

Mr. MISHRA (India): I apologize to you, Mr. President, and to the Assembly for taking the floor for the second time today on the same question. With your indulgence, I should like to clarify some matters that have been raised during the discussion of the Indian amendment that is co-sponsored by many friends and contained in document A/34/L.3.

The most pressing argument that has been made about this amendment, an argument begun by my good friend Ambassador Koh of Singapore, is that it is a new proposal and not an amendment. In the opinion of my delegation, if one reads rule 90 as a whole, and not merely parts of it to suit one's convenience or one's point of view, there can be no conclusion other than the one that we share, and that is, that it is an amendment.

Rule 90 contains a sentence which says that the amendment furthest removed from the substance of the proposal shall be put to the vote first. What does that sentence mean? We have not submitted an amendment to a treaty on the moon. It is an amendment to the report of the Credentials Committee, the subject we are discussing. It is an amendment that seeks to revise part of that report. How can it be taken to constitute a new proposal?

We can debate the question and the merits of following one proposal or amendment or another, but I do not think it is correct to make interpretations of rules of procedure to suit one's convenience. Please read the rule as a whole, and not merely parts of it - as has been done today during this debate.

Two other arguments have been advanced here today that have struck me as meriting some reply. There was a repeated argument that if we were to seat the new régime of Kampuchea in this Assembly we would be condoning intervention in the affairs of one State by another State. Of course, as representatives all know, India has not subscribed to the proposal to seat the new régime in Kampuchea in this Assembly. But at the same time, those very representatives who argue that we should not condone intervention go on to say that they are not condoning the atrocities of the Pol Pot régime in Kampuchea.

(Mr. Mishra, India)

Well, if you apply one argument on one side - namely, that by taking one action you are condoning intervention - then how can you plead that you are not condoning the atrocities merely by excusing yourself? No, there must be some logic in what we do. Almost all the representatives who have spoken here in favour of the continuance of the present arrangement in this Hall have referred to the atrocities of the Pol Pot régime and said that they are not excusing them. And, at the same time, it has been said that if we seat the new régime we are going to condone intervention. No, we do not consider any of this - and particularly our amendment - as condoning anything. We consider our amendment as something that prevents the Assembly from taking a decision it might regret later.

The second point that has struck me during our debate is that some of the legal arguments that have been advanced here today are the same ones I heard for 21 years on the question of representation of a permanent member of the Security Council. The same arguments. Legalistic terminology. "The credentials are valid because they are issued by an authority", quite forgetting the reality of the situation. Today, we are asked in the report of the Credentials Committee to forget reality. I say to representatives here that they are not going to make the situation disappear by closing their eyes to reality.

Most of the arguments that have been made here on the question of intervention, interference, and so on, are very valid arguments, but they are arguments that should be taken up on the new item proposed for inclusion in the agenda of the Assembly, namely, the question of Kampuchea, and I assure all representatives here that I shall be voting in favour of the inscription of that item, and that I shall take part in the debate on it. But at this point that is not the question we are discussing.

We are discussing the question of the credentials of a delegation, and I earnestly submit to Members that by supporting the recommendation of the Credentials Committee they would not in reality be accepting the credentials of anybody who could discharge the obligations imposed by membership of this august body.

Mr. KAMANDA WA KAMANDA (Zaire) (interpretation from French):

Sir, I should like at the outset to offer you our most sincere congratulations upon your election to the presidency of the thirty-fourth session of the General Assembly. Your wealth of experience, combined with your outstanding qualities as a diplomat and statesman, guarantee the successful completion of the work of this session, and I wish to assure you of the full co-operation of the delegation of the Republic of Zaire, which, moreover, enjoys excellent relations of co-operation with your country.

The question before us today, and the focus of our debate, is essentially, if not exclusively, one of principle. We did not come here as bailiffs to auction off this or that régime or Government in Kampuchea, as if we were the owners.

Of course, we understand the deep concerns of those who have spoken of allowing the People's Revolutionary Council of Heng Samrin to occupy the Kampuchean chair. Indeed, if it falls to my lot to - excuse the words - carry out aggression against a sovereign country and to overthrow its Government and set up another, or if I support such actions, I cannot come to this body to prevent States here represented from endorsing my action. Indeed, I would expect them to say that I was right.

That is why we hasten to say right away that we fully understand the concerns of those who have come to this rostrum to defend a régime the circumstances of whose establishment in Phnom Penh we are fully familiar with. But we say that, for our part, the direct or indirect recognition which we are being asked surreptitiously to give to the new régime or to the régime of the People's Republic of Kampuchea, can be only an individual act of sovereignty and in no wise a collective act of sovereignty. The

(Mr. Kamanda Va Kamanda, Zaire)

very fact that we in this Assembly are allowed to undertake a collective act of recognition of a régime or Government is in itself an innovation in terms of the law of nations.

We have heard it resoundingly said that the Heng Samrin régime is in de facto control of the territory. We do not say it is not, since there is much about the situation that we do not know. But what we are saying is that any sovereign Government can consider that, check the facts, and then decide whether or not to accord its recognition to any particular Government or régime. In no way can this argument be brought to bear here in favour of the admission to this chamber of the representative of revolutionary Kampuchea to the detriment of the representative of Democratic Kampuchea, which is already a Member of the United Nations.

Despite the insistence that the Heng Samrin régime exercises de facto control over the territory, it will be recalled that no one has said that that régime has the support of the population. Nevertheless, I should have liked to hear this extremely important element in the recognition of Governments and régimes raised by one or two speakers, particularly those who have tried to defend this régime's admission. I have heard no such statement, and this simple omission somewhat surprises, if not disquiets, me.

The question before us is actually that of the recognition of the Government or régime of the People's Republic of Kampuchea of Heng Samrin, to the detriment of the Pol Pot régime. As I have said, it is not for us to defend or to promote one against the other. The real problem is that by subterfuge we are being asked to recognize the Heng Samrin régime, and that raises the problem of the legitimacy of that régime we are being asked to recognize to the detriment of the régime of a Member State of this Organization.

But by what act has the present Phnom Penh régime been legitimized? I say that only the people of Kampuchea can give us the answer to this question. And until we have the answer from the people, we have no choice but to say that the representatives of Democratic Kampuchea, a Member State of this Organization, have the right to its seat.

(Mr. Kamanda 'n Kamanda, Zaire)

I think the exercise is quite simple, actually. It will be noted, moreover, that none of the preceding speakers in this debate have said or have sought to demonstrate that there was no foreign armed intervention in Kampuchea. It is quite extraordinary. I think this is the core of the problem. This voluntary omission, or this silence on what seems to me to be the very nub of the matter, is highly significant. Hence there is unanimity here that no one can say that there has been no foreign armed intervention in Kampuchea. Therefore, we surely agree that there was foreign armed intervention in Kampuchea, as a result of which a Government was set up. But we still have the Charter of the United Nations before us on our desks.

I consider these facts extremely serious. The proposal to leave Democratic Kampuchea's seat empty is unacceptable to us and indefensible when it comes to a Member State of the United Nations, for it would be to deny its sovereign rights. Democratic Kampuchea - or let us just say Kampuchea - is not a res nullius. It does exist; there is a people. And if within this Assembly we defend the idea of leaving the seat vacant, is this not a way of saying that we deny the sovereign rights of a people or a State, inasmuch as there is already such a State which is already a Member of our Organization?

It is not correct to say that there was consensus within the non-aligned movement on leaving the seat of Democratic Kampuchea vacant. I shall not go into detail: the contradictory statements we have just heard from representatives of many non-aligned countries bear out what I am saying. There was no consensus on leaving the seat vacant. Many non-aligned countries have spoken here, and, unless I am mistaken, consensus is nothing more than a convergence of the views of the majority without formal opposition by one or several delegations or persons, but with the possibility of reservations. We have heard from this podium representatives of non-aligned countries that were formally opposed to the idea of leaving the seat vacant.

To those of us who were in Havana, participating in the work of the summit conference of non-aligned nations, that argument does not seem to be the correct interpretation of what really happened. The document submitted by India does not, in our view, constitute an amendment of the Credentials Committee report, because in its content and by its nature it denies and rejects the substance of that report. Moreover, the Indian proposal implies denial of the sovereign rights of a Member State.

