

GENERAL  
ASSEMBLY

THIRTY-EIGHTH SESSION

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PLENARY MEETINGThursday, 20 October 1983,  
at 11.00 a.m.

NEW YORK

President: Mr. Jorge E. ILLUECA (Panama).

## AGENDA ITEM 3

Credentials of representatives to the thirty-eighth session  
of the General Assembly (concluded):\*

## (b) Report of the Credentials Committee

1. The PRESIDENT (*interpretation from Spanish*): This morning the General Assembly has before it the first report of the Credentials Committee [A/38/508], in which it accepts the credentials of 120 Member States. The Committee recommends that the General Assembly approve the first report of the Credentials Committee.

2. Mr. PAPAJORGI (Albania): As regards the report of the Credentials Committee, the delegation of the Socialist People's Republic of Albania would like to state the following. We believe that it is high time that the international community recognized the reality in Kampuchea and sincerely helped the Kampuchean people.

3. The occupation of the seat of Kampuchea in the United Nations by the representatives of the Pol Pot gang is illegal, for the legitimate representative of the Kampuchean people is the Government of the People's Republic of Kampuchea. Therefore it must occupy the seat it is entitled to in the United Nations.

4. Mr. RAJAI-KHORASSANI (Islamic Republic of Iran): It is usually assumed that the major problems of our world today are those of disarmament, energy, the economic crisis, North-South negotiations, the transfer of technology, the Iran-Iraq war, the Arab-Israeli issue and issues related to other arguments that we always have in the General Assembly and in the Committees.

5. Those who classify such problems as the principal, major global problems of today are usually statesmen, administrators, bankers or professional politicians or diplomats, who are professionally expected to improvise solutions to the problems immediately at hand. They are people who are supposed to "do something", for instance, to keep inflation under control, to plan a project in order to meet the needs of a certain society for food or for technological development. They are improvisors, offering sandwich-course solutions to the fundamental problems of mankind.

6. The United Nations has the same tendency and probably is suffering from the same short-sightedness. It deals—unnecessarily—with the effects, not the causes. The causes of all the world's problems are the decadence of human morality, the materialistic values which are governing our world, greed, the demise of spirituality and the complete disregard by all people of divine values.

7. Here we have representatives of all the countries in the world. We are just a few hundred people. We all address each other respectfully and we know that we are

all enemies of each other. Here we have the United States, Afghanistan, the Soviet Union, Iran, Iraq, Lebanon, all the Western countries, all the countries of the South and the North; we have representatives of all the problems. Do you, Mr. President, think that the problems are outside of us? Do you think that if we, the representatives of the peoples of the world, we officers, administrators, and normal individuals, could purify ourselves we would have all these problems? Do you not share with my delegation the idea that all the suffering, all the danger arising out of armaments, the need for disarmament, food shortage, greed, competitiveness, expansionism—all of these things—exist simply because we have adopted a materialistic perspective, have become only intelligent materialistic animals and no longer divine creatures?

8. The struggle that the delegation of the Islamic Republic of Iran carries on in this Assembly and in other international organs is therefore a holy struggle, because we struggle against all signs and effects that manifest the human maladies.

9. We believe that Israel and its expansionist policies in the area constitute not simply a political problem but also a human problem. It is no different from other human problems that we face; in their roots they are one. We have to fight them, all of us together. We have to stand firm, hand in hand, against all these problems.

10. I do not know, Mr. President, whether you are aware of the excellent speech—the revealing speech, I must say—delivered yesterday by the representative of the United States, and how he addressed himself to the third world countries, those countries which always respectfully address themselves to the supercilious, powerful countries and ask for negotiations, consideration, understanding. Surely that was the plea of the third world countries; it has been the plea of the third world countries during the two years that I have been in New York. And yesterday we saw what the response was. I hope that all the third world countries, all those in need, the sufferers, can stand together against aggression, against expansion, against greed and against decadence.

11. I therefore believe that once again we have to face the reality that the credentials of expansionism are being recognized here. My delegation therefore proposes an amendment to the draft resolution contained in paragraph 23 of document A/38/508. I hope that my amendment will have the approval of all the Members, Westerners and Easterners, developed and underdeveloped. This draft resolution reads as follows:

"The General Assembly

"Approves the first report of the Credentials Committee." I should like it to be amended as follows:

"The General Assembly

"Approves the first report of the Credentials Committee, except with regard to the credentials of Israel."

12. Last year, Mr. President, a procedural conspiracy was immediately forged against my motion. I have full confidence and trust that, under your presidency, this will not occur again. I ask you to do your utmost to prevent the same thing happening this year.

\*Resumed from the 1st meeting.

13. The PRESIDENT (*Interpretation from Spanish*): The representative of the Islamic Republic of Iran has proposed an amendment which will have to be considered by the Assembly.

14. Mr. KRISHNAN (India): My delegation has two observations to make with regard to the report of the Credentials Committee which is now before the General Assembly.

15. First, the Credentials Committee in its report has recommended that the General Assembly accept the formal credentials of representatives of a certain number of Member States to its current session. These include the credentials of the delegation of so-called Democratic Kampuchea.

16. India recognized 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 and 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. In our view, such recognition and support will contribute also to the stabilization of the situation in the area.

17. For all these reasons, the People's Republic of Kampuchea should be enabled to take its rightful place in the United Nations. But, since the world Organization does not appear to be ready to accept this reality as yet, the least we should do is not approve the credentials of the so-called Democratic Kampuchea. In this connection, my delegation would like to recall that the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983, decided to leave the Kampuchean seat in the Movement of Non-Aligned Countries vacant.

18. Our second observation relates to document A/38/520 and Add.1. We have taken note of the reservations made by a number of delegations with regard to the credentials of the delegation of Israel. This is 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 and defiant refusal of Israel to comply with United Nations resolutions, in violation of its obligations under the Charter of the United Nations. It is also a reflection of the feeling of horror and revulsion of the international community over the brutal aggression by Israel against the Palestinians and Lebanon whose territory it continues to occupy, and the genocide and massacres perpetrated there. The Government and people of India are deeply shocked by these events. We deplore the persistent violation by Israel of the principles of international law, including humanitarian laws. It is our deep conviction that there can be no solution to the tragic situation in West Asia until the people of Palestine represented by the Palestine Liberation Organization (PLO), are enabled to exercise their right of self-determination and have a state of their own in Palestine, and until Israel vacates all Arab and Palestinian territories occupied since 1967, including Jerusalem. I should like to place on record India's historical and consistent support of the people of Palestine and of the Arab cause.

19. Mr. TREIKI (Libyan Arab Jamahiriya) (*interpretation from Arabic*): On behalf of my delegation, I have some comments to make concerning the report of the Credentials Committee. My first comment concerns the

credentials of what is called the Israeli delegation. This delegation, which represents an artificial entity, has usurped the land of the Palestinian people, has driven them from their homes and for more than 30 years now has continued to carry out genocide to liquidate the Palestinian people, both within and outside occupied Palestine. The most shameful blot on the history of the United Nations, which did this deed, must now correct it and drive this Member—if it can be so called—from our Organization.

20. There are many grounds for so doing. Since this entity was created, it has refused to implement United Nations resolutions. It has challenged the decisions of this Organization, in particular those of the General Assembly, and it continues to attack its neighbours and occupy their territory, as it has done ever since 1948. Furthermore, this entity has annexed territory belonging to other Member States of United Nations, such as the Golan and Jerusalem, notwithstanding the decisions and resolutions of the General Assembly and the Security Council. That country continues to massacre the Palestinian people, most recently in Sabra and Shatila, and has occupied more than a third of Lebanon, a Member State of this Organization. And it continues to attack countries which are not even its neighbours, as in the case of the attack on the nuclear reactor in Iraq.

21. Does not all this provide justification for the United Nations to take steps against this racist entity, just as it imposed sanctions and took steps against the racist entity of South Africa?

22. I think the time has come for us to shoulder our responsibilities and to tell the truth in order to correct the mistake committed by the United Nations and for which it is responsible. Today there is a super-Power encouraging aggression and threatening to pull out of the United Nations. Well, that should not frighten us. We should not submit to blackmail by any State. That State, by exercising its veto power, is preventing the Security Council from doing its job. It is trying to prevent the General Assembly from adopting a resolution by resorting to blackmail and threatening to withdraw from the United Nations. However great or powerful that State may be, we must not be afraid of it.

