige of the United Nations. It is a question concerning the representation of Kampuchea at the United Nations, a problem which, for the fourth consecutive year, is being left without any just solution. Unfortunately, the report of the Committee again contains a conclusion which is as incredible as it is illogical with respect to the approval of the credentials of the alleged repre-

sentatives of an imaginary "Democratic Kampuchea" which has long ceased to exist.

24. The delegation of the People's Republic of Bulgaria categorically states from the very outset that the sole legitimate representative of the people of Kampuchea is the Government of the People's Republic of Kampuchea, and it is those representatives and they alone who have the right to occupy the seat of Kampuchea at the United Nations. This conviction of ours is based first and foremost on a comprehensive analysis of the facts, as well as on the clearly expressed will of the people of Kampuchea, which has already made its choice. In the circumstances, what is proposed in the report of the Credentials Committee is completely in contradiction with international law and the purposes and principles of the Organization. It is clear that the obligations of Member States cannot be fulfilled except by Governments which effectively possess powers for that purpose; and therefore the objective criterion for the recognition of certain credentials of certain Governments by the United Nations is their effectiveness and not through a subjective approach to their legitimacy. It is unquestionable that the Government at Phnom Penh does exercise effective control over the whole of the territory and the whole of the population. It is not the incursions of the armed bands of Pol Pot which can alter this state of affairs, because the Kampuchean people has already firmly embarked upon the course of its economic and social reconstruction. For more than a year now all the legislative organs constituted as a result of free and democratic elections, have been operating in Kampuchea, and in particular the National Assembly, which has adopted the Constitution of the country and has formed a Government.

25. What is proposed at present in the report of the Credentials Committee, that is, approving the credentials of the so-called "Coalition Government", is merely an attempt to present the erstwhile criminals of the Pol Pot clique under a new label. The months which have elapsed since the formation of the so-called "Coalition Government" have shown that this tripartite alliance which is labelled "Government" has no authority or support in Kampuchea. There is no doubt, as far as we are concerned, that its formation, inspired and financed by external forces well known to all, as a matter of fact, was designed to achieve brutal interference in the domestic affairs of Kampuchea and to mask and veil the bloody Pol Pot clique from the eyes of the world.

26. World public opinion and the Organization must not let themselves be deceived by the new machinations of those forces. To support the so-called "Coalition Government" would be tantamount to supporting the criminal Pol Pot clique and encouraging the attempts to push Kampuchea back to the period of bloody genocide. To support Pol Pot, masked or otherwise, is not only to damage the prestige of the Organization but also flagrantly to contradict the purposes and principles of the Charter. Such actions are also contrary to the objective realities as well as the profound aspirations of the peoples of the region. The United Nations, in accordance with its Charter, can and must resist those attempts. It must contribute to strengthening peace and stability in South-East Asia, while preventing the Pol Pot clique, however

disguised, from continuing unlawfully to occupy a seat at the United Nations. For those reasons the Bulgarian delegation will vote in favour of the amendment to the report of the Credentials Committee.

27. Mr. NARKHUU (Mongolia) (*interpretation from Russian*): The position of the Government of the Mongolian People's Republic on the question of the representation of Kampuchea has frequently been stated here. A number of years have elapsed since the Kampuchean people, having overthrown the bloody Pol Pot régime, established its People's Republic of Kampuchea. That was an historic change in the country's life. It is profoundly to be regretted that that historic change has so far not been reflected in the country's representation at the United Nations. Such an artificial state of affairs does harm to the authority of the Organization.

28. The Mongolian delegation believes that the presence at the United Nations of a group of persons *de facto* usurping the right to represent the Kampuchean people radically contradicts the spirit and principles of the Charter. Their presence is totally unlawful, because neither legally nor in terms of statehood is there any so-called "Democratic Kampuchea". The presence in the United Nations of those persons is highly immoral, because it desecrates the memory of more than 3 million Kampuchean annihilation victims by the genocidal Pol Pot régime.

29. The political farce recently played out in the establishment of the so-called "Coalition Government" of Democratic Kampuchea in no way alters the unlawful nature of the presence at the United Nations of persons who have betrayed the fundamental interests of Kampuchea's people. Everybody knows that that coalition, which is headed by agents of Pol Pot, has no support whatsoever from the Kampuchean people, but is merely a façade for the attempts of hostile forces to prevent the building of a new life for the people of Kampuchea and the restoration of peace and stability in South-East Asia.

30. The Mongolian delegation considers that the sole legitimate representative of Kampuchea at the United Nations can and must be the Government of the People's Republic of Kampuchea, since it has total control over the whole country. The Mongolian delegation fully supports the position of the People's Republic of Kampuchea as set out in the telegram sent by that country's Minister for Foreign Affairs, Hun Sen, to the President of the General Assembly and the Secretary-General on 17 September this year. We also subscribe to the basic views of the International Association of Democratic Lawyers, contained in its memorandum dated 15 September 1982 [A/37/549, annex] on the representation of Kampuchea in the General Assembly. We are convinced that the decision to give Kampuchea's seat to its lawful representative, the Government of the People's Republic of Kampuchea, would be the only one that was just and in accordance with the will of the Kampuchean people and the requirements of the Charter. On that basis, our delegation fully supports the amendment submitted and will vote in favour of it.

31. Mr. KRISHNAN (India): My delegation has two observations to make with regard to the report of the Credentials Committee. First, the General Assembly

has before it document A/37/L.8 and Add.1, containing an amendment to the draft resolution recommended by the Credentials Committee. As last year, India is a co-sponsor of the amendment seeking to reject the credentials of the delegation of the so-called "Democratic Kampuchea", a delegation without a capital or a country, allegedly representing a coalition which is none other than the universally discredited and condemned régime of Pol Pot.

32. India recognizes the Government of the People's Republic of Kampuchea in Phnom Penh as the legal and legitimate Government representing the people of Kampuchea. Our recognition of that Government stems from the fact that it has effective authority over all of Kampuchea. It is our conviction that, after the nightmare of human carnage and material devastation suffered by Kampuchea at the hands of the despicable Pol Pot régime, all possible support should be extended to the Government of the People's Republic of Kampuchea in its efforts to rebuild Kampuchea. It is our conviction that such recognition and support could also contribute to the stabilization of the situation in the area.

33. We would have liked the People's Republic of Kampuchea to take its place in the United Nations but since the Organization does not appear to be ready to accept this reality as yet, the least we should do is to reject the credentials of the delegation of the so-called "Democratic Kampuchea".

34. My second observation relates to the letter addressed to the President of the General Assembly by a number of delegations [A/37/563 and Add.1], in which they expressed their reservations on the credentials of the Israeli delegation.

35. We have taken note of those reservations, which are a reflection of the sense of indignation and outrage felt by the overwhelming majority of the States Members of the United Nations and the international community in general over the continued defiant refusal by Israel to comply with United Nations resolutions, in violation of its Charter obligations. It is also a reflection of the feeling of horror and revulsion of the international community over the brutal aggression by Israel against Lebanon and the Palestinians and the genocidal massacre perpetrated there.

36. The Government and people of India are deeply shocked by these tragic events. It is our conviction that an even bigger tragedy in West Asia cannot be averted unless the people of Palestine, represented by the Palestine Liberation Organization, are enabled to exercise their right of self-determination and have a State of their own in Palestine, and Israel vacates all Arab territories, including Jerusalem, occupied since 1967. I should like to place on record India's historic and consistent support for the people of Palestine and the Arab cause.

37. Mr. SHELDON (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): The delegation of the Byelorussian SSR, together with many other delegations of States Members of the United Nations, in systematically and firmly striving for an urgent solution to the question of the just representation of Kampuchea in the United Nations, comes out resolutely in favour of the immediate expulsion from the United Nations of persons claiming that they

represent here the so-called "Democratic Kampuchea", which has long since disappeared, like a nightmarish ghost of the Pol Pot hangmen and their bloody administration. The presence here of these persons is an affront and an offence to the memory of millions of Kampuchean people who were put to death by the criminal Pol Pot clique, carrying out merciless genocide against its own people.

38. We have learned with surprise and deep regret that this time again, as the result of the definitely tendentious position of a number of members of the Credentials Committee, we are being offered an absurd recommendation contrary to today's realities. The fruitless political rhetoric which has been spilled out, in a spirit of confrontation, by several speakers in the course of today's discussion cannot gain support for that recommendation or support such a shaky position.