(Mr. Kamanda Wa Kamanda, Zaire)

This is a new proposal which I think in due course and at the proper time and place can be taken up, after we have dealt with the Committee's report. But I say again that the Indian proposal is in direct conflict with paragraph 29 of the rules of procedure, which reads:

"Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the General Assembly has given its decision."

The Indian proposal has summed this up, I would say, in such a way that it does not really amend the Credentials Committee report, but suggests something new: that the seat of Kampuchea should be left vacant. In other words, the idea is to have the Heng Samrin régime brought in and Democratic Kampuchea left out, forced to leave this chamber.

So I would say that India has not really amended this, because what has happened is that the Assembly has not been able to proceed with its task, which is to study the Credentials Committee report. In practice, the proposed amendment means that we should make Democratic Kampuchea leave this chamber so that we can indirectly recognize the Heng Samrin régime. In our view, by its thrust, substance and nature the Indian proposal is not an amendment to the Credentials Committee report: it is a new proposal.

(Mr. Kamanda Wa Kamanda, Zaire)

The representative of India invoked rule 90 of the General Assembly's rules of procedure and quoted many parts of it, but I believe he omitted to refer to its last sentence, which reads:

"A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

To which part of which proposal does India's document refer? I hope that the Legal Counsel, whose opinion we have sought, will shortly be able to give us some clarification on this problem.

We are deeply concerned with the maintenance of international peace and security everywhere, and we cannot lightheartedly condone certain actions which are in reality flagrant violations of the provisions of the Charter simply because some of us wish to sit in judgement on Governments, or States or peoples on various pretexts. Mention has even been made of human rights. But, on the basis of such pretexts, are we really going to be the judges of States, can we really judge Governments? I think that between the good that we are seeking and the excesses that we should rightly avoid there is a mean that we should abide by, and I think that it is to the finding of that mean that we should devote our efforts. What has happened in Kampuchea is a serious violation of international peace and security in South-East Asia, first and foremost, and in the world as a whole thereafter, and of the Charter. I think that the brilliant intervention of Singapore and the Credentials Committee report speak for themselves.

It is our strong impression that the People's Council in Kampuchea is trying to obtain from the Assembly what it cannot obtain internally; in other words, recognition, support from the population and legitimacy. But the procedure is not the best it could have found; recognition of States is an individual act of sovereignty, it is not a collective act, and legitimacy is a matter for peoples. It is not the General Assembly of the United Nations which confers legitimacy upon a Government or any régime, and I therefore think it would certainly be a mistake and a very serious precedent if we adopted such a procedure. Briefly that is what I wanted to tell the Assembly.

(Mr. Keranda Wa Kamanda, Zaire)

I shall not dwell on the matter at any further length, and in closing I should like to say that the delegation of Zaire supports most warmly the adoption of the report of the Credentials Committee.

The PRESIDENT: We have heard the last speaker in the debate on this question. The Assembly will now proceed to take action on the proposals before it. In this connexion, in accordance with the Assembly's decision, I shall first invite the Legal Counsel to give his legal opinion.

Mr. SUY (Legal Counsel) (interpretation from French): The purpose of the draft resolution which has been put forward by the Credentials Committee is to finalize the procedure which is laid down in rule 29 of the rules of procedure of the General Assembly. The draft resolution put forward by the Committee is designed, in effect, to settle the problem of the challenge raised against the credentials of Democratic Kampuchea the day before yesterday by the delegation of Viet Nam. It contains a single brief, clear and simple proposal. Document A/34/L.3, on the other hand, would seem to fall within a somewhat different context, which is that of representation rather than that of the credentials dealt with in rule 29 of the rules of procedure.

I should like to recall the terms of the definition of an amendment contained in rule 90 of the rules of procedure. That rule says, inter alia:

"A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal."

Reading document A/34/L.3 and evaluating it in the light of the definition of an amendment, it seems to me that it does not fall within the definition in rule 90. However, in the past the General Assembly has always been extremely flexible in its understanding of what constitutes an amendment, and it would be entirely in keeping with past practice for it to determine, if it wishes, itself and expressly, the nature of document A/34/L.3.

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

Mr. ZAITON (Malaysia): We have heard the views of the Legal Counsel on the question whether the amendment contained in document A/34/L.3 is an amendment or a proposal, and we have noted his final remarks. Views have also been expressed by various representatives, one way or another, during the morning and afternoon meetings, and I now formally propose, Mr. President, that you submit the question to the Members for a decision through the voting process.

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

Mr. YANKOV (Bulgaria): Mr. President, I apologize for interrupting you, but my only intention is to help, and I believe that the proceedings of this meeting may be facilitated by the point of order which I am going to raise.

Reference has been made to several proposals, and specifically to the amendment submitted by India in document A/34/L.3. As I understand it, we are now going to determine whether what is contained in that document is indeed a proposal or is an amendment. I had the honour to submit a proposal which was introduced at the third plenary meeting, and I felt therefore that the proceedings of this present meeting might be facilitated if, on behalf of the sponsors of that proposal, draft resolution A/34/L.2, and on behalf of my own delegation, I were to inform the Assembly that, in the light of the debate which has taken place today, we do not insist on a vote on our text.

I wish to take this opportunity to express, on behalf of the co-sponsors and of my own delegation, our deepest appreciation to those delegations which found it possible to lend their support to draft resolution A/34/L.2.

In a spirit of accommodation, we would support the amendment contained in document A/34/L.3, on the understanding that this should not be taken as in any way implying a change in our position of principle.

I do apologize again, Mr. President, for interrupting you, but it was my hope that after my statement you would appreciate my efforts to avoid any further complication of the procedures we have been involved in. Thank you for your indulgence.

The PRESIDENT: I thank the representative of Bulgaria for his statement, which will certainly help the Assembly.

Before I go on to explain how I intend to proceed with this exercise, I call on the representative of Singapore, who wishes to speak on a point of order.

Mr. KOH (Singapore): As the sponsors of draft resolution A/34/L.2 do not insist on a vote on that draft resolution, the Assembly now has before it only two documents: the recommendation of the Credentials Committee (A/34/500), and the amendment sponsored by India, Benin and Madagascar in document A/34/L.3.

The point is this: if document A/34/L.3 is an amendment, it must be put to the vote first. If, on the other hand, it is not an amendment, but amounts to a new proposal, then the report of the Credentials Committee must be put to the vote

(Mr. Koh, Singapore)

first. In view of this, it is absolutely essential that this Assembly pronounce itself now on whether or not document A/34/L.3 is an amendment within the terms of rule 90 of the rules of procedure, or a new proposal.

I asked to be allowed to speak in order to make this clear and to support the formal proposal just made by my colleague, Ambassador Zaiton of Malaysia, that document A/34/L.3 is a new proposal and not an amendment to the report of the Credentials Committee. I respectfully request, Mr. President, that you put his proposal to the vote. Those who are of the view that document A/34/L.3 is a new proposal should vote "yes", and those who are of the view that -

The PRESIDENT: The representative of Benin has asked to be allowed to speak on a point of order in a situation where the representative of Singapore is already speaking on a point of order. May I appeal quite frankly to the Assembly. We have had a long day. We are trying to conclude our work. The rules of procedure are clear. If only everybody will permit the President to apply them, perhaps we can solve this problem without a proliferation of points of order. This appeal goes to the Assembly as a whole.

Mr. KOH (Singapore): I heed your appeal, Mr. President and was, in any case, about to conclude. I was going to say that Malaysia's proposal is that document A/34/L.3 is a new proposal and not an amendment, and I respectfully request that this proposal be put to the vote.

The PRESIDENT: It seems that my colleague from Singapore, while heeding the President's appeal, went on to make his point anyway. Hence I have no alternative but to recognize also the representative of Benin on a point of order.

Mr. HOUNGAVOU (Benin) (interpretation from French): Mr. President, since you have just stated your intention to tell the Assembly how you intend to conduct our meetings, I should simply like to say that my delegation feels that the statement made by the representative of Singapore has caused us loss of time. You did well to interrupt him, just as he did well to curtail his statement. Everything he said is contained in the rules of procedure and we should waste no more time. I was simply going to ask you to request the representative of Singapore to allow you to continue with the meeting.

EMS/24/ad

A/34/PV.4
118-120

The PRESIDENT: I call upon the representative of India, who wishes to speak on a point of order.

