



General Assembly

Distr.
GENERAL

A/37/543
14 October 1982

ORIGINAL: ENGLISH

Thirty-seventh session
Agenda item 3

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

First report of the Credentials Committee

Chairman: Mr. Davidson L. HEPBURN (Bahamas)

1. At its 1st plenary meeting, on 21 September 1982, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its thirty-seventh session consisting of the following Member States: Bahamas, China, Dominican Republic, Nepal, New Zealand, Nigeria, Seychelles, Union of Soviet Socialist Republics and United States of America.
2. The Credentials Committee held its 1st meeting on 6 October 1982.
3. Mr. Davidson L. Hepburn (Bahamas) was unanimously elected Chairman.
4. The Committee had before it a memorandum by the Secretary-General, dated 5 October 1982, on the status of credentials of representatives to the thirty-seventh session of the General Assembly. The memorandum indicated that as at 5 October 1982 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 90 Member States (Afghanistan, Albania, Antigua and Barbuda, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Chad, Chile, China, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Equatorial Guinea, Finland, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lesotho, Liberia, Luxembourg, Malaysia, Maldives, Mexico,

Mongolia, Morocco, Mozambique, Nepal, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, United States of America, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe).

5. The Legal Counsel explained to the Committee that 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-seventh 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/37/481 and A/37/492.

6. Statements relating to the credentials of the representatives of Democratic Kampuchea to the thirty-seventh session of the General Assembly were made by the representatives of the Union of Soviet Socialist Republics, China, Nepal, the United States of America, the Dominican Republic, Nigeria, New Zealand and Seychelles. Statements in connection with the participation of the representatives of Afghanistan in the thirty-seventh session of the General Assembly were made by the representatives of China, the United States of America and the Union of Soviet Socialist Republics. The representatives of the Union of Soviet Socialist Republics and the United States of America also made statements relating to the credentials of the representatives of Chile.

7. The representative of the Union of Soviet Socialist Republics stated that with regard to the credentials of the delegation of so-called "Democratic Kampuchea" the Soviet Union firmly believed that only the Government of the People's Republic of Kampuchea, which exercised complete authority over the whole territory of that country, could be the sole legal representative of Kampuchea in the United Nations and other international organizations and forums. After the overthrow of the Pol Pot régime, which pursued a policy of genocide against its own people, the process of national rebirth in Kampuchea was gaining strength from year to year. General elections to the National Assembly had been held on a free and democratic basis, a Constitution had been adopted, and organs of State authority had been established and were operating successfully with the support of the people. The changes which had taken place in Kampuchea were irreversible since they were the result of a choice made by the Kampuchean people themselves. Increasingly broad international recognition was being given to the peace-loving foreign policy of the People's Republic of Kampuchea, aimed at the development of peaceful and good-neighbourly relations with neighbouring countries and at the strengthening of peace and security in South-East Asia and throughout the world in accordance with the principles of the Charter of the United Nations. Those who were acting as the representatives of so-called "Democratic Kampuchea" could not and must not have a

seat in the United Nations. Their presence in the United Nations was profoundly immoral. It was contrary to the Charter of the United Nations, an insult to the memory of the three million victims of the Pol Pot genocide and a challenge to the reason and conscience of mankind. The unnatural situation regarding the representation of "Democratic Kampuchea" in the United Nations was so obvious that those who were supporting it had been obliged to resort to a new manoeuvre, hastily putting together a so-called "Coalition Government of Democratic Kampuchea". His delegation wished to emphasize that the whole farce of the creation of the so-called "Coalition Government of Democratic Kampuchea" in no way altered the illegal nature of the presence in the United Nations of the representatives of the Pol Pot clique. That "Coalition" was nothing but a cover for the Pol Pot clique, hated by the Kampuchean people. The Soviet Union fully supported the position of the People's Republic of Kampuchea, as stated in the telegram dated 17 September 1982 from the Minister for Foreign Affairs of that Republic, Hun Sen, addressed to the President of the General Assembly and to the Secretary-General of the United Nations (A/37/481). In that communication, the Foreign Minister, on behalf of the National Assembly, the State Council and the Council of Ministers of the People's Republic of Kampuchea, and of the Kampuchean people, protested against the presence at the United Nations of the genocidal criminals and demanded that they be expelled from the Organization and that the rights in the United Nations of the People's Republic of Kampuchea be restored, as the sole legal representative of the Kampuchean people. His delegation strongly maintained that only the representatives of the People's Republic of Kampuchea could speak in the United Nations on behalf of the Kampuchean people. The return of the seat of Kampuchea to its sole legal representative - the People's Republic of Kampuchea - was the only just decision which would conform both to the aspirations of the Kampuchean people and to the requirements of the Charter of the United Nations. For those reasons the Soviet delegation opposed the recognition of the credentials of so-called "Democratic Kampuchea".