23. What can the General Assembly do given the fact that the Security Council is paralysed by the exercise of that State's veto? What the Assembly can do is to reject Israel's credentials in order to demonstrate that the United Nations General Assembly rejects aggression, occupation and expansion. We appeal to all peace-loving States here in this Organization to work together to reject aggression and to ensure that it will not happen again. The history of Hitler and the Nazis does not go that far back. We should remember that the mistakes committed at that time led to the death of millions of people.

24. Racist, Zionist nazism and its expansion are even more dangerous than German nazism. This neo-nazism has succeeded in controlling the destiny of the greatest State in the world today and bending it to its requirements for aggression and expansion. That is why I fully support the proposal submitted by the delegation of the Islamic Republic of Iran.

25. My second comment in connection with the report of the Credentials Committee relates to Kampuchea. Is it not shameful that the people of Kampuchea are deprived of representation here and that we have instead accepted as members a group of adventurers operating outside Kampuchea? We reject them just as we reject the military adventurers in Israel. We support the right of the people of Democratic Kampuchea to be seated in the Organization.

26. Mr. DOUNTAS (Greece): On behalf of my Government, I should like to make a very brief statement to express the regret of the Greek Government that the Palestinian people, for well-known reasons, is still deprived of its right to self-determination, including the right to statehood. We therefore regret the fact that the Palestinian people is not represented in this Assembly and in this Organization in the capacity of a State.

27. The PRESIDENT (*Interpretation from Spanish*): The Assembly has before it the report of the Credentials Committee. The representative of the Islamic Republic of Iran has proposed an amendment to the recommendation of the Credentials Committee. The amendment would add the following words: "except with regard to the credentials of Israel". Does any other delegation wish to speak in connection with the question under discussion?

28. Mr. EL-FATTAL (Syrian Arab Republic) (*Interpretation from Arabic*): I should like to make some comments on the first report of the Credentials Committee. We have constantly rejected Israel's credentials on the basis of a fundamental position which we hold; namely, that the aggressor and the occupier cannot stand in for the Arab people of Palestine.

29. On that basis we support the amendment which was submitted by the Islamic Republic of Iran [A/38/L.4], which we should like to thank. Our support for that amendment is entirely in keeping with our fundamental position of principle which in its turn is in accordance with the position taken by the General Assembly, which was previously set out. I should like to give the motives here but, for technical reasons, I shall have to read them out in French and not in Arabic.

[The speaker continued in French]

30. First, the General Assembly has already declared, in its resolution ES-9/1 of 5 February 1982:

"that Israel's record and actions confirm that it is not a peace-loving Member State and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949".

31. Secondly, Israel has systematically resorted to intimidation and the use of force, using such fallacious arguments as the need for pre-emptive action, security, biblical history, and so forth, in order to extend its domination over neighbouring Arab countries.

32. Thirdly, Israel has rejected the relevant resolutions of the Security Council and the General Assembly, which declared illegal its policy of establishing settlements, used to consolidate its hold on the occupied Arab territories, and to change their topographical, demographic, cultural and social character, and to create a situation of *fait accompli*. This policy, which violates the Geneva Conventions of 12 August 1949, has made it possible in three years to double the number of Israeli settlements, and to start an even more dangerous phase of installing Jewish settlers in Arab towns in the occupied territories.

33. Fourthly, Israel invaded Lebanon and is keeping its troops there in defiance of the Charter of the United Nations and of international law. Need I remind the Assembly that the Security Council unanimously adopted resolution 509 (1982), which demanded the immediate and unconditional withdrawal of Israeli troops from Lebanon. Furthermore, Israel has committed atrocities and hideous crimes against the Lebanese and Palestinian populations, to which the wholesale massacres of the Palestinian inhabitants of Sabra and Shatila will forever stand witness.

34. Fifthly, Israel has persistently committed flagrant violations of the Charter and the principles of international law, and has defied with impunity United Nations resolutions on the question of Palestine and the situation in the Middle East.

35. Sixthly, Israel has refused to implement resolutions of the Security Council and the General Assembly dealing with the city of Jerusalem, which it has illegally annexed and made into its capital.

36. Seventhly, Israel has refused to implement the relevant resolutions of the Security Council and the General Assembly demanding that it should immediately abrogate its decisions of 14 December 1981 to impose its legislation, jurisdiction and administration on the Syrian Golan Heights.

37. Eighthly, Israel has systematically refused to implement the resolutions of the United Nations concerning the inalienable and legitimate rights of the Palestinian people to self-determination and to the creation of its own independent state in Palestine, and has continued its illegal occupation of Palestinian territories, including the Holy City of Jerusalem.

[The speaker resumed in Arabic]

38. For all these reasons, and for other reasons, of which we have been aware since 1947, my delegation fully supports the amendment submitted by the delegation of the Islamic Republic of Iran. This is the first point I wish to make in connection with the report of the Credentials Committee and the draft resolution which is set forth in paragraph 23 thereof, to which the delegation of the Islamic Republic of Iran has submitted an amendment.

39. Regarding the question of Kampuchea, my delegation would like to state that we reject the credentials of so-called Democratic Kampuchea, because the seat which it occupies in the General Assembly rightfully belongs not to it but to the People's Republic of Kampuchea. For that reason we reject those credentials and wish to enter express reservations on the subject.

40. Mr. DOS SANTOS (Mozambique) (*Interpretation from French*): My delegation wishes to reiterate that the People's Republic of Mozambique recognizes the People's Republic of Kampuchea, the sole representative of the people of Kampuchea. Therefore, we oppose recognition of the representatives of so-called Democratic Kampuchea.

41. Furthermore, we regret the fact that the Palestinian people are not represented in the United Nations by their legitimate representative, the PLO.

42. The PRESIDENT (*Interpretation from Spanish*): I shall now call upon the representative of Norway, who has asked to speak on a point of order.

43. Mr. VRAALSEN (Norway): I rise on a point of order on behalf of the five Nordic countries, Denmark, Finland, Iceland, Sweden and Norway, in connection with the amendment submitted by the representative of Iran. That amendment proposes the rejection of the credentials of the representatives of Israel. On behalf of the Nordic countries, I formally move that no action be taken on the amendment, and I ask you to be good enough to put this motion immediately to the vote. The motion is made within the terms of rule 74 of the rules of procedure of the General Assembly. I wish to specify that it relates only to the Iranian amendment and not to other aspects of the report of the Credentials Committee.

44. The five Nordic countries are motivated to make this motion by their dedication to upholding the capacity and authority of the United Nations to act in fulfilment of its primary purpose, which is the maintenance of peace

and security. We believe that concern for the future of this Organization is in the overwhelming interest of all Member States.

45. The PRESIDENT (*interpretation from Spanish*): The representative of Norway has made a motion, in accordance with rule 74 of the rules of procedure, that the General Assembly decides not to take a decision on the amendment just submitted by the representative of the Islamic Republic of Iran. Under rule 74, in addition to the proposer of the motion, who has already spoken on behalf of the five Nordic countries, two representatives may speak in favour of and two representatives may speak against the motion, after which it shall immediately be put to the vote.

46. Mr. AL-ASHTAL (Democratic Yemen): In line with rule 76 of the rules of procedure of the General Assembly, I am not going to debate the proposal of Norway. However, I should like to read to the General Assembly rule 74 under which the representative of Norway proposed his motion. Rule 74 says:

“During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.”

47. Rule 74 makes no mention of the fact that no action should be taken on a given resolution or draft resolution. Rule 74 speaks of the adjournment of the debate. I should like, therefore, to ask the President or the Legal Counsel whether the proposal of Norway is in order. Secondly, I should like to ask for how long this adjournment is supposed to be? Are we adjourning this proposal until some time during the session, or for how long?

48. Mr. SAHNOUN (Algeria (*interpretation from French*)): I have asked to speak in order to take part in the brief debate under rule 74 of the rules of procedure since the procedural motion made by the representative of Norway is based on that rule. May I be permitted at the outset to express my delegation's serious doubts as to the legal justification of such a motion. If one were to read in an interpretative fashion the text of rule 74, in keeping with the rule laid down for the interpretation of legal texts, one is bound to see an enormous discrepancy between the normal functions of this rule and the new role of procedural tool which some are seeking to give it. Rule 74 relates to the adjournment of the debate—and I would emphasize “the adjournment of the debate”—on the item under discussion. It seems quite clear that what is being proposed here is the singling out of one specific element of a question under discussion in order to remove it from the normal debate and decision-making process without the question as a whole being itself adjourned or postponed. Quite clearly, a doubtful construction is being placed on the text. This is obviously an attempt to take a convenient detour around the decision-making process, a detour intended to lead to an artificial avoidance of a substantive decision by the Assembly.

