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CREDENTIALS OF REPRESENTATIVES TO THE THIRTY-FIFTH SESSION
OF THE GENERAL ASSEMBLY

First report of the Credentials Committee

Chairman: Mr. Rodolfo PIZA ESCALANTE (Costa Rica)

1. At its 1st plenary meeting, on 16 September 1980, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its thirty-fifth session consisting of the following Member States: Angola, China, Costa Rica, Haiti, Kenya, Singapore, Spain, Union of Soviet Socialist Republics and United States of America.
2. The Credentials Committee held its 1st meeting on 22 September 1980.
3. Mr. Rodolfo Piza Escalante (Costa Rica) was unanimously elected Chairman.
4. The Committee had before it a memorandum by the Secretary-General dated 19 September 1980 on the status of credentials of representatives to the thirty-fifth session of the General Assembly. The memorandum indicated that as at 19 September 1980 credentials issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided for in rule 27 of the rules of procedure of the General Assembly, had been submitted by 61 Member States (Afghanistan, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, China, Comoros, Costa Rica, Cyprus, Czechoslovakia, Democratic Kampuchea, Fiji, Finland, German Democratic Republic, Germany, Federal Republic of, Haiti, Honduras, Hungary, Iceland, Israel, Jordan, Liberia, Luxembourg, Malawi, Maldives, Mauritania, Mexico, Mozambique, Nepal, Niger, Norway, Papua New Guinea, Paraguay, Poland, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Seychelles, Singapore, Sudan, Swaziland, Sweden, Thailand, Togo, Ukrainian Soviet Socialist Republic, Union of the Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Viet Nam, Yemen and Zambia).

* Re-issued for technical reasons.

5. The Legal Counsel informed the Committee that, since the preparation of the Secretary-General's memorandum, credentials in due form, as provided for in rule 27 of the rules of procedure of the General Assembly, had been received from seven Member States (Bolivia, Chad, France, Kenya, Malaysia, Mali and Mongolia).

6. The Legal Counsel explained to the Committee that the information contained in the Secretary-General's memorandum of 19 September, as well as the additional information he had just provided to the Committee, related solely to the Member States that had submitted formal credentials in accordance with rule 27 of the rules of procedure. The Legal Counsel indicated also that at a later stage the Secretary-General would report to the Committee on the credentials of representatives of other Member States participating in the thirty-fifth session for whose representatives formal credentials had not yet been received.

7. Statements relating to the credentials of representatives of Member States referred to the Committee by the Secretary-General were made by the following members of the Committee: China, Union of Soviet Socialist Republics, Angola, United States, Singapore and Haiti.

8. The representative of Spain raised a point of order concerning the taking of photographs at the meeting by a member of the press.

9. The representative of China recalled that on 16 September 1980 the Permanent Representative of Viet Nam had circulated two documents (A/35/454 and A/35/455) under item 3 of the General Assembly's agenda which in effect questioned the validity of the credentials of the representatives of Democratic Kampuchea. He also recalled that on 17 September the Permanent Representative of Democratic Kampuchea, in a letter addressed to the Secretary-General and the President of the General Assembly (A/35/460), requested the Credentials Committee to examine and decide on the credentials that had been received so far, including those of the representatives of Democratic Kampuchea. The representative of China stated that in the view of the Chinese delegation Democratic Kampuchea was a State Member of the United Nations and its Government was the sole legal Government of Kampuchea. The representative of Democratic Kampuchea was the sole legal representative of that country and that had been affirmed by the General Assembly at previous sessions. The credentials of the representative of Democratic Kampuchea had been accepted by the General Assembly at the thirty-fourth regular session, at the sixth and seventh emergency special sessions and at the eleventh special session which had just concluded. A delegation appointed by the Government of Democratic Kampuchea was attending the current session of the General Assembly. It had duly submitted credentials in compliance with the relevant provisions of the rules of procedure of the General Assembly and in conformity with the United Nations Charter. Those credentials were entirely legal and valid. The representative of China stated further that, since Viet Nam's armed aggression against Kampuchea, the Soviet Union and Viet Nam had repeatedly tried to deny Democratic Kampuchea its rightful representation in the United Nations and to bring the so-called People's Republic of Kampuchea's representative, i.e. the Heng Samrin régime, into the United Nations. At the current session an open provocation had been made in the annexes to the Assembly documents circulated at the request of Viet Nam which raised the preposterous

