

## SINGAPORE AND INTERNATIONAL LAW

This section was introduced for the first time in the December 1977 issue of the Review (1977) 19 Mal. L.R. 401. Its objective is to reproduce materials and information that will illustrate Singapore's attitude to, and approaches on, questions of international law and international organisations. As far as possible, primary materials will be reproduced but where unavailable, and the topics are important, secondary materials including relevant extracts from newspaper reports will be reproduced. The materials will be presented under the following headings:

- I. Policy Statements
- II. Legislation \*
- III Judicial Decisions \*
- IV. Treaties (other than Asean Instruments)
- V. Asean Treaties, Declarations and other Instruments \*
- VI. Singapore in the United Nations and other International Organisations and Conferences

Owing to limitations of space, the materials reproduced in the section will be selective. As the materials are compiled from the Law Library and other sources, it should be stressed that any texts contained herein are not to be regarded as officially supplied to the Review.

### I. POLICY STATEMENTS

- (a) *Exclusive Economic Zone: Text of Statement of the Ministry of Foreign Affairs on the Exclusive Economic Zone, 15 September 1980 (Singapore Government Press Release 09-0/80/09/15)*

The Resumed Ninth Session of the Third United Nations Conference on the Law of the Sea has just ended at Geneva. From the results of the Session, it would appear that the Conference is now drawing to a close and a new Convention on the Law of the Sea is likely to be concluded soon.

One of the trends emerging from the Conference is the endorsement of a 12-nautical mile limit for the territorial sea, with assurances of unimpeded transit passage through straits, and for a 200-nautical mile Exclusive Economic Zone beyond the territorial sea where coastal States will have jurisdiction and rights over resources. The practice of States in recent years has also been consistent with this trend.

\* There are no materials under these headings in this issue.

Among others, Malaysia and Indonesia have already declared a 12-nautical mile territorial sea and a 200-nautical mile Exclusive Economic Zone,

Since 1878, Singapore has adhered to the concept of a three-nautical mile territorial sea. In certain areas, Singapore can extend its territorial sea beyond three nautical miles and can also claim an Exclusive Economic Zone. In the light of the said international developments, Singapore will exercise its rights to extend its territorial sea limit up to a maximum of 12 nautical miles. Likewise, Singapore will also establish an Exclusive Economic Zone.

The precise coordinates of any extensions of the territorial sea and the establishment of any Exclusive Economic Zone will be announced at an appropriate time. Should such extensions and the establishment of an Exclusive Economic Zone overlap with claims of neighbouring countries, Singapore will negotiate with these countries with a view to arriving at an agreed delimitation in accordance with international law.

#### IV. TREATIES (OTHER THAN ASEAN INSTRUMENTS)

- (a) *Text of TRADE AGREEMENT between the Government of the Republic of Singapore and the Government of the People's Republic of China, 29 December 1979 (Republic of Singapore Government Gazette Treaties Supplement, No. 1, 1980)*

The Government of the Republic of Singapore and the Government of the People's Republic of China, hereinafter called the Contracting Parties, desiring to expand and strengthen economic and trade relations between the two countries on the basis of equality and mutual benefit, have agreed as follows:—

##### ARTICLE I

The Contracting Parties shall promote the expansion of economic and trade relations between the two countries within the framework of this Agreement and of laws and regulations effective in their respective countries.

##### ARTICLE II

The Contracting Parties shall grant each other most-favoured-nation treatment with respect to customs duties and other taxes and duties applicable to trade exchange between the two countries.

##### ARTICLE III

The provisions of Article II shall not apply to:—

- (a) Preferences and advantages which either of the Contracting Parties has granted or may grant neighbouring countries in order to facilitate their frontier trade; and
- (b) Preferences and advantages which result from any customs unions or free trade areas or regional economic groupings to which either of the Contracting Parties is or may become a Party.