Mr. MISHRA (India): I must thank my very good friend Ambassador Koh of Singapore for making it very clear to the Assembly how it should vote. Those who are in favour of the Indian amendment should vote "no" on the proposal.

But my point of order is this. I should like at this stage to remind you, Mr. President, that if the Malaysian proposal is carried, we shall then ask for priority for document A/34/L.2.

The PRESIDENT: Let me try to explain the situation as I understand it.

The question has been raised whether the text contained in document A/34/L.3 is to be considered an amendment or a new proposal. The sponsor of the text has indicated its view that the text should be considered an amendment under rule 90 of the rules of procedure. However, other delegations have expressed the view that the text is a new proposal that must be acted upon in accordance with rule 91. The Assembly has also heard the opinion of the Legal Adviser.

In view of the divergence of opinion that has emerged and the proposals that have been made by Malaysia and Singapore, quite clearly it is up to the Assembly to take a decision. However, the proposal made by Singapore somehow complicates the situation. Under normal circumstances, in view of the fact that India submitted its proposal as an amendment, the Assembly would have to decide whether it was in fact an amendment. On the other hand, the representative of Singapore says that we should vote on whether the Indian amendment is a new proposal. If I interpret the proposal made by our colleague from Singapore as a formal motion, then in the first place the Assembly will have to take a decision as to whether or not it wants to vote in the manner prescribed by the representative of Singapore. If it is not a formal proposal, then we shall act in accordance with established rules. I do not think that the representative of Singapore insists on it being considered a formal proposal. He indicates that he does not.

That being so, we shall now proceed to take a decision in respect of the Indian amendment. I shall now put to the vote the motion that the text contained in document A/34/L.3 is an amendment.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Bahrain, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic

Against:

Republic, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Iran, Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mauritius, Mongolia, Mozambique, Nicaragua, Poland, Qatar, Sao Tome and Principe, Seychelles, Sierra Leone, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam

Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bhutan, Burma, Canada, Chad, Chile, China, Colombia, Comoros, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, Indonesia, Ireland, Italy, Japan, Kenya, Lesotho, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire

Abstaining:

Argentina, Bolivia, Botswana, Burundi, Finland, Ivory Coast, Lebanon, Liberia, Malawi, Mexico, Nigeria, Panama, Suriname, Sweden, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Yemen, Zambia

The motion was rejected by 80 votes to 43, with 19 abstentions.

The PRESIDENT: The Assembly has thus decided that the text contained in document A/34/L.3 is not an amendment.

The representative of India has proposed - and I hope I interpret his proposal correctly - that in the voting his proposal contained in document A/34/L.3, which the Assembly has decided is not an amendment, should have priority over the draft resolution contained in the report of the Credentials Committee.

I shall now put to the vote the motion that priority be given to the Indian proposal (A/34/L.3).

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Bahrain, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Iran, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Mozambique, Nicaragua, Poland, Sao Tome and Principe, Seychelles, Sierra Leone, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam

Against: Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Burma, Canada, Chad, Chile, China, Colombia, Comoros, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Fiji, France, Gabon, Gambia, Germany, Federal Republic of, Guatemala, Haiti, Honduras, Iceland, Indonesia, Ireland, Italy, Japan, Kenya, Liberia, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Portugal, Romania, Samoa, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire

Abstaining: Argentina, Botswana, Burundi, Cyprus, Dominican Republic, Finland, Ghana, Greece, Ivory Coast, Lebanon, Mexico, Panama, Peru, Qatar, Rwanda, Saudi Arabia, Suriname, Sweden, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Yemen, Zambia

The motion was rejected by 76 votes to 39, with 23 abstentions.

The PRESIDENT: I shall now put to the vote the draft resolution recommended by the Credentials Committee in its report (A/34/500).

A recorded vote has been requested.

A recorded vote was taken.

In favour: Argentina, Australia, Bahamas, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Burma, Canada, Chad, Chile, China, Colombia, Comoros, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Fiji, Gabon, Gambia, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Indonesia, Italy, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malaysia, Maldives, Mauritania, Mauritius, Morocco, Nepal, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Portugal, Romania, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Thailand, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Yugoslavia, Zaire

Against: Afghanistan, Albania, Algeria, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Jamaica, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Mozambique, Nicaragua, Panama, Poland, Sao Tome and Principe, Seychelles, Sierra Leone, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam

Abstaining: Austria, Bahrain, Botswana, Burundi, Cyprus, Dominican Republic, Finland, France, Ghana, Iran, Ireland, Ivory Coast, Jordan, Kuwait, Lebanon, Malawi, Mali, Mexico, Netherlands, Peru, Qatar, Rwanda, Spain, Suriname, Sweden, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Yemen, Zambia

The draft resolution was adopted by 71 votes to 35, with 34 abstentions (resolution 34/2).

The PRESIDENT: In view of the adoption of the draft resolution recommended by the Credentials Committee, may I take it that there is no need to take a decision on the proposal contained in document A/34/L.37

It was so decided.

The PRESIDENT: I now call on those representatives who have expressed their desire to explain their votes after the voting.

Mr. von WECHMAR (Federal Republic of Germany): My delegation voted in favour of the report of the Credentials Committee. The credentials of the representatives of Democratic Kampuchea were duly recognized in the thirty-third regular session of the General Assembly, which was of the opinion that they did comply with the provisions of the Charter of the United Nations.

My Government is of the opinion that the General Assembly should strongly reject any attempt to question the credentials of a Government on the grounds that part of that Government's country has been subject to armed foreign attack. This would be tantamount to rewarding armed intervention in the internal affairs of a Member of this Organization.

My Government, together with some of its allies, strongly supports the point of view of the most concerned States of South Asia, in particular the members of the Association of South-East Asian Nations (ASEAN), which condemn all expansionist moves in Indo-China and call for stability in the region.

My Government's decision is exclusively based upon respect for the Charter of the United Nations and the rules of procedure of the General Assembly dealing with the recognition of a Member's representatives. We likewise continue to raise our voice in severe condemnation of the violations of the most basic human rights of which the Pol Pot régime is guilty. But those violations did not prevent this Assembly from recognizing its representatives in the thirty-third regular session of the General Assembly, and it should not do so and has not done so in our present session.

(Mr. von Wechmar, Federal Republic of
Germany)

Yet, we sincerely hope that, with the co-operation of the States immediately concerned, it will be possible to find an equitable solution to the Cambodian problem which not only guarantees the survival of the Khmer people but also allows Cambodia to send a delegation to the United Nations that is supported by the people and unanimously recognized by the international community as its legitimate representatives.

Mr. MORALES SUAREZ (Colombia) (interpretation from Spanish):

Mr. President, first of all, I should like to express my delegation's satisfaction at seeing you presiding over our discussions. The head of my delegation will in due course have occasion to convey our congratulations and wishes for the success of our work.

The delegation of Colombia wishes most clearly to state for the record that its vote in favour of the draft resolution recommended by the Credentials Committee does not imply any change in its judgement or attitude in rejecting the obvious and repeated violations of human rights by the Pol Pot régime. Its vote should not be interpreted as anything but its agreement that the procedural rules which should be taken into account by the Credentials Committee have been complied with rigorously from a legal point of view.

Mr. LEPRETTE (France) (interpretation from French): Mr. President, the Chairman of the French delegation will in a few days officially express to you his warm congratulations and best wishes for success in your exalted office, to which the General Assembly has elected you unanimously. At this time, I should like in my personal capacity to greet you as a man of talent, an experienced and wise negotiator who has earned the esteem of us all.

I wish to give the reasons for the vote cast by the French delegation with regard to document A/34/500. The question put to us, on which the French delegation abstained, could not obviously be considered on purely procedural grounds. In most cases, of course, the problem of the representatives of régimes wishing to take a seat at the United Nations is easily solved through recourse to the opinion of the Credentials Committee. That is why, in the overwhelming majority of cases, the reports of that Committee are not challenged by the General Assembly.

(Mr. Leprette, France)

Nevertheless, we recall that in certain particularly difficult situations the opinion of the Committee did not answer the questions the Assembly might be asking itself. It could hardly be otherwise. Our Committee, to whose Chairman I wish to pay a particular tribute, has put before us a recommendation concerning Kampuchea. No doubt it did so within the bounds of its authority and with due respect for the texts and our traditions.

