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RESTORATION OF THE LAWFUL RIGHTS OF THE ROYAL GOVERNMENT
OF NATIONAL UNION OF CAMBODIA IN THE UNITED NATIONS

Letter dated 15 October 1973 addressed to the Secretary-General by
the Minister for Foreign Affairs of the Khmer Republic

In document A/9195, dated 11 October 1973, the Secretariat communicated to all Members of the United Nations the request from 31 delegations calling for the inclusion in the agenda of the twenty-eighth regular session of the General Assembly of an item entitled "Restoration of the lawful rights of the Royal Government of National Union of Cambodia in the United Nations".

As instructed by my Government, I have the honour to bring to your attention the following points:

I. PROCEDURE: UNACCEPTABILITY OF THE REQUEST FOR THE INCLUSION OF THE ITEM

(a) Failure to meet the "important character" requirement

Under rule 15 of the rules of procedure of the General Assembly, an additional item may be proposed for inclusion in the agenda during the session if it is of "an important and urgent character".

In the letter dated 8 October 1973, which appears in the above-mentioned document, the sponsors mentioned that the item was of an urgent character without, however, mentioning the criterion of importance.

The mere failure to mention the criterion of "importance" is already a glaring breach of form that makes the request in question unacceptable. The General Committee should ask the sponsors to specify whether or not the item is of an important character, before it considers it. If the answer is negative, the two requirements in rule 15 of the rules of procedure will not have been met and the request for inclusion of the item should be rejected out of hand.

(b) Failure to meet the "urgent character" requirement

As for the assertion that the question is of an "urgent character", the attention of members of the General Committee is drawn to the fact that the Khmer State has been represented in the United Nations since 1970 under the official designation "Khmer Republic" with its new national flag. Moreover, the Constitution of our Republic, which was adopted by national referendum on 30 April 1972, has been deposited officially at United Nations Headquarters.

Those who wish to challenge the representative capacity of our Government, therefore, had ample time to request the inclusion of the relevant item.

The fact that they have not done so proves that the question is not at all urgent.

II. SUBSTANCE OF THE QUESTION

Article 2 (7) of the Charter of the United Nations provides as follows:

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter."

There can be no denying that the choice of a political system or of a system of government is a matter to be determined solely in accordance with the wishes of the people of the State concerned. Neither a third State nor the United Nations can impose such a choice on the Khmer people.

To agree to the inclusion of the item referred to in document A/9195 of 11 October 1973 would be tantamount to accepting the principle that the Members of the United Nations, rather than the people concerned, are entitled to discuss the choice of a system of government.

Such a procedure would constitute an inadmissible act of interference in the domestic affairs of a Member State and a flagrant violation of the spirit and letter of the Charter of the United Nations.

Lastly, it should be pointed out that the vast majority of delegations representing Members of our Organization emphasized, in the course of the discussion that has just ended, that the United Nations must respect the sacred right of the Khmer people to decide their own affairs without foreign interference.

In submitting herewith the observations of my delegation, I should be grateful if you would kindly arrange for them to be issued as an official document of the General Assembly.

(Signed) LONG BORET
Minister for Foreign Affairs,
Chairman of the Khmer Delegation
to the twenty-eighth session of
the General Assembly

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ANNEX

Memorandum from the Delegation of the Khmer Republic

1. It is impossible to speak of the restoration of a right which never existed.

Indeed, the "royal government of national union of Cambodia", which was established in Peking in May 1970 and which, since that time, had remained in exile in that foreign capital, has never been represented in the United Nations. Furthermore, the ministers and the head of that "government", who are permanently based in a country separated from Cambodia by three other countries "Laos, South Viet-Nam and North Viet-Nam", have not once set foot on Khmer soil since its formation.

In requesting the inclusion of such an item in the agenda of the twenty-eighth session of the General Assembly, the signatories are violating the provisions of the Charter, notably article 2 (7).