49. I know that institutions do have a tendency to generate practices which, when they are tacitly accepted, end up by taking on the authority of an accepted rule. It would be too easy to give jurisprudential value to the unfortunate precedent of the thirty-seventh session or to the cases in which an elastic interpretation of rule 74 for the plenary or of rule 116 for the main Committees, has prevailed, often through confusion, over a strict respect for the spirit and the letter of the texts.

50. If this procedural expedient were to have miraculous effects and virtues which the drafters of the rules of procedure never suspected, it would be much more proper to allow the General Assembly or one of its *ad hoc* committees to formulate the appropriate terms for its inclusion in the rules of procedure under rule 163 on amendments to the rules of procedure. The decision-making procedure of the Assembly would then no longer be at the mercy of circumstances and the principle of the general applicability of the rule of law would be fully respected.

51. My delegation, which has never shrunk from a relevant debate on the working methods of the United Nations, as in the past will not sanction the damage that this procedural motion could do to the normal functioning of our decision-making procedure. For that reason, therefore, quite apart from the many substantive reasons for opposing the proposal, which I shall not raise in this procedural discussion, we shall vote against the amendment improperly submitted under rule 74 of the rules of procedure.

52. The PRESIDENT (*interpretation from Spanish*): Before I request the view of the Legal Counsel, I shall ask the representative of Norway to explain the scope of his motion in response to the question asked by the representative of Democratic Yemen.

53. Mr. VRAALSEN (Norway): I will be pleased to meet your request, Mr. President. When I made my motion, I said that I formally move that no action be taken on the amendment. That should be clear enough. This means that no action should be taken at any given moment during this session of the General Assembly.

54. The PRESIDENT (*interpretation from Spanish*): I shall now request the views of the Legal Counsel on the arguments put forward during this discussion, particularly by the representative of Democratic Yemen.

55. Mr. FLEISCHHAUER (Legal Counsel): A legal opinion has been requested on the question of whether the motion proposed by the representative of Norway is a motion that can properly be made under the rules of procedure of the General Assembly. The motion under consideration was proposed within the context of rule 74 of the rules of procedure. That rule provides for the adjournment of debate on the item under consideration without any limitations as to the reasons for which a motion may be presented under the rule.

56. A review of the practice of the General Assembly shows that the Assembly has on several occasions in the recent past acted on motions to take no action on a proposal before it on the basis of rule 74. Among the precedents which I have referred to, there are not only those which relate to the item as a whole, but also several which relate to a specific question or text under consideration and to adjournment *sine die*.

57. As representatives may recall, an identical motion within the context of rule 74 of the rules of procedure of the General Assembly was proposed in similar circumstances when the same agenda item was considered at the thirty-seventh session. On that occasion the Assembly acted on the motion and adopted it.

58. In these circumstances, it is my view that the motion before the Assembly is receivable from a legal standpoint.

59. The PRESIDENT (*interpretation from Spanish*): On the basis of the statement we have just heard from the Legal Counsel, I propose to put to a vote the motion to take no action on the amendment submitted by the Islamic Republic of Iran.

60. I call on the representative of the Islamic Republic of Iran on a point of order.

61. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): I shall put my point of order in the form of a question. But first, I should like to thank the Legal Counsel for presenting the interpretation so clearly. What I wish to ask is if there is any evidence other than the motion presented last year in the General Assembly in similar circumstances—because last year I failed to refer the issue to the Legal Counsel and my delegation doubts the constitutionality of last year's procedure. I fear that if that is taken as a precedent it will be very dangerous for the General Assembly, since many important decisions may be hindered by it, and I believe that the constitutionality of last year's decision is questionable. We need many more cases to establish the fact that there are enough precedents to confirm the constitutionality of the present counter-motion submitted by the representative of Norway.

62. Could I be told whether there is any evidence other than what happened last year?

63. The PRESIDENT (*interpretation from Spanish*): I call on the Legal Counsel to answer the question raised by the representative of the Islamic Republic of Iran.

64. Mr. FLEISCHHAUER (Legal Counsel): As to the question just asked by the representative of the Islamic Republic of Iran, my opinion is not based on last year's precedent alone. There are other precedents in which action was taken in similar circumstances under the relevant provision of the rules of procedure of the General Assembly.

65. The PRESIDENT (*interpretation from Spanish*): Rule 74 states: "In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion . . ."

66. I call on the representative of the Islamic Republic of Iran on a point of order.

67. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): I should like to refer to the reply that we just heard from the Legal Counsel.

68. Is it just that other cases cannot be recalled and it is generally assumed that there are cases other than last year's, or are there other cases that can be used to substantiate the general statement by some clear evidence?

69. The PRESIDENT (*interpretation from Spanish*): We have heard the Legal Counsel's opinion. I have a duty under the rules to put the Norwegian motion to a vote after giving an opportunity to two representatives to speak in favour of it, and two to speak against. Two representatives have spoken against, but no representative has asked to be allowed to speak in favour of, the motion.

70. I call on the representative of the Libyan Arab Jamahiriya on a point of order.

71. Mr. TREIKI (Libyan Arab Jamahiriya) (*interpretation from Arabic*): Since my delegation is not convinced by the legal explanation given in connection with this matter, I should like, through you, Mr. President, to put the following questions to the representative of Norway, who submitted the motion. The representative of the Islamic Republic of Iran has adduced logical arguments in keeping with the logic of the Charter of the United Nations, and what he said was perfectly correct. Can the representative of Norway guarantee that Israel will withdraw from the Golan Heights, which are Syrian Territory? Can the representative of Norway assure us that Israel will implement the resolutions on Jerusalem?

72. I consider that the precedent which we would create were we to accept the Norwegian motion would amount to preventing the General Assembly from working properly, and I hope that you will decide to reject that motion, Sir.

73. The PRESIDENT (*interpretation from Spanish*): I must say, with all due respect, that, in accordance with the rules of procedure, we must now proceed to the vote. We have heard two speakers against the motion, but no representative has asked to speak in favour of it.

74. I call on the representative of the Syrian Arab Republic on a point of order.

75. Mr. EL-FATTAL (Syrian Arab Republic) (*interpretation from Arabic*): A specific question was asked of the Legal Counsel and we have not had a specific answer. The Legal Counsel has told us that there are precedents, so our question is as follows: do these precedents relate to a similar question to the one under discussion, or are they merely precedents which concern motions or proposals to have the General Assembly not take a decision on an amendment which has been submitted? What I am asking the Legal Counsel is for him to give us a clear answer so that we have full knowledge of the facts when we come to the vote. We need to know about precedents relating to reports of the Credentials Committee, precedents which relate to amendments presented by a Member State which asks us not to take action in connection with the report of the Credentials Committee. So we should like to know if those precedents relate to questions similar to that raised by the Islamic Republic of Iran or by Norway. They have to be exact parallels and we should like a more complete and fuller explanation from the Legal Counsel, because it is very important for us to know the facts when we come to the vote.

76. The PRESIDENT (*interpretation from Spanish*): The Chair would like, first of all, to express respect for the Assembly, which is master of its own house and which has the final word on any steps to be taken. It would be very hard for the President, after having known the procedure that was followed last year at the thirty-seventh session of the General Assembly and after having heard the views of the Legal Counsel, to follow a path different from that set forth in the rules. The Chair would like to be as accommodating as possible with all representatives wishing to speak without conforming to the rules, but these do specify that there must be two speakers in favour and two against. Does any representative wish to appeal the view of the President, who considers that the Norwegian motion is valid and should be put to the vote? The Assembly would have to decide if such an approach were unreasonable, and therefore I wonder whether there is any objection by any delegation to the procedure suggested by the President? If not, I suggest that we proceed immediately to the vote.

77. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): The question I raise is exactly related to the very important point that you, Sir, have already brought up.