39. Life provides the best answers. The Kampuchean people, having freed itself from the yoke of the Pol Pot clique and cast down the criminal band upon the garbage heap of history, is overcoming the very burdensome consequences of the practices of the genocide régime and progressively establishing a new and happy life. In the People's Republic of Kampuchea, events of great significance for that country have taken place. For the first time in its history the Kampuchean people has elected in general elections genuine representatives of that people to the local organs as well as the highest organ, the National Assembly. At its first session a genuinely democratic Constitution of the People's Republic of Kampuchea was adopted, proclaiming the people to be the genuine master in its own country. A programme of economic and social development for the immediate future has been approved, in accordance with which a process of rehabilitation and further development of the national economy and the reconstitution of education and health facilities and national culture has begun and is already providing concrete results. From the very first days of its formation the People's Republic of Kampuchea has been carrying out a policy of peace, a policy in favour of co-operation and good-neighbourly relations with neighbouring countries, and fulfilling all the obligations provided for in the Charter of the United Nations. It is persistently and consistently acting in favour of the conversion of South-East Asia into a zone of peace and stability.

40. It is precisely all of that which is not to the liking of the well-known foreign forces that are trying to impose their own diktat upon the people of South-East Asia. In continuing their political manoeuvres and machinations and in staging this spectacle of the establishment of the so-called "Coalition Government", consisting of heterogeneous groupings of the Khmer reaction, in the "political shadow theatre" so dear to the hearts of some, they will still be unable to establish a distance between themselves and the criminal Pol Pot hangmen, conceal that relationship or justify the continued interference of the forces of reaction and imperialism in the domestic affairs of the People's Republic of Kampuchea.

41. The seat of Kampuchea in the United Nations and in all other international organizations must belong to the genuine representatives of the Kampuchean people, who have been appointed by the Government of the People's Republic of Kampuchea, which is

carrying out the genuine will of the people of Kampuchea and exercising full authority throughout the territory of the country.

42. The delegation of the Byelorussian SSR fully supports and agrees with the demand contained in the communiqué of the Sixth Conference of the Ministers for Foreign Affairs of the Socialist Republic of Viet Nam, the Lao People's Democratic Republic and the People's Republic of Kampuchea, held in July this year at Ho Chi Minh City, that the United Nations should expel the Pol Pot clique and restore the Kampuchean seat to the People's Republic of Kampuchea, the sole genuine and legal representative of the Kampuchean people [see A/37/334, annex, para. 7].

43. In view of the foregoing, the delegation of the Byelorussian SSR will vote in favour of the amendment which has been submitted.

44. Mr. GARCÍA MORENO (Colombia) (*interpretation from Spanish*): In document A/37/543, which is now before us for consideration, the Credentials Committee recommends to the General Assembly that it accept the credentials of the delegations mentioned therein, among them those of the representatives of Democratic Kampuchea.

45. My delegation has always felt that it was within the competence of the Credentials Committee to verify whether credentials submitted by delegations were in keeping with rule 27 of the General Assembly's rules of procedure. Its task, therefore, is strictly technical and juridical and bound by the principle of objectivity and impartiality.

46. On the basis of that criterion, the credentials of the representatives of Democratic Kampuchea were considered and found to be in order by the Committee. Hence, my delegation supports the recommendation of the Credentials Committee and opposes the proposed amendment.

47. The international community has spared no effort in embarking on the search for a peaceful and lasting solution that can bring the people of South-East Asia the peace, stability and prosperity to which they so aspire. These endeavours and that solution should be based upon the fundamental principles laid down in the Charter of the United Nations, in connection with which the Assembly has already spoken out repeatedly, in particular with regard to respect for the sovereignty, independence and territorial integrity of all States, non-interference in the internal affairs of States, non-use of force in international relations, respect for the self-determination of peoples, peaceful settlement of disputes and, in the specific case of Kampuchea the withdrawal from its territory of all foreign troops.

48. A vote against the credentials of Democratic Kampuchea would give the force of legality to an act of aggression and invasion that my delegation, like those of many other countries, has rejected. For that reason my delegation will vote in favour of the report of the Credentials Committee, thus preserving the basic principles of the Charter of the United Nations.

49. Mr. KAMANDA WA KAMANDA (Zaire) (*interpretation from French*): The closer we come to the twenty-first century, the more it seems—as an eminent contemporary thinker put it—that the triple zeros of the year 2000 that we are approaching enunciate three

times nothing. The words, ideas and political philosophies through which we view the world seem to be creating a screen between that world and ourselves. We no longer know what is happening to us, we no longer know how to see, know and understand or how and in whom to believe, and, over and above everything else, we no longer know what to do.

50. It is also true, however, that the nearer we come to the year 2000 the more the three ovoids of the third millenium seem to symbolize a new universe. That is why we stress strict respect for the principles of the Charter of the United Nations in order urgently to proceed with the revision of the 2000.

51. With respect to the credentials of Democratic Kampuchea, the General Assembly has been debating this question since its thirty-fourth session, held in 1979. From that session through the thirty-sixth, the Credentials Committee has consistently recommended validation of the credentials of Democratic Kampuchea, and the Assembly has always voted to adopt that recommendation. In effect, Democratic Kampuchea is a State Member of the United Nations, and today, as in the past, after having listened carefully to all the statements that have been made, I do not think I have heard a single valid or convincing argument, either in terms of law or in terms of politics, for depriving that country of its right to take its seat in the United Nations.

52. To be sure, each Government can at any given time in its life encounter this or that domestic problem. Democratic Kampuchea is not unique in this respect. Quite clearly, however, that cannot be a valid reason for that Government's being overthrown by foreign military intervention or for depriving it of its right to membership in the Organization.

53. We wish therefore to congratulate the Credentials Committee for having continued to uphold this wise tradition and for its recommendation in paragraph 25 of its report, which is in keeping with rule 27 of the rules of procedure of the General Assembly. Indeed, to refuse to accept the credentials of Democratic Kampuchea would be tantamount to legalizing and legitimizing the foreign intervention against Democratic Kampuchea, which set up the occupation régime in Phnom Penh, supported by a foreign army of almost 200,000 men.

54. A rejection of the credentials of Democratic Kampuchea would be contrary to the earlier decisions taken by the Assembly. We know that the underlying circumstances that guided the Assembly's earlier decisions still prevail. There is therefore no reason to alter those decisions. It is a question of reaffirming our attachment to the principles of the Charter of the United Nations, and in particular to the principles of the non-use of force, of non-interference and non-intervention in the domestic affairs of States, of respect for the territorial integrity, political independence—and I emphasize, "political independence"—sovereignty and the right of peoples to self-determination.

55. The invasion of and aggression against Democratic Kampuchea was a gross violation of the Charter and no one can invoke his own turpitude in order to claim a right. If such violations of the Charter were to be accredited here, no States, and especially no

small, weak or medium-sized States, would ever again feel safe. This would mark the beginning of the institutionalization of insecurity and of the right of the stronger in relations between peoples and nations, a right we believe belongs to another age.

56. For those reasons, the delegation of Zaire will vote in favour of the recommendation of the Credentials Committee. We welcome the constitution of the Government of National Union of Democratic Kampuchea, presided over by His Highness Prince Norodom Sihanouk, an eminent political figure who is internationally recognized and respected and a militant, early champion of the non-aligned movement.

57. Mr. KOH (Singapore): As one of your many friends and admirers in this house, Mr. President, may I begin by expressing to you my great personal pleasure at seeing you occupying your high office and by wishing you a very successful tenure during the thirty-seventh session of the General Assembly.

58. I should like to take a few moments to sum up the debate on the credentials of Democratic Kampuchea, on behalf of the delegations of the Association of South-East Asian Nations [ASEAN].

59. I begin by asking the question: Are the credentials of the delegation of Democratic Kampuchea in compliance with rule 27 of the rules of procedure of the Assembly? According to the first report of the Credentials Committee, the credentials of the delegation of Democratic Kampuchea are in compliance with rule 27.

60. We have before us, however, an amendment the effect of which is to ask the Assembly not to approve the credentials of the delegation of Democratic Kampuchea. What grounds have been adduced by the co-sponsors of that amendment and their supporters? They have adduced four grounds on which to support their case.

61. Permit me to identify the four grounds which have been adduced by the sponsors and supporters of the amendment and to reply briefly to each of those four grounds.

62. According to the first ground, the Assembly should not approve the credentials of the delegation of Democratic Kampuchea because the Government of Democratic Kampuchea was overthrown by the people of that country. My reply to this first argument is that, as a matter of historical record, it is not true that the Government of Democratic Kampuchea was overthrown by its own people. It is a matter of historical fact that on 25 December 1978 Kampuchea was invaded by more than 100,000 Vietnamese troops. This massive armed invasion compelled the Government of Democratic Kampuchea to vacate the capital and to carry out its resistance to the invading force from the countryside.

63. In recent months a very important development has taken place with respect to the Government of Democratic Kampuchea. The important fact is that the Government of Democratic Kampuchea was expanded into a Coalition Government to include all the patriotic elements resisting the occupation of their country by Viet Nam. The Coalition Government now includes Prince Norodom Sihanouk and his followers

as well as the Khmer People's National Liberation Front, under its leader, Prime Minister Son Sann.

