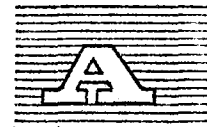


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UNITED NATIONS CONFERENCE ON PROHIBITIONS OR RESTRICTIONS
OF USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED
TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

SUMMARY RECORD OF THE SIXTH MEETING

held at the Palais des Nations, Geneva,
on Friday, 14 September 1979, at 10.30 a.m.

President: Mr. GHERAKHAN (India)
later: Mr. ADENIJI (Nigeria)

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The meeting was called to order at 10.55 a.m.

CONSIDERATION OF PROHIBITIONS OR RESTRICTIONS OF USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS .
(agenda item 3) (continued) (A/CONF.95/3)

1. Mr. EL-SHAFEI (Egypt) said his country had always been in favour of the peaceful settlement of disputes and disarmament and therefore hoped that the Conference would achieve positive results. The International Conference on Human Rights held at Teheran in 1968 had been the first to condemn napalm bombing and had been the starting point for study of the law applicable in armed conflicts. The most important problem before the Conference was that of the use of napalm and other incendiary weapons. It was not enough to restrict the use of such weapons against the civilian population; their use against combatants should also be regulated in keeping with the Additional Protocols to the Geneva Conventions of 1949. His delegation wished to see a universal prohibition of their use, even if that gave rise to problems of military tactics. The argument that a ban on napalm would have the effect of promoting the use of other equally lethal weapons was not convincing. To accept that argument would be to deprive the legal instruments of all significance and credibility. It should be possible to strike the right balance between the humanitarian considerations already referred to in the St. Petersburg Declaration of 1868 and the Hague Conventions of 1898 and 1907, on the one hand, and military requirements, on the other, thereby fulfilling the mandate the Conference had received from the General Assembly.

2. The Egyptian delegation had already stated at the Preparatory Conference that it was in favour of a total ban on landmines and booby-traps. It was, however, ready to co-operate with other delegations in tightening the restrictions on their use. Egypt similarly supported the draft proposal, submitted to the Preparatory Conference, concerning weapons which injured by fragments which in the human body escaped detection by X-rays. It also considered that the Conference should give its attention to other categories of weapons (small calibre projectiles, fuel-air explosives, flechettes and anti-personnel fragmentation weapons). It was difficult to see why an agreement had not been concluded on small calibre weapons, since sufficient data were available on the subject.

3. The preliminary outline of a general and universally applicable treaty with optional protocols or clauses, submitted by the Mexican delegation, deserved close attention. A periodic review mechanism would enable studies to be made of the effects of other weapons or new weapons and would ensure that the provisions adopted by the Conference were effectively implemented. As had been suggested by Ireland, non-governmental organizations directly concerned with problems of international humanitarian law should participate in such work.

4. Mr. LE KIM CHUNG (Viet Nam) said he welcomed General Assembly resolution 32/152 convening the Conference. It was a praiseworthy effort by the international community, designed in the first place, to prevent imperialist, colonialist, racist and international reactionary forces from subjugating peoples by the use of inhumane weapons. Since the end of the Second World War and, in defiance of the principles of the Charter of the United Nations, imperialist wars of aggression against peoples struggling for their liberty in Asia, Africa and Latin America had multiplied, as had the number of cruel, barbarous weapons used against the civilian population and the armies of peoples who could only counter such attacks by a people's war. Viet Nam, Laos and Kampuchea had long experienced such tragedies, which others were continuing to endure, notably in southern Africa and the Middle East. The Vietnamese people had particularly suffered from two colonial and neo-colonial wars in which women, children, old people and young people had been massacred or mutilated. Cruel and inhumane weapons had again been used against it during two wars of aggression recently launched by reactionary and hegemonic circles on the country's south-western and northern frontiers. It was thus in the full knowledge of the facts that the Vietnamese delegation condemned the indiscriminate use of inhumane weapons and wished to make an active contribution to the work of the Conference.

5. The Preparatory Conference had helped to reconcile different points of view and to identify areas of agreement on substantive and procedural problems. It would be wise to take decisions by consensus and to draw up the agreements in the form of an international treaty comprising general provisions and optional clauses or protocols on certain weapons. A wide measure of agreement seemed to have been reached on the prohibition of weapons causing injury by fragments which in the human body escaped detection by X-rays and progress had been made on regulating the use of landmines and other devices, as well as on incendiary weapons. Those delegations which had contributed to such progress were to be congratulated.