78. The General Assembly is indeed the ruler and the master of its own procedure and we believe that if there is just one single case of unconstitutionality it is indeed very important for the General Assembly, which is the master of its own rules, to take note of that mistake. My delegation wonders whether we have only one case—simply one case—whose constitutionality is questioned and that is the case that was submitted by my delegation last year, or other cases, because that case does not constitute valid constitutional evidence for the constitutionality of the decision we are to vote upon now. We have to have further evidence, otherwise I shall presume that we are basing our judgement on another unconstitutional single piece of evidence, which is, as a matter of fact, threatening the interests of the international body. I again ask whether there is any other evidence to substantiate the general statement made by the Legal Counsel.

79. The PRESIDENT (*interpretation from Spanish*): The President would like to satisfy the wishes of the representative of the Islamic Republic of Iran, since it is in our interest to have discussions take place in the most harmonious fashion possible. I wish to ask the Legal Counsel to reply to that question so that we may have all the information we require before we turn to the vote. I call on the Legal Counsel to make a further statement so that we can see if it is possible to resolve the question asked by the representative of the Islamic Republic of Iran.

80. Mr. FLEISCHHAUER (Legal Counsel): The opinion which I formulated was, as I said before, not based only on last year's precedent. We have other precedents which relate to situations that arose at the thirty-third, thirty-fourth, thirty-sixth and thirty-seventh sessions. In these cases it was debated whether a motion to adjourn referred to the item as a whole or could be limited to a specific proposal, or whether the adjournment should be *sine die* or only for a limited period of time.

81. I should like to add that these precedents relate to the question of adjournment, but that they did not arise in respect of the discussion of reports of the Credentials Committee. In the context of credentials, last year's precedent is the only case we have so far been able to find, but the underlying questions have been asked and dealt with before in other contexts.

82. The PRESIDENT (*interpretation from Spanish*): We shall now put to the vote the motion put forward by the representative of Norway to take no decision on the amendment.

83. I call on the representative of the Islamic Republic of Iran on a point of order.

84. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): I am fully satisfied with the explanation presented by the Legal Counsel in which he clearly mentioned that other cases except that of last year fell under rule 74 and that they were related to adjournment of debates. But, unfortunately, the only case which requests that no action be taken is that of last year, is it not? Therefore if that case is unconstitutional, so is the present case.

85. The PRESIDENT (*interpretation from Spanish*): Before calling upon the Legal Counsel I should like to say that that will be the last clarification, because we shall be holding the vote, unless a point of order is raised which leads us in another direction. But the Chair does not see in the rules any other way of proceeding.

86. I call on the Legal Counsel.

87. Mr. FLEISCHHAUER (Legal Counsel): The representative of the Islamic Republic of Iran asked me for a clarification. I spoke of a motion for adjournment because rule 74 of the rules of procedure speaks of adjournment; but motions not to take any action on a proposal or amendment have as a matter of fact been presented and acted upon in the past. I should like to cite from the verbatim records of the thirty-seventh session of the General Assembly, on 18 December 1982. Mr. Koh of Singapore said: "It is for that reason that I propose to this Assembly not to take any action on all the draft amendments contained in documents A/37/L.56 and A/37/L.57." [111th meeting, para. 54.]

88. The PRESIDENT (*interpretation from Spanish*): We shall now proceed to vote on the motion by the representative of Norway.

*A recorded vote was taken.*

*In favour:* Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Burma, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Cyprus,

Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malawi, Mexico, Nepal, Netherlands, New Zealand, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, Solomon Islands, Spain, Sri Lanka, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

*Against:* Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Comoros, Cuba, Czechoslovakia, Democratic Yemen, Djibouti, Gambia, German Democratic Republic, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mongolia, Mozambique, Nicaragua, Oman, Pakistan, Poland, Qatar, Sao Tome and Principe, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yemen.

*Abstaining:* Barbados, Burundi, China, Congo, Equatorial Guinea, Ethiopia, Guinea, Guyana, India, Madagascar, Mauritius, Nigeria, Rwanda, Tunisia, Turkey, Uganda, United Republic of Tanzania, Upper Volta, Zimbabwe.

*The motion was adopted by 79 votes to 43, with 19 abstentions.<sup>2</sup>*

89. The PRESIDENT (*interpretation from Spanish*): The Assembly will now take a decision on the recommendation of the Credentials Committee in paragraph 23 of its first report. The Committee adopted this draft resolution without a vote. May I take it that the Assembly, bearing in mind the views expressed by various delegations, wishes to do the same?

*The draft resolution was adopted (resolution 38/2).*

90. The PRESIDENT (*interpretation from Spanish*): I shall now call on those delegations that wish to speak in explanation of vote. I remind delegations that in accordance with General Assembly decision 34/401, explanations of vote should be limited to 10 minutes and should be made by delegations from their seats.

91. Mr. VONGSAY (Lao People's Democratic Republic) (*interpretation from French*): Once again, unfortunately, my delegation and others which are particularly interested in this as a matter of principle have to express their disappointment at the report of the Credentials Committee, in particular as regards the representation of Kampuchea at the present session of the General Assembly. The Assembly has accepted the participation of the so-called Coalition Government of Democratic Kampuchea in the debates at the present session, to the great detriment of the Government of the People's Republic of Kampuchea, the sole legal and authentic representative of the Kampuchean people. Once again, injustice has been committed against the People's Republic of Kampuchea and its people. We deplore this unfair decision, behind which, of course, can be seen, as on previous occasions, a conspiracy and a series of manoeuvres by the powerful imperialists and expansionists, as well as some of their allies in South-East Asia.

92. I should now like, with your permission and at the risk perhaps of being repetitious, to go into the background of the salient events marking the emergence from



the grass roots of the people of the People's Republic of Kampuchea and its principal political institutions.

93. It will be recalled that on 7 January 1979, the sorely tried Kampuchean people rose up spontaneously to overthrow the tyrannical régime of Pol Pot and Ieng Sary, who, during the almost four years they were in power, massacred nearly 3 million of their compatriots, destroyed all the economic, social, family, cultural and religious structures of the country and reduced the entire population to a state of slavery. This is the sinister balance sheet of the Pol Pot régime, which the international press has frequently described in greater detail. Since the toppling of those abhorrent butchers, the Kampucheans, those that escaped death, have made Herculean efforts, under the firm direction of the new people's power, to staunch their war-wounds, both physical and moral, and gradually to reconstruct their country, which had been so atrociously devastated and ravaged.

94. In May 1981, free and democratic general elections, at which many representatives of the foreign press were present, were organized throughout the country. The Constitution of the People's Republic of Kampuchea was also promulgated and State institutions—the National Assembly, the Council of State, the Council of Ministers, and so on—were established.

95. These are the fundamental structures of a State power which is the expression of the sovereign will of the Kampuchean people, a power that is fully and effectively exercised over the entire national territory. It is regrettable that certain Governments persist in questioning the legitimacy and legality of the Government of the People's Republic of Kampuchea, contrary to the well-established norms of international law and even those of morality and justice. Those detractors of the Government of the People's Republic of Kampuchea, by taking this attitude, deliberately choose to shelter behind political quibbles that smack of Machiavelli. They are obsessed by the presence of Vietnamese troops in Kampuchea, which they quite wrongly use as a warhorse in their efforts to prevent the participation of representatives of the Government of the People's Republic of Kampuchea in the work of the General Assembly. They have forgotten that according to the Charter of the United Nations—particularly Article 51—as well as the relevant principles of the Movement of Non-Aligned Countries, the Kampuchean people is perfectly entitled to call for assistance from its friends and brothers-in-arms, in this case the Vietnamese volunteers, to get rid of the Pol Pot butchers. Was this not a natural exercise of the right to self-defence, of the right to life, to individual security, the right or freedom to escape from slavery, from servitude and from torture?

96. Now let us see what is represented by the so-called Coalition Government of Democratic Kampuchea which was formed at Kuala Lumpur in June 1982. It is in fact made up of Pol Pot's criminals and reactionaries such as Sihanouk and Son Sann, who represent no one but themselves and the Peking expansionists, their puppet masters. The Kampuchean people no longer wishes to hear anything said about them because they were both individually and collectively in various degrees responsible for the downfall of the Angkor civilization and for the decimation of the Khmer people, all for the sake of a nihilist doctrine. Yet it was precisely in order to perpetuate, if not to eternalize, their usurpation of the seat of Kampuchea in the United Nations for their own purposes that their puppet masters and overlords have mounted this spectacular circus which is known as the Coalition Government of Democratic Kampuchea.

