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THE SITUATION IN KAMPUCHEA

Letter dated 20 October 1988 from the Permanent Representative
of Brunei Darussalam to the United Nations addressed to the
Secretary-General

On behalf of the Permanent Missions to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith an ASEAN explanatory note on the draft resolution entitled "The situation in Kampuchea" contained in document A/43/L.12 issued on 18 October 1988 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 23.

(Signed) JAYA Abdul Latif
Ambassador
Permanent Representative

ANNEX

ASEAN explanatory note on the new draft resolution on the
situation in Kampuchea

1. For the past 10 years, the ASEAN countries have prepared the first draft of the resolution on the situation in Kampuchea, as it concerns a problem that affects their region directly. The resolution has not changed much in the past few years because of the lack of progress towards a settlement. This year, reflecting some of the significant developments that have taken place, the resolution has been revised.

2. The main thrust of the resolution has not changed. It deplores the continued presence of foreign forces in Kampuchea, calls for their withdrawal and reaffirms the need for all States to adhere strictly to the principles of the Charter of the United Nations.

3. Out of the 14 preambular paragraphs and 15 operative paragraphs of last year's resolution 42/3, only three preambular paragraphs and two operative paragraphs have been amended. Two operative paragraphs have also been deleted.

4. The purpose of this note is to explain the intention of the ASEAN countries in introducing the amendments made in the draft resolution [A/43/L.12], as follows:

(a) Second preambular paragraph: the phrase "which offer the negotiating framework of a comprehensive political settlement of the Kampuchean problem" has been dropped. The International Conference on Kampuchea declaration, including the negotiating framework, was adopted in 1981. The world has changed significantly since then, especially in the last few months. This negotiating framework adopted in 1981 may therefore have to be updated. This change would also be consistent with the amendment proposed in operative paragraph 5 which introduces for the first time the possibility of an alternative international conference.

(b) The fifth preambular paragraph: has been amended since Samdech Norodom Sihanouk is no longer the President of the Coalition Government of Democratic Kampuchea. Samdech Norodom Sihanouk, however, is widely acknowledged as the leader of the Kampuchean people. Hence, the paragraph has been rephrased to read as follows: "Noting the continued and effective struggle waged against foreign occupation by the Kampuchean forces under the leadership of Samdech Norodom Sihanouk."

(c) The twelfth preambular paragraph has been amended to read as follows: "... to find a comprehensive political solution to the Kampuchean problem, with effective guarantees, that will provide for the withdrawal of all foreign forces from Kampuchea under effective international supervision and control, the creation of an interim administering authority, the promotion of national reconciliation among all Kampucheans under the leadership of Samdech Norodom Sihanouk, the non-return to the universally condemned policies and practices of a recent past ...". As this paragraph has been significantly amended each phrase needs careful explanation:

- (i) "with effective guarantees": This phrase is self-explanatory. Its intention is to suggest that effective agreements should be signed.
- (ii) "withdrawal of all foreign forces from Kampuchea under effective international supervision and control": The latter phrase is new and is intended to ensure that there is a real withdrawal of foreign forces from Kampuchea and not just the troop rotations that we have witnessed in recent years. There is also a real fear today that, following a withdrawal of foreign forces from Kampuchea, a situation of chaos and anarchy could develop during which there could be a significant loss of life in Kampuchea. As the Kampuchean people have suffered from protracted war and conflict, the international community has an obligation to call for the creation of effective international arrangements to prevent such chaos or anarchy.
- (iii) "the creation of an interim administering authority": With the withdrawal of all foreign forces, all prevailing régimes will have to be dissolved to pave the way for the Kampuchean to exercise their right to self-determination. Until a new government is elected, there will be an interim period during which provisions will have to be made for the continuation of normal governmental functions. The specific forms of such interim arrangements will have to be negotiated at an international conference, but as this is one of the key elements to be considered in a comprehensive political solution, it is listed in the paragraph.
- (iv) "the promotion of national reconciliation among all Kampucheans under the leadership of Samdech Norodom Sihanouk": Following the conflict, it is evident that peace can only come about through a process of national reconciliation among all the Kampuchean factions. To exclude any of the Kampuchean factions would be disastrous as it would mean the prolongation of the conflict.
- (v) "non-return to the universally condemned policies and practices of a recent past": This phrase is taken from the United Nations Secretary-General's 1985 report on the situation in Kampuchea (A/40/754, para. 13) where it is listed as one of the elements to be considered in any comprehensive political settlement. This phrase can refer to all universally condemned policies and practices of a recent past in Kampuchea, including the atrocities committed between 1975 and 1978 and all other human rights violations committed since then.

(The above explanation also applies to operative paragraph 2, which has been amended along similar lines.)

(d) Thirteenth preambular paragraph: This refers to the Jakarta Informal Meeting which saw for the first time a meeting involving all the parties directly involved and other concerned parties, namely, Viet Nam and the four Kampuchean factions as well as all the ASEAN countries and Laos.

(e) Operative paragraph 2: Please see note on the twelfth preambular paragraph above.

(f) Operative paragraph 5: This paragraph has the following new phrase "and its readiness to support any other conference of an international nature under the auspices of the Secretary-General". The International Conference on Kampuchea has not been convened since 1981. While every effort should be made to try to reconvene the Conference, the United Nations Secretary-General should also be given the freedom to consider an alternative form of international conference if he believes that it is likely to bring together all the interested parties to discuss a negotiated settlement of the Kampuchean problem.

(g) Operative paragraphs 6 and 7 of the draft resolution that was adopted last year have been dropped from draft resolution A/43/L.12 to reflect the new balance between the International Conference on Kampuchea and an alternative international conference.