## ARTICLE IV

The Contracting Parties shall, subject to their respective import, export, foreign exchange and other laws, rules and regulations, provide the maximum facilities possible for the purpose of increasing trade and narrowing any trade gap between the two countries and in particular in respect of goods and commodities listed in Schedule A (Exports from the Republic of Singapore to the People's Republic of China) and Schedule B (Exports from the People's Republic of China to the Republic of Singapore) attached to the present Agreement.

Amendments and supplements may be introduced in the said Schedules A and B by mutual consent of the Contracting Parties.

## ARTICLE V

All payments between the two countries shall be made in freely convertible currencies, subject to foreign exchange regulations effective in their respective countries.

## ARTICLE VI

Each Contracting Party shall facilitate the participation by the other Contracting Party or its nationals in trade fairs to be held in its territory, and the staging of exhibitions by the other Contracting Party or its nationals in its territory subject to such terms and conditions as may be imposed by the competent authorities of the country where the trade fair or exhibition is to be held.

Exemptions from customs duties and other similar charges of articles and samples intended for fairs and exhibitions, as well as their entry, leaving, sale and disposition shall be subject to the laws of the country where the fair or exhibition is held.

## ARTICLE VII

The following articles originating from the territory of either of the Contracting Parties shall be exempt from customs duties on entry into the territory of the other Contracting Party:—

- (i) Samples of goods of all kinds if they are of no commercial value and provided that they are used only as samples for obtaining orders and not intended for sale; and
- (ii) Equipment imported for repair, improvement, construction and processing purposes, which after the completion of such works will be returned to the originating Contracting Party.

## ARTICLE VIII

Merchant vessels of each Contracting Party with cargo thereon shall enjoy, in respect of entry into, stay in and departure from the ports of the other country, most-favoured-nation treatment granted by the laws, rules and regulations applicable to ships under any third country flag.

## ARTICLE IX

The representatives of the Contracting Parties, upon request by either of them, shall in the spirit of cooperation and mutual understanding discuss measures aimed at broader trade relations between the two countries and solution of problems connected with the implementation of this Agreement.

The place and date of such discussions shall be established by mutual agreement.

## ARTICLE X

The provisions of this Agreement shall not in any way limit the right of either Contracting Party to apply prohibition or restriction of any kind which are directed to the protection of its essential security interests, or to the protection of public health or the prevention of diseases and pests in animals or plants.

## ARTICLE XI

The provisions of this Agreement shall continue to be applied after it has expired to all commercial transactions concluded but not fully performed before the termination of this Agreement.

## ARTICLE XII

This Agreement shall come into force on the date of its signature and shall remain valid for one year at the first instance. Thereafter, it shall continue to be valid for subsequent periods of one year each. The Agreement may be terminated at the end of any such subsequent one year period by a written notice given by either Contracting Party at least three months prior to the end of any such period.

At the request of either Contracting Party, the present Agreement may be revised by mutual consent.

Done in Beijing on December 29th, 1979 in two original copies, each in the English and Chinese languages, both texts being equally authentic.

HON SUI SEN  
*For the Government of the  
Republic of Singapore.*

LI QIANG  
*For the Government of the  
People's Republic of China.*

## SCHEDULE A

EXPORTS FROM THE REPUBLIC OF SINGAPORE TO  
THE PEOPLE'S REPUBLIC OF CHINA

Industrial Machinery and Transport Equipments and Parts  
Industrial and Domestic Electronic and Electrical Equipments and Components  
Rubber, Rubber Products and Processed Wood  
Chemicals, Petrochemicals, Pharmaceuticals and Fine Chemicals  
Medical and Scientific Instruments  
Others

## SCHEDULE B

EXPORTS FROM THE PEOPLE'S REPUBLIC OF  
CHINA TO THE REPUBLIC OF SINGAPORE

Rice and Other Cereals  
Foodstuffs and Canned Goods  
Tea, Native Produce and Special Products  
General Merchandise  
Stationery and Sports Articles  
Textiles  
Machinery and Instruments  
Agricultural Implements and Tools  
Chemicals and Chemical Products  
Steel Products and Non-Ferrous Metals  
Animal By-Products  
Others

