



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/8921 *und Corr. 1.*
1 December 1972

ORIGINAL: ENGLISH

Twenty-seventh session
Agenda item 3

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

Report of the Credentials Committee

Chairman: Mr. José Luis MOLINA (Costa Rica)

1. At its 2032nd plenary meeting, on 19 September 1972, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its twenty-seventh session consisting of the following Member States: Belgium, China, Costa Rica, Japan, Senegal, Union of Soviet Socialist Republics, United Republic of Tanzania, United States of America and Uruguay.
2. The Credentials Committee met on 24 and 28 November 1972.
3. Mr. José Luis Molina (Costa Rica) was unanimously elected Chairman of the Committee.
4. The Chairman drew the attention of the Committee to the memorandum of 24 November by the Secretary-General on the status of credentials of representatives to the twenty-seventh session of the General Assembly, from which it appeared that credentials had been issued in the form provided for by rule 27 of the rules of procedure of the General Assembly by all Member States with the exception of three. Regarding the credentials of the representatives of those three States and in view of the assurances given by the three delegations concerned that credentials in due form would be provided as soon as possible, the Chairman proposed that the Committee decide, as an exceptional measure and pending the receipt of the proper credentials, to accept in lieu thereof the communications referred to in paragraphs 2 and 3 of the Secretary-General's memorandum.

5. The representative of Senegal, referring to the credentials of the representatives of South Africa and recalling resolution 2862 (XXVI) adopted in this connexion by the General Assembly at its twenty-sixth session, stated that the credentials submitted by the minority Government in South Africa should not be recognized. He pointed out that such a decision would not mean the exclusion of South Africa as such, but would merely reflect the fact that the present Government of South Africa did not represent the people of South Africa.
6. Addressing himself to the question of the credentials of the representatives of the Khmer Republic, the representative of Senegal indicated that his delegation did not recognize the Lon Nol Government as the true representative of the Cambodian people: only the Royal Government of National Union was entitled to represent that people. There was a special problem which involved neither admission nor expulsion. The representative of Senegal proposed that the Committee suspend its consideration of the credentials of the representatives of the Khmer Republic, pending further developments.
7. The representative of the United Republic of Tanzania expressed his support of the views expressed by the representative of Senegal and stated that his Government recognized the Government of Prince Sihanouk as the only legitimate authority in Cambodia. He proposed that a separate report to the General Assembly be issued regarding the credentials of South Africa.
8. The representatives of Belgium, Costa Rica, Japan, the United States and Uruguay were opposed to the proposals made by the representatives of Senegal and the United Republic of Tanzania. They all made clear that their Governments were strongly opposed to apartheid and South Africa's policy of racial discrimination. However, they were of the opinion that rule 27 of the rules of procedure of the General Assembly provided only technical criteria for deciding whether the credentials of the representatives were or were not in due form. This was a procedural question and there was no basis in law or in fact to challenge in the Committee the credentials of either South Africa or the Khmer Republic. The Committee could not open a debate on the representative character of Governments and it would not be profitable for the Committee to make subjective judgements in this matter.

9. The representative of China said it was entirely unjustified and illegal for the "Lon Nol clique" to have usurped the Cambodian seat in the United Nations. The only Government representing the people of Cambodia was the Government of National Union headed by Prince Sihanouk, who was in effective control of 90 per cent of the Cambodian territory and was supported by the entire population as well as the peace and justice-upholding countries in the world. As for South Africa, he said that the "white colonialist ruling authorities" and their "minority racist régime" were not qualified to represent the South African people.
10. The representative of the Union of Soviet Socialist Republics indicated that the position of his Government with respect to the Pretoria régime was well known. His delegation shared the views of the African States. The Soviet Union supported all peoples struggling for their freedom, independence and sovereignty.
11. The representative of the United Republic of Tanzania emphasized that his delegation could not accept the interpretation given by some members of the Committee to rule 27. He considered that the task of the Committee went beyond merely checking the documents submitted, and that the Committee had the responsibility of considering all the implications.
12. The representative of Senegal stressed that his delegation's position was not in conflict with rule 27. The Committee had the obligation to examine whether or not the authority having submitted the credentials was qualified and it was its task to decide when two Governments asked to occupy the same seat. He drew the attention of the Committee to the fact that at Lusaka in 1970 the Third Conference of Heads of State or Government of Non-Aligned Countries had decided to seat neither the representatives of the one Government nor of the other. It was in Georgetown in August 1972 that the Conference of Foreign Ministers of Non-Aligned Countries decided, in the light of recent developments, to recognize the Royal Government of Prince Sihanouk as the lawful Government of Cambodia. The Committee, he added, should agree to suspend its decision on the credentials of the representatives of Cambodia, pending further consideration. Meanwhile, the representatives of the Lon Nol Government should not be allowed to occupy the seat of Cambodia in the General Assembly. The representative of Senegal considered that, should the Committee not adopt those proposals, three reports would have to be submitted to the General Assembly: the first one dealing with the credentials which