(Mr. Leprette, France)

However, the report of the Committee put forward considerations and conflicting positions of principle which revealed the division among the members on political issues. The French delegation would not have liked, by voting in favour of this report, to leave itself open to the suspicion that it endorses some of the positions put forward in this document. Neither would it like it to be felt that it was referring to such a small committee the task of dealing single-handedly with the political issue.

In this respect, I should like to recall that my Government, which has never had relations with the régime which took power in Phnom Penh in 1975, condemned in this forum through our Foreign Minister the violations of human rights and the inhuman and unacceptable treatment to which the Cambodian people had fallen victim.

The Charter of the United Nations is quite clear in respect of inalienable human rights, and one may well question the qualifications of a régime accused of genocide which seeks recognition here in the international community.

Similarly, the French Government cannot admit that here, in this Chamber, representatives should be accepted who have come to power by military aggression. This would be a violation of the Charter. It would also be an affront to the people of Kampuchea, who have not been in a position to give their views in a democratic manner on the régime they would like to have set up in respect for its independence.

Mr. KLESTIL (Austria): Mr. President, there will be a more appropriate occasion for me to congratulate you on your assumption of your high office. For the time being, may I just briefly summarize Austria's position on the issue that was before us. There can be no doubt about Austria's position on the abominable record of the Pol Pot régime. Austria condemns in the strongest possible terms the violations of basic human rights which characterized the unacceptable pattern of behaviour of this régime. I wish to refer in this context to Austria's active co-sponsorship of the relevant resolution submitted in the Human Rights Commission last year, which aimed at launching an investigation into the human rights situation in Cambodia.

(Mr. Klestil, Austria)

At the same time, and with the same vigour, Austria condemns forcefully the foreign military intervention in Cambodia. This intervention was carried out in violation of the territorial integrity and political sovereignty of Cambodia and stands in flagrant contradiction to the right to self-determination of the people of Cambodia.

It was this foreign military intervention which led to the installation of the Government of Heng Samrin. With regard to the devastating situation in this country, we are deeply conscious of the amount of human suffering and senseless sacrifice of human life among a people with a noble tradition who now stand in danger of extinction through persecution, famine and disease and Austria's first and foremost objective is directed towards alleviating the suffering and rendering humanitarian help for Cambodia possible, so that Cambodia will be in a position to secure its integrity and sovereignty against any foreign influence.

Mr. THUNBORG (Sweden): Mr President, during the general debate, Sweden will have the opportunity to express its deep satisfaction at your election to the office of President of this General Assembly.

The Swedish Government considers that at this present time, no Government is in a position to represent Kampuchea. This does not prevent us from having contacts with both sides, in order to promote humanitarian relief operations for the suffering people of Kampuchea as a whole. In the present situation, the Swedish delegation has abstained from voting.

Mr. FERUJANIDO (Sri Lanka): Mr President, during the general debate, the Foreign Minister of Sri Lanka will pay you a well-deserved tribute. For the time being, may I be permitted to say that Sri Lanka is very happy and proud that you are the President of the thirty-fourth session.

(Mr. Fernando, Sri Lanka)

Sri Lanka has voted in favour of the report of the Credentials Committee. I would like to explain the reasons for our vote.

First, Sri Lanka's support of the report does not imply that we are thereby condoning the policies of the régime that will continue to represent Kampuchea at the United Nations during this session in accordance with the recommendation of the report.

Secondly, Sri Lanka's acceptance of the present representation of Kampuchea in the United Nations could be subject to review, as we believe that the situation in the territory of Kampuchea is still quite unclear.

Thirdly, Sri Lanka is unable to accept the credentials of the other régime, which have been submitted to the United Nations, as we believe that its present position is the result of circumstances which involve a breach of certain principles of non-alignment which Sri Lanka values greatly. These principles are non-interference in the internal affairs of other States, and non-use of force in the settlement of disputes.

The present situation also appears to contravene the sovereign independence of Member States and the principles of the United Nations Charter.

Mrs. IENG THIRITH (Democratic Kampuchea) (interpretation from French)

At the end of this debate, the delegation of Democratic Kampuchea would like to express, first and foremost, its deep gratitude to this honourable Assembly, to the peoples that love peace and justice and that by their vote just now were good enough to render us justice. They did this by saying no to aggression: no to violation of the United Nations Charter; and by recognizing the legitimate right of a victim of aggression in this Assembly.

(Mrs. Ieng Thirith, Democratic Kampuchea)

The impact of the recent vote is very great, for Democratic Kampuchea, for South-East Asia, for the whole world, and for the United Nations itself.

For Democratic Kampuchea, this vote is deeply significant for the survival of Kampuchea because the people of Kampuchea, under the leadership of Democratic Kampuchea, are heroically waging a war of national liberation against the Vietnamese aggressors of the Le Duan clique.

The wholesale war of intervention and aggression perpetrated by the 200,000 soldiers from Hanoi is no conventional war such as history has known in the past. This is a war of genocide, of extermination of an entire race, of a whole nation.

The vote just taken by recognizing the legitimacy of the Government of Democratic Kampuchea, acknowledges the right of Kampuchea to remain an independent nation with its own identity. This acknowledgement of the legitimate rights of Democratic Kampuchea will encourage the people of Kampuchea to pursue their struggles, whatever the sacrifices and difficulties involved, for the survival of the nation of Kampuchea.

The situation in Kampuchea created by the war of aggression waged by Viet Nam is far from irreversible as has been claimed by the Le Duan clique. History has shown that never can a situation created by aggression be irreversible. Since the reorganization of our regular army into guerilla units, the situation has been changing constantly in our favour and the aim of the Le Duan clique, to swallow Kampuchea whole, has been checked - which explains the reinforcements being sent by the North Vietnamese into the south-west, the north-west and the north-east of Kampuchea. These have been sent in successive waves from February to August 1979.

The next dry season, from November 1979 to May 1980, will be a decisive time for us and for the aggressors. The General Assembly will contribute greatly to a favourable turn in our struggle to recover territorial integrity, independence and sovereignty for Democratic Kampuchea. Furthermore, my delegation considers that the vote taken just now will give the people of Kampuchea and to the Government of Democratic Kampuchea a powerful instrument in their struggle for their right to decide their own destiny and to make of

(Mrs. Ieng Thirith, Democratic Kampuchea)

Democratic Kampuchea an independent, united, peaceful, neutral and non-aligned country.

For the countries in South-East Asia and for the rest of the world, the vote taken just now will contribute to the defence of peace, to stability and to security, because it will humble the arrogant expansionist Le Duan clique and its masters. The question of Kampuchea has significance beyond the borders of that country. There can be no doubt of its international importance since the aggressors themselves have declared their expansionism. Let the countries that love peace and independence join forces regarding the problem of Democratic Kampuchea, to fight diktat, aggression and expansionism, and to defend peace and stability throughout the world. Nothing could be more legitimate. In fact, it is more - it is an imperative.

For the United Nations itself, this vote strengthens the principles of the Charter of the United Nations and the confidence of States in this Organization. In the event of a vote to the contrary, its prestige would have been seriously damaged. The vote just now will enhance the hopes of those who do not wish to see our past mistakes repeated. Thus, as in other difficult circumstances of its history, our Organization has once again shown itself very far-sighted. That is all to its honour. Moreover, this vote will contribute to the development of international relations based on equality and mutual respect and to eliminating from the international scene the law of the jungle, which the Le Duan clique and its supporters wish to see prevail.

Finally, our delegation expresses its determination to contribute here together, as do our freedom fighters in the field, to the peace, security and stability of South-East Asia and of the world.

Mr. KATAPODIS (Greece): Mr. President, my Foreign Minister will have the opportunity of addressing to you the official congratulations of the Greek delegation on your election to this high office. Allow me, in the meantime, to present to you my personal congratulations.

The Greek delegation has voted in favour of the report of the Credentials Committee contained in document A/34/500 because it considers, first, that no Member State should be deprived of its right to be represented

(Mr. Katapodis, Greece)

and to participate in the various organs of the United Nations and especially in its supreme body, the General Assembly; and, secondly, that under the circumstances the recommendation of the Credentials Committee constituted the lesser of two evils. This by no means signifies that my Government in any way condones the policies of the Government of Democratic Kampuchea, especially in the field of human rights - policies which have brought great suffering to the people of that unfortunate country.