VI. SINGAPORE IN THE UNITED NATIONS AND OTHER  
INTERNATIONAL ORGANISATIONS AND CONFERENCES

- (a) *UN General Assembly: 35th Session 1980, Text of Speech by Mr. Tommy Koh, Singapore's Permanent Representative to the United Nations in the Plenary Session during the debate on the SITUATION IN KAMPUCHEA, 22 October 1980 (Singapore Government Press Release 09-0/80/10/22)*

In the past ten years, tragedy has visited Kampuchea on three successive occasions. The first tragedy occurred soon, after the overthrow of Prince Sihanouk by his Prime Minister, General Lon Nol. Between 1970 and 1973, Kampuchea suffered from a bloody civil war between the forces of General Lon Nol and the forces of the National United Front of Kampuchea, formed by Prince Sihanouk and his former enemies, the Khmer Rouge. During this period the flames of the Vietnam War also spread to Kampuchea.

On 17 April 1975, the forces of Lon Nol were defeated and the capital city of Phnom Penh was captured by the Khmer Rouge. From April 1975 until December 1978 the people of Kampuchea suffered under the cruel and oppressive rule of the Khmer Rouge.

In late December 1978, a third tragedy struck the unfortunate people of Kampuchea. Beginning on Christmas Day 1978, the Vietnamese launched a large scale invasion of Kampuchea involving an invasion force of over 100,000 troops. The Government of Democratic Kampuchea was forced to flee its capital for the countryside and to continue armed resistance to the Vietnamese occupation army. Meanwhile, the Vietnamese installed Heng Samrin as the head of its puppet regime in Phnom Penh. Two months after the invasion a treaty was signed between Vietnam and Heng Samrin. This treaty has been cited as the justification for the invasion and for the continued presence of over 200,000 Vietnamese troops in Kampuchea.

Mr. President, I wish to say at the outset that Vietnam, as one of the countries in the region in Southeast Asia, can claim to have a legitimate interest in Kampuchea. Vietnam has the right to expect that Kampuchea, which is its neighbour, would respect the independence, sovereignty and territorial integrity of Vietnam. Vietnam has the right to expect that Kampuchea would pursue a policy of peace and good neighbourliness towards her. Vietnam has a right to demand that no extra-regional power should use Kampuchea as a base for subversion or aggression against Vietnam. On these points, I do not differ with my Vietnamese colleague. I would, of course, point out that Kampuchea also has the right to demand and expect that Vietnam would observe the same principles and norms.

Where my Vietnamese colleague and I differ, is over the question whether the Government of Vietnam has the right, under the principles of UN Charter and under international law, to launch a large scale military invasion of Kampuchea, to overthrow its Government and to impose a puppet regime on the Kampuchean people.

My contention is that what the Vietnamese Government has done exceeds the act of self-defence. It exceeds the act of self-defence because the invasion and occupation of Kampuchea are completely disproportionate to the incidents along their common border. It is also my contention that the gross and extensive violations of the human rights of the Kampuchean people by the Pol Pot Government give no right to Vietnam to invade Kampuchea and overthrow its Government.

My Vietnamese colleague has argued that Vietnam was invited to send its armed forces into Kampuchea in order to help the Kampucheans to overthrow their hated regime. By whom were the Vietnamese invited? The Vietnamese answer: By the Kampuchean National United Front for National Salvation. The Front was organised by Vietnam, on Vietnamese territory, approximately three weeks before the Vietnamese invasion. The Front had no legal or other acceptable authority to invite Vietnamese intervention. My Vietnamese colleague has also argued that Vietnamese intervention and the continued presence of Vietnamese troops in Kampuchea is justifiable under the Treaty of Friendship and Cooperation concluded between Vietnam and the Heng Samrin regime. To demolish this argument it is only necessary to point out that the treaty was signed on 18 February 1979, almost two months after the Vietnamese invasion.