64. The sponsors of the amendment have sought to dismiss the Coalition Government as a development of no import or moment. This is not true. The formation of the Coalition Government of Democratic Kampuchea was a turning-point in the struggle of the Cambodian people to restore their country to its status of independence and sovereignty and to rid their country of the occupation forces. Prince Norodom Sihanouk not only is revered at home but is a man who commands respect and a following in the international community. Prime Minister Son Sann is known by his people to be a man of integrity and competence. We, the countries of ASEAN, are confident that the Coalition Government of Democratic Kampuchea will endure and that it will broaden the support for the struggle of the people of Kampuchea against the foreign occupation of their country.

65. The second ground on which the sponsors of the amendment have urged the Assembly not to approve the credentials of Democratic Kampuchea is that there is another Government, namely, the Government of the People's Republic of Kampuchea, which has a better claim to Kampuchea's seat in the United Nations. It is claimed by them that the People's Republic of Kampuchea is in effective control of the entire territory of Kampuchea. It is also claimed by them that in the areas under the control of the Phnom Penh régime social and economic conditions have improved.

66. Above all, it is not true that the whole of the territory of Kampuchea is under the control of the Phnom Penh régime. As Prince Norodom Sihanouk, President of Democratic Kampuchea, informed us at the preceding meeting, the nationalist forces are carrying on their armed struggle against Viet Nam in many different parts of their country.

67. Furthermore, even if it were true that the Phnom Penh régime controlled more territory than the resistance forces, the normal rule under international law of recognizing a Government if it is in effective control of territory is not applicable when that country is under foreign military occupation. I remind the Assembly that during the Second World War many of the countries of Western Europe were occupied by Nazi Germany. The Governments of those countries fled abroad and established themselves in exile. Although the Governments in exile were not in effective control of their territories, they were nevertheless recognized by the rest of the world.

68. It has also been said that in those parts of Kampuchea under the control of Heng Samrin social and economic conditions have improved. My response to this argument is twofold.

69. On the one hand, much of the alleged improvement is due to international humanitarian efforts. The Assembly will remember that during the past two years the international community has channelled aid and assistance of more than \$500 million to rescue the Kampuchean people from famine, from disease and from other forms of deprivation. If social and economic conditions in those parts of the territory of Kampuchea under the occupation of the Heng

Samrin régime have improved, it has been due largely to such international humanitarian efforts.

70. On the other hand, whether or not the social and economic conditions have improved in those areas is not a relevant criterion. Let us consider, for example, the following analogy. The Government of Israel has from time to time alleged that the social and economic conditions of the Arab population in the occupied Arab territories are better today than they were prior to the Israeli occupation of such territories. But surely the fact that the populations in the occupied Arab territories may be better off today than they were before can in no way justify the occupation of those territories by Israel. In the same way, whether or not the social and economic conditions in the areas occupied by Viet Nam have improved is irrelevant.

71. The third ground on which the co-sponsors of the amendment have urged the Assembly not to approve the credentials of Democratic Kampuchea is that the gross and extensive violations of the human rights of the Khmer people committed by the Government of Democratic Kampuchea between 1975 and 1978 disqualify the Government of Democratic Kampuchea from representing Kampuchea at the United Nations.

72. My reply to that argument is as follows. It is not one of the criteria by which the United Nations decides whether to accept or to reject the credentials of a delegation. In the 37-year history of the Organization, the United Nations has never on any occasion decided to reject the credentials of a delegation on the grounds that the Government which issues those credentials has committed gross and extensive violations of the human rights of its people. There is no such criterion in the Charter, in the rules of procedure or in the jurisprudence of the Organization. If the Organization is to adopt a new rule that we will not accept the credentials of a delegation unless the authority issuing those credentials has a satisfactory record in human rights, then let us adopt such a rule and apply it prospectively. There is no reason why we should adopt such a rule and apply it retrospectively in the case of a Government which was a victim of foreign armed aggression. Besides, we must question the sincerity of those who advance this argument, for history tells us that in September 1978, when the United Kingdom proposed a draft resolution in the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Human Rights Commission, calling for an inquiry into alleged violations of human rights in Kampuchea, the only three countries in the Sub-Commission which voted against that draft resolution<sup>1</sup> were the very countries which today are urging us not to accept the credentials of Democratic Kampuchea. This therefore shows that for them respect for human rights is merely a convenient political weapon to be used against their adversaries. For how else can we reconcile the position they took three months before Kampuchea was invaded by Viet Nam and the position they took three months afterwards?

73. The fourth and final ground on which the sponsors of the amendment have urged the Assembly not to accept the credentials of Democratic Kampuchea is that the continued representation of Democratic Kampuchea in the United Nations will undermine the efforts of the countries of the region of South-East

Asia to find a political solution to the conflict in Kampuchea. I want to explain that in the view of the countries of ASEAN this is not the case. The ASEAN countries welcome the ongoing dialogue which we have with Viet Nam. We hope that in the ensuing dialogue our friends in Viet Nam will show a more forthcoming attitude and a genuine desire to negotiate a political settlement of the conflict in Kampuchea.

74. We the ASEAN countries feel that it is essential for us to maintain the representation of Democratic Kampuchea in the United Nations for the following reasons. If Democratic Kampuchea were to lose its seat in the United Nations this would mean that Viet Nam's policy of "might is right", of *fait accompli*, would have prevailed. And, if this policy prevails, then obviously Viet Nam will have no incentive to negotiate with the ASEAN countries on a solution to the conflict in Kampuchea. We must continue to maintain the seat of Democratic Kampuchea in the United Nations in order to put political and diplomatic pressure on Viet Nam, in order to give Viet Nam an incentive to come to the negotiating table and to negotiate an acceptable solution to the conflict in Kampuchea. For this reason the ASEAN countries are of the view that the continued representation of Democratic Kampuchea in the United Nations will in no way undermine the efforts of the countries of my region to find an acceptable political solution to the conflict in Kampuchea. On the contrary, we believe that it is an essential element of that strategy.

75. I should like to conclude by saying that the question of the credentials of Democratic Kampuchea is, of course, important on its own merits. But it is also important because of the underlying issue presented by this. I want to clarify what I consider to be the underlying issue.

76. The defence of the right of Democratic Kampuchea to maintain its seat in the United Nations has become coterminous with the defence of certain fundamental principles of the Charter. It has become coterminous with our defence of the right of a small country to maintain its independence, its sovereignty, its territorial integrity. It has become coterminous with our defence of the principle of the non-use of force in international relations, with the principle of non-interference in the internal affairs of other States. It has become coterminous with the right of small countries to live in freedom and dignity, free from coercion and aggression by their militarily powerful neighbours.

77. For these reasons, I appeal to the Assembly to support us, the ASEAN delegations, by voting against the amendment.

78. Mr. TREIKI (Libyan Arab Jamahiriya) (*interpretation from Arabic*): On behalf of the Group of Arab States, having read the first report of the Credentials Committee, which contains a recommendation on the acceptance of the credentials of a number of delegations, among them the Israeli delegation, I should like to place on record the reservations of the Arab delegations, in addition to those of a number of other delegations, with regard to the acceptance of the credentials of the delegation of the Zionist entity. In doing so we are acting within the framework of the

Charter of the United Nations and with respect for its principles.

79. That artificial entity, which is the fruit of a faulty decision by the United Nations, has never at any time respected any decision of the United Nations, abided by any international norms of behaviour or respected any human rights. In fact, the record of the Zionist entity since its inception, and even before that, has been one of terrorism, murder and expansion; it was the reflection of the overthrow of all international principles and values. History knows no precedent for a record of such arrogance and disregard of all human values. The attitude of that band of Nazi criminals called Israel is without parallel in history. We do not say that carelessly; we say it on the basis of the documents and records of the United Nations and the reality of the thousands of human beings whose blood has been shed, the thousands who have been expelled from their homelands and the thousands who still live under the Fascist Israeli régime in the occupied Arab territories.

80. We have full legal and moral justification for rejecting the credentials of the Zionist delegation. Those legal and moral grounds cannot be fully listed here, but we shall give a few examples.

81. First, the credentials of the Israeli delegation were issued from Jerusalem—Jerusalem, which the United Nations has refused to regard as the capital of Israel.

82. Secondly, the annexation of Holy Jerusalem and the declaration of that city as the eternal capital of Israel, are in contravention of international law and the decisions of the Security Council and the General Assembly. The United Nations refuses to recognize that the Israeli delegation represents the people of Jerusalem.

83. Thirdly, the annexation of a part of the territory of a State Member of the United Nations—namely, the Syrian Golan Heights—is in contravention of international law and the decisions of the Security Council and the General Assembly. The United Nations refuses to recognize that the Israeli delegation represents the Arab inhabitants of the Golan.