97. But whatever cosmetic additions are made, this so-called coalition cannot mislead well-informed world

public opinion. On the contrary, the role of seducer which it was supposed to play is simply being whittled away day by day. In this connection, it must be recalled what was said a few years ago by Sihanouk, at that time their nominal leader, after his liberation from the criminal grasp of Pol Pot. Sihanouk said that if he was to undertake a struggle to free his country, he could quite easily muster at least 10,000 men. But two years ago, when he was placed at the head of one of the Khmer reactionary political factions, he was able to levy a force of only 5,000 men—and these were figures provided by official Western circles which are close to Sihanouk—a strength which was reduced by one third after the victorious offensive of the armed forces of President Heng Samrin last May. Since then this force has never reached full strength, through a lack of volunteers. We can deduce that Sihanouk no longer enjoys any popularity or credibility among the Kampuchean population. His erstwhile image is becoming daily more tarnished and this is for two reasons. First, when allying himself to Pol Pot, Sihanouk at the same time became an accomplice in the crime of genocide perpetrated against the Kampuchean people. Secondly, the policy practised at present by Sihanouk is imposed upon him by foreigners and in the service of foreigners. It is a policy of self-destruction.

98. In its 14 June 1983 issue, *Le Figaro* wrote: "You would have to be a deaf mute not to realize that since its creation the Democratic Kampuchean coalition has been nothing more than a political fiction."

99. This is the reality which we must be courageous enough to face up to, rather than see it through the distorting lens of pathological anti-Vietnamism. Any impartial and honest observer would not fail to pour scorn on this so-called Pol Pot Coalition Government in disguise, as well as its irregular participation in United Nations activities. Thus, the international edition of *Le Monde*, published in August of this year, in its commentary on the result of the Second World Conference to Combat Racism and Racial Discrimination held at Geneva from 1 to 12 August 1983, said: "It was indeed striking to see during the debates, holding his head high, Mr. Khieu Samphan, head of the Cambodian State at the time his friend Pol Pot was organizing genocide against his own citizens." It is not without interest to recall that at the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held last March at New Delhi, the expansionists, in collusion with American imperialists and member countries of the Association of South-East Asian Nations, did everything possible in order to have Sihanouk participate or at least be allowed to appear however briefly in New Delhi. But the Government and the glorious Indian people did not comply with the immoral wishes of his protectors. Furthermore, the attempt made by the latter to have the seat in the Movement granted to the coalition also ended in a fiasco. This tellingly indicates the wisdom and the realism of the policy of the Government of India, the host country, and the entire membership of the Movement of Non-Aligned Countries, to which peace and justice-loving international public opinion did not fail to pay a warm tribute.

100. I am quite certain that the Kampuchean people, which narrowly escaped the Pol Pot holocaust, will never forget the valuable political and moral support which a number of us present here are giving it at this historic moment.

101. Nevertheless, progressive opinion throughout the world is disappointed at the decision taken by the Credentials Committee, which has just been endorsed by the Assembly, regarding the representation of Kampuchea. It was our hope that the General Assembly of the United

Nations would this year reconsider its erroneous and unfair judgement made previously, by opting, as an interim solution, for an empty seat formula, like the decisions taken at the Sixth and Seventh Conferences of the Heads of State or Government of Non-Aligned Countries, held respectively at Havana in 1979 and at New Delhi last March. These were entirely judicious decisions, and the People's Republic of Kampuchea welcomed them warmly. But the most just, the most reasonable and the most realistic solution, as much from the juridical and political as from the moral point of view, would naturally be simply to oust from the United Nations the so-called Coalition Government of Democratic Kampuchea and to restore to the Government of the People's Republic of Kampuchea its legitimate rights within this universal Organization. It is to be feared that, as long as the United Nations persists in its erroneous approach to this problem, it will not be in a position effectively and properly to discharge its role as guardian of international peace and security, nor to achieve the noble aims and objectives of the Charter.

102. The PRESIDENT (*interpretation from Spanish*): I invite the representative of the Lao People's Democratic Republic to bear in mind that his 10 minutes have elapsed and I would ask him to conclude his statement.

103. Mr. VONGSAY (Lao People's Democratic Republic) (*interpretation from French*): I shall conclude in just one minute, Sir. Worse still, the prestige and standing which the United Nations enjoyed in the past have been seriously jeopardized because of this.

104. These were the thoughts evoked by this decision of the General Assembly, taken in regard to the representation of Kampuchea, a decision in connection with which my delegation, on behalf of the People's Republic of Kampuchea and the Socialist Republic of Viet Nam, has the obligation to state its express reservations.

105. Mr. SHELDON (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): On behalf of the delegations of the People's Republic of Bulgaria, the Hungarian People's Republic, the German Democratic Republic, the Polish People's Republic, the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic, the Czechoslovak Socialist Republic, and the Byelorussian Soviet Socialist Republic, I have been authorized to make the following statement.

106. Those delegations had no objection to approving the report of the Credentials Committee without a vote, since it relates to the credentials of a large number of delegations participating in the work of the thirty-eighth session of the General Assembly.

107. However, for those delegations I have just referred to, this by no means signifies agreement with the so-called credentials of the non-existent entity of Democratic Kampuchea.

108. In fact, neither in real political life nor on the map of the world is there anything which some, nourishing their political ambitions, can call Democratic Kampuchea. Those persons who are to be found illegally in the United Nations wearing the badge of another country, the so-called representatives of Democratic Kampuchea, represent no one apart from the political outcasts, the bloody Pol Pot butchers, who were thrown on to the rubbish heap of history by the Kampuchean people during its liberation struggle. Their presence in the United Nations is harmful to its prestige and insults the memory of millions of Kampucheans who fell victim to the genocide of the Pol Pot régime.

109. There is in the world the People's Republic of Kampuchea, a sovereign State, whose people, through

free and democratic general elections, formed the constitutional government of that country. The people of the People's Republic of Kampuchea has scored remarkable successes in restructuring the national economy and in peaceful construction, and has made the process of social reform and general reformation in Kampuchea irreversible. The People's Republic of Kampuchea pursues a peaceful foreign policy and supports the purposes and principles of the Charter of the United Nations. The domestic and foreign policies of the Government of the People's Republic of Kampuchea enjoy the full support of the Kampuchean people. The international authority of the People's Republic of Kampuchea is growing steadily.

110. The delegations I have named, a group of Eastern European socialist countries, state quite categorically that only the representatives of the People's Republic of Kampuchea can appear in the United Nations and in other international organizations and act on behalf of the Kampuchean people. These delegations express their profound conviction that this, in fact, is what will happen in the very near future.

111. Mr. YAQUB KHAN (Pakistan): My delegation wishes to record its formal reservation concerning the credentials of the delegation representing Afghanistan at the thirty-eighth session of the General Assembly. This position is consistent with Pakistan's stand of principle that foreign military intervention which violates the sovereignty, independence and territorial integrity of a country cannot be justified under any pretext or in any circumstance, and that it constitutes a flagrant contravention of the Charter of the United Nations.

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

113. Mr. ROA KOURÍ (Cuba) (*interpretation from Spanish*): My delegation wishes to express the formal reservations of the Government of the Republic of Cuba on the report just adopted as it relates to so-called Democratic Kampuchea. As far as Cuba is concerned, the sole legitimate representative of the people and the State of Kampuchea is the People's Revolutionary Council of Kampuchea under its president, Comrade Heng Samrin, based in Phnom Penh. It is that Government which is exercising real authority and control over Kampuchean territory and which is entitled to occupy Kampuchea's seat within the United Nations. We therefore reject the credentials of the so-called Coalition Government, a régime which has been totally discredited and stands condemned, and whose presence here in the United Nations undermines each year the prestige of the Organization.

114. We wish, furthermore, to recall the decision of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, which was reaffirmed by the Seventh Conference held this year at New Delhi, to keep vacant the seat Kampuchea is entitled to within our Movement. This decision is in marked contrast to the one just taken by the Assembly.

115. My delegation rejects the contrivance of the so-called Coalition Government as an attempt to mask the genocidal face of Pol Pot, and because of its illegitimacy. It lacks the slightest foundation under international law as it is not established on any territory and lacks authority or internal support in Kampuchea. It merely represents itself. The maintenance of this fictitious régime within the ranks of the United Nations violates the purposes and principles of the Charter and hampers the Organization's



active contribution to the search for comprehensive political solutions in the interest of peace, co-operation and stability in South East Asia.

