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CREDENTIALS OF REPRESENTATIVES TO THE FORTY-FOURTH SESSION OF THE GENERAL ASSEMBLY

First report of the Credentials Committee

Chairman: Mr. Adeito Nzengeya BAGBENI (Zaire)

1. At its 1st plenary meeting, on 19 September 1989, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its forty-fourth session consisting of the following Member States: Antigua and Barbuda, Australia, China, Colombia, Malawi, Philippines, Union of Soviet Socialist Republics, United States of America and Zaire. At the same meeting, the Assembly also authorized the Credentials Committee to examine and report, to the extent possible, on the credentials submitted for representatives to the sixteenth special session of the General Assembly, namely, the special session on apartheid and its destructive consequences in southern Africa to be held from 12 to 14 December 1989.
2. The Credentials Committee held its first meeting on 11 October 1989.
3. Mr. Adeito Nzengeya Bagbeni (Zaire) was unanimously elected Chairman.
4. The Committee had before it a memorandum by the Secretary-General, dated 10 October 1989, on the status of credentials of representatives to the forty-fourth regular session and to the sixteenth special session. The memorandum indicated that, as at 10 October 1989, credentials for the forty-fourth regular session 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 125 Member States (Afghanistan, Albania, Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus,

Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Dominica, Ecuador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Spain, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Vanuatu, Venezuela, Yemen, Yugoslavia, Zaire and Zambia).

5. The memorandum also indicated that, as at 10 October 1989, credentials for the sixteenth special session 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 34 Member States (Albania, Bahamas, Benin, Bhutan, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Chile, Cyprus, Ecuador, Fiji, Gambia, Ghana, Hungary, Iraq, Israel, Lesotho, Liberia, Luxembourg, Maldives, Mauritania, Mauritius, Myanmar, Netherlands, Norway, Pakistan, Qatar, Saint Lucia, Samoa, Turkey, Ukrainian Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland and Venezuela).

6. The Legal Counsel informed the Committee that, subsequent to the preparation of the memorandum, additional credentials in due form with respect to the forty-fourth regular session had been submitted by 11 Member States (Bolivia, Burkina Faso 1/, Guinea-Bissau, Haiti, Honduras, Mali, New Zealand, Sao Tome and Principe, Seychelles, United Arab Emirates and Uruguay). With respect to the sixteenth special session, he informed the Committee that additional credentials had been submitted by four Member States (Burkina Faso 1/, Democratic Kampuchea, Haiti and Seychelles).

7. The Legal Counsel explained to the Committee that the Secretary-General's memorandum, as supplemented by the additional information he had provided to the Committee, related solely to the Member States that had submitted formal credentials for their representatives 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 to the forty-fourth regular session and to the sixteenth special session of other Member States whose formal credentials had not yet been received at the time of the Committee's first meeting.

8. Statements relating to the credentials of representatives of Member States were made by the representatives of the Union of Soviet Socialist Republics, the United States of America, the Philippines and China.

9. The representative of the Union of Soviet Socialist Republics said his delegation opposed the acceptance of the credentials of the representatives of the so-called "Democratic Kampuchea" and favoured the restoration of the legitimate rights of the State of Cambodia in the United Nations. In the light of the significant changes occurring in Cambodia, that country's seat ought to remain vacant pending the completion of the intra-Khmer dialogue and the formation of a new government in that country.

10. The representative of the United States of America stated that the credentials of the representatives of Democratic Kampuchea were clearly in order, fulfilled the requirements of rule 27 of the rules of procedure, had already been accepted by the General Assembly for a number of years and should therefore be accepted at the current session.

11. The representative of the Philippines stated that the Committee should note that the so-called Vietnamese withdrawal from Kampuchea had not been carried out under effective international supervision and control, as specified in the resolutions on Kampuchea adopted by the General Assembly over the years. The Kampuchean question was a political issue beyond the competence of the Credentials Committee under rules 27 and 28 of the rules of procedure of the General Assembly, the mandate of the Committee was to examine the credentials of representatives to determine whether they had been issued by the Head of State or Government or by the Minister for Foreign Affairs. These rules afforded the Committee no scope to take up or pass upon the question of their authority to issue credentials on behalf of the State concerned, which was a question of recognition of the representation of a Member State; it was for other forums to take up that question. Every State, Democratic Kampuchea included, had a right to representation in every United Nations intergovernmental body of which it was a member. The proposed "empty seat" solution was therefore unacceptable to his delegation, which saw no reason why Democratic Kampuchea should not be seated together with other Member States at the current session of the General Assembly. Recent developments did not change the fact that Democratic Kampuchea was the legitimate representative of the Kampuchean people. The credentials that had been submitted were in order, and he was confident that they would, as in the past, be accepted by the Committee and endorsed by the General Assembly.

12. The representative of China stated that over many years the United Nations had made correct decisions on the credentials of the delegation of Democratic Kampuchea. At the current session, one member of the Committee had expressed reservations or objections on this question. The representative of China stated that, as was known to all, Democratic Kampuchea was a full member of the United Nations and the coalition Government of Democratic Kampuchea was the sole legal government of Kampuchea. It was only natural that Democratic Kampuchea should occupy the country's legal seat in the United Nations. The Heng Samrin régime propped up by the forces of foreign aggression could in no way represent the people of that country. The Chinese delegation recommended that the Credentials Committee accept the credentials of the delegation of Democratic Kampuchea.

13. The same representative reiterated, with regard to the credentials of the representatives of Afghanistan, that although the accords on the question of

Afghanistan had been signed and were in effect, they were still in the process of being implemented; a final settlement of the question had yet to be achieved. The Chinese delegation, therefore, still took an attitude of reservation regarding the participation by the Afghan delegation in the current session of the General Assembly.

14. The representative of the United States stated that his delegation had not objected to the credentials of the representatives of Afghanistan because of the technical nature of the credentials exercise.

15. The representative of the Union of Soviet Socialist Republics stated that he could only view the statements made with regard to the credentials of the representative of Afghanistan, a sovereign independent State, an active member of the Movement of Non-Aligned Countries and a full-fledged Member of the United Nations, as an attempt to distort historical and political realities. He regretted that such statements ran counter to the full and comprehensive settlement of the situation regarding Afghanistan, which must be pursued through the implementation in good faith of the Geneva accords.

16. The Chairman proposed that, taking into account the statements made by the Legal Counsel and by 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 forty-fourth session and to the sixteenth special session of the General Assembly of the Member States referred to in paragraphs 4, 5 and 6 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."

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

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

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

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

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

Credentials of representatives to the forty-fourth session and
to the sixteenth special session of the General Assembly

The General Assembly

Approves the first report of the Credentials Committee.

Notes

1/ New credentials to replace those previously submitted.