84. Fourthly, the General Assembly, at its ninth emergency special session, adopted resolution ES-9/1 of 5 February 1982, which notes that Israel's record and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter.

85. Fifthly, we would like to stress that Israel denies totally the conditions under which it was accepted as a Member of the United Nations, under resolution 273 (III) of 11 May 1949.

86. Sixthly, Israel has refused to implement Security Council resolutions concerning the Palestinian cause, in contravention of Article 25 of the Charter.

87. Seventhly, Israel has refused to implement General Assembly resolutions concerning the Palestinian cause, in contravention of the Charter.

88. Eighthly, Israel has not implemented Security Council resolution 509 (1982) of 6 June 1982, which demands that Israel withdraw all its military forces forthwith and unconditionally to the internationally



recognized boundaries of Lebanon. This contravenes its pledges and commitments under Articles 24 and 25 of the Charter.

89. Ninthly, Israel has committed genocide against Lebanese and Palestinian civilians in Lebanon.

90. Tenthly, Israel has become the apostle of a theory based on Fascist racism. The United Nations, in resolution 3379 (XXX) of 10 November 1975, asserted that Zionism was a form of racial discrimination.

91. Eleventhly, Israel continues flagrantly to violate human rights in the occupied Arab territories and Palestine. It is guilty of false administrative and legislative practices which include in particular the creation of settlements in the occupied Arab territories and in the confiscated territories as well as the settlement of foreigners, who are then armed so that they can carry out acts of violence against the native inhabitants and expel them. Israel has also evicted the original inhabitants, dispersing them, confiscating their goods and depriving them of their properties. It has imposed collective punishment on them. It has tortured them, suppressed their freedom and their religious practices and exploited their natural resources, even going so far as to usurp these, as indicated by the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories [A/37/485]. All these practices are violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949<sup>2</sup> and of the principles of international law.

92. Twelfthly, the Zionist entity has pursued systematically and persistently an aggressive, expansionist, terrorist policy which it justifies sometimes on the pretext of its religious rights and other times on the pretext of its security, which has led it to occupy Arab territory through the use of force—a practice that is rejected in all international relations and also by the United Nations. That entity was not satisfied by aggressive activities against the people in occupied Palestine. It extended its acts of aggression to neighbouring Arab countries, as evidenced by its attack on the Iraq reactor in Baghdad and its continuous acts of aggression against Lebanese sovereignty and territorial integrity, including the invasion and occupation of part of Lebanon, as far as its capital, and the destruction of Lebanese villages, cities and towns. There was also the massacre of Lebanese civilians carried out while committing genocide against the Palestinian civilian inhabitants of Lebanon in order to liquidate the Palestinian cause by the physical liquidation of the Palestinian people as a whole—children, women and the elderly alike.

93. The leaders in those actions are a gang of terrorists and killers, headed by the terrorists Begin, Sharon and Shamir, each of whom has a long record of terrorism and bloodshed. It is indeed ironical that the terrorist Begin, the head of the gang which carried out the massacre of Deir Yassin and who personally undertook the killing of children, should have been awarded the Nobel Peace Prize. That makes it an award for terrorism and killing; and it does no honour to those who have already received the Prize to have Begin among their number. There is ample justification

for withdrawing that award from him after the new massacres in the refugee camps of Sabra and Shatila, and it is necessary to do so, moreover, if that prize is to retain its value and prestige.

94. The record of crimes perpetrated by the Zionist-Fascist Nazi gangs against the United Nations has gone far beyond violations of the Charter and defiance of the decisions of the world body, and includes even the killing of the staff of the United Nations. Yitzhak Shamir, the Foreign Minister of the Zionist entity, personally undertook the murder of Count Bernadotte, the envoy of the United Nations who was entrusted with a mission under a General Assembly resolution concerning the partition of Palestine; this is but one of the crimes.

95. These incessant violations of the Charter and the decisions of the United Nations, as well as international law, would never have continued had it not been for the unlimited support given this Zionist entity by a super-Power that is a permanent member of the Security Council, namely the United States of America.

96. We believe that the hostile United States policy is caused by the fact that American society itself is a victim, like the Arabs, of international Zionism. Zionist organizations intervene in political life in the United States through the Zionist lobby, which uses every immoral method available to control and pressure decision makers in the United States and to make them serve the interests of the Zionist entity even when those interests conflict with the interests of the United States. I would point out to the Assembly that the United States Administration now puts the Zionist entity on one side of the scales and the rest of the world on the other.

97. The terrorism practised by the Zionist lobby inside the United States of America and the domination of this terrible lobby of the information media, constitute a real danger to the liberties and freedom of the American citizen, as well as to human rights within the United States itself. This octopus of terrorism has been embodied in a campaign of distortion which aims at silencing any opposing voices within American society trying to defend their country and people, and as a result many honest people have fallen victim to this octopus. I am thinking in particular of former Vice-President Agnew, General Brown, the former Joint Chief of Staff, and Senator Fulbright, the former head of the Senate Foreign Relations Committee, and thousands of other honourable United States citizens.

98. Unfortunately, Zionist terrorism invokes an outmoded theory, what they term anti-semitism. We, as Arabs, are Semites and we, more than others, are able to understand this. We feel that it is high time for the world to put an end to this terrorism and redefine anti-semitism, because this is in fact the policy that is being practised by Israel to terrorize the Palestinian people and the American people. It is high time for the international community, either through the General Assembly, the Commission on Human Rights, or the International Court of Justice, to adopt legislation preventing Zionists from using this pretext to terrorize people. The perpetration by the Zionists of genocide against the Semite people of Palestine deprives them

of any right to talk in the name of semitism. In fact, it puts them on an equal footing with nazism and fascism.

99. In recent days the world has witnessed an intense campaign, which asserts that the United States Administration is willing to sacrifice the world as a whole, together with the United Nations and the great principles contained in the Charter, for the sake of defending the policy of aggression and expansionism. It is, indeed, a wrong, immoral and unjust policy which disqualifies the United States Administration from being an arbitrator in the Arab-Israeli conflict, as it claims to be, because it is biased.

100. When we denounce the Zionist entity and the blind policy of support of the United States, we are not referring to the American people, who led a pioneer revolution for the sake of liberty, human rights and self-determination, but unfortunately, most unfortunately, to the American Administration, especially the present one, which has become incapable of holding to those principles.

101. We have all witnessed the hysteria and the unbalanced reactions of the officials of the United States Administration concerning the rejection of the credentials of the Israeli representatives. We see threats and blackmail, as if the United States had really become subject to the Zionist entity; this can only constitute an insult to the great American people themselves.

102. The officials of the United States Administration, in justifying this position, said that they believed in the universality of the Organization and the right of all peoples to be represented therein. We wish to ask the United States Administration: Do not the Palestinian people constitute a people like all others? Do they not have the right to be a Member of the United Nations? What logic is there in the presence in the United Nations of a gang that is occupying Palestine, while the Palestinian people themselves do not have the same right? Is this the universality of the Organization?

103. The United States Administration should be the last to talk about the universality of the Organization, especially since for a quarter of a century it prevented the People's Republic of China, with over a quarter of the world's population, from obtaining its seat as a Member of the United Nations. This is the logic of the American Administration in speaking of the universality of the Organization.

104. The threat of the United States of America to withdraw from the United Nations and to discontinue its contributions to the United Nations is indeed evidence that proves the forecast and expectation of the Secretary-General when he prepared his report. It is also further evidence of a need to revise the Charter, because the international community cannot agree to live with threats and blackmail. If the United Nations cannot exist without the presence of a certain State, then it would be better that it should die rather than remain paralysed by threats and blackmail.

105. It is high time seriously to consider the status of any Member proved not to be peace-loving. We should undertake serious action to revise the status of any Member which does not respect the Charter or carry

out its commitments in accordance with the Charter. Because of the aggressive, racist and expansionist nature of the Zionist entity, it is now high time to expel it from the Organization.

106. At this stage I should like, on behalf of the Group of Arab States, to put on record our reservation about the acceptance of the credentials of the delegation of the Zionist entity. These reservations in no way indicate that we have changed our consistent position on Palestine and the Middle East, as well as on the adoption of any suitable measures in future.

107. We shall closely watch the behaviour of the Zionist entity, and we regard these reservations as a warning to it. If it continues its occupation of Lebanon and the other occupied Arab territories and if it continues to refuse to enable the Palestinian people to exercise its right to self-determination and to create an independent State in its homeland, in accordance with United Nations resolutions, it will become necessary in future to adopt a decision to expel it from the United Nations. The Arab group will in future submit an agenda item to this effect if it deems that necessary.