demand that the presence of the representatives of Democratic Kampuchea "be ended" and that a delegation headed by the Foreign Minister of the puppet régime should participate in the thirty-fifth session. That was of course absolutely impermissible. The whole world knew that the Heng Samrin clique was a mere puppet which had been installed by the Vietnamese occupation forces in Kampuchea and which could not survive a single day without the prop of Vietnamese troops. It was a mere agent of the Vietnamese authorities and could in no way represent the Kampuchean people. In the opinion of the Chinese delegation, to uphold the rightful representation of Democratic Kampuchea in the United Nations involved the vital principle of defending a country's independence and sovereignty against foreign aggression or intervention and of safeguarding peace and security in South-East Asia and the world as a whole. In order to defend the basic principles of the United Nations Charter, the Credentials Committee should maintain the correct decisions taken previously by the General Assembly at previous sessions by accepting the credentials of the delegation of Democratic Kampuchea to the thirty-fifth session of the General Assembly. The representative of China further stated that the Soviet instigation of Viet Nam's invasion of Kampuchea and the direct Soviet armed occupation of Afghanistan were both acts which constituted gross armed aggression against independent and sovereign States in violation of the United Nations Charter. His delegation therefore deemed it necessary to reiterate that the fact that Mr. Dost of Afghanistan was being permitted to participate in the thirty-fifth session of the General Assembly should in no way be interpreted as acquiescence in the situation created by the Soviet armed intervention in Afghanistan. *

10. The representative of the Soviet Union stated that his country, like many others, firmly supported the view that the sole legal representative of Kampuchea was the People's Revolutionary Council of the People's Republic of Kampuchea. The telegram dated 10 September 1980 from the Minister for Foreign Affairs of the People's Republic of Kampuchea, circulated as document A/35/454, stated that the People's Revolutionary Council of the People's Republic of Kampuchea, which enjoyed the unanimous support of the Kampuchean people, had swept away all the haunts of Pol Pot and Ieng Sary within the country, had stamped out famine, revived agricultural production, put factories and plantations back into operation, had reopened schools and hospitals and had brought about the rebirth of the country in all spheres in conditions of order and almost complete security. In foreign policy the People's Revolutionary Council advocated friendship and co-operation with neighbouring countries, peace and stability in South-East Asia and international peace and security in accordance with the principles of the Charter of the United Nations. The People's Revolutionary Council was therefore the only body entitled to act as the representative of the Kampuchean people in the United Nations and other international organizations. It was well-known that the People's Revolutionary Council had decided to send a delegation headed by the Minister for Foreign Affairs of the People's Republic of Kampuchea to take part in the work of the thirty-fifth session of the General Assembly. It was quite obvious that no question affecting Kampuchea could be dealt with by the General Assembly without the participation of representatives duly appointed by the People's Revolutionary Council. The same representative added that it was also well-known that those persons pretending to be representatives of so-called "Democratic Kampuchea"

and claiming the right to participate in the current session of the General Assembly represented no one apart from a clique which on instigation from outside had committed the most grievous crimes against its own people and which had been overthrown by that people. To admit such persons to the General Assembly would be to oppose the clearly expressed wish of the Kampuchean people, which had put an end to the bloody despotism of the Pol Pot-Ieng Sary régime. There could be no justification for permitting such criminals to act as representatives of the Kampuchean people in the United Nations. The Committee's task was to help ensure that Kampuchea's place was returned to its rightful representative, the People's Revolutionary Council. Such a decision would be the only course or action which accorded with the national aspirations of the Kampuchean people. The representative of the Soviet Union further stated that his delegation regarded as entirely out of place and inappropriate the slanderous and provocative remarks made by the representative of China with regard to the legitimate Government of the Democratic Republic of Afghanistan. Such observations were based on a false interpretation of events in that country and on a misinterpretation of the situation in the region as a whole. The Government of the Democratic Republic of Afghanistan had been established as a result of a popular revolution and was based on the determination of the people to eradicate backwardness and to uphold democratic rights and freedoms. To question the legitimacy of that Government amounted to denying the right of peoples to self-determination. In conclusion, the representative of the Soviet Union stated that his Government did not recognize the credentials of the delegates appointed by the fascist régime of Pinochet in Chile.

11. The representative of Angola stated that one of the main duties of the Committee was to examine the credentials of the delegations of States Members of the United Nations. In the matter of Kampuchea there was no question of the legitimacy or membership of that country. However there was definitely a big question mark over the credentials of the delegation that purported to represent Kampuchea. The same representative asked what standards were being applied to the delegation that had been seated in the General Assembly at previous sessions including the regular, emergency special and special sessions. It appeared to the delegation of Angola that a special case was being made, for reasons that were blatant, in the matter of the group that represented not the people or the legitimate Government of Kampuchea, but a mere handful of fascists who were ousted by popular effort. In the past rather weak excuses had been given by certain delegations whenever the question of Kampuchean representation had come up. While those delegations could not condone the deeds of the murderous Pol Pot-Ieng Sary gang, they none the less found it necessary to accept the people who represented that gang as the legal representatives of the State, Government and people of Kampuchea. That strange logic defied the understanding of the delegation of Angola. The same representative recalled that some years ago the Credentials Committee and the General Assembly had rightly rejected the credentials of the racist South African delegation. Yet the credentials of the representatives of the Pol Pot-Ieng Sary clique were still being accepted while the entire Kampuchean nation, and the legitimate Government of Kampuchea went unrepresented in important work of the United Nations of which Kampuchea was an equal member. The same representative stated that it was evident that the Pol Pot-Ieng Sary clique was no longer the administering authority in Kampuchea. It was the legitimate Government of the People's Republic of Kampuchea and certainly not a handful of

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renegades and murderers that was running the country, defending its territorial integrity, running its schools and hospitals, forming its army or issuing the legal documents of the State. The people of Kampuchea had themselves rejected the credentials of the Pol Pot-Ieng Sary clique and his delegation could not and would not accept the validity of seating the representative of that clique at the current or any other session of the General Assembly or any of its organs. For the Angolan delegation it was clear that the only representatives entitled to participate on behalf of the people and Government of Kampuchea were the representatives of the people in Phnom Penh who formed the Government with which the world was doing business.