6. While supporting restrictions or prohibitions of use of certain conventional weapons, the Vietnamese delegation could not agree to such action saving as a pretext for limiting the capacity of oppressed peoples to defend themselves against their aggressors. In order to survive and conquer such peoples could resort only to a people's war and to the corresponding primitive weapons. Specifically, non-detectable fragmentation weapons, napalm, cluster and flechette bombs, remotely delivered mines directed against civilian objectives and inhabited areas should be prohibited, and occupying armies should be required to remove or neutralize any minefields and booby-traps they had placed during conflict. The Vietnamese delegation hoped that, thanks to the readiness to compromise shown at the Preparatory Conference, it would be possible to conclude generally acceptable agreements and it intended to make a modest contribution towards that objective.

7. The success of the Conference would have a threefold significance: by making the laws governing war more humane, it would constitute a new development in international humanitarian law applicable in armed conflicts; by limiting destructive and inhumane action by armies of aggression and invasion, it would promote the cause of weak peoples struggling against various forms of aggression; and finally, by prohibiting or restricting the use of certain weapons, it would represent a step towards disarmament and international peace and security.

8. There was therefore cause for concern at the statement made two days before by the delegation of a country which had expressed its sympathy for the sufferings of peoples in Asia, Africa and Latin America who were victims of wars of imperialist aggression, but which had violated the Geneva Conventions of 1949 and Additional Protocol I during its recent war of aggression on Viet Nam's northern frontiers by massacring civilian populations and by using all types of weapon. The same aggressor was now preparing to launch another war in collusion with its new imperialist allies and was threatening the territorial integrity of the Lao People's Democratic Republic and the People's Republic of Kampuchea. By making massive purchases of weapons and preparing for war, those expansionist and hegemonic circles were accelerating the arms race and threatening peace and security in the world. It was a very real danger for the Conference, for whose objectives so many people of goodwill had long been striving.

9. Mr. de ICAZA (Mexico) said that Mexico, which was a deeply pacifist country, was anxious to strengthen the legal rules and international mechanisms for the peaceful settlement of disputes within the framework of an international order based on justice. While the problem of nuclear weapons mainly concerned those military Powers possessing such weapons, conventional weapons were primarily of interest to developing countries, since those countries were the first to suffer their effects. It was to diminish the sufferings of the civilian population in conventional armed conflicts that Mexico had taken an active part in the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to which it had submitted specific proposals that had unfortunately not been adopted because of a lack of political will. At the instigation of the Mexican and other delegations, the General Assembly had therefore convened the Conference in order to reach agreements on certain conventional weapons and to adopt a system of periodic review. For that purpose, an important legal basis was available in the form of the declarations, agreements and resolutions proclaimed or adopted over more than a century; there was also a wealth of technical information contained in reports by the Secretary-General of the United Nations and expert groups. However, it had not yet proved possible to lay down criteria for determining whether weapons were excessively injurious or had indiscriminate effects.

10. The first need was for a total ban on the use of incendiary weapons in armed conflicts, as had been so painfully demonstrated in the case of a civilian population situated in the same geographical area as Mexico. It was inadmissible for such weapons to constitute a strategic security factor for the major Powers, which had many other more destructive means of defence. On the other hand, some developing countries undeniably needed such weapons for their defence. Mexico was therefore prepared to make a concession on regulation of the use of incendiary weapons.

11. The proposal concerning the use of landmines and boobytraps did not need extensive amendment, although it had two drawbacks. In the first place, the document was too comprehensive and detailed and would be difficult to implement; and in the second place, it still contained some ambiguities which might lead to uses already prohibited by the law applicable in armed conflicts.

12. There were apparently still insufficient technical data to enable indisputable conclusions to be reached regarding small calibre weapons and ammunition, fragmentation weapons and explosives, on which Mexico had submitted proposals. It was a field in which an effective review mechanism was especially needed. The wide support shown at the expert conference at Lugano in 1966 for the proposal submitted by Switzerland and Mexico on weapons which injured by fragments which in the human body escaped detection by X-rays showed that progress could be made in that area without neglecting the search for agreement on other categories of weapons. The concept of a general treaty put forward by Mexico had also met with a favourable reception at the Preparatory Conference. While it was, in fact, more realistic to ask countries to apply "self-imposed limits" in the field of conventional weapons instead of hoping to conclude international agreements, such self-imposed limits should nevertheless be internationally recognized and protected. That was precisely the function of the proposed general treaty.