More recently, my Vietnamese colleague has tried to justify the action of his Government in Kampuchea on the ground that it was taken in response to the Chinese threat to Southeast Asia. He has argued that until the Chinese threat is removed Vietnamese troops must remain in Kampuchea. I do not wish to dispute Vietnam's claim that she fears China. Such fears are obviously not unfounded in the light of the Chinese armed attack on Vietnam in February 1979. I wish only to point out that until Vietnam's invasion of Kampuchea, relations between Vietnam and China were good. The following extract from a speech by the Secretary-General of the Vietnamese Communist Party, Mr. Le Duan, made on 21 November 1977 in Peking at a banquet given in his honour by the Chairman of the Chinese Communist Party, Mr. Hua Guo-Fong, will illustrate my point:

"Vietnam and China share mountains and rivers.... For many decades our two peoples have shared weal and woe, constantly supporting and assisting each other and building a great and militant solidarity as both comrades and brothers. The Vietnamese people's victory is closely associated with the vigorous support and great assistance provided by the party, the Government and the fraternal people of China. The Vietnamese people will remember this selfless aid for ever."

My thesis is therefore that the quarrel between Vietnam and China and the Chinese attack upon Vietnam were caused, in large part, by Vietnam's invasion of Kampuchea. If this thesis is correct then the Chinese threat to Vietnam can only be removed if Vietnam puts an end to her armed intervention in and occupation of Kampuchea.

Mr. President, in the Draft Resolution A/35/L.2 Rev. 1, the co-sponsors have put forward a proposal for ending the conflict in Kampuchea in a manner which is consistent with the principles of the UN Charter, consistent with the right of Kampuchea to independence, sovereignty and territorial integrity, consistent with the right of the Kampuchean people to determine their own destiny, free from outside interference and consistent with the legitimate interest of Kampuchea's neighbours, including Vietnam.

We propose that an international conference on Kampuchea be held as soon as possible in 1981. We propose that all the parties to the conflict in Kampuchea and others concerned should be invited to participate in the conference. We do not insist on any pre-condition for the convening of the conference. The purpose of the conference is to find a comprehensive political settlement to the Kampuchean problem. A comprehensive political settlement must include the following seven elements:

First, the Vietnamese troops in Kampuchea must be totally withdrawn within a specified time-frame and the withdrawal must be verified by the United Nations.

Second, during the process of the withdrawal of the Vietnamese troops from Kampuchea, measures must be undertaken by the United Nations in order to maintain law and order, to ensure the observance of human rights and to prevent Kampuchean armed elements from seizing power.

Third, the United Nations will undertake measures in order to ensure that no outside powers interfere in the internal affairs of Kampuchea.

Fourth, free elections in Kampuchea will be held under the supervision of the United Nations.

Fifth, the conference will agree to prohibit the introduction of any foreign forces in Kampuchea.

Sixth, the conference will negotiate and agree on guarantees to respect the sovereignty, independence and territorial integrity of Kampuchea.

Seventh and finally, the conference will conclude guarantees to ensure that Kampuchea will not be a threat to any of its neighbours. In this way, Vietnam's interest that Kampuchea should not be a hostile and aggressive neighbour and that Kampuchea would not be used by any extra-regional power as a base of subversion or aggression against her would be safeguarded.

Mr. President, in the past our colleagues from Vietnam have been in the habit of saying that their invasion and occupation of Kampuchea have created a reality which the world must accept. The situation, our Vietnamese colleagues have been fond of saying, is non-negotiable and irreversible. I would like, on behalf of the co-sponsors of Draft Resolution L.2, to appeal to Vietnam not to reject our proposal to negotiate a political settlement. We assure Vietnam that any political settlement will take into account Vietnam's legitimate interest. We urge Vietnam, in her own enlightened self-interest, to reconsider the course which she has taken in Kampuchea. As the vote on the credentials of Democratic Kampuchea has demonstrated, and as the vote on this Draft Resolution will further demonstrate, the world has not and will not accept that *fait accompli* which Vietnam has perpetrated by military force. We appeal to Vietnam to consider the heavy price she has paid and will continue to pay for her action in Kampuchea. Vietnam's word is no longer believed and her reputation is tainted. Vietnam's position in the world is isolated. The international support for the reconstruction of the war-ravaged economy of Vietnam has dried up. Vietnam is completely dependent upon the succour and support of one super-power, thus undermining her claim to pursue a foreign policy of non-alignment.

