

ARTICLE 9

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TEXT OF ARTICLE 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

INTRODUCTORY NOTE

1. The organization of this study of the practice of the General Assembly in the application and interpretation of Article 9 continues, without modification, that to be found in the corresponding study in volume I of the Repertory. The material here presented, which appears to bear on the application of Article 9, is substantially no more than an addition to that already covered in the previous study and has, therefore, been treated under the already established headings.

2. No new material has been found which requires treatment under the headings dealing with: the number of representatives and their accreditation (II,B,1, a and b); the procedure for examination and approval of credentials at the reconvening of a divided session (II,B,2, a,1); or the provisional admission of representatives to a session owing to a lack of full credentials (II,B,2, b,1i).

I. GENERAL SURVEY

3. The only question which arose during the ninth and tenth sessions of the General Assembly bearing on the provisions of Article 9 referred, as in the past, to the recognition of the credentials of the representatives of one Member to whose presence in the Assembly objections were raised by a number of other Members. This matter was debated in connexion with the exercise of its "rights" by that Member, on the one hand, and with the procedure for the examination of credentials in general, as well as the "validity" of the credentials of the representatives in question, on the other.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Practice relating to Article 9 (1)

4. Article 9 (1) provides that:

"The General Assembly shall consist of all the Members of the United Nations."

5. The composition of the General Assembly was enlarged during the tenth session by the admission of sixteen new States to membership in the United Nations. ^{1/} Their membership, in accordance with the provisions of the rules of procedure, became effective on 14 December 1955 when the General Assembly adopted resolution 995 (X) by which it decided to admit the sixteen countries to membership in the United Nations.

6. Such discussion as occurred concerning the composition of the Assembly during the period under review centred on matters affecting the representation of China at the ninth and tenth sessions of the General Assembly and in the other organs of the Organization (see paragraphs 9-16 below).

B. Practice relating to Article 9 (2)

1. *Composition of delegations to the General Assembly*

a. NUMBER OF REPRESENTATIVES

7. No new material has been found bearing on the provision which states that Members shall have not more than five representatives in the General Assembly.

b. ACCREDITATION BY GOVERNMENTS OF THEIR REPRESENTATIVES: ISSUANCE OF CREDENTIALS

8. The practice of the General Assembly concerning credentials - by whom they should be signed and in what form they should be issued - has remained unchanged.

^{1/} See also in this Supplement under Article 4.

C. REPRESENTATION OF A MEMBER STATE IN THE GENERAL ASSEMBLY

9. At the ninth session of the General Assembly, as in previous sessions, 2/ the question of the representation of China in the United Nations was raised under a point of order and was dealt with at the opening meeting of the session, before the appointment of a Credentials Committee by the temporary President.

10. Referring 3/ to the need of solving "the question of restoring to the Chinese People's Republic its legitimate rights in the United Nations" and to "the duty of all peace-loving peoples to remove the obstacles that stand in the way of the People's Republic of China taking its rightful place in the United Nations and participating in this Organization's work," the representative of the Soviet Union submitted a draft resolution the text of which follows:

"The General Assembly

"Considers it necessary that representatives of the People's Republic of China, appointed by the Central People's Government, should take the rightful seat of China in the General Assembly and in other organs of the United Nations."

11. The representative of the United States, stating 4/ that he would not engage in a discussion of the substance of the question, submitted two draft resolutions. The first was as follows:

"The General Assembly

"Decides not to consider, at its ninth regular session during the current year, any proposals to exclude the representatives of the Government of the Republic of China or to seat representatives of the Central People's Government of the People's Republic of China."

12. Invoking rule 93 of the rules of procedure of the General Assembly the representative of the United States submitted a second draft resolution by which the Assembly would decide to consider first the draft resolution he had just submitted.

13. In the discussion which ensued 5/, some representatives, expressing support for the draft resolution submitted by the Soviet Union, urged that it was in the interest of the Organization and its effective functioning to resolve the question at once so as to correct the "anomalous situation" and to avoid postponing a decision on such an important question. Others, opposing the draft resolution, supported the view of the representative of the United States that the matter should not be considered at the ninth session.

14. The General Assembly then decided, under rule 93, by 45 votes to 7, with 5 abstentions, to give priority in voting to the draft resolution submitted by the

2/ See also in the Repertory, vol. I, under Article 9, paras. 21-34.

3/ G A (IX), Plen., 473rd mtg., paras. 19-36.

4/ Ibid., paras. 40-43.