108. On the basis of what I have said about Israeli practices, a number of delegations of countries in solidarity with the Arab group have put on record in writing their reservations on the credentials of the Israeli delegation. These reservations appear in the letter of 22 October 1982 addressed to the President of the General Assembly [A/37/563 and Add.1]. Before reading out the list of those countries, I appeal to other States to put on record their collective reservations. The countries in the aforementioned document are: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, China, Comoros, Cuba, Czechoslovakia, Democratic Yemen, Djibouti, German Democratic Republic, Guinea, Hungary, Indonesia, Iran, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mongolia, Morocco, Nicaragua, Niger, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yemen and Gambia.

109. Mr. RABETAFIKA (Madagascar) (*interpretation from French*): For reasons connected essentially with difficulties of communication between my country and New York, my delegation was unable to subscribe in due time to document A/37/563 of 22 October 1982, containing reservations originally formulated by 43 delegations in connection with the credentials of the representatives of Israel. However, faithful to the consistent policy followed by Madagascar in respect of both the situation in the Middle East and the Palestine question, my delegation states on behalf of its Government that in the present state of affairs it associates itself with the nine-point reservations of the 43 Member States [*ibid.*].

110. We cannot in fact accept that a Member of the United Nations should deliberately and with impunity, flagrantly and continuously, violate the principles of international law and the Charter of the United Nations or that, having been created and admitted into the

United Nations, it should flout all the resolutions adopted by the international community on the question of the Middle East and Palestine. It was in that specific context that my delegation sponsored, with other delegations, the draft resolution that became resolution ES-9/1, adopted by the General Assembly at its ninth emergency special session, in February this year, a resolution which is mentioned in paragraphs 3 and 5 of document A/37/563 and Add.1.

111. Similarly, we have denounced at various levels and in various circumstances the illegal annexation of the occupied Arab and Palestinian territories, including Jerusalem, and Israel's non-observance of the right of the Palestinian people to exercise its inalienable rights.

112. Finally, my delegation recalls that on 19 September last the President of Madagascar addressed to the Secretary-General a message [A/37/465], in which he unequivocally condemned the genocide in Beirut and the role played by the Begin-Sharon clique and advocated the establishment of an international tribunal, like the Nuremberg tribunal, to try those responsible for the genocide.

113. What I have said is not polemics but reflects our attachment to the letter and spirit of the Charter and our desire to have the Organization, and in particular its decisions, respected. It also reflects our commitment *vis-à-vis* the Palestinian people and our solidarity with the Arab peoples and countries victims of Zionist terrorism, aggression and annexation.

114. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): Permit me to quote the following verse from the Koran:

“Make ready for them whatever forces and strings of horses you can to terrify thereby the enemy of God and your enemy and others besides them, those who blackmail you and others besides them that you know not. God knows them. Whatever you spend in the way of Allah shall be repaid to you in full, and you will not be wronged.”

115. In this verse God requires of all Moslems—in fact, of all believers in truth and righteousness—that they stand against tyranny, aggression and injustice. This is God's dictum.

116. Today is a very important day, because after 35 years a serious decision is to be made for the first time. There are excuses, many excuses; there are problems, many problems. Some have to consult their embassies. We believe that. But we also believe that when the principles of faith show the way straight forward there is no room for hesitation. We must not ignore the commands of Allah. I hope that we shall not be allowed to ignore them.

117. My delegation has stated its position in the Assembly with regard to Israel's credentials. We have done so at this session and at other sessions. We regret that this year the Islamic States did not reach a united position on the issue and that as a result they decided simply to explain their reservations about the matter. We shall also explain and declare our reservation, which is simply that we do not approve. We do not believe that a forgery, an illegitimate State, should be here. We know all the compromises, all the patterns of diplomacy, but in spite of all that

we believe that a blatant forgery, a 35-year-old injustice, should no longer be tolerated.

118. Some delegations hope that by next year a more solid basis for consensus on the matter will emerge. We believe the contrary. We believe that by next year there will be further setbacks, further negotiations and further weakness. The number of those who support the issue will be drastically reduced and something worse will probably happen. Such arguments are not beneficial to the cause. Rather, they provide sufficient time for more mischief to be done.

119. In recent days we have heard references to Israel's recognition by some countries, some so-called Islamic countries. Although that has not yet been officially implemented, it seems that if the present trend continues Israel's recognition by a group of Arab States—indeed, one of them has already recognized it—is not far off; it will be only a matter of time.

120. Therefore, by next year the question of Israel's credentials may even become irrelevant. That must not be allowed to happen. All those who believe in the inalienable rights of the Palestinians should fight any attempt to trample upon those rights, even if such attempts are made by some Moslem countries. No one must be allowed to pour cold water on the Palestinian cause, particularly when it is not simply a national cause. It is a religious cause; it is not simply an Arabic cause. This is not a matter of linguistics. It is a religious matter.

121. Regrettably, some States have taken very seriously the American bluff of threatened withdrawal from the General Assembly. We do not believe that the United States would carry out its threat, but we believe that even if it did, just a few Moslem countries could meet the challenge and pay for the deficits that withdrawal of the great Satan might bring to the United Nations.

122. Upon the instructions of my Government, my delegation is presenting the idea here and declaring that we are ready to pay our share—more than our share. A draft to this effect will soon be submitted to other Moslem nations, and I hope that they will support us. I have already been supported by the delegation of Libya.

123. My statement will be very brief. We do not need to go into the rhetorical aspects. We have had enough of them.

124. As for the credentials of Israel, I should like to reiterate something that everybody knows very well. First, Israel is essentially an illegitimate State; it is a forgery of imperialist forces, imposed upon us in the area and upon the United Nations. Secondly, Israel has illegally changed its capital from Tel Aviv to Al-Quds, a sacred place. Thirdly, Israel does not represent the people residing in the territories occupied by the Zionists and then called Israel. Fourthly, the United Nations, at its seventh emergency special session, decided that Israel was not a peace-loving State. And that decision was taken a long time ago, before the carnage in Lebanon. Representatives have heard the painful story of that bloodshed and massacre. Fifthly, Israel has openly and blatantly ignored the Geneva Convention relative to the Protection of

Civilian Persons in Time of War<sup>2</sup> in the occupied territories.

125. We therefore propose the following amendment to the first report of the Credentials Committee [A/37/543]: that the full stop after the word "concerned" in the last line of paragraph 19 be changed to a comma, and that the words "except the credentials of the representatives of Israel" be added. The text would then read:

"Accepts the credentials of the representatives of the Member States concerned, except the credentials of the representatives of Israel."

126. We are told that the challenge of Kampuchea is to be discussed and decided first. If the Assembly wishes to deal with the amendment contained in document A/37/L.8 and Add.1 first, my delegation has no objection. On the instructions of my Government, however, I request a vote on the amendment I have just proposed.

127. I believe that the representatives of many countries are gentlemen of courage and self-respect; I highly respect them, and I believe that having seen what Israel has done during the past year they are in a position to take a decision now.

128. The PRESIDENT: As President, I should like to seek the legal opinion of the Secretariat on the proposal which has just been put forward by the representative of Iran.

129. I call on the representative of Singapore on a point of order.

130. Mr. KOH (Singapore): I have listened very carefully to the statement just made by our colleague from Iran. I want to draw attention to two points that he made in his statement.

131. First, he has proposed an amendment to the first report of the Credentials Committee. It is an important amendment, and I should be very grateful if the normal rule, which requires the distribution of amendments 24 hours before a vote is taken, could be applied in this case. I hope that my colleague from Iran will co-operate with all his colleagues by acceding to this request.

132. Secondly, he said that he would have no objection if, after completion of the debate on the report of the Credentials Committee, the Assembly were to proceed to take a decision on the amendment contained in document A/37/L.8 and Add.1. Naturally, after taking a decision on that proposed amendment, we would be unable to go on to vote on the report of the Credentials Committee until after the Iranian amendment had been distributed and acted upon.

133. The PRESIDENT: That was one of my reasons for seeking the legal advice of the Secretariat.

134. I call on the representative of Thailand on a point of order.

135. Mr. KASEMSRI (Thailand): I simply wish to seek clarification as to why legal advice is necessary at this point. If I understood you correctly, Mr. President, you feel that it is necessary in connection with the 24-hour rule. My delegation has no strong feelings on the 24-hours rule, but simply wishes to proceed with the voting on document A/37/L.8 and Add.1 so as to dispose of it as quickly as possible. We should

then be given time to give the Iranian amendment the consideration it deserves.

136. The PRESIDENT: I should like to make it clear that I am not seeking the legal advice on the 24-hours rule. I want the Assembly to be advised concerning the amendment proposed specifically to paragraph 19 concerning the draft resolution of the Credentials Committee.