Mr. President, we, the ASEAN countries, contemplate the sorry state of Vietnam at home and abroad with no pleasure. We would like to see Vietnam become a strong, prosperous and non-aligned country for such a Vietnam would be an asset to Southeast Asia. We would like Vietnam to resume her interrupted mission to rebuild her economy and to channel the talents and energies of her people to the task of development. We, the ASEAN countries, would like to help in such efforts. We would also like to see the process of confidence-building in South-east Asia, begun in 1975 and interrupted by Vietnam's invasion of Kampuchea, begin anew. All these developments are possible only if we can negotiate an acceptable political solution to the conflict in Kampuchea. We ask Vietnam to eschew the path of force and to come to the conference table. We appeal,



earnestly and in good faith, to Vietnam to accept our proposal. We ask all members of the UN to help us persuade Vietnam by voting for our Draft Resolution.

- (b) *UN General Assembly: 35th Session 1980, Text of Speech by Mr. S. Dhanabalan, Minister for Foreign Affairs, Republic of Singapore, 23 September 1980 (Singapore Government Press Release 09-2/80/09/23)*

Mr. President, in his introduction to the report on the work of this organisation during the past year, the Secretary-General has correctly summed up the past year as a year which has provided us with some reasons for celebration and many for anxiety. The Secretary-General pointed to the negotiated agreement which paved the way for the independence of Zimbabwe and the important breakthroughs which occurred at the last session of the Conference on the Law of the Sea as two of the silver linings in a sky full of dark clouds.

Dark clouds still hang over Southern Africa, the Middle East, Afghanistan and Kampuchea. In Southern Africa, very little progress has been achieved in the struggle for the freedom of Namibia and for dismantling the evil policy of apartheid. We pledge our support to our African brothers in their struggle to free Namibia from the illegal embrace of South Africa and in their campaign against racial discrimination in South Africa.

In the Middle East, the Camp David peace process has made little progress. Singapore has always stated unequivocally that Israel has a right to exist. We agree that Israel is entitled to exist within safe and secure boundaries recognised and accepted by its neighbours. However, if there is to be peace between Israel and her Arab neighbours, Israel must be prepared to do three things. First, Israel must give back to the Arab countries the territories which Israel occupied as a result of the June 1967 war. Secondly, Israel must be prepared to recognise the right of the Palestinians to self-determination and to a homeland of their own. Thirdly, Israel must rescind the illegal measures it has taken recently to alter the character and status of the city of Jerusalem.

It is a matter of great concern to us that the Israeli government has enacted legislation incorporating East Jerusalem into its territory and proclaimed the city of Jerusalem as the capital of Israel. While Israel, as the occupying power, has the responsibility to protect and preserve the unique spiritual and religious character of Jerusalem, this unilateral action by Israel to transform the character and status of Jerusalem, pending a settlement of the Middle East problem is tantamount to converting the spoils of war into national territory and does not assist in progressing towards a solution for the Middle East and Palestinian problem.

Mr. President, the majority of the members of the UN, gained their independence from Western imperialist powers in the last 35 years — the years since the end of the World War II. Most of us were colonies or protectorates or subservient to imperial powers in one way or another. Those who gained their independence early helped others to gain their independence. We sought and obtained

help from many quarters in this struggle for independence and national dignity. We had the support of liberals within the imperial countries. We had the support of the socialist states like the Soviet Union. The material and moral support that we received from these various forces will not be easily forgotten by us. It is natural that because of our history, in most of us suspicion and antagonism towards the western imperial powers are not far below the surface of the friendly and amicable relations we have established since independence with most of the colonial powers.