8. The same representative reiterated his delegation's position with regard to non-recognition of the credentials of the delegation appointed by the fascist régime in Chile.

9. The representative of China stated that since the representative of the Soviet Union had renewed his challenge to the credentials of the representatives of Democratic Kampuchea the Chinese delegation was bound to reiterate its position on that matter. Everybody knew that Democratic Kampuchea was a Member of the United Nations and that the Government of Democratic Kampuchea was the sole legitimate government of that country. That had been affirmed at all previous sessions of the General Assembly. The recently established Coalition Government of Democratic Kampuchea under the presidency of Prince Norodom Sihanouk had been warmly welcomed and supported by the Kampuchean people. The credentials of the representatives of Democratic Kampuchea to the current session had been submitted in accordance with the stipulations of the United Nations and the rules of procedures of the General Assembly. Those credentials were in good order and completely valid. Therefore, the Chinese delegation believed that there should be no more arguing on that matter and that the Credentials Committee should adhere to the sound decision of all previous sessions of the General Assembly by accepting the credentials of the representatives of Democratic Kampuchea. The so-called "People's Republic of

Kampuchea" was no more than a puppet régime installed by the Vietnamese authorities through armed aggression with the support of a super-Power. The puppet régime was propped up by the bayonets of 200,000 foreign occupation troops and could in no way represent the Kampuchean people. Recognition of that régime was tantamount to legalizing Vietnamese aggression against Kampuchea, which was unacceptable to the international community. The Chinese delegation again called on the Credentials Committee to uphold justice and dispel obstruction by accepting the credentials of the representatives of Democratic Kampuchea.

10. The same representative added that his delegation wished to reiterate that the fact that Mr. Dost of Afghanistan had been permitted to participate in the thirty-seventh session of the General Assembly should by no means be interpreted as signifying China's acquiescence in the situation created in Afghanistan by foreign armed intervention.

11. The representative of Nepal stated that the position of his country on the credentials of the representatives of Democratic Kampuchea had been explained at previous sessions of the General Assembly. The present authorities in Phnom Penh were there illegally and Nepal had not accepted their usurpation of the legitimate authority of the Government of Democratic Kampuchea as a result of the invasion by Viet Nam. Nepal believed that the credentials of the delegation of Democratic Kampuchea should be accepted.

12. The representative of the United States of America stated that his delegation had repeatedly expressed the views of the American people concerning the despotic rule of the Khmer Rouge over Kampuchea. They had been profoundly concerned over the sickening human suffering and loss of life that occurred there, particularly from 1975 to 1978. The United States delegation would continue to disassociate itself from those responsible for that tragedy. Nevertheless, his delegation supported acceptance of the credentials of Democratic Kampuchea on technical grounds. In his report to the Credentials Committee, the Secretary-General had stated that those credentials were in compliance with rule 27 of the rules of procedure of the General Assembly. Therefore, in the view of the United States delegation, the Credentials Committee did not have before it any issue involving the credentials of Democratic Kampuchea. By contrast, there was no basis in law or justice for the claim raised by the régime installed in Kampuchea by means of Viet Nam's military invasion and occupation. Such a claim could be based only on the illegal use of force. Accordingly, in the absence of any superior claim, the Credentials Committee should, as in the past, recommend seating representatives of the government whose credentials had been accepted by previous sessions of the General Assembly. The same representative added that while technical considerations for Democratic Kampuchea's credentials had not changed since 1975, it was important to note that the Government of Democratic Kampuchea had been broadened this year to include leaders widely representative of the Khmer people. The United States delegation welcomed that development as a positive step towards bringing about a comprehensive political settlement in Kampuchea in accordance with the Declaration of the International Conference on Kampuchea and General Assembly resolutions 34/22, 35/6 and 36/5. The leadership brought to Democratic Kampuchea by Prince Norodom Sihanouk, and Prime Minister Son Sann, reflected the ambitions of all the Khmer people who wished to see their country free of outside interference.