Mr. FIGUEROA (Argentina) (interpretation from Spanish): The delegation of Argentina supported the draft resolution contained in the first report of the Credentials Committee because, as a matter of principle, it considered that the General Assembly must support the work and the opinion of the bodies to which it has delegated technical functions. This position has been unswervingly maintained by my country in the past in regard to the reports of the Credentials Committee, which is a technical body. Consequently we must reiterate it today.

Mr. HEIDWEILLER (Suriname): The political scene in South-East Asia has, for the past 40 years, been drenched in blood and tears. This has been a period marked by great acts of heroism as well as by extreme acts of cruelty. Those who entertained hopes of lasting peace and well-being for the peoples of Viet-Nam, Laos and Cambodia after the end of the Viet Nam war are now seriously concerned about the prevailing situation. The situation in what was formerly known as Indo-China does not concern only the South-East Asian region but, as in the case of the Middle East, may eventually affect other regions as well. It is for these reasons that the delegation of Suriname attaches great importance to all matters evolving in this forum in relation to that region.

(Mr. Heidweiller, Suriname)

We are dismayed by the continuing military intervention of Viet Nam in the affairs of Cambodia, although we must concede that Viet Nam acted only after prolonged provocation on the part of the Pol Pot régime. As a result of the continuing military intervention of Viet Nam, the Pol Pot régime lost control of the capital, Phnom Penh, as well as of major parts of the Cambodian territory. The Pol Pot régime, representing Democratic Kampuchea was, as representatives all know, subsequently replaced by the Government of the People's Republic of Kampuchea, which now claims the seat of that country in the United Nations and in other international bodies.

The representation of that country has been the subject of continued and often acrimonious discussion within the United, as well as in other international bodies. The traditional criteria for the recognition of its Government and for the acceptance of the credentials of its representatives seem to lack the normal weight and significance in this particular case. An objective analysis and evaluation of the situation prevailing in Cambodia seem to lend credibility to those who consider that the new Government has effective control over the territory. Through the application of traditional criteria to this matter, the representative of the new régime could possibly be admitted to participate in the activities of our Organization. That would, however, be tantamount to acquiescence in the continued military intervention by Vietnamese forces which make it possible for the new régime to hold the reins of power in that country.

The alternative - to accept the credentials of the representative of the Pol Pot régime - seems even less attractive, if not outright repulsive, in view of the genocidal crimes committed by that régime. One wonders, however, why the discovery of those crimes by certain countries seemed to coincide with the intervention by the army of Viet Nam.

A legitimization of the representation of the Pol Pot régime would, in our opinion, be morally unacceptable, although we indeed realize the very great danger of judging the validity of the credentials of a delegation on the moral or political clout of the Government it represents. We are very much aware that such an approach could eventually entail great and grave risks for the membership of all States, in particular of the small and weaker ones. The hideous nature and scale of the crimes committed by the Pol Pot régime against the Cambodian people do, however, place that régime in a separate category to which the normal legal criteria do not seem justifiably applicable.

(Mr. Heidweiller, Suriname)

Confronted with a choice between two unacceptable options, my delegation preferred to abstain in the vote on the proposal of the Credentials Committee.

Mr. de PINIES (Spain) (interpretation from Spanish): Mr. President, since I have worked with you on very important issues, it will not surprise you that, in my personal capacity and without prejudice to the fact that the head of my delegation will do it with greater solemnity, I should like to congratulate you on your election to the presidency in recognition of your many talents.

The Spanish delegation abstained in the voting because, while it cannot accept any foreign military intervention for the purpose of overthrowing an established Government, neither can it support a Government that has systematically violated human rights and has for that been universally condemned.

That was the meaning of our abstention.

Mr. ULRICHSEN (Denmark): Mr. President, at a more appropriate moment during the debate Denmark will have an opportunity of saying how happy we are at seeing you presiding over this session of the General Assembly.

I should like briefly to explain the vote of the Danish delegation on the resolution just adopted. In the present circumstances, my Government would clearly have preferred a neutral solution of the problem. For purely procedural reasons, however, we have voted in favour of the draft resolution contained in the report of the Credentials Committee. I wish to emphasize that this positive vote should not be taken as an expression of support for either of the two Governments that claim to represent Kampuchea.

Mr. LA ROCCA (Italy): The decision to cast a positive vote on the recommendation of the Credentials Committee concerning the credentials of the delegation of Democratic Kampuchea was a difficult one for the Italian Government. My Government is on record as having firmly condemned the crimes committed by the Pol Pot régime against the Kampuchean people, and I wish to take this opportunity to reiterate that condemnation.

If the matter under consideration did not involve other far more important issues, our vote would have reflected this position. However, the situation in Kampuchea raised fundamental questions of United Nations Charter principles, and we felt that we had no choice but to uphold those principles.

The PRESIDENT: We have thus concluded consideration of this item.

ITEM 8 OF THE PROVISIONAL AGENDA

ORGANIZATION OF THE THIRTY-FOURTH REGULAR SESSION OF THE GENERAL ASSEMBLY,
ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS: FIRST REPORT OF THE GENERAL
COMMITTEE (A/34/250)

The PRESIDENT: We shall examine first section II of the report of the General Committee, which deals with the organization of the session. The General Committee has recommended several measures to improve the General Assembly's existing procedures and practices, on the basis of the observations and suggestions of the Secretary-General. Those measures are not contrary to the rules of procedure and, if adopted, would represent a giant step towards the rationalization of the procedures and organization of the General Assembly. It is hoped that the experience of this session will contribute to the proceedings of future sessions.

With these introductory remarks, I request the Assembly to direct its attention to paragraph 2 (a) and (b) of the report relating to the work of the General Committee.

May I take it that the General Assembly approves those recommendations?

It was so decided.

The PRESIDENT: In connexion with the schedule of meetings referred to in paragraph 3, the General Committee recommends that both plenary and committee meetings should begin at 10.30 a.m. and 3 p.m. and that, in order to expedite the work of the Assembly, all meetings should begin promptly at the scheduled time. It is also understood that meetings on Saturdays, as well as night meetings, may be scheduled, should this prove necessary.

May I consider that it is the wish of the General Assembly to adopt this recommendation?

It was so decided.

The PRESIDENT: We now turn to paragraph 4, concerning the general debate. May I take it that the General Assembly approves the recommendations in paragraph 4 (a), (b) and (c)?

It was so decided.

The PRESIDENT: In view of the unprecedented number of names already on the list of speakers, I would urge representatives to take the floor in the order in which they were inscribed on the list.

We now turn to paragraph 5. The General Committee recommends that explanations of vote should be limited to 10 minutes and that when the same draft resolution is considered in a Main Committee and in the plenary Assembly, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in the plenary Assembly, unless that delegation's vote in the plenary Assembly is different from its vote in the Committee. May I take it that the General Assembly approves those recommendations?

It was so decided.

The PRESIDENT: I now invite members to turn their attention to paragraph 6, concerning the right of reply.

In addition to the recommendation in sub-paragraph 2 (a), which has been the practice of recent years, the General Committee recommends that the number of interventions in the exercise of the right of reply for any delegation at a given meeting should be limited to two per item. It further recommends that the first intervention in the exercise of the right of reply for any delegation on any item at a given meeting should be limited to 10 minutes and the second intervention should be limited to five minutes.

May I take it that the General Assembly approves those recommendations?

It was so decided.

The PRESIDENT: Paragraph 7 deals with the closing date of the session and paragraph 8 with the records of the Main Committees.

I take it that those recommendations are approved by the General Assembly.

It was so decided.

The PRESIDENT: No action is required on paragraph 9, which refers to the seating arrangements during the session.

May I take it that the General Assembly approves the recommendation in paragraph 10 concerning meetings of the Main Committees?

It was so decided.

The PRESIDENT: We turn now to paragraph 11, "Non-utilization of the rostrum". The General Committee recommends that explanations of vote, interventions in the exercise of the right of the reply and procedural motions should be made by delegations from their seats. I take it that the General Assembly approves that recommendation.

It was so decided.

The PRESIDENT: Paragraphs 12 and 13 refer to budgetary and financial questions under rule 153 of the rules of procedure.