116. The achievements in reorganizing the life of Kampuchea since the people's triumph, despite continuing imperialist, hegemonist and reactionary pressures, clearly show that the Kampuchean people is truly the master of its own land and destiny, and that its revolutionary process grows daily and irreversibly stronger.

117. The delegation of the Republic of Cuba considers that this Assembly should immediately restore the rights to the true and worthy representatives of the valiant Kampuchean people, to the People's Revolutionary Council of Kampuchea, in keeping with the spirit and the principles of the Charter of the United Nations and with the most elementary tenets of morality and international justice.

118. Mr. BLUM (Israel): The assault on the United Nations by the forces of bigotry, irrationality, international gangsterism and international lawlessness has once again been thrown back. It is only appropriate to take stock briefly of the debate that we have witnessed here today.

119. The first report of the Credentials Committee makes it perfectly clear that the credentials of the delegation of Israel, having been examined by the Committee in accordance with rule 28 of the rules of procedure of the General Assembly, were found by it to be in due form and proper order. Accordingly, they were accepted by the Committee and recommended for approval by the Assembly, alongside the credentials of some 115 other delegations.

120. This notwithstanding, certain spokesmen of irrationality and lawlessness represented here, amongst others, by the representatives of Iran and Libya, and aided by those who have been traditionally fanning anti-Israel obsessions in a cynical attempt to advance their sinister aims, have seen fit to make a gratuitous and completely unfounded attack on Israel's credentials, both in statements in this Assembly and in the perverse letter circulated as document A/38/520 and Add.1, the reply to which can be found in our letter of today's date, circulated as document A/38/521.

121. The statements that we have heard from the representatives of the enlightened régimes of Iran, Libya and Syria were completely out of order, utterly irrelevant to the report of the Credentials Committee and nothing more than a ritualistic incantation of well-worn clichés designed to waste the time of the General Assembly and to prolong the present discussion in order to introduce matters completely extraneous and irrelevant to the agenda item under consideration.

122. While I do not wish to be drawn into this evident abuse of the credentials procedure, I cannot refrain from pointing out the arrogant, frivolous and ironic character of the various anti-Israel statements made in the course of this debate. My country has been the target of ongoing aggression by a group of States ever since its establishment in 1948. That group of States has, over the past 35 years, flagrantly and continuously violated the United Nations Charter and the basic precepts of international law *vis-à-vis* Israel, most specifically Article 2, paragraph 4, of the Charter, which prohibits "the threat or use of force against the territorial integrity or political independence of any State", and paragraph 3 of the same Article, which enjoins all Members of the United Nations to "settle their international disputes by peaceful means".

123. The countries which engineered the move that culminated in the anti-Israel statements made in the course of the discussion of the item before us have done

everything in their power over the past three decades and more not only to harass my country in every conceivable manner, including the recurrent recourse to the unlawful use of force, but also to annihilate it and wipe it off the face of the earth. They have even created a terrorist organization for the specific purpose of promoting their unrelenting efforts to destroy Israel. Having failed in their criminal designs against my country, they have been fulminating against it at the United Nations and in the specialized agencies and abusing the Organization by standing truth on its head and by attributing to Israel their own sins through a process known to psychologists as "projection".

124. There can be no better explanation for the bizarre fact that notorious aggressor régimes like Libya, Syria, and so on, have the arrogance to pose here as peace-loving nations and to accuse Israel on this score simply because the intended victim of aggression had the tenacity to resist, and to resist successfully, I might add, the criminal designs of the aggressors.

125. What is more difficult to explain is the cynical exploitation of Arab obsession with Israel by a group of countries beyond the Middle East, which have been fishing for almost three decades in the troubled waters of our region. I wish to assure the aggressor régimes and all their assorted cohorts in the Middle East and beyond, in the Eastern hemisphere and in the Western hemisphere, that Israel does not intend to accommodate them in this regard in the future either and that it will resist and repel any attempt aimed against Israel's sovereignty, territorial integrity, independence and dignity.

126. Incidentally, it is difficult to escape an intriguing question in this regard. If the criteria posited by such legal luminaries as the representatives of Libya, Iran and Syria are, indeed, relevant for the approval of credentials here, how is it that they, as well as other similar régimes, have seen fit to submit credentials in the first place? And if these criteria were indeed valid, how many seats in this hall would have to remain empty? Would not this hall become a pretty desolate place? Let, therefore, the aggressor nations search themselves first before attributing their own sins to countries that are not guilty of them, especially their would-be victims.

127. The discussion on the report of the Credentials Committee is not the occasion for any country to engage in polemics of the kind that were contained in anti-Israel statements made here earlier. The impropriety of those statements was, of course, further compounded by their utterly mendacious character. Unjustified aspersions cast on credentials which are in due form and have been accepted as such by the Credentials Committee are in clear violation of the letter and spirit of the Charter of the United Nations and of the rules of procedure of the General Assembly.

128. The approach reflected in the anti-Israel statements made here today is also incompatible with the principles supposedly guiding the United Nations including the duty incumbent on all Members of the United Nations to use it as Article 1, paragraph 4, of the Charter enjoins us, as a "centre for harmonizing the actions of nations".

129. The reprehensible approach reflected in those statements does not merely redound to the discredit of the United Nations system as a whole, it is also liable to affect adversely the ability of the United Nations to perform its primary functions for the maintenance of international peace and security.

130. Mr. LING Qing (China) (*interpretation from Chinese*): Ever since the foreign military invasion of Democratic Kampuchea, the Vietnamese authorities have

challenged its credentials at each session of the General Assembly. Their main argument is that there is a Heng Samrin régime at Phnom Penh. Everybody knows, however, that this is a puppet régime installed by the Vietnamese authorities after dispatching some 200,000 troops and occupying large stretches of Kampuchean territory at the end of 1978. It is common knowledge that foreign armed aggression can in no way legitimize a puppet régime. As a matter of fact, States Members of the United Nations have not only refused to recognize the *fait accompli* resulting from foreign armed aggression against and occupation of Kampuchea, but have also adopted a number of resolutions condemning foreign aggression against Democratic Kampuchea and strongly demanding the total withdrawal of foreign troops from that country.

131. The Coalition Government of Democratic Kampuchea is the sole legal Government of Kampuchea, which is a fact of life there. Under the leadership of Prince Norodom Sihanouk, President of Democratic Kampuchea, the Coalition Government of Democratic Kampuchea has in the past year achieved significant successes in the political and military fields, as well as in foreign affairs, and is winning increasingly extensive international sympathy and support. Following participation in the work of the thirty-seventh session of the General Assembly, Prince Sihanouk, President of Democratic Kampuchea, and other leaders of the Coalition Government, were invited to a good number of countries and accorded warm and friendly reception wherever they went. Of particular historic significance was the inspection tour made by the President of Democratic Kampuchea, Samdech Norodom Sihanouk, in the Kampuchean liberated areas where he presided over cabinet meetings and accepted credentials of six ambassadors to Democratic Kampuchea.

132. Many correspondents who visited the liberated areas of Kampuchea eloquently proved by their video tapes, photos and articles that changes have taken place in the situation in Kampuchea. The policies of the Coalition Government are supported and welcomed by broad sections of the people. In the area controlled by the patriotic forces both civilians and soldiers show their trust in and support for the Coalition Government. The broad masses of the patriotic armed forces and people, though still facing many difficulties, are optimistic and fully confident of final victory in their struggle against aggression.

133. In contrast, the Vietnamese aggressors are having an increasingly difficult time. The situation in Kampuchea is developing in a direction favourable to the victory of the Kampuchean people in their independence struggle. Democratic Kampuchea is an independent, neutral and non-aligned country and is a State Member of the United Nations as well. It is completely reasonable, legitimate and unchallengeable for the delegation of Democratic Kampuchea to attend the sessions of the General Assembly and other international conferences. The credentials of the representatives of Democratic Kampuchea to the current session have been issued in accordance with the rules and procedures of the General Assembly and are therefore fully in order.

134. The so-called "People's Republic of Kampuchea"—that is, the Heng Samrin régime—is an illegal régime propped up by the troops of the foreign aggressor and can in no way represent the Kampuchean people. The idea of "leaving the Kampuchean seat vacant" does not hold water at all. The Chinese delegation therefore maintains that it is wholly just for the General Assembly to

accept the credentials of the delegation of Democratic Kampuchea.