2. Norodom Sihanouk was designated Chief of State by the two Houses of the Khmer Parliament in 1960. Ten years later, he was removed from office by a unanimous vote of that same Parliament. There never was a coup d'état since his removal from office was effected under the Constitution of the country.

Both before and since the removal of the former Chief of State, Sihanouk, the same Government, headed by the same Prime Minister, Mr. Lon Nol, has conducted the affairs of the country with the same civil and military administration.

Created in the Chinese capital by the "National United Front of Cambodia", which is composed of various elements also residing abroad, Sihanouk's government-in-exile has never been invested with authority by the National Assembly which, constitutionally, represents the Khmer people.

It is a blatant lie to contend that this Sihanouk government-in-exile exercises control over 90 per cent of the territory and 80 per cent of the population. In fact, of the 23 provinces of the Khmer Republic, only 4 are permanently occupied by the North Viet-Nameese and their Khmer Rouge allies. Six sevenths of the population remain under the control of the Government of the Khmer Republic. The participation of more than 80 per cent of the electorate in the last referendum and election and the number of refugees (two sevenths of the population) who fled the area occupied by the enemy, provide ample evidence of this.

Moreover, if Sihanouk controls 90 per cent of the territory and 80 per cent of the population, why is he still living in exile in Peking?

3. While he was still in power, Sihanouk violated Khmer neutrality by authorizing the installation of North Viet-Nameese and Viet-Cong bases and troops in Khmer territory. After his removal from office, he appealed to these foreign troops to

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help him to regain power. When we are proposing a cease-fire and a negotiated settlement of the Khmer problem, Sihanouk is continuing to urge the North Viet-Nameese forces, the Viet-Cong and their Khmer Rouge allies to prolong the war against our innocent population.

In the circumstances, are there any grounds for contending that the Sihanouk government-in-exile "consistently pursues the policy of maintaining national independence and peace"?

The truth of the matter is that all the aligned and non-aligned States of South-East Asia have without exception established diplomatic and friendly relations with the Khmer Republic.

The Khmer Republic maintains diplomatic relations with most countries of Asia, the Pacific, Europe and Latin America.

4. The Sihanouk government-in-exile is completely dependent, from all points of view, on Peking. It owes its existence solely to Peking's financial, material, political and diplomatic support. When Peking expels it from Chinese territory, it will cease to exist altogether.

Having no hold over the Khmer population, it is dependent, inside our country, on the North Viet-Nameese forces, the Viet-Cong and a handful of Khmer Rouges.

For our part, we Khmer people have been fighting alone since 15 August 1973 to liberate the country from the foreign forces which Sihanouk claims to lead.

Furthermore, at the three previous sessions (twenty-fifth, twenty-sixth and twenty-seventh), the representatives of the Khmer Republic consistently occupied the seat in the United Nations and their credentials were always accepted.

It is illogical to allege now that the seat was illegally occupied.

5. Only the Khmer people, and not the United Nations, have the right to decide which political system or government they like best.

They made that choice:

On 9 October 1970, by proclaiming the Republic;

On 30 April 1972, by voting for the Republican Constitution in a national referendum;

On 4 June 1972, by electing their first President of the Republic;

On 3 September 1972, by electing the National Assembly of the Republic;

On 15 September 1972, by electing the Senate of the Republic.

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The Khmer people have abolished the monarchy and the United Nations cannot force them to restore it.

6. Since its establishment, has there been a single instance in which the United Nations has granted membership to a government-in-exile not having its seat in the capital of the country concerned?

To permit the entry into the United Nations of a government-in-exile which chooses to reside in a foreign capital would be tantamount to granting that foreign State dual representation, with two votes.

Such a procedure would create an unfortunate precedent for all States which already have, or might in future have, a government-in-exile and it would, at the same time, constitute a flagrant violation of the principles of international law and the provisions of the Charter of the United Nations.