137. I call on the representative of the Legal Counsel.

138. Mr. SCOTT (Office of Legal Affairs): Mr. President, I understand that you have requested the advice of the Office of Legal Affairs on the amendment just proposed by the representative of Iran to paragraph 19 of the report of the Credentials Committee.

139. It is the understanding of the Office of Legal Affairs that the representative of Iran has moved that the draft resolution appearing in that paragraph be amended. He has suggested that the operative paragraph conclude with the words "except the credentials of the representatives of Israel".

140. I should like to point out that the draft resolution which appears in paragraph 19 is one internal to the Credentials Committee. It is a resolution which has already been adopted by the Credentials Committee; it is not a recommendation by that Committee to the General Assembly. It is not within the authority of the General Assembly to amend a resolution which has been adopted by another body as part of its own internal procedure. The Assembly can, of course, only amend a draft resolution or recommendation which is put directly to the General Assembly itself.

141. The PRESIDENT: I think that it is clear from that legal opinion that the Assembly cannot amend an internal resolution of the Credentials Committee. Of course, the representative of Iran is entitled to move his amendment, but not, according to the legal opinion, to that part of the report of the Credentials Committee.

142. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): May I correct myself? Paragraph 25 of the report of the Credentials Committee states that "The Credentials Committee recommends to the General Assembly the adoption of the following draft resolution" and this is the recommendation under the heading *Credentials of representatives to the thirty-seventh session of the General Assembly*

*"The General Assembly*

*"Approves the first report of the Credentials Committee."*

143. The amendment can therefore be made here because this is just a recommendation. If the 24-hour rule is a matter of procedural necessity, we have no objection to postponing the voting until tomorrow so that our amendment will have been presented 24 hours before the voting.

144. The PRESIDENT: Rule 78 of the rules of procedure reads as follows:

"Proposals and amendments shall normally be submitted in writing to the Secretary-General, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations

not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day."

145. I think that this is such an important subject that I should seek the advice and consent of the General Assembly. We have heard the representative of Singapore ask, on a point of order, that if the representative of Iran wished to move his amendment he should have it circulated and there should be a delay of 24 hours before the Assembly takes a decision on it. As I hear no objection, we will proceed in that way.

*It was so decided.*

146. Mr. KASEMSRI (Thailand): As I have already said, we have no strong feelings one way or another about the applicability of the 24-hour rule with regard to the amendment proposed by Iran. However, Mr. President, with regard to the next stage of our proceedings this afternoon, I should like to know whether you intend to proceed with the voting.

147. The PRESIDENT: If it is the wish of the Assembly, I am ready to proceed to the voting on the amendment in document A/37/L.8 and Add.1, but this is of course up to the Assembly, because a number of speakers wish to explain their votes before the voting.

148. Mr. KASEMSRI (Thailand): Mr. President, we should be most grateful if you would rule to the effect that the voting can now proceed on the amendment in document A/37/L.8 and Add.1 so that the Assembly can consider that ruling.

149. The PRESIDENT: I believe that we should hear those representatives who wish to explain their votes before the voting on the amendment.

150. Mr. KHAN (Pakistan): I should like to state at the outset that my statement is on the report of the Credentials Committee as a whole and not on the amendment in document A/37/L.8 and Add.1.

151. My delegation wishes to record its formal reservations with regard to the credentials of the delegation representing Afghanistan at the thirty-seventh session of the General Assembly. This position is consistent with Pakistan's position of principle that foreign military intervention which violates the sovereignty, independence and territorial integrity of a country cannot be justified under any pretext or circumstance and that it constitutes a flagrant contravention of the Charter of the United Nations and universally accepted norms of international behaviour. Accordingly, the delegation of Pakistan associates itself with the position reflected in paragraphs 10 and 13 of the first report of the Credentials Committee.

152. My delegation wishes to make it clear that the fact that Pakistan has not raised formal objection to the credentials of the delegation representing Afghanistan should in no way be interpreted as recognition of the régime in Kabul or as acquiescence in the continuing foreign military presence in that country.

153. Mrs. KIRKPATRICK (United States of America): Again this year the United States supports the credentials of Democratic Kampuchea on tech-

nical grounds. Democratic Kampuchea's credentials are clearly in compliance with the General Assembly's rules of procedure. This fact was recognized by the Secretary-General in his memorandum submitted to the Credentials Committee and also by the Credentials Committee, which accepted the Khmer credentials. The General Assembly has also affirmed this at its past three sessions.

154. The United States support for Democratic Kampuchea's credentials is based on the ground that, in the absence of a superior claimant, there is no basis for rejection of Democratic Kampuchea's credentials, which have been accepted since 1975. There is no superior claimant. Certainly the Heng Samrin régime is not a superior claimant. It was created by Viet Nam's invasion of Kampuchea four years ago and is sustained by Viet Nam's occupation force. It is controlled by Vietnamese officials in both Phnom Penh and Haroi. The Viet Nam which would have us reject Democratic Kampuchea's credentials is also, we underscore, the Viet Nam which continues to defy three successive General Assembly resolutions on Kampuchea, as well as the Declaration of the International Conference on Kampuchea,<sup>3</sup> all of which called for the withdrawal of its troops and the end of its occupation of Kampuchea.

155. Support by the United States for the credentials of Democratic Kampuchea does not diminish our concern for human rights violations in Kampuchea, particularly from 1975 to 1978, during the Khmer Rouge rule. The United States has repeatedly spoken against the heinous abuses and gross misrule of the Khmer Rouge and will continue to dissociate itself utterly from those responsible for them. However, this year the United States welcomes the broadened base on which Democratic Kampuchea rests as a result of the formation last June of the Coalition of Democratic Kampuchea. Now, with the inclusion of Prince Norodom Sihanouk as President and Mr. Son Sann as Prime Minister, the Coalition of Democratic Kampuchea is clearly more representative of the Cambodian nation.

156. We welcome the participation of Prince Norodom Sihanouk and Prime Minister Son Sann in the deliberations of the General Assembly. We have been impressed with the response given to this new leadership by the Khmer people, who have an alternative to the grim choice between the Khmer Rouge and a régime imposed by Viet Nam. The inauguration of the Coalition also constitutes a major step in implementing the General Assembly's basic policy for a resolution of the Kampuchean crisis, that embodied in the Declaration of the International Conference on Kampuchea, held in July 1981, and in General Assembly resolutions 34/22, 35/6 and 36/5.

157. On 30 September last, Prince Norodom Sihanouk, in addressing the Assembly put succinctly Kampuchea's plea to the United Nations:

"We ask but restoration of our national sovereignty and our territorial integrity; and once that is achieved, we solemnly commit ourselves to living in perfect peaceful coexistence with all our neighbours—and first amongst them Viet Nam—as with all other countries which respect us, no matter what their political and social systems may be.

Is that an unreasonable demand, an impossible pretension?" [11th meeting, para. 33.]