13. The work of the Conference should not be continued within the framework of disarmament, but by an independent review system, as requested by the General Assembly. Negotiations on disarmament were of capital importance and if they were extended to include the problem of protecting victims and the civilian population during armed conflicts, there was a risk of their conclusion being postponed indefinitely. Finally, the Mexican delegation hoped that the decisions of the Conference would be taken by consensus, as had been done at the Preparatory Conference.

14. Mr. GREKOV (Byelorussian Soviet Socialist Republic) said that, in keeping with the peaceful policies of the Soviet Union, his country had supported the General Assembly resolution convening the Conference. The objective was to adopt measures enabling equitable and balanced progress to be made towards disarmament, so that each country's right to security was safeguarded and no country could arrogate any privileges to itself. He had been surprised at the biased interpretation which one delegation had placed on the disarmament policy of certain countries which, according to it, advocated disarmament but only for other countries. The country represented by that delegation pursued an evil policy, as demonstrated by the endless suffering it had recently inflicted on the civilian population of Viet Nam.

15. The Conference was taking place at a critical juncture, for the opponents of détente were attempting to counteract the efforts to promote disarmament being made by the USSR and other socialist countries. They had not, however, been able to prevent the Soviet Union and the United States of America from recently signing the Vienna agreement on the limitation of strategic weapons, which could not but have beneficial effects on the results of the Conference. The Preparatory Conference had made it possible to narrow down differences of view and to formulate specific proposals. The present task was to reach generally acceptable decisions as quickly as possible.

16. The most important and urgent need was for agreement on the prohibition of weapons the primary effect of which was to injure by fragments which escaped detection by X-rays, and on the regulation of the use of landmines and other devices, since those questions were no longer the subject of controversy. Unfortunately, the same could not be said of the problem of incendiary weapons. It would undoubtedly be more in keeping with humanitarian law to impose an outright ban on the use of napalm; but in view of the attitude of certain countries, it would appear more realistic to seek an agreement affording the maximum protection to civilian populations. His delegation welcomed the idea of an "umbrella treaty" comprising general provisions followed by optional protocols, put forward by Mexico and then taken up by the United Kingdom and the Netherlands.

17. It would appear difficult to reach agreement on certain weapons; he therefore considered that the study of such weapons should be referred to the Committee on Disarmament, an international body that was familiar with all disarmament questions. Since that Committee did not have to deal with procedural questions, it could concentrate on the substance of problems; the financial implications of such an arrangement would also be considerably less.

18. Mr. MIHAJLOVIC (Yugoslavia) said it was necessary to draw up a treaty reflecting all that had so far been done to humanize the practice of war. The objective of the Conference was not disarmament: it was concerned, for humanitarian reasons, with the restriction or prohibition of the use against civilian populations and, to some extent, against military personnel of certain conventional weapons which had been employed indiscriminately on many battlefields, causing indescribable suffering to both combatants and civilians. Yugoslavia was prepared to accept any prohibition or restriction of the use of any weapons, including conventional ones, provided that such prohibition or restriction was universal in character. One of the difficulties encountered, in addition to the reluctance of certain military Powers to relinquish some of their options in the weapons field, was the fact that for many small countries renunciation of any of the weapons in question might jeopardize their national security since, unlike the richer countries, they would be unable to replace them by others. It was therefore of the utmost importance that the texts of decisions should be drafted in unambiguous terms. His delegation also believed that all the decisions to be taken should be based on the principle of reciprocity and respect the requirements of national security.

19. With regard to incendiary weapons, attention must be concentrated on ensuring maximum protection for civilian populations and, so far as possible, for military personnel. The draft texts submitted gave reason to hope that the Conference would not merely restate in different terms the provisions of article 51 of Additional Protocol I. Substantial progress had been made on the subject of landmines and other devices, although some differences remained, in particular with regard to points which tended to favour the military Powers. Where small calibre weapons were concerned, it had to be borne in mind that small calibre projectiles had the same effects as dumdum bullets, the use of which had been prohibited by The Hague Conference of 1899.

20. Lastly, his delegation attached great importance to the establishment of a review mechanism and considered that a United Nations conference was the appropriate forum for the necessary studies and reviews.