12. The representative of the United States of America stated that his delegation's attitude towards the Government of Democratic Kampuchea was a matter of record, as was its detestation of that Government's conduct in the area of human rights. The issue before the Committee, however, was the validity of the credentials of the representatives of Democratic Kampuchea. Those credentials were in order and fulfilled the requirements of the rules of procedure of the General Assembly. His delegation would therefore support their acceptance. The representative of the United States added that he wished to reiterate that the fact that his delegation had not raised any objection to the credentials of the representatives of Afghanistan did not imply acquiescence in the installation of Soviet-directed authorities in that country as a result of the Soviet Union's military invasion. The same representative concluded by stating that there was no basis for the objection that had been raised with regard to the credentials of the representatives of Chile which his delegation considered to be valid.

13. The representative of Singapore stated that the manner in which the Government of the Democratic Republic of Afghanistan had entered into power was well-known. The fact that his delegation did not choose to challenge the credentials of the representatives of Afghanistan must not be construed to imply acceptance of the régime in Kabul or of the armed intervention in and continuing occupation of Afghanistan by a foreign Power. With regard to Democratic Kampuchea, his delegation approved the credentials of its representatives, firstly, because they were technically in order and, secondly, because there was no justifiable political reason for rejecting them. The same representative noted that the representatives of the Soviet Union and Angola had argued in favour of rejecting those credentials because the Government which had issued them did not exercise authority over its own territory and because of the human rights record of that Government. In that regard he stated that during the three years in which the Government of Democratic Kampuchea had exercised full power over its own territory, the Government of Singapore had on several occasions expressed strong disapproval of the manner in which that Government treated its own people and behaved towards its neighbours. By contrast, before Viet Nam intervened by armed force and occupied Democratic Kampuchea, the Soviet Union and its allies had defended that Government's human rights record both in the General Assembly and in the Commission on Human Rights. The representative of Singapore added that only when Democratic Kampuchea fell victim to foreign intervention had the Soviet Union and others suddenly discovered that its Government's internal

policies were so horrendous as not to pass some human rights test. The United Nations had never rejected any Government's credentials on the grounds that its human rights record was unsatisfactory. If a satisfactory human rights record was to be a prerequisite for acceptance of credentials, that test must be applied uniformly. Although the delegation of Singapore did not dispute the fact that the puppet régime installed by the Vietnamese authorities had control over much of the territory of Kampuchea, it had to be recognized that the Heng Samrin régime was able to do so only because it was supported by a foreign army of over 200,000 troops. The normal test of control of a territory was not applicable when considering the Heng Samrin régime because that régime was the puppet of a foreign army that continued to occupy the country. The delegation of Singapore, for those reasons, joined with those who had argued in favour of accepting the credentials presented by Democratic Kampuchea.

14. The representative of Haiti stated that his delegation had no objection to the credentials of the representatives of Afghanistan although it was not prepared to recognize a régime that was dominated by a foreign Power. With regard to Democratic Kampuchea he stated that the credentials of the representatives of that Government, although disputed, had been accepted at previous sessions of the General Assembly. No rule of the United Nations had been invoked to prevent that delegation from participating in the work of the General Assembly and, besides, it would not be compatible with the United Nations Charter for a régime which had come to power through outside force to have a seat in the United Nations. The representative of Haiti stated in conclusion that, so far as Chile was concerned, he saw no grounds for disputing the credentials of its representatives.

15. The Chairman made a statement concerning the mandate of the Committee. He stated that acceptance or rejection of a representative's credentials did not imply any judgement concerning the legitimacy of a particular Government. Subsequently he drew attention to the memorandum by the Secretary-General, as well as to the remarks by the Legal Counsel, and proposed the following draft resolution for adoption by the Committee, taking into account the statements that had been made by delegations:

"The Credentials Committee,

"Having examined the credentials of the representatives to the thirty-fifth session of the General Assembly of the Member States referred to in paragraphs 4 and 5 of this report,

"Taking into account the different reservations expressed by delegations during the debate,

"Accepts the credentials of the representatives of the Member States concerned."

The draft resolution was adopted without a vote.

16. The Chairman then proposed that the Committee should recommend to the General Assembly the adoption of a draft resolution (see para. 18). The proposal was approved without a vote.

17. In the light of the foregoing, the present report is submitted to the General Assembly.

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

18. The Credentials Committee recommends to the General Assembly the adoption of the following draft resolution:

Credentials of representatives to the thirty-fifth session of the
General Assembly

The General Assembly

Approves the first report of the Credentials Committee.