are not contested and the other two with the credentials of South Africa and the Khmer Republic, respectively.

13. The Chairman put to the vote a joint proposal by the representatives of Senegal and the United Republic of Tanzania to the effect that the credentials of the representatives of South Africa should not be considered acceptable and that they should be made subject to a separate report of the Committee to the General Assembly. The proposal was rejected by 5 votes to 4.

14. The Chairman then put to the vote the proposal by the representative of Senegal to the effect that the Credentials Committee should suspend its decision on the credentials of the representatives of the Khmer Republic. The proposal was rejected by 5 votes to 3, with 1 abstention.

15. The Chairman stated that all the views and the reservations expressed in the Committee concerning the representatives of South Africa and the Khmer Republic would be recorded in the report of the Committee to the General Assembly.

16. The Chairman proposed the following draft resolution for adoption by the Committee:

"The Credentials Committee,

"Having examined the credentials of representatives to the twenty-seventh session of the General Assembly,

"Having recorded in its report the different views and reservations expressed during the debate,

"Accepts the credentials of all representatives to the twenty-seventh session of the General Assembly and recommends to the General Assembly that it approve the report of the Credentials Committee."

17. The Committee discussed the draft resolution at its 58th meeting, on 28 November 1972, and, at the request of the representative of Senegal, decided to take a separate vote on the operative part thereof. The results of the vote were 5 to 4 in favour of the adoption of that part of the draft resolution. The draft resolution as a whole was then adopted by 5 votes to 4.

18. At the same meeting, the Chairman suggested that the Committee should vote on the following draft resolution to be submitted to the General Assembly for its consideration and adoption:

"The General Assembly

"Approves the report of the Credentials Committee."

19. The representative of Senegal proposed that, in order to reflect the decisions of the General Assembly at the two previous sessions on the question of credentials, the text of the above draft resolution should be amended by the addition at the end of the words "except with regard to the credentials of the representatives of South Africa". This proposal was supported by the representatives of the Union of Soviet Socialist Republics and of the United Republic of Tanzania. The Chairman ruled that a vote on the amendment proposed by Senegal would be tantamount to reconsideration of a proposal already rejected by the Committee as well as of the operative part of the resolution just adopted (see para. 16 above). He also stated that, in order to undertake a reconsideration, it would first be necessary for a proposal to this effect to be made under rule 125 of the rules of procedure of the General Assembly, a proposal requiring a two-thirds majority for adoption.

20. Following on a procedural debate, the representative of the United Republic of Tanzania suggested that the procedure to be followed should be left to the Chairman. The Chairman thereupon put to the vote the draft resolution set out in paragraph 18 above. It was adopted by 5 votes to 4.

21. After the vote, the representative of Senegal said that, although his delegation approved of the draft report as a whole, he had voted against the text of the draft resolution in order to express his disapproval of the Committee's failure to consider his amendment. He reserved the right to raise the matter again in the General Assembly. The representative of the United Republic of Tanzania said that he agreed with the representative of Senegal. He stated that, had the amendment of Senegal been voted upon, and rejected, he would have abstained in the voting on the text of the draft resolution. The representatives of China and of the Union of Soviet Socialist Republics said that they shared the views expressed by the representatives just mentioned.

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 twenty-seventh
session of the General Assembly

"The General Assembly

"Approves the report of the Credentials Committee."