135. The Chinese delegation also wishes to take this opportunity to reiterate that the fact that the Afghan representative has been allowed to participate in the thirty-eighth session of the General Assembly and to take the floor should in no way be interpreted as an acquiescence in the situation created by foreign armed aggression and occupation.

136. Miss DEVER (Belgium) (*interpretation from French*): My delegation would like to express its position in connection with the adoption of the report of the Credentials Committee. Belgium's consistent policy has been to approve the reports presented by that Committee. Given the presence of the Khmers Rouges within the Government of the Republic of Democratic Kampuchea, my Government refuses to recognize that Government and to have diplomatic relations with it. However, we express no objection concerning Democratic Kampuchea's credentials given the following considerations: on the one hand, Belgium refuses to condone the violation by Viet Nam of the principle of non-intervention in the domestic affairs of a State by a foreign country; on the other hand, Belgium notes with satisfaction the presence, within the Government of Democratic Kampuchea, of Samdech Norodom Sihanouk, of Mr. Son Sann, and their supporters, who are all great patriots and fully representative of the Kampuchean people. Belgium would like to express its confidence in them.

137. Furthermore, where the credentials of Afghanistan are concerned, I should like to make it clear that although my delegation did not object to the credentials of the Afghan delegation, that should in no way be construed as recognition of the present régime in Afghanistan, which was imposed from outside upon the Afghan people.

*Mrs. Jones (Liberia), Vice-President, took the Chair.*

138. Mr. KHALIL (Egypt): I wish to state that my delegation cast its vote in the light of the consideration that this was a procedural debate, which unfortunately neither adds nor detracts from the tragic situation in the Middle East. As to the substantive aspects, my delegation wishes to state briefly that the policy of Egypt, as is well known, is, has been, and will continue to be the non-recognition of the annexation of Jerusalem by Israel, which, furthermore, was declared by the United Nations as null and void; that the acquisition of territory by war is inadmissible, and that all the Arab territories thus occupied, including the West Bank and Gaza, and the Golan Heights, must be restituted.

139. Egypt maintains that the building of the settlements in the occupied Arab territories is illegal and constitutes an impediment to peace and that the Palestinian people must be enabled to exercise their inalienable right of self-determination.

140. Mr. MARGETSON (United Kingdom): With regard to the adoption of the report of the Credentials Committee, I should emphasize that the fact that my delegation has raised no formal challenge to the credentials of the delegation of Afghanistan should in no way be taken to imply that the Government of the United Kingdom regards the present régime in Kabul as being a government.

141. Mr. SHIHABI (Saudi Arabia): First, I should like to associate my delegation with the reservation made by the representative of Pakistan on the credentials of the Afghan delegation, in view of my Government's position of non-recognition of the present Afghan régime in Kabul.

142. Next, I should like to explain our vote concerning the proposal of the representative of Norway with regard to the credentials of Israel. We have opposed that proposal. The result was 43 against, 79 for, and 19 abstentions. That major issue concerning our security and the stability of the area was put forward symbolically, in this vote, by the representative of Iran, without prior consultation with the Arab States. We would have preferred that he would have consulted with us. We know that we share many views and positions in that respect. But the motion having been put forward, there was no alternative except to make our position clear, namely, that Israel has broken all the rules in the book, and that its delegation does not deserve to be among us since they have not complied with the terms of the resolutions of this Assembly and this Organization. It occupies territories that belong to Member States and it has broken all the humanitarian and international rules in the book concerning the rights of the Palestinian people, who are the legitimate people of all of Palestine. This being so, the least this Organization should do is to refuse the credentials of the Israeli delegation.

143. But, as I mentioned, the motion was presented without prior consultation with the Arab delegations and, as such, we appreciate the position taken by all our friends who took the same stand as us. We would like to state that it does not represent the position of all our friends, and when the right time comes for this motion to be put to the vote, then we hope the results will be different.

144. Mr. van WELL (Federal Republic of Germany): I should like to put on record our position on the credentials of the delegation of Afghanistan. Our vote for the Credential Committee's report does not imply that we recognize the legitimacy of the régime in Kabul.

145. Mr. AL-QASIMI (United Arab Emirates) (*Interpretation from Arabic*): It was quite natural that my delegation should, for legal, political and humanitarian reasons, have voted against the motion submitted by Norway. I do not intend here to go into the political or humanitarian reasons, because the Assembly is fully familiar with them. I shall confine myself to referring to the legal aspects that, we consider, justify the rejection of Israel's credentials at this session.

146. First of all, Article 4, paragraph 1, of the Charter states that among the conditions for admission to membership of the United Nations are that the country should be a peace-loving State, must be willing to accept the obligations contained in the Charter and be willing to carry them out. That means when any or all of those conditions are not met by a State there is absolutely no basis for admitting that State to the United Nations. In Israel's case, it was the General Assembly itself which decided to accept Israel; however, in paragraph 12 of resolution 37/123 A, the Assembly determined that all those conditions were in fact not met. That paragraph reads:

"Determines once more that Israel's record and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) . . ."

From that paragraph, it is obvious that Israel has forfeited all right to be a Member of the United Nations and, therefore, its delegation should not be invited to participate in the work of the General Assembly during the present session.

147. Secondly, among the facts referred to in resolution 37/123 are Israel's constant violation of Article 2,

paragraph 4, of the purposes and principles of the Charter, which states:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations."

Another reason why the resolution was adopted was because Israel continued to flout the resolutions adopted by the Security Council on Palestine and the problem of the Middle East, thus violating quite blatantly its undertaking to uphold Article 25 of the Charter, which states: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

148. Thirdly, Israel's violation of the commitments incumbent on it under various international treaties and conventions which should have been respected by it according to the third paragraph of the Preamble to the Charter, which states: "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law . . ."

149. I should also like to refer to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations [resolution 2625 (XXV), annex]. Israel has violated one of the most essential principles—that which refers to the right of all peoples to self-determination—because Israel is preventing the Palestinian people from enjoying that right. Israel has also violated another fundamental principle, namely, the inadmissibility of annexation or occupation of the territory of others by force. That occurred when it annexed the Golan Heights, which are part of Syrian territory. I refer also to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>2</sup> as another example of Israel's violations in both letter and spirit in the light of Israel's actions towards the Arab inhabitants of the Palestinian Arab-occupied territories. I should like to refer also to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [resolution 2604 (III), annex] which was violated by Israel when it became an accomplice in the massacre of Palestinian civilians in the Sabra and Shatila camps.

150. In the light of this long history, which shows that there is no reason why Israel should be a Member of the United Nations, because of its record of violations of the Charter, failure to fulfil its obligations and violation of international treaties and conventions, a record unequalled by any other State, my delegation believes that Article 6 of the Charter should be applied to Israel. It states:

"A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."

151. Despite the fact that this Article is clearly applicable to Israel, my delegation realizes that it is impossible to apply it, because the prerequisite—the decision of the Security Council—cannot be met, not for any legal or moral reason, but for purely political reasons connected with the protection afforded Israel by a super-Power, which prevents any effective measures being taken against Israel.

152. In conclusion, in the light of the foregoing, we believe that the General Assembly, which represents the international community and the conscience of the world, since it has been prevented from excluding Israel from

its midst, should at least have rejected the credentials of that delegation; this, we believe, is the very minimum that should have been done by the Assembly in the light of all that I have just stated.

153. Mr. KARRAN (Guyana): With reference to the adoption of the report of the Credentials Committee, my delegation would like to state that my Government has given recognition to the Government of the People's Republic of Kampuchea as the sole legitimate Government of Kampuchea. In view of this, and also in view of the positions adopted by the Heads of State or Government of Non-Aligned Countries at their Sixth Conference at Havana in 1979 and, more recently at their Seventh Conference, held at New Delhi this year, my delegation has to express its reservations to that part of the first report of the Credentials Committee which concerns the credentials of what is described as Democratic Kampuchea.

154. Prince Norodom SIHANOUK (Democratic Kampuchea) (*interpretation from French*): For the fifth year in succession the General Assembly has confirmed Democratic Kampuchea's membership of the United Nations and the Coalition Government of Democratic Kampuchea as the sole, legal representative of the Kampuchean people.