The United States delegation welcomed the participation of both Prince Sihanouk and Prime Minister Son Sann in the deliberations of the thirty-seventh session of the General Assembly.

13. The same representative stated further that there was no basis whatever for the statement of the Soviet Union's representative attacking the credentials of the delegation of Chile. His delegation took it that that statement meant nothing more than that the Soviet Union did not like the Government of Chile. However, he wished to lament the fact that the Soviet Union tried to use the Credentials Committee, which had a serious legal and procedural mandate, to state its political likes and dislikes. He observed that many delegations did not like one or another government of particular Member States but they did not seek to exploit that forum for purposes that were irrelevant to its tasks. The same representative associated his delegation with the remarks made by the representative of China regarding the delegation of Afghanistan.

14. The representative of the Dominican Republic stated that the credentials of the delegation of Democratic Kampuchea were in order and fulfilled the General Assembly's requirements as they had in previous years. The credentials of Democratic Kampuchea had been accepted by the General Assembly at previous sessions and should be accepted at the current session. His delegation accepted those credentials as valid.

15. The representative of Nigeria stated that he did not wish to delve into the unpleasant past history of Kampuchea. Nigeria was pleased with current developments with regard to that country and his delegation trusted that complete normality would return to Kampuchea. There was no difficulty with regard to the credentials of the representatives of Democratic Kampuchea. His delegation maintained that they were in order and should be accepted.

16. The representative of New Zealand stated that the attitude of the New Zealand Government regarding the atrocities that had taken place in Kampuchea under the Pol Pot régime had been expressed on several occasions in the General Assembly, which was the proper forum for political debate between Governments. The task of the Credentials Committee, however, was to see that the credentials submitted for representatives met the requirements of rule 27 of the General Assembly's rules of procedure. The credentials of the delegation of Democratic Kampuchea met those requirements and were therefore in order and should be accepted.

17. The representative of Seychelles stated that the Credentials Committee's mandate was to examine the credentials of delegations of Members of the United Nations. In respect of Kampuchea there was no question of its legitimacy or membership in the United Nations. However, she stated, there was definitely a big question mark over the credentials of the delegation that purported to represent Kampuchea. The Seychelles Government maintained that the sole legal representative of Kampuchea was the People's Republic of Kampuchea. Its reasons for recognizing the People's Republic of Kampuchea had already been stated on numerous occasions at the United Nations and it was therefore not necessary to reiterate those reasons. With reference to the Coalition of Democratic Kampuchea, she said that the "Declaration of the Formation of the Coalition Government of Democratic Kampuchea"