158. My Government believes it is neither unreasonable nor impossible. It is rather the minimum that this body must support in line with its own past commitments, with the principles of the Charter of the United Nations and with the peace and stability of South-East Asia.
159. Mr. ABADA (Algeria) (*interpretation from French*): As at past sessions, the Algerian delegation will vote in favour of the amendment submitted by the Lao People's Democratic Republic in order to act in line with the position taken at the sixth summit conference of the non-aligned countries on the question of Kampuchea's seat within the movement. In that context, there is no new element that enables my delegation to alter that position.
160. There is therefore no reason for us to change our vote on the credentials of the delegation that occupies the seat of Democratic Kampuchea.
161. Mr. MURARGY (Mozambique): In explanation of vote before the vote, I should like to reiterate my delegation's position and its concern that once again the Credentials Committee has recommended the acceptance of the credentials of the delegation of so-called Democratic Kampuchea.
162. In spite of the grounds put forward by the supporters of that delegation, my delegation continues to wonder how we in the Assembly can accept the credentials of a State that does not fulfil the main conditions necessary for it to be considered a State in accordance with the norms of international law.
163. For that reason, my delegation will vote in favour of the amendment contained in document A/37/L.8 and Add.1.
164. Mr. HERMIDA CASTILLO (Nicaragua) (*interpretation from Spanish*): My delegation will vote in favour of the amendment contained in document A/37/L.8 and Add.1 inasmuch as, following the success of the Sandinist people's revolution and in line with the sixth summit conference of the non-aligned countries, held at Havana in 1979, my country established diplomatic relations with the Government of the People's Republic of Kampuchea, which we regard as the legitimate representative of the Kampuchean people and which should logically be represented in the Assembly.
165. My delegation is deeply concerned by the fact that at a time when the importance of the Organization is being called into question the Assembly should insist on recognizing a fictitious régime whose sole activity consists in creating an image that will facilitate the continuance of that diplomatic fiction.
166. As we see it, we must not only respect the sacred principle of non-interference in the internal affairs of States, but also ensure the viability of the United Nations itself, because its viability is at risk when it recognizes a non-existent State.
167. In any event, we believe that the position taken by the non-aligned movement in declaring vacant the seat of Kampuchea reflects a much wiser decision. We also believe that we should continue to make efforts to achieve a lasting peace in South-East Asia through dialogue and with the participation of all the parties involved.
168. Mr. KOROMA (Sierra Leone): My delegation is constrained to speak on the matter before the Assembly in the light of the position we have maintained since the credentials of Kampuchea first became an issue in the Assembly.
169. Without wishing to delve too much into the past, we must state that we have all been witnesses to the vicissitudes, both internal and external, which have been the fate of Kampuchea and its people in the recent past. Accordingly, my Government's policy on this matter has been guided by its faithfulness to the Charter of the Organization and its principles: *inter alia*, the imprescriptible right of the Kampuchean people to work out their own destiny without let or hindrance, that is, without foreign intervention or domination, and the dignity and worth of the human person.
170. In that regard, my delegation has studied with interest the address delivered to the Assembly by Prince Norodom Sihanouk, whom we believe personifies and reflects the true wishes and aspirations of the Kampuchean people.
171. In his address on 30 September of this year Prince Norodom Sihanouk called for the withdrawal of foreign forces from Kampuchea, to be followed by free elections held under the control of the United Nations, and he stated that once such a withdrawal had been achieved Kampuchea would live in perfectly peaceful coexistence with all its neighbours, foremost among them Viet Nam, with which it would even be prepared to sign a treaty of peace and non-aggression as regards their boundaries and territorial integrity.
172. Given the genesis of this particular dispute, my delegation believes that the proposal that has been put forward by the Prince from this rostrum deserves careful consideration and should be heard by the parties concerned. Thus the sufferings of the Kampuchean people would be minimized and peace and security restored to Kampuchea and throughout South-East Asia. However, my delegation is prepared to wait to allow time for the proposal to be considered, in the hope that the necessary and appropriate response will be forthcoming.
173. Mr. ZARIF (Afghanistan): We are once again considering a report of the Credentials Committee on the credentials of the representatives of so-called Democratic Kampuchea.
174. The views of my Government on the representation of the Kampuchean people in the United Nations are a matter of record. We believe that the sole legitimate and lawful representative of the Kampuchean people is the Government of the People's Republic of Kampuchea. The individuals who still maintain a hold on the seat that belongs to the people of Kampuchea and their authentic representatives are people who represent nobody but themselves.
175. Having been defeated in their colonialist wars of aggression and plots against the Kampuchean people, imperialist and hegemonist factions are now out to retaliate and to take revenge. They are doing everything possible to block the peaceful develop-

ment of that war-torn country. In spite of all the subversive activities and the impediments created by their enemies, the people of Kampuchea have scored remarkable achievements during the past four years of their resurrection. Law and order have been established throughout the country. Agricultural and industrial production has increased steadily. Education and health services have been expanded to respond to the needs of the population. The people have organized themselves in democratic institutions. Free and democratic elections were held in 1981 to elect the National Assembly of the country. A new Constitution has been worked out which guarantees the rights and freedoms of the people. The popular Government has gained the full support of vast sectors of the population. It exercises full sovereignty over the entire territory of Kampuchea and maintains diplomatic relations with a large number of the countries of the world. The national and international prestige of the Government has increased significantly. People have begun to wash from their memories the terrible horrors of the past.

176. The Government of the People's Republic of Kampuchea is the logical outcome of the long struggle of the people of Kampuchea against a régime which, being dominated by the satanic clique of Pol Pot, Ieng Sary and Khieu Samphan, had embarked upon the course of mass annihilation of their own people. The atrocities committed by the Pol Pot gang exemplify the most horrendous fate to which a nation has ever been condemned by its own "leaders". The established facts about the mass murder of more than 3 million innocent Kampuchean men, women and children testify, beyond any doubt, to the reasons for the national upheaval that toppled the reign of terror. Therefore it is more than ironic to regard the individuals present in the Assembly as the representatives of the Kampuchean people.

177. It is indeed a betrayal of the Kampuchean people to regard as their representatives their very killers. It is regrettable that, despite the strong objections of the Government of the People's Republic of Kampuchea, the seat of Kampuchea in the Assembly is still being illegally occupied by an entity that has no place in Kampuchea. The establishment of the new tripartite coalition government, in our view, is nothing but an attempt to cover up the bloody faces of the Pol Pot gang. It has not changed and cannot change the determination of the people of Kampuchea, who reject any kind of Government that is a tool in the hands of imperialism and hegemonism.

178. The Democratic Republic of Afghanistan strongly supports the proposal of the Government of the People's Republic of Kampuchea that until the lawful rights of that Government are restored the individuals claiming to represent Kampuchea should be expelled from the Assembly.

179. For those reasons, my delegation will support the amendment, contained in document A/37/L.8 and Add.1, to the text of the report of the Credentials Committee.

180. I should also like to express the reservations of my delegation regarding paragraphs 10 and 13 of the report of the Credentials Committee. We also reject

what was stated by the Pakistani delegation in connection with those two paragraphs.

181. The PRESIDENT: The representative of Spain wishes to speak on a point of order.

182. Mr. DE PINIÉS (Spain) (*interpretation from Spanish*): My delegation wishes to refer to the procedure we shall be following in the voting. I have no objection to accepting what the Assembly has apparently decided, that is, to suspend rule 88 of the rules of procedure.

183. As I understand it, when you announced, Mr. President, that we would proceed to explanations of vote, we had an amendment to a text, which appeared in a document, and another amendment which had been left pending for technical reasons connected with the rules, that is, that it should be submitted in writing 24 hours in advance.

184. My delegation wishes to point out for the record that rule 88 states "After the President has announced the beginning of voting, no representative shall interrupt the voting"; thus we shall find ourselves in the paradoxical situation that today we shall be voting on an amendment to a decision adopted by the Credentials Committee.

185. After, we shall adjourn, and tomorrow we shall continue the voting procedure—in violation of rule 88—and vote on another amendment, which will have been duly distributed in writing. So tomorrow we shall have to vote on whatever results from the voting today. In other words, we shall be splitting the unity of the voting.

186. I am merely making the statement for the record. I am not asking for the suspension of the procedure we are to follow. But my delegation wants it to be quite clear that the procedure runs counter to what is stated in the rules—although it is true that you, Mr. President, put the question to the Assembly and the Assembly agreed.

187. The PRESIDENT: I am grateful to the representative of Spain for explaining the procedure. What he has said reflects the actual situation.

188. I consulted the Assembly and the Assembly's desire was to proceed with the voting on one of the amendments, which has been formally moved and is before the Assembly. We are about to take a decision on that amendment, which is contained in document A/37/L.8 and Add.1. Then we shall adjourn the meeting and continue the voting procedure tomorrow afternoon, once the other amendment is available then in written form.

189. That is my understanding of the situation and I think we are acting in conformity with the rules of procedure in that respect.

190. I call on the representative of Tunisia on a point of order.

191. Mr. SLIM (Tunisia) (*interpretation from French*): In the light of what has just been said by the representative of Spain, I should like to know exactly what procedure we shall be following. Are we going to comply with rule 88? Are we going to make an exception to it, or are we going to vote today, tomorrow and the day after tomorrow? I think the rule is quite clear. If we proceed today with the con-

sideration of an amendment, it seems to me to follow logically from the rules of procedure that we have to conclude today the procedure concerning the whole of the proposal—that is, the recommendation of the Credentials Committee. Can we not consult the Assembly on this legal aspect? Or do we agree to establish a precedent? I address this question to you, Mr. President, because I wish to elicit a clarification so that I may know how to vote.

192. The PRESIDENT: I shall now read out rule 88 of the rules of procedure so that the whole Assembly will be aware of what it contains. I think it should be quite clear what decision the Assembly has taken and what procedure we are going to follow. Rule 88 is entitled "Conduct during voting" and reads as follows:

"After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit members to explain their votes either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment."

I think that rule 88 is indeed being complied with in the present case.

193. I call on the representative of Singapore on a point of order.

194. Mr. KOH (Singapore): The representative of Spain is right—unfortunately for me, because it was I, Mr. President, who led you and the Assembly into error.

195. What the representative of Spain is saying is that under rule 88 once the process of voting has begun it cannot be interrupted. In other words, the Assembly cannot vote on one amendment and then suspend or adjourn the meeting and resume the voting at the next meeting. Once the Assembly has started voting on one amendment, it has to carry on until it has completed the process of voting.