Singapore is a small country that gained its independence only 15 years ago. Being small, it is in our interest to be friendly, not only with out immediate neighbours, but with all countries. It is even less in our interest to be caught in the press of power contests, be they superpower or regional power contests. However, when the sovereignty, territorial integrity and independence of other small nations are violated by bigger nations we feel that our own security is endangered. This is why for the past two years Singapore has spoken out clearly against certain of the policies of the Soviet Union and Vietnam. We are not anti-Soviet or anti-Vietnam because they have chosen a system of government and economy that is different from ours. What internal policies they follow is entirely their business. But when their external policies impinge on our security and set precedents which can be used against us, we have no alternative but to do all we can to cause them to change these policies.

It is in this context that I ask this assembly to consider our views on the events in Afghanistan and Kampuchea. They arise from a deep concern for what these events portend for all of us who belong to the Third World. Singapore is not alone in this concern. Many other countries, especially the small non-aligned nations, share this concern. Like Singapore, they too have been alarmed by the implication to themselves of these events. The 91 countries that voted in the UNGA in November last year calling on Vietnam to withdraw its forces from Kampuchea did so for this reason. Likewise, 104 countries voted in the UNGA in January this year calling on the Soviet Union to withdraw its forces from Afghanistan.

The Soviet Union and Vietnam have dismissed these resolutions. They argued that these countries were pressured by the United States and China to support these resolutions. They must know that this is simply not true. We hope that in spite of these public postures, both the Soviet Union and Vietnam will pay careful heed to the frank views that are expressed by many non-aligned nations on these issues in this assembly. If they want to retain the confidence of the world community, especially the non-aligned nations, they must change their policies in Afghanistan and Kampuchea.

The majority of us in the UN, especially we in the Third World, have taken a clear and unequivocal position on the issues of Afghanistan and Kampuchea. We will continue to oppose the actions of the Soviet Union and Vietnam in these two countries. If we show that we acquiesce in, compromise with or condone the actions in these two countries, we in the Third World will surely pay the price, as the next victim will come from our ranks.

The Soviet Union and Vietnam claim that they were invited to send their military forces into Afghanistan and Kampuchea and that this is a sufficient and legitimate reason for them to intervene militarily. A brief review of the events in Afghanistan and Kampuchea will show that this was never the case.

In Kampuchea the formation of a group called the Kampuchean National United Front of National Salvation was announced by Vietnam on December 2, 1978. Three weeks later, on December 25, 1978, Vietnamese forces invaded Kampuchea. By 11 January 1979, the large Vietnamese forces had overrun the country. They then set up a puppet regime headed by Heng Samrin. On 18 February 1979, nearly two months after the invasion, a so-called Treaty of Peace, Friendship and Co-operation was signed between Vietnam and the puppet Heng Samrin regime. It was subsequently claimed that under the terms of this treaty, Vietnamese troops were invited into Kampuchea. Today, Vietnamese troops numbering more than 200,000 remain in Kampuchea.

Similarly in Afghanistan, Soviet air-borne troops landed in Kabul on the 25th and 26th of December 1979. On the 27th of December they attacked and captured governmental installations, killed Amin, the Head of Government, and disarmed Afghan army units. They brought in one Babrak Karmal, who was not even in the country during the Soviet invasion. They installed him as head of a new government and then announced that they had been invited under the Afghanistan-USSR Treaty of Friendship and Cooperation.

While the ostensible reason advanced by the Soviet Union and Vietnam is that they were invited by the governments of Afghanistan and Kampuchea, the real reasons have since begun to emerge. One need only read the various publications of the Soviet Union and Vietnam for evidence. Today they are increasingly admitting that their real reason for intervening militarily is that events in their neighbouring states threatened their own security. In fact, one Soviet commentator, A Bovin, went as far as to say that 'we (the Soviet Union) knew that we would have ceased to be a great power if we refrained from carrying the burden of taking unpopular but necessary decisions'. In other words, an imperial power would lose its credibility if any of its satellites or protectorates were allowed to pursue an independent policy.

