

United Nations Conference on the Law of Treaties

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Fifth plenary meeting

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FIFTH PLENARY MEETING

Friday, 24 May 1968, at 3.35 p.m.

President: Mr. AGO (Italy)

Report of the Credentials Committee on the first session of the Conference (A/CONF. 39/9 and Corr. 2)

1. Mr. KHLESTOV (Union of Soviet Socialist Republics) said that in the course of the deliberations of the Credentials Committee, his delegation had already stated its position on the credentials submitted by the various delegations to the Conference (A/CONF.39/9 and Corr.2). The Soviet Union delegation could not recognize the credentials of the representatives of Chiang Kai-shek as valid. Only the representatives of the People's Republic of China were qualified to represent China. Nor did the Soviet Union delegation recognize the validity of the credentials of the delegations of South Africa and South Viet-Nam, which did not represent the peoples of those countries. The fact that the Soviet Union delegation would not object to the approval of the report did not mean that its position as stated therein had in any way altered.

2. Mr. HU (China) recalled that the Conference on the Law of Treaties had been convened in pursuance of resolution 2166 (XXI) adopted by the General Assembly, which had invited all the States Members of the United Nations to participate in the Conference. Among them was China, one of the founder Members of the United Nations. The status of the Chinese delegation had just been questioned without any valid reason. It was contrary to the general interest to introduce into the debates of the Conference questions which had nothing to do with its work. The Chinese delegation greatly deplored the attempt to do so.

3. Mr. BISHOTA (United Republic of Tanzania) said that, although his delegation accepted the report of the Credentials Committee, its acceptance must not be interpreted as recognition of the credentials of the representatives of the racist and fascist régime in South Africa. As the Tanzanian delegation had already stated on behalf of the African delegations and on its own behalf, it considered that the present régime in South Africa did not represent the people of that country and that, when the people took over—an event which could not be long in coming—they would be entitled to repudiate any agreement made without reference to them.

4. Mr. PHAN-VAN-THINH (Republic of Viet-Nam) said that, coming as a jurist to attend the Conference, he had imagined it would deal with matters of law and not engage in political propaganda. The delegation of Viet-Nam based its case on General Assembly resolution 2166 (XXI) already mentioned. The Republic of Viet-Nam was a member of all the specialized agencies, and had rightly been invited to the Conference. The Credentials Committee had found in its report that the credentials of the representatives of the Republic of Viet-Nam were in order. There was no need for the Conference to dwell on a political problem which was alien to its purpose.

5. Mr. PELE (Romania) recalled that Romania was constantly stressing the need to restore the legitimate

rights of the People's Republic of China in the United Nations and its specialized agencies and in all international meetings such as the present Conference. International law designated as the legitimate Government of a country the one which exercised effective and stable authority on the territory of the country and possessed all the attributes of power. The only Government qualified to represent the Chinese people was the Government of the People's Republic of China. Accordingly, the credentials submitted to the Conference for China were contrary to rule 3 of the rules of procedure, since they did not emanate from the legitimate Government representing the Chinese people. The delegation which occupied the place of China at the Conference did not represent anyone. Furthermore, it was vital to have the participation of the People's Republic of China, the Democratic Republic of Viet-Nam, the German Democratic Republic and the Democratic People's Republic of Korea in the discussions on the law of treaties. The Romanian delegation condemned the policy of *apartheid* of the South African Government and shared the reservations expressed regarding the representatives of South Africa. Subject to those reservations his delegation would vote in favour of the report of the Credentials Committee.

6. Mr. VIALI (South Africa) associated himself with the remarks made by the representatives of China and the Republic of Viet-Nam concerning the legal position. The South African delegation would vote in favour of the report, which found its credentials in order. Its vote did not in any way imply approval of the opinions to the contrary expressed either in the report or in the present discussion.

7. Mr. BEVANS (United States of America) said that the position of the United States delegations regarding the credentials of the representatives of China, the Republic of Viet-Nam and South Africa was set forth in the report of the Credentials Committee. The credentials of the representatives of those countries were in order. For the reasons indicated by the United States representative in the report of the Credentials Committee, his delegation would vote for the adoption of the report.

8. Mr. GÖR (Turkey) pointed out that the credentials of the representatives of the Greek community of the island of Cyprus were in flagrant violation of the constitution of that country. In consequence, the documents accrediting the representatives of the Greek community of Cyprus could in no case be considered as binding the Turkish community of Cyprus.

9. Mr. TODORIC (Yugoslavia) expressed the strongest reservations regarding the credentials submitted by the representatives of the Republic of China, South Africa and South Viet-Nam.

10. Mr. de BRESSON (France) said he would merely recall his country's well-known view that only the Government of the People's Republic of China was qualified to represent the Chinese State at the international level.

11. Mr. OSIECKI (Poland) fully associated himself with the reservations expressed as to the validity of the credentials of the representatives of the Chiang Kai-shek régime and those of South Africa and South Viet-Nam.

12. Mr. IPSARIDES (Cyprus), replying to the statement by the representative of Turkey, said he was surprised,

to say the least, that the Turkish delegation should raise in the Conference on the Law of Treaties an objection which was tantamount to questioning the sovereignty of Cyprus. The report of the Credentials Committee left no doubt as to the validity of the credentials of the Cypriot delegation. In accordance with rule 3 of the rules of procedure, its credentials had been signed in due and proper form by the Minister for Foreign Affairs. He drew attention to Security Council resolution 186 (1964) of 4 March 1964 and to General Assembly resolution 2077 (XX) of 18 December 1965, and pointed out that Turkey had an embassy at Nicosia and that Cyprus was represented at Ankara by an ambassador whose credentials had been signed by the President of the Republic, Archbishop Makarios; incidentally, the Ambassador of Cyprus at Ankara belonged to the Turkish community of Cyprus.

13. The position taken by the Turkish delegation was altogether unwarranted and could only be regarded as an inadmissible provocation at a time when the Ministers for Foreign Affairs of Cyprus and Turkey had met at Strasbourg and had issued a communiqué indicating that their meeting had been useful and constructive, and when, as a result of the steps taken by the Cypriot Government, the situation in the country had improved to the point where negotiations could be contemplated.

14. The Cypriot delegation requested the Conference to ignore the statement by the Turkish delegation as constituting a violation of the principle of non-interference in the internal affairs of a State.

15. Mr. KOUTIKOV (Bulgaria) said that his delegation accepted the report of the Credentials Committee but

made express reservations concerning the representation of China by a delegation from the Chiang Kai-shek régime and also concerning the representation of South Africa and South Viet-Nam.

16. Mr. GÖR (Turkey) said that the representative of the Greek community of Cyprus had confirmed that the Greek Cypriot administration had for a long time been outside the bounds of legality and had been acting unconstitutionally. He had no wish to discuss questions of Cypriot constitutional law and would merely point out that the Cypriot Constitution and the treaties in force must be observed and applied in good faith.

17. The PRESIDENT said that the remarks made during the discussion would be noted.

The report of the Credentials Committee (A/CONF.39/9 and Corr.2) was adopted.

Arrangements for the second session of the Conference (A.CONF.39/C.1/L.378)

18. The PRESIDENT said that, in the absence of objection, he would assume that the Conference adopted the draft resolution submitted by Nigeria (A/CONF.39/C.1/L.378).

It was so decided.

Closure of the first session of the Conference

19. After the customary exchange of courtesies, the PRESIDENT declared that the first session of the Conference was concluded.

The meeting rose at 4.10 p.m.