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

First report of the Credentials Committee

Chairman: Mr. Idé OUMAROU (Niger)

1. At its 1st plenary meeting, on 15 September 1981, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its thirty-sixth session consisting of the following Member States: China, Ghana, Netherlands, Niger, Panama, Papua New Guinea, Paraguay, Union of Soviet Socialist Republics and United States of America.
2. The Credentials Committee held its 1st meeting on 16 September 1981.
3. Mr. Idé Oumarou (Niger) was unanimously elected Chairman.
4. The Committee had before it a memorandum by the Secretary-General dated 16 September 1981 on the status of credentials of representatives to the thirty-sixth session of the General Assembly. The memorandum indicated that as at 16 September 1981 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 40 Member States (Australia, Bahamas, Bahrain, Bangladesh, Bhutan, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Democratic Kampuchea, Fiji, Finland, Gabon, German Democratic Republic, Guatemala, Iceland, Iraq, Israel, Jordan, Kuwait, Mauritania, Oman, Papua New Guinea, Poland, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Swaziland, Thailand, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen and Zambia).

* A/36/150.

5. The Legal Counsel explained to the Committee that the information contained in the Secretary-General's memorandum related solely to the Member States that had submitted formal credentials in accordance with rule 27 of the rules of procedure of the General Assembly. 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-sixth session whose formal credentials had not yet been received at the time of the Committee's 1st meeting. In addition, the Legal Counsel drew to the attention of the Committee the following communications relevant to the work of the Credentials Committee that had been circulated as documents of the General Assembly under item 3 of the provisional agenda: A/36/492, A/36/506, A/36/508, A/36/510 and A/36/511.

6. Statements relating to the credentials of representatives of Democratic Kampuchea to the thirty-sixth session of the General Assembly were made by the following members of the Committee: China, Union of Soviet Socialist Republics, United States of America, Papua New Guinea, Netherlands, Ghana, Paraguay, Panama and Niger. The representative of the Union of Soviet Socialist Republics and the representative of the United States of America also made statements regarding the credentials of the representatives of Chile.

7. The representative of China stated that the request of Viet Nam for the circulation of documents A/36/492, A/36/508, A/36/510 and A/36/511 was a futile attempt to challenge the legitimate credentials of the representatives of Democratic Kampuchea and to impose on the United Nations the puppet régime installed by the Vietnamese occupation troops in Kampuchea. He stated that Democratic Kampuchea was a State Member of the United Nations and that its Government was the sole legitimate government of Kampuchea and had been recognized as such by the General Assembly at its previous sessions. The credentials of its representatives had been submitted in accordance with the requirements of the United Nations. They were in good order and completely valid. The so-called "People's Republic of Kampuchea" was none other than the Heng Samrin régime installed by the Vietnamese authorities, and could in no way represent the Kampuchean people. The General Assembly at its last session had again adopted a resolution on the situation in Kampuchea by an overwhelming majority of votes, calling for the withdrawal of Vietnamese forces from Kampuchea so that the Kampuchean people might decide their own future free from outside intervention. Yet the Vietnamese authorities had not only continued to occupy large tracts of Kampuchean territory, but had repeatedly raided the border areas of Thailand, thereby posing a threat to the peace and security of South-East Asia as a whole. The recently staged "election" farce in Phnom Penh was therefore an outright defiance of the General Assembly resolutions and completely null and void. The recent International Conference on Kampuchea, attended by more than 90 countries, also reiterated that the Vietnamese authorities should pull out all their occupation forces from Kampuchea. Consequently, it was futile for the Vietnamese representative to try to force the international community to accept Viet Nam's aggression against Kampuchea. The representative of China further stated that upholding the legitimate representation of Democratic Kampuchea in the United Nations was an important principle, essential to the defence of a country's sovereignty and independence, and to the basic principles of the Charter of the United Nations. He therefore requested the Committee to accept the credentials of the representatives of Democratic Kampuchea.

8. The representative of the Soviet Union stated that his country, like many other countries, firmly maintained the view that the sole legitimate representative of Kampuchea was the Council of State of the People's Republic of Kampuchea. The Kampuchean people having put an end to the rule of the bloody Pol Pot clique, which had carried out a policy of genocide against its own people had made its choice and was going forward with confidence on the path of social and economic recovery. General elections had been held in the country on a free and democratic basis, and the supreme organ of State power had been elected; that organ was the National Assembly, which had adopted a constitution and formed the government of the People's Republic of Kampuchea. That government exercised effective control over the territory of the country and enjoyed the full support of the people; in the field of foreign policy it advocated good relations and co-operation with neighbouring countries, peace and stability in South-East Asia, and peace and security in the entire world in accordance with the principles of the Charter of the United Nations. The situation in Kampuchea was irreversible. Any attempt to sway the Kampuchean people from the path it had chosen and any manoeuvres directed against the independence and sovereignty of the People's Republic of Kampuchea were doomed to failure. The representative of the USSR added that, proceeding from the belief that the sole legitimate representative of the Kampuchean people was the Council of State of the People's Republic of Kampuchea, the Soviet Union maintained that only the delegates appointed by that authority could represent Kampuchea in the United Nations and in other international forums. The Soviet delegation fully supported the position of the People's Republic of Kampuchea, stated in the telegram addressed by Mr. Hun Sen, Vice-President of the Council of Ministers and Minister for Foreign Affairs of the People's Republic of Kampuchea, to the Secretary-General of the United Nations and to the President of the General Assembly on 9 September 1981 (A/36/492). In that communication it was rightly emphasized that no problem affecting Kampuchea could be solved in any international organization, the General Assembly of the United Nations included, without the participation of the duly appointed representatives of the Council of State of the People's Republic of Kampuchea. The representative of the USSR stated further that the participants in the work of the General Assembly were aware that the Council of Ministers of the People's Republic of Kampuchea had taken a decision to send a government delegation headed by Mr. Hor Nam Hong, Deputy Minister for Foreign Affairs, to participate in the work of the General Assembly at its thirty-sixth session. That was indicated in the telegram addressed by Mr. Hun Sen to the Secretary-General on 10 September 1981 (A/36/510). The persons acting within the United Nations as representatives of so-called "Democratic Kampuchea", as was well known, represented no one. Their presence in the United Nations was a phenomenon that was unnatural and offensive to the dignity of the States in the Organization. The Committee's task was to return Kampuchea's seat to its legitimate representative, the government of the People's Republic of Kampuchea. That would be the only correct and just decision the Committee could take, a decision which would meet the expectations of the Kampuchean people.