In Afghanistan, the Soviet Union considered that a revolt by the people of Afghanistan against their communist government was a threat to the security of the Soviet Union. In Kampuchea, a government that refused to accept the leadership of Vietnam in an Indochina Federation was considered to be a threat to Vietnam's security. The pattern of invasion was the same in both countries. Having concluded that its security was involved, the aggressor nation first invaded its neighbour with massive military power, then established a puppet regime and then got the puppet regime to acknowledge subsequently that it invited the foreign forces.

Mr. President, most of us have no wish to become a partisan in the rivalry and contest between the big powers. We wish to avoid the fate of becoming the fodder in the conflicts between the great

powers. This is why many of us chose to be non-aligned. For many years we have held the view that non-alignment is our best safeguard. For many years the Soviet Union supported the concept of non-alignment so much so that some members in the Non-Aligned Movement even championed the Soviet Union as the natural ally of the Non-Aligned Movement. Today events in Afghanistan and Kampuchea have shown that non-alignment by itself no longer offers us protection. Both Afghanistan and Kampuchea were non-aligned nations. Both professed the communist ideology. In both cases their national integrity has been violated. In the case of Afghanistan, directly by the Soviet Union and in the case of Kampuchea, by Vietnam with the aid and support of the Soviet Union. Did the Soviet Union support non-alignment all these years as a cover to persuade countries to disassociate and weaken links with western powers until the Soviet Union was in a position to move to bring them within its orbit? This is not as far fetched as it sounds. Today the Soviet Union already has allies and proxies in the Non-Aligned Movement who are completely in support of its policies. Vietnam for example declared on July 15, 1980 that 'solidarity with the Soviet Union has always been the basis of our foreign policy'. With such allies and proxies within the Non-Aligned Movement, the Soviet Union can be assured that there will be no clear consensus among non-aligned countries to oppose its moves against a non-aligned country.

What is most distressing is that Vietnam, a member of the Non-Aligned Movement, a nation that has suffered the ravages of war for 30 years should have betrayed the movement and the ideals for which it sacrificed so much. The Vietnamese underwent a heroic struggle for their independence. They should therefore understand how dearly their neighbours value their independence. For 15 years Vietnam fought against the United States in a war which the United States claimed was aimed at containing China and preventing the rest of Southeast Asia from falling into communist hands. With this experience, the Vietnamese should know the fallacy of overrunning a small nation on grounds that it is intended to counter the threat of China. They now advance the same reasons that the US did in the past. They claim they are a dam containing the Chinese menace. How are they containing the Chinese? Not by confronting China. Today it is Kampuchians who are dying, not the Chinese. Vietnamese troops are unwelcome guests in Laos not in China. And on June 23, Vietnamese troops made incursions into Thailand, again allegedly to fight the Chinese menace.

The events in Afghanistan and Kampuchea have great significance for us small nations. Precedents and principles are being established, which have profound implications for us. Unless we resist and reject them now, one of us may become the next victim.

In both Afghanistan and Kampuchea, we are being asked to accept a certain code of conduct for international relations. The elements of this code have been clearly expressed in Soviet and Vietnamese publications and broadcasts, such as the Vietnamese commentary entitled "From Phnom Penh to Kabul" broadcast by Radio Hanoi on 31 January 1980, and an article in the Soviet New Times of January 1980 and an article by one Alexander Bovin in the Soviet News of 22 April 1980.

What are the elements of this new code of conduct that we are asked to accept?

First, we are asked to accept that a country has the right to invade another country and set up a puppet government if the invading country considers its security threatened or if it disapproves of the internal policies of the neighbouring government.

Secondly, we are asked to accept that it is the internationalist duty of the Soviet Union and Communist States to provide military aid to elements in other countries who seek to overthrow their government by force and establish communist and pro-communist regimes.

