



UNITED NATIONS

GENERAL ASSEMBLY



Distr.
GENERAL

A/9779/Add.1
28 September 1974
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Twenty-ninth session
Agenda item 3

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

First report of the Credentials Committee

Chairman: Mr. José D. INGLES (Philippines)

1. At its 2233rd meeting, on 17 September 1974, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its twenty-ninth session consisting of the following Member States: Belgium, China, Costa Rica, Philippines, Senegal, Union of Soviet Socialist Republics, United Republic of Tanzania, United States of America and Venezuela.
2. The Credentials Committee met on 20 and 27 September 1974.
3. Mr. José D. Inglés (Philippines) was unanimously elected Chairman at the 1st meeting of the Committee. The latter decided to convene within one week in order to proceed with the actual examination of the credentials of representatives.
4. At its 2nd meeting, the Committee had before it a memorandum by the Secretary-General according to which, as at 26 September 1974:

(a) Credentials issued by the Head of State or Government, or the Minister for Foreign Affairs, as provided by rule 27 of the rules of procedure of the General Assembly, had been submitted to the Secretary-General by the following 100 States:

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Botswana, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, China, Congo, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Ivory Coast, Jamaica, Japan,

Jordan, Kenya, Kuwait, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Senegal, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia and Zambia;

(b) The appointment of the representatives of Colombia, Cuba and Haiti* had been communicated to the Secretary-General by cables from the Ministers for Foreign Affairs concerned;

(c) The appointment of the representatives of the following 29 States had been communicated to the Secretary-General by letters or notes verbales from the Permanent Representatives or the Permanent Missions concerned:

Bhutan,* Bolivia, Brazil,* Burundi, Chad, Chile, Denmark,* Dominican Republic,* Egypt,* Equatorial Guinea, Israel,* Khmer Republic, Laos, Lebanon,* Malawi, Mauritania, Pakistan,* Panama, Saudi Arabia, Sierra Leone, Singapore, Somalia, Swaziland, Tunisia, Turkey, United Arab Emirates, United States of America,* Upper Volta,* and Zaire;

(d) No communication had been received concerning the representatives of the following Member States:

Iraq,* Lesotho, Peru, Trinidad and Tobago* and Yemen;

(e) Certain Member States (denoted above by an asterisk) had issued to their Permanent Representatives to the United Nations standing full powers authorizing them to represent the States concerned in all United Nations organs (see A/INF/159);

(f) The Maldives were not represented to the session of the General Assembly.

5. In addition, the Chairman informed the Committee that since the above-mentioned memorandum by the Secretary-General had been drawn up credentials in the form prescribed by rule 27 of the rules of procedure had been received for the following Member States:

Brazil, Chad, Chile, Cuba, Egypt, Equatorial Guinea, Laos, United States of America and Upper Volta.

6. The Chairman then invited the Committee to examine in the first place the credentials of those representatives of Member States referred to in paragraphs 4 (a) and 5 above.

7. The representative of Senegal stated that his delegation objected to the acceptance of the credentials of the representatives of South Africa. For four years now the General Assembly had adopted in that respect resolutions which disclaimed the conclusions reached by the Committee, and the latter should not

/...

persist in its errors. The representatives of South Africa to the General Assembly had been appointed by a Government which was the product of racial criteria and, as an institution, represented only a very small fraction of the South African population. South Africa's racial policies had repeatedly been condemned by the United Nations, and that country would certainly not have been admitted as a member of the United Nations in 1945 had the policy of apartheid been put into law at the time. Furthermore, the question under consideration was not to exclude South Africa as a State Member of the United Nations, but solely the South African delegation, as it could not be considered that the latter represented the country - even though black people or "coloured" had been included this time as representatives. In conclusion, Senegal would propose that the Committee reject the credentials of the representatives of South Africa to the twenty-ninth session of the General Assembly.

8. The representatives of China, the Union of Soviet Socialist Republics and the United Republic of Tanzania shared that point of view and indicated that they would support the Senegalese proposal.