stated under its operating principles that the sole purpose of the Coalition was to defend the Democratic Kampuchea seat in the United Nations. It was further stated there that each participating party in the Coalition Government of Democratic Kampuchea was to retain its own organization, political identity and freedom of action including the right to receive and dispose of international aids specifically granted to it. The Coalition Government of Democratic Kampuchea had no right to take any decision infringing or restricting that autonomy. Furthermore, the Declaration concluded by saying that each of the three participating parties reserved the right to its freedom of action so as to ensure its own continuity, in the event that an impasse had developed which rendered the Coalition Government of Democratic Kampuchea inoperative. In that case the current State of Democratic Kampuchea led by Mr. Kieu Samphan would have the right to resume its activities as the sole legal and legitimate State of Kampuchea and as a Member State of the United Nations in order to ensure the continuity of the State of Democratic Kampuchea. What did that mean? In the event of an impasse, who would represent Kampuchea? Would the Credentials Committee, if it recognized the Coalition's credentials, have to meet again in the event of an impasse to examine Mr. Samphan's credentials, since those of the Coalition Government would no longer be valid? That was a very serious legal point for the Committee to consider and it posed technical problems. That Coalition had not even been founded in Kampuchea territory, but abroad. How could they pretend to represent the people of Kampuchea? The result would be to prolong the sufferings and confrontations in the region and cause many technical difficulties for the Credentials Committee. It was the legitimate Government of the People's Republic of Kampuchea and certainly not a handful of renegades and murderers that was running the country, defending its territorial integrity, running its schools and hospitals, forming its army and issuing the legal documents of the State. Therefore it was the credentials of that Government that needed to be recognized. It was absolutely necessary to wipe out the genocidal Pol Pot clique who had behaved contrary to the United Nations Charter. To those who called for the withdrawal of foreign troops from Kampuchea - which were there at the invitation of the People's Republic of Kampuchea - she said that the world did not need a repetition of another massacre as had been recently witnessed when foreign troops had pulled out of another troubled area. Her delegation, however, wished to minimize the hostilities and to create a more favourable climate to enable the Kampuchean to solve their tragedy. She appealed to those countries that were not ready to recognize the People's Republic of Kampuchea at least not to recognize Democratic Kampuchea and to leave the Kampuchean seat at the United Nations vacant. That would show flexibility rather than a rigid position and would enable the parties concerned in the region to move closer. That approach would also enhance the prestige of the United Nations and fulfil its responsibilities to its international constituency which had been pleading with Member States to oust Pol Pot. The representative of Seychelles informed the Committee that she had brought with her several petitions, pleas, and other communications that her Mission had received from all over the world, some of which she read to the Committee. The same representative stated further that her delegation had not seen the credentials of the delegation of Democratic Kampuchea and, although the Committee had been informed that they were in good order and issued correctly, she felt that since they were a source of contention they should be carefully examined by the Committee.

18. The representative of the Union of Soviet Socialist Republics stated that his delegation considered that the remarks made by the representatives of China and of the United States concerning the Government of the Democratic Republic of Afghanistan were quite out of place. Those remarks were based on a fallacious and tendentious interpretation of events in Afghanistan itself and a distorted picture of the situation around that country. The Government of the Democratic Republic of Afghanistan was established as a result of a national democratic revolution in April 1978 and its policy reflected the will of the Afghan people, which was determined once and for all to put an end to age-old backwardness and oppression, to reaffirm democratic rights and freedoms and to ensure social and national equality for all. It was well known that the Democratic Republic of Afghanistan was a sovereign non-aligned country, which was taking an active part in United Nations work and making a constructive contribution to the solution of the urgent issues on the agenda of the thirty-seventh session of the General Assembly concerning the strengthening of international peace and security and the achievement of disarmament. The utterances of the representatives of China and of the United States concerning the Democratic Republic of Afghanistan could be regarded only as an inadmissible attempt to interfere in the internal affairs of a State Member of the United Nations, constituting a flagrant violation of the provisions of the Charter of the United Nations, the norms of international law and the entire practice which has evolved in the United Nations.

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-seventh session of the General Assembly of the Member States referred to in paragraph 4 of this report,

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

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

20. The representative of Seychelles stated that her delegation had raised a number of serious questions regarding the credentials of Democratic Kampuchea. It was entitled to some clarification before the Committee took a decision.

21. The Chairman stated that the issue then before the Committee was stated in the memorandum by the Secretary-General. Some of the questions raised by the representative of Seychelles went beyond that issue and could not be dealt with at the current stage. He had intended to discuss those questions further with her after the meeting. The General Assembly would be asked to approve only the first report of the Credentials Committee and the matters raised by the representative of Seychelles could be considered at subsequent meetings if required. The formal

credentials of the delegation of Democratic Kampuchea were in the possession of the Secretariat and could be examined by anyone who wished to do so.

22. The draft resolution proposed by the Chairman was adopted without a vote.

23. The Chairman then proposed that the Committee should recommend to the General Assembly the adoption of a draft resolution (see para. 25). The proposal was adopted without a vote.

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

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

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

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

The General Assembly

Approves the first report of the Credentials Committee.