We are also asked to accept that if a people of non-aligned country want to change their government from a communist or pro-communist to some other type of government, then they can be prevented from doing so by another communist power under its internationalist obligation "to safeguard the gains of revolution".

We are asked to accept that communist powers are not under obligation to uphold the principles of independence, territorial integrity and sovereignty as communist imperialism and interference in the internal affairs of other states is morally acceptable since it promotes socialism and not capitalism.

To accept this code of conduct would be to spell our doom. We must reject these propositions to make clear that we are against all forms of imperialism and domination.

We must make it abundantly clear that just as we fought to dismantle capitalist imperialism, we will resist communist imperialism or any other form of imperialism. We must make it clear that we reject the right of any nation to violate the independence, sovereignty and territorial integrity of another nation to impose or preserve communism, capitalism or any other system of government. We must reject the notion that either a capitalist or communist state or any other type of state has a moral right to pursue an expansionist foreign policy.

We have to reject all forms of imperialism for our own preservation. We are not anti-Soviet or anti-Vietnam. We wish them well in whatever they want to pursue the happiness and well-being of their own people, so long as their foreign policies do not endanger our own security.

How do we reject and oppose these moves? First, on Kampuchea, we must resist any attempt to unseat Democratic Kampuchea from the UN. To allow Democratic Kampuchea to be unseated would be to endorse and encourage the policy of aggression by Vietnam. We are not here to decide on the merits of the Democratic Kampuchea government in its dealings with its own people. We did not create the government of Democratic Kampuchea or sustain it. Vietnam nurtured and sustained it and defended its internal policies until December 25, 1978. It was only after it invaded Kampuchea that it seemed to have suddenly discovered that Democratic Kampuchea was a barbaric and genocidal government.

Here in the UN, we are faced with a simple question. Are we going to allow the legitimate government of a country, which is fighting against a foreign invader, to be unseated just because the foreign invader has been successful in establishing a puppet regime in the capital city? Some are advancing the idea of leaving the seat of Kampuchea vacant in the UN. This will only punish the victim and reward the aggressor because an empty seat is a prelude to the puppet regime making a bid for the empty seat.

Second, we must continue to insist that in both Kampuchea and Afghanistan, foreign occupation forces must be withdrawn and the people of Kampuchea and Afghanistan be allowed to chart their own destiny. The root cause of the present problem in Afghanistan and Kampuchea is their occupation by foreign forces. Both the Soviet Union and Vietnam would have us believe that the root cause of the problem is the resistance by the people of Afghanistan and Kampuchea. Are nationalists fighting against foreign invaders for their nationhood, their dignity and self-respect to be told by us that they are wrong? Does this not go against the very principles which united us members of this organisation? The least we can do is to stand by the nationalists of Afghanistan and Kampuchea. No effort or great sacrifice is demanded of us. All we are asked to do is to vote for their just cause. The moral force of such a vote will mean a great deal to people fighting against the invaders and at desperate odds. It is the least we can do for a just cause.

Third, through our stand on these two issues we must show clearly to the superpowers that we will have no truck with the policies of their proxies. If we condone Vietnamese action in Kampuchea, it will be a clear signal to the superpowers that they have our licence to canvass for proxies among the non-aligned nations to promote their interests.

The events in Afghanistan and Kampuchea are not distant events that have no bearing on us. The security of small countries like mine is adversely affected whenever the sovereignty, territorial integrity and independence of other countries are violated. This is why we must speak out and defend the independence and integrity of Afghanistan and Kampuchea. There is another reason why we must continue to condemn the actions of the Soviet Union in Afghanistan. It is that in trying to justify their actions the Soviet Union and Vietnam have attempted to circumscribe the application of some of the most basic principles of the UN Charter, including that every state is entitled to its sovereignty, independence and territorial integrity, the principle of non-interference in the internal affairs of other states and the principle of non-use of force in international relations. We must defend these principles against any attempt to revise or undermine them for these Charter principles afford us, the small countries, some degree of protection in a world in which a few who have the military might want to impose their will on the many.