As members are aware, this has been a serious problem, especially towards the end of the session; this year Friday, 7 December, is the target date for the conclusion of the work of the Main Committees. To alleviate the situation, the General Committee has made recommendations in paragraphs 12 and 13 (a) to (d).

May I take it that the General Assembly approves those recommendations?

It was so decided.

The PRESIDENT: Paragraph 14 concerns the report of the Main Committees. May I take it that the recommendations contained in that paragraph are approved by the General Assembly?

It was so decided.

The PRESIDENT: I now put before the General Assembly the recommendation of the General Committee in paragraph 16, concerning balloting procedure.

May I take it that it is the wish of the Assembly to approve that recommendation?

It was so decided.

The PRESIDENT: That completes our consideration of the recommendations on the organization of the session. It is hoped that the General Committee, at a subsequent meeting, will consider the other recommendations which are of a more far-reaching character requiring more time for study and discussion - for example, those relating to documentation and subsidiary organs of the General Assembly.

We turn now to section III of the report of the General Committee, document A/34/250, relating to the adoption of the agenda.

May I just recall to members of the General Assembly rule 23 of the rules of procedure which provides that:

"Debate on the inclusion of an item in the agenda, when that item has been recommended for inclusion by the General Committee, shall be limited to three speakers in favour of, and three against, the inclusion."

I should like to stress that at this time we are not discussing the substance of any item.

I should also like to remind delegations that in accordance with the decision taken earlier today, interventions will have to be made from their seats.

Paragraph 18 relates to the report of the Economic and Social Council, item 12 of the draft agenda. May I take it that the General Assembly takes note of paragraph 18?

It was so decided.

The PRESIDENT: We turn now to paragraph 19, containing the recommendation of the General Committee on item 29 of the draft agenda, entitled "Question of the Comorian island of Mayotte".

Taking duly into account the report of the General Committee, and the statements made in that Committee, may I consider that item 29 is included in the agenda?

It was so decided.

The PRESIDENT: We now turn to paragraphs 20 and 21, which contain recommendations of the General Committee to postpone to the thirty-fifth session the consideration of item 88 of the draft agenda, "Question of a convention on the rights of the child," and item 112, "Review of the multilateral treaty-making process".

May I take it that the General Assembly approves those recommendations?

It was so decided.

The PRESIDENT: In paragraph 22, the General Committee recommends the inclusion of item 123 of the draft agenda, entitled "The situation in Kampuchea".

Taking duly into consideration the report of the General Committee, may I take it that item 123 is included in the agenda?

It was so decided.

The PRESIDENT: I now invite members to turn their attention to the suggestions contained in paragraph 23, regarding the grouping of related items under a single heading and the staggering of more items over two or more years.

May I take it that the General Assembly takes note of those suggestions?

It was so decided.

The PRESIDENT: We now turn to the agenda which the General Committee recommends for adoption by the General Assembly.

In accordance with past practice, we shall follow the numbering given in paragraph 24 of the General Committee's report, document A/34/250, and shall consider together several items in groups, where that seems appropriate. I once again remind members that at present we are not discussing the substance of any item, except when such discussion can assist the Assembly in deciding whether or not to include an item in the agenda.

I now invite representatives to turn to page 7 of the English text of the report of the General Committee.

Items 1 to 6 have already been acted upon in plenary meeting. Therefore, their inclusion has been approved.

We come now to items 7 to 20 inclusive. I take it that it is the wish of the General Assembly to include those items in the agenda.

It was so decided.

The PRESIDENT: Item 21 is entitled "Question of Cyprus". May I take it that item 21 is included in the agenda?

It was so decided.

The PRESIDENT: We come now to items 22 and 23. I take it that the General Assembly includes them in the agenda.

It was so decided.

The PRESIDENT: We now turn to item 24, concerning the question of Palestine. May I take it that item 24 is included in the agenda?

It was so decided.

The PRESIDENT: We come now to item 25, entitled "The situation in the Middle East".

I take it that the General Assembly decides to include it in the agenda.

It was so decided.

The PRESIDENT: We turn now to items 26 to 28, inclusive. May I take it that those items are included in the agenda?

It was so decided.

The PRESIDENT: The question of the inclusion of item 29, entitled "Question of the Comorian island of Mayotte", has already been acted upon by the Assembly under paragraph 19 of this report.

We now turn to items 30 to 46, inclusive. May I take it that the Assembly decides to include them in the agenda?

It was so decided.

The PRESIDENT: We come now to the inclusion of items 47 to 54, inclusive. May I take it that those items are included in the agenda?

It was so decided.

The PRESIDENT: We now turn to items 55 to 71, inclusive. May I take it that the Assembly decides to include them in the agenda?

It was so decided.

The PRESIDENT: Next we come to items 72 to 88, inclusive. May I take it that it is the wish of the Assembly to include them in the agenda?

It was so decided.

The PRESIDENT: We now turn to items 89 to 95, inclusive. I call on the representative of Indonesia on item 91.

Mr. SUWONDO (Indonesia): My delegation wishes to restate its strong opposition to the inclusion of item 91, entitled "The question of East Timor", in the agenda of the thirty-fourth session of this Assembly. My delegation therefore requests that its position on this matter be reflected in the records of this meeting.

The PRESIDENT: The statement of the representative of Indonesia will be reflected in the records of this meeting.

Mr. MISHRA (India): May I join my colleague from Indonesia in opposing the inscription of the item on East Timor on the agenda of the Assembly.

The PRESIDENT: The position of the representative of India will likewise be reflected in the records.

May I now take it that the Assembly decides to include items 89 to 95, inclusive, in the agenda?

It was so decided.

The PRESIDENT: Items 96 to 107, inclusive, deal with administrative and budgetary questions. May I take it that the General Assembly adopts the General Committee's recommendation to include those items in the agenda?

It was so decided.

The PRESIDENT: We now turn to items 108 to 119, inclusive, May I take it that the General Assembly decides to include those items in the agenda?

It was so decided.

The PRESIDENT: We turn next to item 120, "Adoption of a declaration on international co-operation for disarmament". May I take it that the General Assembly decides to include that item on the agenda?

It was so decided.

The PRESIDENT: The next item - item 121 - is entitled "Israeli nuclear armament". May I take it that the General Assembly adopts the General Committee's recommendation to include item 121 in the agenda?

It was so decided.

The PRESIDENT: The General Committee also recommends the inclusion of item 122 in the agenda. It is entitled "Settlement by peaceful means of disputes between States". May I take it that the General Assembly adopts that recommendation?

It was so decided.

The PRESIDENT: The question of the inclusion of item 123, entitled "The situation in Kampuchea", has already been acted upon by the Assembly under paragraph 22 of this report.

The last two items - items 124 and 125 - were recommended by the General Committee without objection. May I take it that they are included in the agenda?

It was so decided.

The PRESIDENT: We now turn to the question of the allocation of items dealt with in section IV of the report and, in this connexion, I should like to invite the attention of the Assembly to the recommendation of the General Committee in paragraph 25 that substantive items should normally be discussed initially in a Main Committee and, therefore, items previously allocated to plenary meetings should henceforth be referred to a Main Committee unless there are compelling circumstances requiring their continued consideration in the plenary Assembly. May I take it that it is the wish of the General Assembly to approve that recommendation?

It was so decided.

The PRESIDENT: The modifications indicated in paragraph 26 are reflected in the proposed allocation, so we shall therefore consider them when we come to the relevant items under paragraph 27.

May I now invite Members to turn to the list of items recommended for consideration in plenary meetings on pages 25 to 28 of the English text.

(The President)

With regard to item 18 on the list, I should like to invite the Assembly's attention to the recommendation of the General Committee in paragraph 26 (a)(i) that the Assembly refer to the Fourth Committee all the chapters of the report of the Special Committee relating to specific Territories so that the General Assembly may deal in plenary meeting with the question of the implementation of the Declaration as a whole. May I take it that the General Assembly approves that recommendation?

It was so decided.

The PRESIDENT: In connexion with item 21 on the list, "Question of Cyprus", the General Committee recommends in paragraph 26 (a)(ii) that the item should be considered directly in plenary meeting, on the understanding that the Assembly will, when considering the item, invite the Special Political Committee to meet for the purpose of affording representatives of the Cypriot communities an opportunity to speak in the Committee in order to express their views, and that it will then resume its consideration of the item, taking into account the report of the Special Political Committee.