9. The representative of the United States of America declared that the Credentials Committee, an emanation of the General Assembly, was to examine whether the credentials of representatives had been issued in conformity with rules 27 and 28 of the rules of procedure. The Committee's function was to verify the execution of the administrative duties that the Secretary-General had been entrusted with in relation to credentials, and was therefore much akin to that of a parliamentary body. In the absence of criteria in the rules of procedure to determine the degree of representativity of a Government, the Committee was not in a position to make a decision in that matter. Although the United States had clearly stated its abhorrence of the policies of apartheid, for the Committee to decide on the basis of domestic policies would constitute a dangerous precedent for all. Furthermore, there was much to be gained by the continued participation of South Africa in the activities of the United Nations. Undoubtedly, the Organization had exercised a measure of influence on the colonial policies of Portugal, whose representatives had never ceased to participate in the deliberations of the United Nations. For those reasons, the United States would propose that the Committee adopt all those credentials of representatives that had been communicated to the Secretary-General in the form contemplated by rule 27 of the rules of procedure.

10. The representative of Belgium was of the opinion that a strict interpretation of rule 27 of the rules of procedure was in order. His delegation would consequently accept those credentials that had been communicated to the Secretary-General in the form provided for by that rule.

11. The representative of Costa Rica felt that the Committee should not go beyond its limited competence. As to the question of apartheid itself, the Government of Costa Rica was in complete agreement with the Government of Senegal: this had been made quite clear by the speech which the Foreign Minister of Costa Rica had delivered at the General Assembly on that very day. However, the Committee was not in a position to suspend or expel a Member State since that action, under Article 6 of the Charter, could be taken only by the General Assembly upon recommendation by the Security Council. His delegation accepted the credentials submitted on behalf of South Africa as valid.

12. The representative of Senegal observed that there were various sources of law, such as written law, custom, jurisprudence, doctrine or the resolutions of the United Nations. Everything was not spelled out in rule 27 of the rules of procedure. His delegation did not request that South Africa be expelled, but only the South African delegation to the General Assembly, on the grounds that it had been appointed by a Government which could not be recognized as representing South Africa.

13. The Chairman, speaking on behalf of the Philippines, made the statement which, in accordance with the decision taken by the Committee, is reproduced as an annex to this report.

14. The Chairman then put to the vote the proposal made by the representative of Senegal. That proposal, as drafted by the Secretariat, was in the form of the following draft resolution:

"The Credentials Committee

"Accepts those credentials of representatives of Member States to the twenty-ninth session of the General Assembly that have already been submitted with the exception of the credentials of the representatives of South Africa."

15. The draft resolution was adopted by 5 votes to 3, with 1 abstention.

16. The Committee decided to convene at a later stage in order to examine the situation of delegations for which credentials in the form provided for by rule 27 of the rules of procedure had not yet been received.

*

* *

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

ANNEX

Statement by the representative of the Philippines
at the 64th meeting of the Credentials Committee

I should like to express my views on the question at issue, not as Chairman, but in my capacity as representative of the Philippines on this Committee.

The Credentials Committee is a functional body of the General Assembly. Necessarily it has to obtain guidance or take directives from the General Assembly.

In the case of South Africa, we should be guided by General Assembly resolution 3151 G (XXVIII) of 14 December 1973, operative paragraph 11 of which reads as follows:

"Declares that the South African régime has no right to represent the people of South Africa and that the liberation movements recognized by the Organization of African Unity are the authentic representatives of the overwhelming majority of the South African people."

This is not a new concept because in a similar case both the General Assembly and the Security Council have refused to recognize the illegal racist régime in Southern Rhodesia as representing the people of Zimbabwe.

While it is not for us to question the wisdom of any resolution adopted by our parent body, the General Assembly, I should like merely to recall the circumstances surrounding the categorical declaration of the General Assembly that the South African régime has no right to represent the people of South Africa. It was not a precipitate act on the part of the General Assembly. On the contrary, the General Assembly has taken cognizance of the situation in South Africa for a long time and has patiently urged the South African Government, year in and year out, to abandon its policy of apartheid which included as an essential plank the political oppression of the African majority. It was only after aborted dialogues and repeated rebuffs from the South African régime that the General Assembly was constrained to make its historic declaration of 14 December 1973.

The 17,712,000 Africans and 2,306,000 "coloured" people, who constitute more than 80 per cent of the present population of South Africa, have no vote at all in the all-white South African Parliament; even the very limited franchise which African and "coloured" people enjoyed in 1946 had been abolished. Since 1948, with the advent of apartheid as the official doctrine, the idea of special and limited representation of African and "coloured" people became obsolete.