196. I repeat that Mr. de Piniés is, unfortunately for me, right. My error was that I referred the President to rule 78, which says that normally a proposal or amendment should be circulated in writing and should be available to delegations for at least 24 hours before a vote is taken. But this is a rule which can be waived by the President. Indeed, it says "The President may, however, permit the . . . consideration of amendments . . . even though such amendments . . . have only been circulated the same day".

197. If you are a strict constructionist, Mr. President, and you wish the Assembly to comply strictly with rule 88, then what we have to do is to waive the 24-hour requirement of rule 78 in respect of the amendment of Iran. We can then comply strictly with rule 88 by voting first on the amendment contained in document A/37/L.8 and Add.1 and then on the amendment proposed orally by Iran.

198. So if it would help you, Mr. President, I shall withdraw my earlier request, which I made under rule 78, for the written circulation of the amendment

of Iran. You can then proceed under rule 78 to waive the 24-hours rule.

199. The PRESIDENT: I thought I made myself clear when I said that the amendment orally proposed by the representative of Iran was so important that I had to ask the advice of the Assembly on the matter. I then said that if the Assembly, after it had considered the amendment in document A/37/L.8 and Add.1, wished to consider the amendment moved orally by the representative of Iran, it could so decide and we could proceed to the voting on both amendments at this meeting; if not, it would have to take a decision to another effect.

200. I therefore put the following question: Is the Assembly ready to proceed today with the voting on the amendment proposed orally by the representative of Iran, after it has taken a decision on the amendment submitted in written form in document A/37/L.8 and Add.1? Is that clear enough?

201. Mr. KOROMA (Sierra Leone): Mr. President, I think your motion was clearly understood by the Assembly. We agreed that the Assembly was master of its own procedure, and I think that the implication of the decision that was taken was that we would suspend rule 88. That decision has not been overturned.

202. As you have said, Mr. President, this is such an important matter that it requires a 24-hour postponement for further consideration by the Assembly. I want to implore you to decide that the Assembly should abide by that decision. There is no over-weighing reason not to: the Assembly is master of its own rules of procedure and it consciously took that decision. We should therefore abide by that decision and allow ourselves 24 hours before we vote on the Iranian amendment.

203. The PRESIDENT: I shall ask the representative of the Legal Counsel to enlighten us concerning the procedure for the application of rule 88.

204. Mr. SCOTT (Office of Legal Affairs): The representative of Spain is quite correct that in the normal practice of the General Assembly, when the Assembly has commenced voting on a draft resolution it completes action on it at the same meeting. However, this is not an invariable practice.

205. As long as the Assembly completed a particular voting process, that has in the past been deemed sufficient. For example, if there were an amendment with sub-amendments, it would be necessary to dispose of the sub-amendments and the amendment in one particular voting process. However, it would then be possible to adjourn a meeting and hold another meeting to complete the voting. I believe that has happened in quite a number of cases in the past where there have been a number of amendments to a draft resolution.

206. In the present case, it is my understanding that the Assembly has already accepted the President's proposal that the General Assembly proceed to dispose completely of the amendment contained in document A/37/L.8 and Add.1, and that tomorrow it dispose of the other amendment in the light of the application of the 24-hours rule. I do not believe there is anything inherently illegal in this and, in any



event, the Assembly is master of its own procedure and has, I believe, already decided to proceed in this manner.

207. The PRESIDENT: For the sake of clarification: I understand that a number of delegations wish to explain their vote on the other amendment, before it is voted on. It should be clearly understood that there will be a possibility of doing that.

208. The representative of Zaire wishes to speak on a point of order, and I now call on him.

209. Mr. KAMANDA wa KAMANDA (Zaire) (*interpretation from French*): I had asked to speak on a question of procedure before the President called on the legal adviser. I wished to say that I think that rule 88 does not prevent us from taking a decision now on the amendment in document A/37/L.8 and Add.1 and voting on the other amendment tomorrow.

210. Indeed, the General Assembly has already taken a decision to that effect, and it seems to me that it would not be appropriate for the Assembly to go back on its decision. However, Mr. President, you did not declare, under rule 88, that the vote had started on the amendment submitted by Iran. You started the voting procedure on the amendment contained in document A/37/L.8 and Add.1. That voting procedure cannot be interrupted once you had declared it started. I think that the representative of Spain was perfectly correct in that regard.

211. But at the conclusion of the vote on document A/37/L.8 and Add.1 the Assembly can perfectly well adjourn the meeting and begin another procedure tomorrow, when you will declare, Mr. President, that the amendment presented by Iran is ready to be voted upon.

212. Thus, rule 88 in no way stands in the way of the application of the decision already taken by the General Assembly.

213. The PRESIDENT: I think I said that in my view the amendment by Iran was such an important subject that it should not be taken up immediately but that the Assembly should be given the 24 hours provided for in the rules of procedure before taking it up.

214. For that reason, as well as on the basis of the legal opinion given, I think the Assembly may take a decision to proceed with the voting on the amendment in document A/37/L.8 and Add.1 and then adjourn. The hour is late and there are a number of representatives who will wish to speak tomorrow in explanation of vote. I therefore put this question to the Assembly: Is anyone opposed to voting now only on the amendment that is in written form?

215. Mr. ABOUL-NASR (Oman): Mr. President, I do not object to your suggestion, but I should like some clarification. I asked to be allowed to explain my vote before the voting on the amendment put forward by Iran. I fail to understand the procedure that we are following. It appears that we are going to proceed to vote on an amendment, then stop the voting and resume it tomorrow, after which you will give me the right to explain my vote before the voting on the Iranian amendment. Is that your intention, Sir?

216. The PRESIDENT: I think I have already answered that question, but I am willing to repeat my answer. I think representatives have already explained their votes before the voting on the amendment in document A/37/L.8 and Add.1. They could not explain their votes on the other amendment, since it has not been formally presented to the Assembly. Thus, as I understand it, I shall have to call on any delegations which wish to explain their votes on the other amendment—if it is distributed in written form.

217. Mrs. KIRKPATRICK (United States of America): Assuming that we proceed in the fashion outlined by you, Mr. President, and we vote today on one amendment and regard that voting procedure as completed and then tomorrow consider another amendment as though it were a new enterprise entirely, will there be an opportunity for a full discussion, and not merely for explanations of vote?

218. The PRESIDENT: My understanding is that we had a full discussion on the report of the Credentials Committee this morning and this afternoon. We then proceeded to explanations of vote on the report as a whole and on the amendment before the Assembly in written form in document A/37/L.8 and Add.1.

219. Mrs. KIRKPATRICK (United States of America): If we have considered and discussed the report as a whole, then we must vote on the report as a whole. Either we are beginning the discussion of a new subject, in which case we begin a new discussion, or we are continuing to vote on a subject which we have already discussed, in which case it seems to me that we must vote.

220. The PRESIDENT: Of course, the Assembly has to be given an opportunity to debate the new amendment. Each delegation will indeed have the opportunity to debate it as well as to explain their vote on it, if it is distributed in written form.

221. Owing to the lateness of the hour, I suggest that we now take a decision on the amendment in document A/37/L.8 and Add.1 only, and defer the rest of the business until the next meeting devoted to this issue, which will not be before tomorrow afternoon. If that is agreed, we shall proceed accordingly.

*It was so decided.*

222. The PRESIDENT: The Assembly will now vote on the draft amendment in document A/37/L.8 and Add.1. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Grenada, Guyana, Hungary, India, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Mozambique, Nicaragua, Poland, Sao Tome and Principe, Seychelles, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

*Against:* Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Botswana, Burundi, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros,

Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, Gabon, Gambia, Germany, Federal Republic of, Greece, Guatemala, Guinea, Haiti, Honduras, Indonesia, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lesotho, Liberia, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire.

*Abstaining:* Australia, Austria, Brazil, Cape Verde, Finland, France, Ghana, Guinea-Bissau, Iceland, Ireland, Madagascar, Malawi, Mexico, Norway, Panama, Rwanda, Sierra Leone, Suriname, Sweden, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

*The amendment was rejected by 90 votes to 29, with 26 abstentions.*

223. The PRESIDENT: I call on the representative of Belgium on a point of order.

224. Miss DEVER (Belgium) (*interpretation from French*): Together with a certain number of other delegations, we put our name on the list to explain our vote after the voting on the amendment in document A/37/L.8 and Add.1. I should like to have an opportunity to do so.

225. The PRESIDENT: All delegations on the list to explain their vote on the amendment in document A/37/L.8 and Add.1 will have an opportunity to do so after the voting at tomorrow's meeting.

*The meeting rose at 6.35 p.m.*

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#### NOTES

<sup>1</sup> Adopted as resolution 11 (XXXI) of the Sub-Commission. For the text, see E/CN.4/1296, chap. XVII.

<sup>2</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>3</sup> See *Report of the International Conference on Kampuchea, New York, 13-17 July 1981* (United Nations publication, Sales No. E.81.I.20), annex I.