Mr. ERALP (Turkey): Mr. President, no doubt my Foreign Minister, when he makes his statement, will extend to you his best wishes and congratulations. However, I should like to take this first opportunity to express to you, Sir, on behalf of my delegation and myself, not only our congratulations on your universally acclaimed election, but also our confidence in your exceptional ability to conduct the business of the Assembly, as already exemplified by the efficient, equitable and effective manner in which you have conducted the deliberations of the General Committee.

(Mr. Eralp, Turkey)

The Assembly must by now be familiar with the Turkish Government's views about the procedure to be followed in the discussion of the Cyprus question at the General Assembly of the United Nations. As we have time and again stressed from this rostrum, the procedure to be followed has a direct and important bearing on the substance of the General Assembly's debate on Cyprus. Therefore, it goes without saying that the question of procedure - in other words, the question of the allocation of the agenda item relating to the Cyprus question - requires particular consideration by the General Assembly.

The recommendation of the General Committee that the agenda item on the question of Cyprus be allocated to the plenary Assembly is a repetition of the procedure followed at the last session. The Turkish delegation strongly objected to that procedure last year, and is determined to maintain the same position this year.

As a matter of fact, under the procedure followed at the last session of the General Assembly, the Turkish-Cypriot community, one of the two principal parties to the Cyprus dispute, has been denied the right of equal participation and equal say at all levels of the debate. As you, Mr. President, have already stated, according to the procedure followed last year, the question of Cyprus should be allocated directly to the plenary Assembly. The plenary Assembly would, however, when considering the item, invite the Special Political Committee to meet for the purpose of affording the representatives of the two Cypriot communities an opportunity to speak in the Committee in order to express their views, and would then resume its consideration of the item.

Past experience has already shown that the procedure recommended by the General Committee is totally inadequate for a valid and constructive discussion of the Cyprus problem. Such a procedure unjustly deprives the Turkish-Cypriot community of the right to participate in the debate proper, which will resume in the plenary Assembly after the meeting of the Special Political Committee.

(Mr. Eralp, Turkey)

The General Assembly is quite aware of the fact that brief meetings held by the Special Political Committee in the past have proved to be just a perfunctory audition of the representatives of the two communities, since the real debate took place exclusively in the plenary meetings. The draft resolution on the question was introduced directly at the plenary meetings, and the Turkish-Cypriot community did not have any say during its consideration by the plenary Assembly. Furthermore, this arrangement magnified the unequal treatment accorded to the Turkish-Cypriot community by enabling the Greek Cypriots to double their voice and speak in yet another capacity, that of the Greek community, in addition to that of the Greek-Cypriot delegation. Moreover, it prevented the General Assembly from acquainting itself with the views of the Turkish-Cypriot side, which was so essential for a meaningful and constructive debate on the Cyprus question.

There is no doubt that the procedure which is once again being recommended by the General Committee disregards the fact that there are today in the island of Cyprus two distinct administrations, that all resolutions of the General Assembly and the Security Council on the very question recognize the two communities as the principal negotiating parties in the Cyprus dispute, and that the negotiating process carried out under the good offices of the Secretary-General involves the two communities.

The fact that a substantial body of delegations could not find it possible at the last session of the General Assembly to vote in favour of the General Committee's recommendation concerning the allocation of the item under the procedural arrangement that I referred to points indisputably to widespread misgivings as to the merits of that procedure.

The question of Cyprus is going to be discussed at this session of the General Assembly at a time when serious intensive efforts are under way in order that the intercommunal talks may continue in a constructive and meaningful manner. These talks were resumed on 15 June this year, after a hiatus of two years. The leaders of the two communities, at the summit meeting of 18 and 19 May 1979, not only decided to resume the intercommunal talks, but also agreed on the basis for these talks, which are designed

(Mr Eralp, Turkey)

to achieve an independent, non-aligned, bicommunal and bizonal federal republic. Furthermore, the leaders of the two communities showed the wisdom to accept the concept of a political truce between the two communities by agreeing, in point six of the 19 May accord, to abstain from any action which might jeopardize the conduct of the talks in a continuing and sustained manner, and committed themselves to giving special importance to initial practical measures to promote goodwill, mutual confidence and a return to normal conditions.

It is against that background and in keeping with the spirit of political truce between the two communities of Cyprus that the Turkish-Cypriot community is rightfully demanding participation on the basis of full equality at all levels during the discussion of the Cyprus question. This demand is indisputably in conformity with the principle of equity, the realities of Cyprus and the prerequisites of a peaceful settlement.

However, my delegation, taking into account the procedural constraints and political intricacies, limited itself on Wednesday in the General Committee to proposing a compromise formula, which, while falling short of achieving equality between the two communities, would to a certain extent redress the unequal treatment suffered by the Turkish community at previous sessions. Our measured proposal which was not endorsed by the General Committee was simply that the item be allocated directly to the Special Political Committee. This would have enabled the Turkish community of Cyprus to participate in the debate at the Committee level and take an active part during the consultations on a draft resolution. Adoption of our proposal by the General Committee also would have at least partly enhanced the principle of political equality between the two Cypriot communities, as laid down by the various relevant resolutions of the General Assembly and the Security Council.

The proposal of the Turkish delegation on Wednesday in the General Committee was entirely in keeping with the rules of procedure of the General Assembly and the recommendation made by the Secretary-General in paragraph 19 of his report (A/34/320) on the rationalization of the procedure and organization of the General Assembly. I shall not repeat the paragraph, because it is set out in paragraph 25 of the report now before us (A/34/250).

(Mr. Eralp, Turkey)

Adoption by the General Committee of our proposal that the item on the question of Cyprus be allocated to the Special Political Committee would have been therefore a prompt response to the recommendation of the Secretary-General.

My delegation is firmly convinced that the procedure recommended by the General Committee in paragraph 26(a)(ii) of its report contained in document A/34/250 is unjust and politically unwise and that it constitutes an impediment to a constructive and meaningful debate on the question of Cyprus in the General Assembly. The result of the vote that took place the other day in the General Committee on our proposal requesting the allocation of the item to the Special Political Committee is in fact significant. It clearly indicates that the majority of the members of the General Committee share with us the same misgivings as to the merits of the procedure which is now before the Assembly for decision.

To conclude, I reiterate that the Turkish delegation is strongly opposed to the procedure recommended by the General Committee. I would therefore request the President to put that recommendation to a vote. I also request a recorded vote.

Mr. MAVROMMATIS (Cyprus): Mr. President, during the general debate the President of the Republic of Cyprus will have the opportunity to extend to you his own, our country's and our delegation's congratulations on your well-deserved election, but allow me, on a personal basis, and having observed you both in the General Committee and in the plenary Assembly, to offer my own congratulations and to add that we have the assurance that under your very able leadership we shall finish the work of this session of the Assembly in record time.

Nothing would have given me greater pleasure than to be in a position now to report to this body even some progress in the quest for a solution to the Cyprus problem, and I am certain that such good tidings would have pleased the General Assembly, which has, by word and deed, through its resolutions, often unanimous, constantly and consistently supported the just cause of Cyprus. I do not think that it would be a hyperbole to say that the United Nations is the only shield that defenceless Cyprus has, a shield that has perhaps prevented its total occupation.

(Mr. Mavrommatis, Cyprus)

But unfortunately I can only report frustration and complete lack of progress; even worse, the wind of hope that blew on 19 May, when the ten-point agreement was concluded between President Kyprianou and the leader of the Turkish community, Mr. Denktash, has given way to the stagnant air of desperation as a result of preconditions departing from the very agreement dictated by Turkey in an effort to achieve alien solutions. These preconditions have all but sunk a new initiative once again. This is the reason why the question of Cyprus remains, in the words of the Secretary-General in successive reports and statements, one of the most acute problems that are before the United Nations, and this is one of the compelling reasons why it should be dealt with in accordance with the well-established precedent that the recommendation of the General Committee embodies and thus should be debated in the plenary Assembly.