21. Mr. ARMALIE (Palestine Liberation Organization), speaking on behalf of the peoples who were still suffering under the yoke of colonialism, racism and foreign occupation and struggling to exercise their right to self-determination, expressed indignation at the systematic and blatant flouting of human rights and the precepts of international humanitarian law by some Powers. The 1974 Diplomatic Conference had led to progress in respect of international humanitarian law, in particular, by enabling the national liberation movements to accede to the additional protocols to the 1949 Geneva Conventions, and he urged the international community to make further progress along that path, since the question of the protection of civilian populations remained an urgent one. Indeed, for over ten months, the civilian population of southern Lebanon, both Palestinian and Lebanese, had been subjected to intensive bombing, and that massacre did not seem to cause any undue concern to a number of countries which claimed to be champions of human rights. It was true that the terrifying weapons used by the Zionists, which caused intolerable suffering and sowed terror and panic, had been supplied by the United States of America, subject, of course, to the condition that they would not be used against civilian populations.

22. It was imperative, therefore, that the Conference should achieve concrete results and prohibit all categories of weapons deemed to be excessively injurious or to have indiscriminate effects. The procedure proposed by some participants, whereby the Conference would concentrate on the less controversial matters and postpone action on other questions indefinitely, in no way met the wishes of mankind: the oppressed peoples expected prompt and effective decisions. In any event, the Palestinian people would continue their struggle for freedom and independence.

Mr. Adeniji (Nigeria) took the Chair

23. Mr. OGISO (Japan) said he agreed with many participants on the need to concentrate on the questions which the Preparatory Conference had shown were ripe for agreement: landmines and other devices, incendiary weapons and fragments not detectable by X-rays. Agreement seemed unlikely, for the time being, on the other conventional weapons which had been discussed, and they would require further study in other bodies.

24. It would be unrealistic to seek an agreement on the total prohibition of incendiary weapons. The primary purpose was to protect the civilian populations. It might also be possible to prohibit attacks by napalm or any other incendiary weapon on military objectives situated within a concentration of civilians, unless those objectives were clearly separated from the civilian populations.

25. His delegation supported, in principle, certain restrictions on the use of landmines and the prohibition of the use of certain booby-traps, provided that they were clearly defined.

26. His delegation endorsed the proposals concerning the recording of the location of pre-planned minefields laid by the parties to a conflict and the provision that the parties should endeavour to ensure the recording of the location of all other minefields, mines and booby-traps. The location of the recorded minefields, mines and booby-traps remaining in territory controlled by an adverse party should be made public after the cessation of active hostilities. Furthermore, in view of the ambiguity of the expression "territory controlled by an adverse party", his delegation requested that it should be made clear, in an "umbrella treaty" or elsewhere, that nothing in the measures adopted justified or authorized any act of aggression or use of force which was inconsistent with the provisions of the Charter of the United Nations.

27. Mr. PAZOS (Cuba) said that the discussions which had taken place between the Soviet Union and the United States created favourable conditions for achieving steady progress towards disarmament with a view to avoiding a new world war. If, however, the objectives of the Conference were to be achieved, the major military Powers must not be left with absolute responsibility for disarmament: on the contrary, all countries should participate in that effort, in particular, the developing countries which, paradoxically, had been the main victims of the use of conventional weapons. At the sixth Conference of non-aligned countries, held at Havana, Mr. Fidel Castro had stressed that a nuclear world war was not inevitable and that never before had such technological possibilities been available to mankind. Peace must not be the exclusive responsibility of the great military Powers and all countries must appreciate the need to fight for it. Mr. Fidel Castro had expressed hopes for peace for Viet Nam, the Palestinians, the patriots of Zimbabwe and Namibia, the oppressed majorities in South Africa, Angola, Zambia, Mozambique, Botswana, Ethiopia, Syria and Lebanon, and the Sahraoui people. Peace, detente, peaceful coexistence and disarmament were necessary in order to save mankind. He had therefore welcomed the SALT II agreements between the Soviet Union and the United States. He had expressed the hope that the peoples would never relinquish the struggle for unity and brotherhood and had called, in particular, on the international organizations to pass from words to deeds in order to ensure the success of that struggle.

28. His delegation shared the general view on the proposal concerning the prohibition of fragments not detectable by X-rays and also welcomed the proposals concerning landmines and napalm. With regard to other questions, such as small calibre weapons, fragmentation weapons, flechettes and fuel-air explosives, it considered, like many others, that discussions should be continued. The "umbrella treaty" proposed by Mexico constituted a possible starting point for future international treaties.

