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A/CONF.39/9

Report of the Credentials Committee on the First Session of the Conference

Extract from the *Official Records of the United Nations Conference on the Law of Treaties, First and Second Sessions (Documents of the Conference)*

A.—REPORTS OF THE CREDENTIALS COMMITTEE

Document A/CONF.39/9 *

REPORT OF THE CREDENTIALS COMMITTEE ON THE FIRST SESSION OF THE CONFERENCE

[Original: English]
[21 May 1968]

1. At its second and third plenary meetings, held on 27 March 1968, the Conference, in accordance with rule 4 of its rules of procedure (A/CONF.39/10), appointed a Credentials Committee consisting of the following States: Ceylon, Dominican Republic, Japan, Madagascar, Mali, Mexico, Switzerland, the Union of Soviet Socialist Republics and the United States of America.
2. The Credentials Committee met on 16 May 1968.
3. Mr. Eduardo Suarez (Mexico) was unanimously elected Chairman.
4. The Secretariat reported to the Committee as follows:
 - (a) Credentials for the representatives of the following States issued by the Head of State or Government or the Minister for Foreign Affairs had been submitted to the Executive Secretary of the Conference in accordance with rule 3 of the rules of procedure: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Ethiopia, Federal Republic of Germany, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Holy See, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lebanon, Liberia, Liechtenstein, Madagascar, Malaysia, Mali, Mauritania, Mexico, Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Viet-Nam, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Spain, Sweden, Switzerland, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zambia.
 - (b) In the case of the representative of Mauritius, an authorization to represent his Government at the Conference had been received by cable from the Head of Government.
 - (c) The name of the representative of Yemen had been submitted in a letter from the Permanent Mission of that State to the United Nations.
5. The representative of the Union of Soviet Socialist Republics raised the question of the representation of China and stated that the participation in the Conference of the representatives of the Chiang Kai-shek régime was unlawful. He said that only representatives appointed by the Government of the People's Republic of China were qualified to represent China at the Conference. He further stated that the delegation of the Union of Soviet Socialist Republics could not recognize credentials submitted on behalf of China by any other persons and requested that those credentials should be considered as not valid.
6. The representatives of Ceylon and Mali supported the views expressed by the representative of the Soviet Union. The representative of Ceylon stressed that the responsibilities of the Committee required that, in examining the credentials, it should make certain that the persons holding the credentials were the true representatives of the State concerned. He held that the representatives of the Chiang Kai-shek régime had no legitimate right to speak on behalf of China, which was properly represented by the Government of the People's Republic of China.
7. The representative of Japan stated that the question of the representation of China was not within the competence of the Committee. In his view, the Committee's task was limited to the question whether the credentials of participating States were duly issued in accordance with rule 3 of the rules of procedure of the Conference. The credentials of the representatives of the Republic of China having been issued by the competent authorities, he saw no ground to challenge the validity of such credentials. Accordingly, the representative of Japan considered that the statement made by the representative of the Union of Soviet Socialist Republics was out of order.
8. The representative of the United States of America endorsed the views expressed by the representative of Japan. The representative of the United States of America further stated that the issue had already been decided by General Assembly resolution 2166 (XXI) by which the Conference was convened. He added that under operative paragraph 4 of resolution 2166 (XXI) the Government of the Republic of China, a Member of the United Nations and of the specialized agencies, was fully entitled to participate in the Conference.

* Incorporating A/CONF.39/9/Corr.2.

9. The representative of Switzerland declared that his delegation would abstain on the question. He pointed out that Switzerland had recognized the People's Republic of China. However, he said his country had been invited to participate in the Conference by the competent organs of the United Nations in their present composition, on which as an invited State, not a member of the United Nations, Switzerland did not feel called upon to comment.

