

# **Third United Nations Conference on the Law of the Sea**

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-  
**A/CONF.62/34**

## **Report of the Credentials Committee**

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

working relationship with the United Nations system but it shall maintain considerable political and financial independence;

(c) The machinery shall be invested with strong and comprehensive powers. Among others it shall have the right to explore and exploit the area, to regulate the activities in the area, to handle equitable distribution of benefits and to minimize any adverse economic effects by the fluctuation of prices of raw materials resulting from activities carried out in the area; to distribute equitably among all developing countries the proceeds from any tax (fiscal imposition) levied in connexion with activities relating to the exploitation of the area; to protect

the marine environment; to regulate and conduct scientific research and in this way give full meaning to the concept of the common heritage of mankind;

(d) There shall be an assembly of all members which shall be the repository of all powers and a council of limited membership whose composition shall reflect the principle of equitable geographical distribution and shall exercise, in a democratic manner, most of the functions of the machinery. There shall also be a secretariat to service all the organs and a tribunal for the settlement of disputes. The Assembly and the Council would be competent to establish as appropriate subsidiary organs for specialized purposes.

## DOCUMENT A/CONF.62/34\*

### Report of the Credentials Committee

[Original: English]  
[23 August 1974]

1. On 21 August 1974, the Credentials Committee held its second meeting at Caracas. Representatives of all the Members of the Committee, except Chad, were present.

2. Mr. Franz Weidinger (Austria) was unanimously elected Chairman of the Committee to replace Mr. Heinrich Gleissner (Austria) who had served as Chairman in the first session.

3. The Committee had before it a memorandum by the Executive Secretary of the Conference dated 21 August 1974, which read as follows:

"1. The action taken by the Credentials Committee at the first session of the Conference is covered in document A/CONF.62/15 of 15 December 1973, the report of the Credentials Committee as adopted by the Conference on that date. The present memorandum covers the period since that action.

"2. Invitations to participate in the second session of the Conference were sent on 25 April 1974 to 149 States (135 States Members of the United Nations and 14 non-Member States). As of 21 August 1974, 137 States are participating in the Conference.

"3. In accordance with rule 4 of the rules of procedure of the Conference, a Credentials Committee consisting of nine members (Austria, Chad, China, Costa Rica, Hungary, Ireland, Ivory Coast, Japan and Uruguay) was appointed by the Conference at its 9th meeting on 13 December 1973.

"4. As of 21 August 1974, formal credentials in due form under rule 3 of the rules of procedure were received by the Executive Secretary of the Conference from the following 131 States: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatamala, Guinea, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Republic of Viet-

Nam, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Western Samoa, Yemen, Yugoslavia, Zaire and Zambia.

"5. The lists of representatives of the following five States were communicated to the Executive Secretary by note verbale or letter:

(a) from the Permanent Representative to the United Nations: Belgium and Philippines;

(b) from the Embassies in Caracas: Italy and Peru; and

(c) by note from the Foreign Ministry stating that the note should be taken as the credentials: Gambia.

"6. The credentials of the representatives of Guinea-Bissau and Liberia were communicated to the Executive Secretary in the form of cables by the respective Foreign Ministers.

"7. The Governments of the following States informed the Executive Secretary that they would not attend the second session of the Conference: Central African Republic and Jordan.

"8. No further communication has been received from the Government of the Democratic Republic of Viet-Nam since the cable dated 22 November 1973 from the Minister for Foreign Affairs addressed to the Secretary-General (contained in document A/9350, dated 27 November 1973)."

4. The Chairman proposed that, as an exceptional measure in order to avoid having to hold another meeting, the Committee should accept, subject to later validation, the communications of those Governments listed in paragraphs 5 and 6 of the memorandum reproduced above in lieu of formal credentials.

5. The Committee adopted the Chairman's proposal without objection.

6. The representative of Hungary reiterated his delegation's reservation which it made at the first meeting of the Committee concerning the representative of South Viet-Nam at the Conference. As a signatory to the Act of the International Conference on Viet-Nam, his delegation considered it unacceptable that only one of the South Viet-Nameese signatories of that Act should be given the possibility of participating in the Conference. As the Agreement on Ending the War and Restoring Peace to Viet-Nam clearly stipulated, the Provisional Revolu-

\*Incorporating document A/CONF.62/34/Corr.1 of 28 August 1974.

tionary Government of South Viet-Nam was also an administration which had been recognized by a large number of States and was accepted as a participant with equal rights at the Conference of Heads of State or Government of Non-Aligned States. It was that obvious violation of the principle of universality that prevented the Democratic Republic of Viet-Nam from participating in the Conference. The Hungarian delegation fully shared the views of the Democratic Republic of Viet-Nam and declared that the credentials of the Saigon Administration could in no way be interpreted as entitling that Administration to unilaterally represent South Viet-Nam.