29. After deploring the suffering which the use of certain conventional weapons had recently inflicted on the Nicaraguan people struggling for their freedom, he welcomed the representation at the Conference of the heroic Vietnamese people who had suffered so much from the use of conventional weapons having excessively injurious or indiscriminate effects and whose courage had helped to safeguard peace and ensure the survival of many other peoples.

30. Mr. BAYART (Mongolia) said that his delegation, like that of the other socialist countries, had a special interest in disarmament, an essential condition for international peace and security. The socialist countries ardently desired a halt to the nuclear and conventional arms race, the limitation of such arms and the destruction of stocks. To that end, they had taken several constructive steps both on the occasion of the special session of the General Assembly on disarmament and at the meeting of the member countries of the Warsaw Pact, held at Budapest. Furthermore, as far back as the early 1970s, the Soviet Union had proposed the holding of an international conference on disarmament.

31. Following the intensive and useful work of the Preparatory Conference, agreement could be reached on the prohibition of certain types of conventional weapons. Indeed, the majority of participants had expressed support for the prohibition of weapons the primary effect of which was to wound by fragments which, in the human body, escaped detection by X-rays, and the regulation of the use of landmines and other devices was generally accepted. His delegation, for its part, was in favour of the complete prohibition of napalm and other types of incendiary weapons which caused immense suffering such as that inflicted on the Vietnamese people.

32. The proposal to draw up an "umbrella treaty", supplemented by optional protocols the provisions of which would be binding, was useful as a step towards disarmament and the development of international humanitarian law. In that regard, it was essential that an international agreement, particularly in the field of disarmament, which affected the security of every State, should be applied effectively and universally. All States, in particular, the great military Powers, should therefore be parties to such an agreement.

33. His delegation considered that all decisions of the Conference should be taken by consensus.

34. Mr. WOLFE (Canada) said that while there had been only one Preparatory Conference, which had held two sessions, States had in fact been preparing for the current Conference for six years; it was therefore to be hoped that it would be successful, since some success was vital if the momentum gained was not to be lost. Progress in respect of incendiary weapons and mines would be of great value; Canada had lost several members of its peace-keeping forces as a result of the explosion of forgotten mines. The Conference could also take useful action with regard to fragments not detectable by X-rays; the representative of the Soviet Union had said that such weapons might be developed shortly.

35. The Canadian delegation attached great importance to a review mechanism and would support any reasonable proposal that would ensure the proper functioning of such a mechanism at the international level. The "umbrella treaty" was a useful device and the Mexican delegation was to be commended for its work. The prospect of optional protocols was, however, less satisfactory; it was unfortunate that those protocols might be presented in such a way that a State could accept one

and reject the others. If the protocols were to be optional, it would be necessary to require States to opt out of being bound by them instead of its being assumed that they were not bound unless they made a declaration to the contrary.

36. Lastly, his delegation could agree to some unsolved problems being referred to the Committee on Disarmament, but only on three conditions: that such action did not give the impression that the problem was being buried; that the additional work did not prejudice the important work already before the Committee; and that such referral was not to the detriment of any other review mechanism on which the Conference might agree.

37. Mr. RÚZEK (Czechoslovakia) noted with satisfaction that the conditions created by the signature of the SALT II Agreement between the Soviet Union and the United States of America had helped to create a favourable climate for the Conference. The work of the Preparatory Conference had enabled some progress to be made. The draft proposal on weapons causing injuries by non-detectable fragments appeared to have wide support and was acceptable to the Czechoslovak delegation; with some further work, the proposal for regulating the use of landmines and other devices could lead to a generally acceptable solution. The most difficult problem was clearly that of incendiary weapons. The Czechoslovak delegation would like to see a complete ban on the use of napalm, but the Conference appeared to be far from agreement on such a ban; it should therefore try to reach agreement on the broadest possible protection of the civilian population while keeping open the possibility of reaching agreement at a favourable time on the question of the use of incendiary weapons against combatants. The points just raised by the delegations of Viet Nam and of the Palestine Liberation Organization showed the importance of the problem.