155. This year the General Assembly's decision to adopt without a vote the recommendation in the first report of the Credentials Committee is of considerable moral and political significance, a milestone in the records of the United Nations and in the struggle of the Kampuchean people for the liberation of their land. Through this important decision the General Assembly has just reaffirmed in solemn fashion its determination to defend the Charter of the United Nations and the principles of which it is the guarantor. For the Kampuchean people, that decision constitutes both an act of justice and powerful encouragement. Through this noble act, the Assembly once again declares itself to be the guarantor of the rights of a small and weak Member of the Organization. This act has a symbolic value and is profoundly gratifying to all countries that cherish peace and justice in the world. The Kampuchean people and the Coalition Government of Democratic Kampuchea will be infinitely grateful to the Organization.

156. As regards the reservations expressed by certain delegations concerning the credentials of the delegation of Democratic Kampuchea, they merely demonstrate their spite and reflect the persistence of the Socialist Republic of Viet Nam in its policy of aggression and expansionism in Kampuchea after Laos and in South-East Asia.

157. The Kampuchean people and the Coalition Government of Democratic Kampuchea are convinced that this year once again the Assembly will express even more massive support for the withdrawal of foreign troops from Kampuchea and for the return of Kampuchea and its people to independence, sovereignty, freedom and peace.

158. The Kampuchean people wish only to live in peace within their own frontiers. As I had the honour to state in my address to this Assembly on 4 October:

"First, our Kampuchea, once completely liberated, will be strictly neutral and non-aligned. Our country will be as neutral in Asia as Switzerland and Austria are in Europe.

"Secondly, the general elections in Kampuchea will be held under United Nations supervision.

"In this respect, we approve and will implement point 4 of the 'Joint Statement by the Ministers for

Foreign Affairs of ASEAN', circulated recently as a United Nations document, which reads as follows:

"... following the total withdrawal of foreign troops from Kampuchea, the Kampuchean people must be able to exercise their inalienable right to self-determination through internationally supervised elections in which all Kampucheans shall participate and all political groups in Kampuchea should be encouraged to work towards the goal of national reconciliation."

"Thirdly, there will also be reconciliation and friendship with Viet Nam and its allies if they once and for all stop interfering in Kampuchea's internal affairs and respect the independence, sovereignty, neutrality and territorial integrity of our country." [17th meeting, paras. 36 and 37.]

159. In conclusion, on behalf of Democratic Kampuchea, my delegation reiterates its most sincere thanks to the Assembly and to all countries devoted to peace and justice for their noble support for and their solidarity with our people and Democratic Kampuchea.

160. Mr. ZARIF (Afghanistan): The delegation of the Democratic Republic of Afghanistan has asked to speak merely to express our formal reservation on paragraphs 10 and 12 of the first report of the Credentials Committee.

161. I should also like to reject most emphatically the statements made with regard to the credentials of the Democratic Republic of Afghanistan by the representatives of Pakistan, China, Belgium, the United Kingdom, Saudi Arabia and the Federal Republic of Germany.

162. May I also reaffirm the position of the Government of the Democratic Republic of Afghanistan with regard to the credentials of the delegation of so-called Democratic Kampuchea. Afghanistan recognizes only one Government in Kampuchea, and that is the Government of the People's Republic of Kampuchea.

163. The PRESIDENT: I shall now call on the representative of the Islamic Republic of Iran who has asked to speak in exercise of right of reply.

164. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): It is very well known outside the United States that Zionism has two bases: one in the Middle East and the other in South Africa. The record of these two bases is quite clear; the collaboration between the two is well known as is also that between the two and the mother-base in the United States.

165. I do not need to go into details. Other speakers have already referred to the atrocities and murderous actions committed at Sabra and Shatila, to the occupation of the Golan Heights and, of course, to the occupation of the totality of Palestine. My delegation's opposition to the presence of the Zionist base amongst us is not due simply to the fact that it does not comply with the resolutions of the Security Council, because my delegation believes that should expediency so require it will readily comply with those resolutions.

166. We are just against perjury. We are against injustice. We are against occupation and usurpation. We believe that the so-called State of Israel is not a State; it is simply a usurped base of Zionist and imperialist forces.

167. My delegation believes that the presence of that base in the Middle East is—as I said in my earlier statement—a manifestation of the demise of morality and the decadence of human values. We believe that its presence in the Middle East, like the base in South Africa, is a manifestation of the predominance of materialistic, mundane, vulgar and cheap values over noble human values. We are therefore against it.

168. I therefore must congratulate the General Assembly and its President for the great success it has achieved, in comparison to last year's record. We should be very optimistic, thanks to the grace of God, that there are many who understand the truth and stand for justice. We hope that by next year many more hearts will be illuminated by the divine light and that injustice will be further understood and recognized by many more Members, that in the very near future the General Assembly will be cleansed of all signs of occupation and usurpation and that the seat of that base will be offered to the State of Palestine very soon.

169. The PRESIDENT: The observer for the Palestine Liberation Organization has asked to make a statement in reply. In accordance with General Assembly resolution 3237 (XXIX) of 22 November 1974, I now call on him.

170. Mr. TERZI (Palestine Liberation Organization): The Palestinian people, through its own sole legitimate representative, the PLO, wishes to thank in particular Greece, Mozambique and the Islamic Republic of Iran for having expressed their regret that the Palestinian people is not represented in this Organization in the capacity of a State. The PLO trusts that with the support of the Members of this Organization the Arab Palestinian State will be accorded its proper place, even if it is merely in the capacity of an observer in this Organization, and that thus one of the injustices visited upon the Palestinian people will be redressed and, we hope, very soon.

171. The PLO is appalled that the Assembly has accepted the credentials of the delegation of the Judeo-Nazi régime of Tel Aviv. Who does this delegation represent? The junta in Tel Aviv is basically the Herut Party, the political organ of the so-called Irgun Zvai Leumi, the national military organization in Palestine. That organization had espoused the following proposals, concepts and plans concerning what they called the solution of the Jewish question of Europe and the active participation of the national military organization on Germany's side in the war of 1939 to 1945. I shall quote from that proposal. It reads as follows:

"On numerous occasions, prominent statesmen of National Socialist Germany underlined in their remarks that the New Order of Europe required a radical solution to the Jewish question through evacuation, a *Judenrein* Europe. The evacuation of the Jewish masses from Europe is their pre-condition for the solution of the Jewish question, which, however, solely and finally becomes possible through resettling those masses in the homeland of the Jewish people in

Palestine and through establishing a Jewish State within its historic frontiers.

"To solve the Jewish question that way and thereby to free the Jewish people once and for all time is the aim of the political activity and long-standing struggle of the Israeli liberation movement of the national military organization in Palestine, the Irgun Zvai Leumi. The establishment of an historical Jewish State on a national and totalitarian basis with contractual relations with the German Reich would be in the interest of maintaining and strengthening the future German position in the Middle East.

"Proceeding from the aforementioned, the national military organization, Irgun Zvai Leumi, approaches the German Reich Government with the offer actively to participate in the war at the side of Germany under the condition that the aforementioned national aspirations of the Israeli liberation movement be recognized by the German Reich Government.

"The indirect participation of the Israeli liberation movement in the New Order of Europe even in its preparatory stage in connection with the positively radical solution of the European Jewish problem in the sense of the mentioned national aspirations of the Jewish people would tremendously strengthen the moral foundations of such a New Order *vis-à-vis* the whole of mankind. The co-operation of the Israeli liberation movement would be along the lines of one of the last speeches made by the German Reich Chancellor, Herr Hitler, in which he stressed that he would use each combination and coalition in order to isolate and defeat England."

172. The Members of this Assembly have just voted in and accepted the credentials of a perpetrator of the Nazi doctrine, of disciples and collaborators with nazism, those who talk about the Holocaust yet they themselves have fully participated in the elimination of innocent civilians, whether they were Jews or otherwise, in Europe. I hope that next year, when you consider this matter again, you will realize that you are perpetuating Hitlerian doctrines in this Assembly.

*The meeting rose at 1.30 p.m.*

#### NOTES

<sup>1</sup>United Nations, *Treaty Series*, vol. 75, nos. 970 to 973.

<sup>2</sup>The delegations of Maldives and Morocco subsequently informed the Secretariat that they had intended to vote against the motion.

<sup>3</sup>United Nations, *Treaty Series*, vol. 75, no. 973, p. 287.