10. The Chairman referred to General Assembly resolution 2166 (XXI) in which the General Assembly requested the Secretary-General of the United Nations to convoke the Conference on the Law of Treaties and invited States Members of the United Nations, States members of the specialized agencies, States Parties to the Statute of the International Court of Justice and States that the General Assembly decided specially to invite, to participate in the Conference. As the Secretary-General had, pursuant to the said resolution, invited the Government of the Republic of China to attend the Conference, the only question within the competence of the Credentials Committee was whether the credentials issued by the Government of the Republic of China were in proper order. The Chairman then stated that since those credentials were issued in accordance with rule 3 of the rules of procedure, the proposal of the representative of the Union of Soviet Socialist Republics was out of order.

11. The representative of the Union of Soviet Socialist Republics challenged the Chairman's ruling. The Committee upheld the Chairman's ruling by rejecting the appeal by 5 votes to 3, with 1 abstention.

12. The representative of Mali expressed formal reservations concerning the credentials of the representatives of South Africa, since they emanated from a racist and fascist régime which practised *apartheid* and defied the United Nations Charter, and not from the people of South Africa. He believed that those credentials should be rejected.

13. The representatives of the Union of Soviet Socialist Republics and Madagascar associated themselves with the view expressed by the representative of Mali. The representative of the Union of Soviet Socialist Republics further stated that his delegation had repeatedly expressed its opposition to the minority Government of South Africa, which deprived the rightful masters of the country—the indigenous population—of their rights and freedoms and which had persistently flouted the General Assembly resolutions calling upon it to end its policies of *apartheid* and racial discrimination.

14. The representative of the United States of America stated that his Government also categorically rejected the policies of racial discrimination and *apartheid* practised by the Government of South Africa. He was of the view, however, that his Government's detestation of those policies did not affect the validity of the credentials of the South African delegation, which fulfilled the requirements of rule 3 of the rules of procedure of the Conference.

15. The representative of the Union of Soviet Socialist Republics stated that his delegation did not recognize the credentials of the representatives of South Viet-Nam as the lawful representatives of the people of South Viet-Nam. The representative of Mali supported the views expressed by the representative of the Union of Soviet Socialist Republics and stated that his country had recognized the Democratic Republic of Viet-Nam.

16. The representative of Japan stated that the Republic of Viet-Nam was invited by the Secretary-General in accordance with General Assembly resolution 2166 (XXI) and that the credentials of its representatives at the Conference had been duly issued by the competent authorities of the country.

17. The Chairman proposed that the Credentials Committee should find in order all the representatives' credentials received and submit to the Conference a report with a recommendation that it be approved. All the reservations expressed in the Committee concerning the representation of China, the Republic of Viet-Nam and South Africa would be recorded in the Committee's report to the Conference.

18. The Chairman's proposal was unanimously adopted.

19. The representative of the Union of Soviet Socialist Republics said that his vote in favour of the report of the Credentials Committee should not be interpreted as signifying consent by his delegation to recognize the credentials of the representatives of the Chiang Kai-shek régime, South Africa and South Viet-Nam. The representative of Mali stated that his vote should not be construed as a recognition of the credentials of the representatives of China, the Republic of Viet-Nam and South Africa. The representative of Ceylon stated that he would vote for the report on the understanding that the reservations made during the debate would be recorded in the report.

20. Accordingly, the Credentials Committee recommends that the Conference approve its report.

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REPORT OF THE CREDENTIALS COMMITTEE ON THE SECOND SESSION OF THE CONFERENCE

[Original: English]
[21 May 1969]

1. During the first session, at its second and third plenary meetings, held on 27 March 1968, the Conference, in accordance with rule 4 of its rules of procedure (A/CONF.39/10), appointed a Credentials Committee consisting of the following States: Ceylon, Dominican Republic,

Japan, Madagascar, Mali, Mexico, Switzerland, the Union of Soviet Socialist Republics and the United States of America. Mr. Eduardo Suarez (Mexico) was unanimously elected Chairman by the Credentials Committee. The report of the Credentials Committee on the