9. The representative of the Soviet Union also stated that his Government did not recognize the credentials of the delegates appointed by the fascist régime of Pinochet in Chile.

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10. The representative of the United States of America stated that the attitude of his delegation towards the Government of Democratic Kampuchea was a matter of record as was its position with regard to 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.

11. He also stated 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.

12. The representative of Papua New Guinea stated that his Government's views on the situation in Kampuchea had been made known very clearly in its earlier statements. His delegation maintained that the Government of Democratic Kampuchea was the sole legitimate government of Kampuchea because it had been installed by the Kampuchean people while the other régime or the so-called People's Republic of Kampuchea had been installed by an outside Power. His Government strongly condemned the action taken by Viet Nam in that connexion and was therefore opposed to withdrawing recognition of the credentials of the representatives of Democratic Kampuchea in favour of those of the People's Republic of Kampuchea.

13. The representative of the Netherlands stated that the mandate of the Credentials Committee was clearly defined in rules 27 and 28 of the rules of procedure of the General Assembly. Rule 27 stated that the credentials were to be issued either by the Head of State or Government or by the Minister for Foreign Affairs. Under rule 28 the Credentials Committee was required to examine the credentials of representatives. His delegation interpreted that provision in the sense that the task of the Credentials Committee was limited to verifying whether those credentials had been issued by the Head of State or Government or Minister for Foreign Affairs in office of the country concerned. In view of the fact that at that time no authority could claim to represent Kampuchea, the Government of the Netherlands could not support the acceptance of the credentials presented by the Government of Democratic Kampuchea. His delegation would abstain in any vote on that question.

14. The representative of Ghana stated that the Credentials Committee and the United Nations as a whole had been dealing with the question of the representation of Kampuchea for several years. He observed that the fact that different parties had submitted credentials in respect of Kampuchea and that the Committee itself was divided as to who really represented Kampuchea was clear proof that Kampuchea was the ward of forces beyond its control and outside its territory. His Government believed that the Kampuchean people must choose their own representatives and that the United Nations could only support representatives so chosen. Since the situation in Kampuchea was far from clear, his delegation would abide by its traditional position of deferring to the South-East Asian countries for guidance, in particular to the Kampuchean people themselves. It would therefore abstain in any vote on the credentials presented by Democratic Kampuchea.

15. The representative of Paraguay recalled that the General Assembly had on previous occasions recognized the validity of the credentials submitted by the representatives of Democratic Kampuchea. With regard to the request from the so-called People's Republic of Kampuchea, his delegation could not accept the credentials of a régime that had been installed by foreign troops which had invaded Kampuchea and imposed a government by force. He added that his Government entertained no relations with the Government of Democratic Kampuchea, but since the credentials of that Government had been recognized by the General Assembly his delegation would accept them.

16. The representative of Panama stated that his Government recognized the Government of the People's Republic of Kampuchea as the sole representative of the Kampuchean people, for reasons already stated to the Committee in previous years. His delegation would therefore vote against acceptance of the credentials of the representatives of Democratic Kampuchea.

17. The representative of the Niger stated that his delegation had recently reiterated its position on the situation in Kampuchea and wished to reaffirm that it considered the credentials of the representatives of Democratic Kampuchea to be acceptable.

18. The Chairman indicated that, on the basis of the statements made by members of the Committee, it was clear that 5 members were in favour of supporting the acceptance of the credentials of the representatives of the Government of Democratic Kampuchea to the thirty-sixth session of the General Assembly; 2 members were against such acceptance and 2 were abstaining on that question. He further indicated that one member had objected to the credentials of the representatives of Chile.

19. The Chairman proposed that, taking into account the statements that had been made by the Legal Counsel and by the members of the Committee, which would be reflected in the Committee's report, the Committee should adopt the following draft resolution:

"The Credentials Committee,

"Having examined the credentials of the representatives to the thirty-sixth session of the General Assembly of the Member States referred to in paragraph 4 of the present report,

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

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

20. The Chairman then proposed that the Committee should recommend to the General Assembly the adoption of a draft resolution (see para. 22). The proposal was adopted without a vote.

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

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

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

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

The General Assembly,

Approves the first report of the Credentials Committee.