7. In response to a question put by the representative of the Ivory Coast, the Chairman pointed out that the Committee should examine only the credentials of representatives newly accredited unless the Conference decided otherwise. He also noted that all the credentials listed in paragraph 4 of the Memorandum by the Executive Secretary were new credentials for the second session, except those of Iran and South Africa.

8. On behalf of the African delegations, the representative of the Ivory Coast reiterated the reservation formulated by the representative of Chad at the first session concerning the credentials of the delegation of South Africa. The delegation of the Ivory Coast has stated that it would comply with rule 4 of the Rules of Procedure, but that it reserved its right and that of the African delegations to bring the matter up again in the Plenary or at the next session, so that the Committee could re-examine the credentials of the delegation of South Africa. The Conference could not be unmindful of the relevant resolutions rejecting those credentials which had been adopted by a large majority at each session of the General Assembly since 1970. The position of the delegation of the Ivory Coast was motivated by its opposition to the policy of racial discrimination and *apartheid* practised by the South African white racist minority against the great African majority. He also stressed that because the South African Government had refused to recog-

nize the basic rights of that majority, to end its policy of *apartheid* and to comply with the relevant General Assembly and Security Council resolutions, it had no claim whatever to represent the African majority either in the United Nations or at the Conference.

9. The representative of Hungary associated himself with the statements made by the representative of the Ivory Coast, in the same manner as he supported the statements made by Chad at the first session.

10. The representative of China reiterated his delegation's position on the representation of the so-called Khmer Republic, the Lon Nol régime. The sole genuine and legitimate representative of the Cambodian people was the Royal Government of National Union of Cambodia, under the leadership of Prince Norodom Sihanouk. The Lon Nol régime was illegal from the very beginning and had no right whatsoever to represent the Cambodian people at the Conference. As to the representation of the South Viet-Name people, there existed two administrations—i.e. the Provisional Revolutionary Government of the Republic of South Viet-Nam and the Saigon Authorities. Since the former was the authentic representative of its people, it was inappropriate and unreasonable for the latter to be represented unilaterally at the Conference. On the question of the credentials of the South African delegation, his delegation wished to support fully the views expressed by the delegations of African States and many other countries. The régime in South Africa had no right to represent the people of Azania and Namibia at the Conference due to its policies of racial discrimination and *apartheid*, as well as its illegal occupation of Namibia.

11. The Chairman noted that the views expressed by the representatives would be fully reflected in the report of the Committee. Subject to these views, summarized in paragraphs 6–10 above, the Committee considered that the delegations present at the second session of the Conference should be seated.

## DOCUMENT A/CONF.62/35

### Decision of the Executive Board of the United Nations Educational, Scientific and Cultural Organization and resolution of the Intergovernmental Oceanographic Commission\*

[Original: English/ French/ Russian/ Spanish]  
[27 August 1974]

#### DECISION 4.3.1 OF THE EXECUTIVE BOARD OF UNESCO TAKEN AT ITS NINETY-FOURTH SESSION (MAY-JUNE 1974)

#### 4.3 Natural sciences

##### 4.3.1 Status and responsibilities of the Intergovernmental Oceanographic Commission (94 EX/13 and Corr. and 94 EX/56, part II)

The Executive Board,

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#### 1. Recalling

- (i) that, in 89 EX/Decision 5.1.2, Part II.B.VII, the Board drew the attention of the General Conference . . . to the need . . . to examine the comments of the Executive Council of IOC on [the recommendations of the United Nations Conference on the Human Environment], as

well as those of the Executive Board of the Director-General,

- (ii) that, accordingly, the Director-General presented document 90 EX/8 which contains observations by the IOC Executive Council and by the Director-General on the status and responsibilities of the IOC, and which, in paragraph 7, indicates that "a report of the Chairman of the Commission on its eighth session and proposals will be submitted to the ninety-third session of the Executive Board and to the eighteenth session of the General Conference of UNESCO, in 1974",
- (iii) that, by 90 EX/Decision 4.2.1 (paragraph 9), the Board invited the Director-General to inform it, at its ninety-second session, "of the positions adopted by the Intergovernmental Oceanographic Commission's Executive Council at its second session", and (paragraph 10) decided "to postpone its final consideration of this matter until its ninety-fourth session when the definite views of IOC will be available",
- (iv) that the Board at its ninety-second session, took note of the statement made in this connexion by the representative of the Director-General, and noted that this matter

\*Circulated at the request of the Director-General of UNESCO.