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THIRD CONFERENCE ON THE LAW OF THE SEA

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CREREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE

Report of the Credentials Committee

Chairman: Mr. Franz WEIDINGER (Austria)

1. On 5 May 1975, the Credentials Committee held its third meeting at Geneva. Representatives of all the members of the Committee, except Chad, were present.

2. The Committee had before it a memorandum by the Executive Secretary of the Conference dated 2 May 1975, which read as follows:

"1. The action taken by the Credentials Committee at the second session of the Conference is covered in document L/CONF.62/34 and Corr.1 of 23 August 1974, 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 third session of the Conference were sent on 30 January 1975 to 150 States (138 States Members of the United Nations and 12 non-Member States). As of 2 May 1975, credentials or other relevant communications had been received from 141 States.

"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 15 December 1973.

"4. As of 2 May 1975, formal credentials for the third session in due form under rule 3 of the rules of procedure had been received by the Executive Secretary of the Conference from the following 113 States:

Afghanistan, Albania, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Dahomey, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iraq,

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Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, Togo, Tonga, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Upper Volta, Uruguay, Western Samoa, Yemen and Zambia.

"5. Formal credentials in due form which would be effective for the third session of the Conference had been received during a previous session from the following 8 States:

Algeria, Chile, Czechoslovakia, Iran, Mauritania, United Republic of Cameroon, United States of America, Zaire.

"6. The lists of representatives of the following 17 States were communicated to the Executive Secretary by notes verbales or letters:

(a) from the Permanent Representatives or Observers to the United Nations: Argentina, Ghana, Italy, Kenya, Khmer Republic */, Paraguay, Peru, Republic of Viet-Nam, Singapore, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey and Yugoslavia;

(b) from the Foreign Ministry: Mauritius;

(c) from the Embassy in Bern: Central African Republic;

(d) from the Delegation: Israel.

"7. The credentials of the representatives of Venezuela were communicated to the Executive Secretary in the form of a cable by the Foreign Minister.

"8. The Governments of the following States informed the Executive Secretary that they would not attend the third session of the Conference:

Equatorial Guinea, Malawi, Maldives and South Africa.

"9. No further communication has been received from the Government of the Democratic Republic of Viet-Nam since the cable dated 22 November 1975 from the Minister for Foreign Affairs addressed to the Secretary-General (contained in document L/9550 dated 27 November 1975).

"10. On 30 April 1975, the Secretary-General received a cable from the Foreign Minister of the Royal Government of National Union of Cambodia stating:

'The Royal Government of National Union of Kampuchea controls and is administering all of Cambodia. Cambodia's seat in the United Nations and its affiliated Organizations, which by right has always belonged to the Royal Government of National Union of Kampuchea, automatically reverts to it.'

*/ See Paragraph 14 below."

In accordance with the practice of the United Nations, the Conference will use the name 'Cambodia' in referring to that State. No communication has been received from the Royal Government of National Union with regard to the credentials for a delegation to the Conference.

3. The Chairman stated that after preparation of the memorandum formal credentials in due form had been received from Ghana, Israel, Kenya, Mauritius and Yugoslavia. In addition, the credentials of the representatives of Singapore had been communicated in the form of a cable.
4. The representative of Hungary said that in view of the new situation in Indochina, where the peoples of Viet-Nam and Cambodia had successfully fought their heroic struggle for national independence and self-determination, and in the light of the cable quoted in paragraph 13 of the memorandum, the report of the Committee should unequivocally state that the credentials of the delegations of the so-called "Republic of Viet-Nam" and the so-called "Khmer Republic" were null and void. At the same time, the Conference should recognize that the only authentic representatives of the South Vietnamese people, namely those of the Provisional Revolutionary Government of South Viet-Nam should be given the opportunity, without undue delay, to take their lawful seats at the Conference which had been denied to them in a most discriminatory manner. In the view of his delegation, the seat which had always belonged to the Royal Government of National Union of Cambodia could be taken by a delegation of that Government at any time they saw fit. With respect to the Democratic Republic of North Viet-Nam, the Committee should report that the communication from its Foreign Minister mentioned in paragraph 9 of the memorandum had made it clear that his Government was unable to accept the invitation to participate in the Conference precisely because of the refusal by the United Nations General Assembly to invite the Provisional Revolutionary Government of South Viet-Nam.
5. The representative of the Ivory Coast stated that African delegations, despite the absence of a South African delegation from the present session, would like to record their reservations with respect to the credentials of that Government in the past sessions. As for the communications from the former governments of Cambodia and South Viet-Nam, his delegation would support the view of the representative of Hungary that they were null and void, but opposed to mentioning anything on credentials which might in future be submitted since the Committee dealt only with those which had been submitted.
6. The representative of China stated that his delegation had pointed out on many occasions that the Royal Government of the National Union of Cambodia was the only legitimate government of Cambodia, and the usurpation of the Cambodian seat at the Law of the Sea Conference by the Lon Nol clique was entirely illegal. Cambodia was totally liberated and the Lon Nol clique had completely collapsed. No one could deny that the Royal Government of the National Union of Cambodia was the only legitimate government of Cambodia. Its lawful rights should be restored immediately. He also said that the Provisional Revolutionary Government of the Republic of South Vietnam was the genuine representative of the people of South Vietnam. Saigon was now liberated and the Saigon authorities collapsed. The Provisional Revolutionary Government of the Republic of South Vietnam was the only legitimate government in South Vietnam. In the view of his delegation, the participation of the representatives of the former Saigon authorities at the Conference and their so-called "credentials" were entirely illegal.

7. The Chairman proposed that, as an exceptional measure, in order to avoid having to hold another meeting, the Committee accept, subject to later validation, the communications of those Governments which were listed in paragraphs 6 and 7 of the memorandum, except those of the Khmer Republic and the Republic of Viet-Nam, in lieu of formal credentials.

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

9. The Committee further decided that the communications regarding participation in the Conference received from the Permanent Representative of the Government of the former "Khmer Republic" and from the Permanent Observer of the Government of the former "Republic of Viet-Nam" were invalid.

10. The representative of China made reservations as to the use in paragraph 9 above of the words "Khmer Republic" and "Republic of Viet-Nam".