38. The Conference should also consider how its efforts should be continued. That question was dealt with in the Mexican proposal (A/CONF.95/3, annex I,H) and in the proposal of the United Kingdom and the Netherlands (A/CONF.95/WG.1/L.1). In his delegation's view, however, the work of the Conference should be continued in the Committee on Disarmament. Czechoslovakia, which had always attached importance to progress in disarmament, intended in that spirit to submit to the General Assembly at its thirty-fourth session a draft declaration on international co-operation for achieving the objectives of disarmament.

39. Mr. GILCHRIST (Jamaica) said that general and complete disarmament was an essential objective. The outlay on conventional weapons accounted for 80 per cent of military expenditure, and the refinement of such weapons was making them increasingly destructive. Jamaica had taken an active part in both sessions of the Preparatory Conference and had been a sponsor of two draft proposals, one on non-detectable fragments and the other on incendiary weapons. On the latter subject, Jamaica had supported Mexico's proposal that the exceptions provided for in subparagraph (b) of the relevant draft proposal (A/CONF.95/3, annex I, A) should be abolished; it considered that, for humanitarian reasons, the right to use munitions having fragmentation and penetration effects combined with secondary incendiary effects should be eliminated. His delegation hoped that both the draft proposals in question would be adopted by the Conference; it welcomed the fact

that the proposal on non-detectable fragments had commanded wide support. More extensive negotiations would be required on incendiary weapons; it was to be hoped that such negotiations would lead to a broad and unambiguous agreement, which should provide for the total protection of the civilian population and exclude the use of incendiary weapons against military objectives in areas containing civilians. Adequate protection should also be given to military personnel. The definition of incendiary weapons should be as broad as possible, to cover new and sophisticated incendiary weapons, and the prohibition should be carefully formulated to ensure that it was comprehensive.

40. The work already done by the Preparatory Conference gave reason to hope that an agreement on mines and booby-traps, based on the proposal in annex II, appendix B, of its report, would shortly be adopted. In particular, the delivery of remotely-delivered mines should not be permitted at a range of over 1,000 metres.

41. His delegation also hoped that the Conference would find solutions to such questions as small calibre weapons, fragmentation weapons, flechettes and fuel-air explosives; the use of small calibre weapons, in particular, and investments in their development were increasing. His delegation supported the Swedish Government's proposals on such weapons and considered that an agreement reached at the Conference on small calibre projectiles would be of great importance.

42. After emphasizing the value of an effective review mechanism to undertake a continuing evaluation of conventional weapons at the international level, he said that his delegation was grateful to the Mexican delegation for having submitted a draft treaty setting out the general legal principles and providing for such a review mechanism.

43. Referring to certain general disarmament questions of concern to his country, he said that present world military expenditure, which amounted to \$440 billion a year, was a threat not only to international security but also to the international economy. The total amount of aid to developing countries - approximately \$20 billion a year - was derisory by comparison. From that viewpoint, disarmament was essential for the establishment of the new international economic order. Jamaica therefore awaited with interest the conclusions of the Group of Experts recently set up by the Secretary-General of the United Nations to study the reallocation to economic and social development, particularly of the developing countries, of the resources now being used for military purposes. It considered in particular that, in order to refute prevailing views about the economic benefits of the armaments industry, further study of the possibilities of persuading the armaments industries to switch to other products should be encouraged. It was also important to halt arms exports to countries pursuing policies of oppression, colonial domination, racial discrimination, apartheid and territorial expansion and, in that connexion, he drew the attention of the Conference to the Security Council resolutions on sanctions against South Africa.

