

VIETNAM IN KAMPUCHEA

Recourse to Force: State Action Against Threats and Armed Attacks, Thomas M. Franck (Excerpts), Pg 145-

During their four-year rule, Kampuchea's governing Khmer Rouge, backed by China, emptied Cambodia's cities, killed a million people and destroyed the economy. They also instigated incursions into neighbouring Vietnam, whose regimen was supported by the Soviet Union.

On December 25, 1978, Vietnamese forces invaded Kampuchea, bringing to power a small group of exiles, headed by Heng Samrin, who had broken with the Khmer Rouge. At the United Nations, Kampuchea's representative charged Vietnam with 'acts of aggression' and the USSR with 'supplying the invaders with military advisers and...equipment.' Although the Khmer Rouge's atrocious record on human rights was well known, the reaction, especially among third world states to Vietnam's action, was, 'almost uniformly negative.' China charged that Hanoi was seeking to annex its neighbor, and told the Security Council:

The iron-clad fact is that, with Soviet support, Viet Nam has carried out a large-scale naked armed aggression against Democratic Kampuchea, seriously violating [its] independence, sovereignty and territorial integrity and gravely violating and menacing peace and security in South-East Asia, the whole of Asia and the world at large.

...In reply, the Vietnam representative argued that his country was acting in self-defence in a 'border war started by the Pol Pot-Ieng Sary clique against Vietnam'.... Beneath this collision of flying incentives, Vietnam, somewhat *soto voce*, did play the human rights card, its representative telling the Council:

The Pol Pot-Ieng Sary clique stripped the people of Kampuchea of all their rights, pursued inhumane policies and turned that happy people into slaves and the entire country into an immense concentration camp.

He offered some details of Khmer Rouge atrocities, concluding that the country 'became a living hell'. The point of these revelations, however, was not so much to justify Vietnam's invasion on humanitarian grounds as to support the fiction that there had inevitably been a spontaneous uprising by Cambodians against their oppressors: an assertion that fell on stony ground. ...

France's representative made this astonishing admonition:

The notion that because a regime is detestable foreign intervention is justified and forcible overthrow is legitimate is extremely dangerous. That could ultimately jeopardize the very maintenance of international law and order and make the continued existence of various regimes dependant on the judgment of their neighbours.

...US Ambassador Andrew Young was almost alone in treating the crisis as one in which moral imperatives need to be carefully weighed and balances against the constraints of the international legal order.

The invasion by Vietnam of Kampuchea presents to the Council difficult political and moral questions... It appears complex because several different provisions of the Charter are directly relevant to our deliberations. These are that: the fundamental principles of human rights must be respected by all Governments, one State must not use force against the territory of another State, a State must not interfere in the affairs of another State, and , if there is a dispute between States, it must be settled peacefully. ...

Regarding the brutal violations of human rights which took place under the Pol Pot Government in Kampuchea, we believe the international community long ago should have brought the full weight of international condemnation to bear. ...

On January 15 [1979]...the Security council voted on a resolution. ... It called for 'the preservation of the sovereignty, territorial integrity and political independence of Cambodia and for 'all foreign forces...to withdraw...' It was vetoed by the Soviet Union in a vote of 13 to 2 with only Czechoslovakia siding with Moscow.