Further reasons can be found in the indisputable fact that Turkey has ignored contemptuously the succession of resolutions on Cyprus and thus the occupation army remains, refugees are still prevented from returning to their homes, the missing are unaccounted for and human rights are but a dream for the enclaved and the displaced. I do not think that I need stress to my colleagues the well-known and oft-explained fact that our debate in the plenary Assembly concerns the international aspect - and I underline this - of the Cyprus question, and does not concern the communities, but the Government of occupied Cyprus and the Government of Turkey that occupies 40 per cent of my country.

(Mr. Mavrommatis, Cyprus)

Neither we nor any others wish to bring into the United Nations the difficulties, polemics and frustrations of the intercommunal dialogue which is concerned only with the internal aspect of the Cyprus problem. That would happen if the Turkish proposal made in the General Committee were to be accepted. It would be highly undesirable to disturb the delicate balance of the established procedure, which already represents a compromise and by which ample opportunity is given for the two communities to air their views. One might even be tempted to say that I am now merely echoing words uttered by way of explanation when similar attempts were frustrated - more than once - in the past in the plenary Assembly.

Reference was also made by the representative of Turkey to point 6 of the agreement of 19 May 1979. Let me reply by saying not only that point 6 cannot be considered in isolation, but only along with the other eight points which envisage a continued dialogue with priorities that Turkey no longer accepts - priorities such as the town of Varosha, which is well known to almost everybody here - but also that the letter and the spirit of point 6 in no way affects the inalienable and sovereign right of the Government of Cyprus to bring a problem of the seriousness and magnitude of the question of Cyprus before the General Assembly of the United Nations. I can even go a step farther and say that it does not relieve Member States of the duty to examine such a potentially explosive situation.

But if there were even a scintilla of progress, then both tone and content could be affected and might have varied accordingly. Let us never lose sight of the fact that it is the oppressed and occupied that crave progress, a solution and liberation: we, and not those who are still sitting astride our bleeding body.

In conclusion, allow me to make a strong plea to every representative present once again resolutely to resist Turkish efforts to create new and dangerous precedents; let them maintain the status quo with its proven usefulness, probity and legality. I had occasion in the General Committee to stress the fact that the real intent of Turkey in making these unprecedented demands regarding procedure is to confuse the issue and to present it as a mere intercommunal problem, and at the same time to gain indirect recognition of the so-called Turkish Federated State of Cyprus, whose establishment was unanimously rejected both by the General Assembly and the Security Council.

(Mr. Mavrommatis, Cyprus)

I sincerely hope that the recommendation of the General Committee will have the backing of the overwhelming majority of this august body.

The PRESIDENT: We shall now vote on the recommendation of the General Committee on the question of the allocation of the item entitled "Question of Cyprus" as contained in paragraph 26 (a)(ii) of document A/34/250. A recorded vote has been requested by the representative of Turkey.

A recorded vote was taken.

- In favour: Afghanistan, Algeria, Bahamas, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, German Democratic Republic, Greece, Guatemala, Guinea-Bissau, Guyana, Honduras, Hungary, India, Ivory Coast, Jamaica, Japan, Kenya, Lao People's Democratic Republic, Madagascar, Malawi, Maldives, Mali, Malta, Mexico, Mongolia, Mozambique, Nepal, Niger, Peru, Poland, Portugal, Romania, Rwanda, Samoa, Senegal, Singapore, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zambia.
- Against: Bangladesh, Indonesia, Malaysia, Pakistan, Saudi Arabia, Somalia, Turkey, Upper Volta
- Abstaining: Australia, Austria, Belgium, Canada, Chile, Comoros, Denmark, Djibouti, Egypt, Germany, Federal Republic of, Iceland, Ireland, Italy, Luxembourg, Mauritania, Netherlands, New Zealand, Norway, Oman, Papua New Guinea, Philippines, Qatar, Sierra Leone, Suriname, Thailand, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen

The recommendation was adopted by 74 votes to 8, with 30 abstentions.*

* Subsequently the delegation of Upper Volta advised the Secretariat that it had intended to vote in favour.

The PRESIDENT: Regarding item 27 on the list, "Question of Namibia", the General Committee recommends in paragraph 26 (a)(iii) that the item should be considered directly in plenary meeting on the understanding that hearings from organizations concerned will be heard in the Fourth Committee. May I consider that the Assembly adopts that recommendation?

It was so decided.

The PRESIDENT: In connexion with item 28 on the list, "Policies of apartheid of the Government of South Africa", I invite the Assembly's attention to the recommendation contained in paragraph 26 (a)(iv), on page 22 of document A/34/250. The General Committee recommends that this item be considered directly in plenary meeting on the understanding that the representatives of the Organization of African Unity (OAU) and of national liberation movements recognized by the OAU will be permitted to participate in the discussion in plenary meeting and that organizations having a special interest in the question will be permitted to be heard by the Special Political Committee. May I consider that the General Assembly approves the recommendation of the General Committee?

It was so decided.

The PRESIDENT: May I now consider that the General Assembly approves the allocation of the other items listed for consideration directly in plenary meetings?

It was so decided.

The PRESIDENT: We turn now to the list of items which the General Committee has recommended for allocation to the First Committee.

Regarding item 16 on the list, "General and complete disarmament", the General Committee recommends in paragraph 26 (b)(i) that the relevant paragraphs of the annual report of the International Atomic Energy Agency, which is to be considered directly in plenary meeting under item 14, should be drawn to the attention of the First Committee in connexion with its consideration of the item. May I take it that the Assembly approves that recommendation?

It was so decided.

The PRESIDENT: May I consider that the General Assembly approves the proposed allocation of items to the First Committee?

It was so decided.

The PRESIDENT: We come now to the items recommended for allocation to the Special Political Committee. May I consider that the General Assembly approves that recommendation?

It was so decided.

The PRESIDENT: I now invite members to examine the list of items recommended for allocation to the Second Committee.

In connexion with item 3 on the list, "United Nations Conference on Trade and Development", the General Committee recommends that in view of the time schedule referred to in paragraph 26 (c)(ii) on page 23 of document A/34/250, the Second Committee should consider the question of changing the periodicity of future sessions of the Trade and Development Board and report thereon to the Assembly as a matter of priority. I take it that there is no objection to that recommendation.

It was so decided.

The PRESIDENT: May I take it that the General Assembly approves the proposed allocation of items to the Second Committee?

It was so decided.

The PRESIDENT: We now come to the items proposed for allocation to the Third Committee. May I take it that the General Assembly approves that proposed allocation?

It was so decided.

The PRESIDENT: Are there any comments on the proposed allocation of items to the Fourth Committee? If not, I shall take it that the Assembly approves that proposed allocation.

It was so decided.

The PRESIDENT: We now turn to the list of items recommended for allocation to the Fifth Committee. May I consider that the General Assembly approves that proposed allocation?

It was so decided.

The PRESIDENT: Finally, we come to the list of items proposed for allocation to the Sixth Committee. May I consider that the General Assembly approves that proposed allocation?

It was so decided.

The PRESIDENT: The General Assembly has thus concluded its consideration of the first report of the General Committee.

I wish to thank the Members of the Assembly for their co-operation, which has made it possible for us to complete our task at this meeting.

Each Committee will promptly receive the list of agenda items allocated to it so that it may begin its work as soon as possible in accordance with rule 99 of the rules of procedure.

Before adjourning this meeting I should like to draw an important point to the attention of the Assembly. One of the first proposals adopted at this session, on the recommendation of the General Committee, was that "all meetings should begin promptly at the scheduled time". Members should be aware that it is my intention to do everything I can to ensure that the decisions of the General Assembly on how its work shall be conducted are fully and faithfully implemented. That means that it is incumbent on delegations to occupy their seats promptly at the opening of our next meeting, which is scheduled for 10.30 a.m. on Monday, when we shall commence the general debate. It is of course particularly important that representatives whose names are inscribed on the speakers' list should be prepared to speak when their names are called. I wish to reiterate that I intend to start the meeting at 10.30 a.m. punctually, as agreed on by the General Assembly.

As Members know, the decisions adopted also specify a 10-minute limitation on explanations of vote and rights of reply, with a second right of reply being limited to 5 minutes. I wish to inform Members well in advance that it is my intention to apply these time limitations strictly in the interests of the membership as a whole. I am sure that Members will understand that to be fair I must apply the limit impartially to all speakers without exception, and I request the understanding and full co-operation of Members as together we seek to improve our work performance this year for the common good.

The meeting rose at 8.5 p.m.