44. The PRESIDENT said that he would give the floor to the representative of Democratic Kampuchea.

45. Mr. PAZOS (Cuba), speaking on a point of order, said that he was opposed to any statements being made by that representative, who represented no one but himself and whose presence was a reminder of the genocide of three million people. To allow him to speak would be contrary to the objectives of the Conference.
46. Mr. LIANG Y PAH (China), speaking on a point of order, said that Democratic Kampuchea was a sovereign and independent State Member of the United Nations and that, as had been affirmed on numerous occasions in General Assembly decisions, the Government of Democratic Kampuchea was its sole legitimate Government. The Cuban delegation's objection was therefore incompatible with the General Assembly's decision to convene the Conference, with the spirit of the Charter of the United Nations and with United Nations practice.
47. Mr. THUN (German Democratic Republic), speaking on a point of order, said that the only Government entitled to represent Kampuchea at the Conference was the Revolutionary Council of the People's Republic of Kampuchea. He therefore requested the President to reconsider his decision.
48. Mr. LE KIM CHUNG (Viet Nam), speaking on a point of order, said that he wished to protest against the presence at the Conference of a delegation which claimed to represent the Government of so-called Democratic Kampuchea. That criminal régime had been overthrown by the people of Kampuchea on 7 January 1979 and the people's revolutionary court of Kampuchea had condemned the régime's members to death for genocide against their people. The People's Revolutionary Council of the Republic of Kampuchea was the only authentic and legal representative of the Kampuchean people. His delegation accordingly requested the President to reconsider his decision.
49. The PRESIDENT, drawing attention to rule 5 of the rules of procedure of the Conference, said that, since the Conference had taken no decision on the credentials of the representative of Democratic Kampuchea, that representative had the right to participate provisionally in the Conference.
50. Mr. TE SUN HOA (Democratic Kampuchea) said that he wished to clarify the situation after the regrettable incident that had just taken place in the Conference. Democratic Kampuchea was a full Member of the United Nations, and as such sent delegations to all international conferences without requesting the opinion or authorization of the Hanoi aggressors or of their masters and accomplices, who had been condemned for trampling the Charter of the United Nations under foot. The incident had an exclusively criminal purpose: that of the pure and simple legalization of the odious aggression launched against Kampuchea.
51. The delegation of Democratic Kampuchea welcomed the fact that the Conference was being held at a time when the use of conventional weapons was a serious problem in a number of areas of the world, causing untold suffering, the responsibility for which lay with the instigators of colonialist and racist wars and of wars of aggression and expansion. His delegation wished to draw particular attention to the use of such weapons in the war of aggression launched against Kampuchea in

defiance of the Charter of the United Nations and of international conventions and treaties. In eight months, 200,000 soldiers of the Hanoi aggressors had already massacred 300,000 civilians in Democratic Kampuchea, using toxic chemicals which struck indiscriminately and which had even been sprayed from aircraft. Such a war endangered the peace, stability and security of South-East Asia, of Asia as a whole and of the world. Peace could only be restored through the immediate, total and unconditional withdrawal from Kampuchea of the troops of aggression and occupation. The Kampuchean people were resolved, with the support of all peace-loving and justice-loving peoples, to continue their struggle against the invaders and to defend their right to live in independence and sovereignty.

52. Mr. LIANG Y PAN (China), speaking in exercise of the right of reply, said that he wished to refute the slanderous insinuations made against China by the delegation of a certain country. It was the regional hegemonic ambitions of that country, supported by a super-Power, that were at the origin of the armed conflict against China along their common frontier. China had faced over 500 military incursions before counter-attacking, while taking care not to harm the civilian population. In doing so, it had conformed to the principles of the Charter of the United Nations and of international humanitarian law.

53. It was the same country which, with the use of conventional weapons, and in particular of anti-personnel devices acquired from a super-Power, had launched the attack on Democratic Kampuchea, claiming numerous victims and causing the flight of hundreds of thousands of refugees.

54. Mr. PERFILIEV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the Conference was the witness of China's attempt to evade responsibility for its crimes against Viet Nam. By using barbarous methods to terrorize the heroic people of Viet Nam and crush their desire to struggle against invasion, China had given proof of its hegemonic and expansionist ambitions, which it had raised to the level of State policy. Its history in relation to its southern and south-eastern neighbours showed that it desired to wage war against small- and medium-sized countries in order to crush them and place them under its yoke.

55. Mr. LE KIM CHUNG (Viet Nam), speaking in exercise of the right of reply, said that he wished to protest against the mendacious and slanderous allegations made by the Chinese delegation against his country. He invited the Chinese delegation seriously to examine its conscience. It was in fact the expansionist and hegemonic ambitions of China that were at the root of the genocide perpetrated in Kampuchea before 7 January 1979, of the wars of aggression against Viet Nam and of the threats and interference of which the Lao People's Democratic Republic and other neighbouring countries were victims.

56. His delegation wished to reaffirm that the People's Revolutionary Council of Kampuchea was the only authentic and legal representative of Kampuchea.

57. Mr. LIANG Y PAN (China), speaking in exercise of the right of reply, said that the Soviet Union, by its attacks and slander, had proved that it was indeed the kingpin of the regional hegemonic designs to which he had referred in his previous statement.

The meeting rose at 1.55 p.m.