The colonial laws had already excluded non-whites from the ballot in the Orange Free State and the Transvaal. A few non-whites were allowed to vote in Natal, while in the Cape suffrage was extended to a small number of non-white males who could meet the property qualifications. These vestiges of colonial restrictions were perpetuated in the South Africa Act of 1909.

/...

In 1930, the small non-white vote was diluted by enfranchising white (but not non-white) women. In 1931 all male whites (but not non-whites) were made eligible to vote without property qualifications.

In the Representation of Natives Act, No. 12 of 1936, the small number of enfranchised Africans were barred from voting in the general electorate; they were placed in a special voters roll and allowed to elect three white representatives to the House of Assembly. In addition, Africans throughout the Union were permitted to elect four whites to represent them in the Senate. In 1936 there were 382,103 registered white voters in the Cape, as against 21,596 "coloured", 1,401 Asians and 10,628 Africans. However, by the Promotion of Bantu Self-Government Act, (No. 46 of 1959), Act No. 12 of 1936 was repealed and the Africans lost even the right to elect seven whites to represent them in Parliament.

The "coloured" people were removed from the common voters roll, placed on a special voters roll, and allowed to elect four white members to the House of Assembly in 1956. But in 1966 the seats of the special white representatives (including one white senator nominated by the Governor to represent the "coloured" in the Senate) were abolished. The following statement in May 1965 of the then Minister of Justice reflects the official policy of the Government: "... In this Parliament which must decide the fate of the Republic of South Africa, the white man, and the white man alone, will have the right to sit."

These are not wild accusations or unfounded allegations. These are incontrovertible facts which cannot be denied because they are of record in the Statute books. Moreover, they have been verified over the years by subsidiary bodies of the General Assembly, the Security Council and the Economic and Social Council. In this connexion, I need to refer only to the Commission to Study the Racial Situation in the Union of South Africa and to the Special Committee on Apartheid. In addition, the Commission on Human Rights and its Sub-Commission on the Prevention of Discrimination and Protection of Minorities have conducted studies on racial discrimination, in particular discrimination in the exercise of political rights, in South Africa and reached the same conclusions.

Indeed the policy of apartheid has been repeatedly condemned in various resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights; in the United Nations International Conference on Human Rights held at Teheran in 1968; in the International Convention on the Elimination of All Forms of Racial Discrimination; and in the International Convention on the Suppression and Punishment of the Crime of Apartheid which was declared not only a crime against humanity but also a crime against international law. Finally, the General Assembly in its resolution 3057 (XXVIII) of 2 November 1973, promulgated the Programme for the Decade for Action to Combat Racism and Racial Discrimination, with the ultimate goal, inter alia, "to put an end to racist régimes".

Because of international public opinion, South Africa has withdrawn or has been expelled from specialized agencies of the United Nations such as FAO, ILO, UPU, UNESCO and WHO.

/...

The long period of fear and vacillation must come to an end. The United Nations must have the courage and determination to take positive and decisive action in order to make the principles of the Charter a living reality.

The distinguished representative of Senegal has referred to the rejection of the credentials of South Africa at the twenty-fifth session of the General Assembly. To complete the record, I should like to recall that at the twenty-sixth session, the General Assembly, on 20 December 1971, approved the report of the Credentials Committee, "except with regard to the credentials of the representatives of South Africa" (103 in favour, 1 against, with 16 abstentions).

At the twenty-seventh session, the General Assembly, on 8 December 1972, also approved the report of the Credentials Committee "except with regard to the credentials of the representatives of South Africa" (111 in favour, 1 against, with 8 abstentions).

At the twenty-eighth session, the General Assembly, on 5 October 1973, again amended the report of the Credentials Committee by rejecting the credentials of the representatives of South Africa (72 in favour, 27 against, with 13 abstentions).

General Assembly resolution 3151 G (XXVIII) of 14 December 1973, declaring that the South African régime has no right to represent the people of South Africa, was adopted by 88 votes in favour, 7 against, with 28 abstentions.

In the face of these decisions of the General Assembly, taken by overwhelming majorities, my delegation believes that the Credentials Committee is left no alternative but to reject the credentials of the South African régime.