5/ For texts of relevant statements, see G A (IX), Plen., 473rd mtg.: Australia, paras. 76-84; Burma, paras. 86-88; China, paras. 45-53; Czechoslovakia, paras. 89-101; Poland, paras. 55-70; USSR, paras. 103-114; United Kingdom, paras. 72-74; Yugoslavia, paras. 115 and 116.

United States. At this point, the representative of India, speaking on a point of order, maintained 6/ that the President had permitted discussion on a question which the Assembly could not, under the rules of procedure, have properly before it. Invoking the rules relating to the drawing up of the agenda and to rule 67 governing the procedure to be followed by the General Assembly in taking decisions on agenda items, he contended that there was no subject for discussion before the Assembly except the appointment of a Credentials Committee. The proposals regarding the representation of China were, therefore, out of order; they could not be voted upon and they prejudged the conclusions to which the Credentials Committee should come. Describing it as an illegal process, bad precedent and a violation of the principles of judicial examination upon which the Credentials Committee was based, the representative of India requested the President to rule the draft resolution out of order.

15. In reply the President stated 7/ that, although there was a conflict in the normal procedure as set forth in the rules of procedure and the practice of the General Assembly, as indicated by several precedents, she could not well rule the draft resolution of the United States out of order in the light of the overwhelming recognition of its legality implied in the previous vote. The representative of India, while contending that the vote had not been on the legality of the draft resolution itself since at the time the vote was taken the General Assembly had not been seized of the position he had described, did not challenge the President's ruling and the draft resolution submitted by the United States was adopted 8/ by the Assembly and became resolution 903 (IX). In view of this decision, the draft resolution submitted by the USSR was not put to the vote.

16. At the opening of the tenth session the debate 9/ was virtually identical with the one that had taken place at the ninth session; the draft resolutions submitted on the matter were also substantially the same. With somewhat less procedural discussion, the Assembly again decided to postpone, for the duration of that session, consideration of proposals relating to the representation of China.

2. Consideration by the General Assembly of credentials of representatives

a. PROCEDURE FOR EXAMINATION AND APPROVAL

1. At the opening of a session

17. As noted in paragraphs 14-16 above, objections have been raised to the procedure whereby the General Assembly considers and takes action on a draft resolution regarding the credentials of the representatives of a Member State before the Credentials Committee has submitted its report. When the first report of that Committee was considered 10/ in plenary meeting at the ninth session, the representative of India, following a vote in which the credentials of the representative of China were approved by 35 votes to 9, with 3 abstentions, stated that his Government did not regard those

6/ G A (IX), Plen., 473rd mtg., paras. 122-135. (See also in the Repertory, vol. I, under Article 9, para. 34).

7/ G A (IX), Plen., 473rd mtg., paras. 136-139.

8/ Ibid., paras. 139-145.

9/ For texts of relevant statements, see G A (X), Plen., 516th mtg.; Burma, para. 79; China, paras. 33-42; Colombia, paras. 47-53; Czechoslovakia, paras. 80-87; India, paras. 54-64; Indonesia, paras. 96 and 97; Iraq, paras. 92-94; Poland, paras. 65-78; United Kingdom, paras. 43-46; United States, paras. 27-29; USSR, paras. 16-26 and 98-106; Yugoslavia, paras. 88-91.

10/ G A (IX), Plen., 495th mtg., paras. 1-15.

to whom the credentials had been granted as representing China. Referring to Article 3 and quoting rule 27 of the rules of procedure of the General Assembly, he maintained that such credentials could not have been issued by the Head of a State "because there is no State known as Formosa. There is no government and there is no minister for foreign affairs which we would recognize". He also pointed out that if the General Assembly were not entitled to discuss the question of China in view of a previous decision (see paragraph 15 above), then the report of the Credentials Committee should not have come before the plenary meeting because the position of China was involved in it. The representative of the USSR associated himself with these views.

18. At the tenth session, when the report of the Credentials Committee was submitted 11/ in plenary meeting and after the draft resolution recommended by it had been adopted by 53 votes to none, similar reservations were expressed by a number of representatives concerning the credentials of the representatives of China. On this occasion, also, the same type of objection was raised regarding the propriety of the procedure which the Assembly had observed in adopting a resolution on the question of the representation of China at the opening meeting of the session.

ii. At the reconvening of a divided session

19. There was no temporary adjournment of the ninth or tenth session.

b. PROVISIONAL ADMISSION OF REPRESENTATIVES TO A SESSION

i. Owing to objections made by a Member

20. During the ninth and tenth sessions objections regarding the "validity" and "legality" of the credentials of the representatives of the Republic of China were raised as in the past but in each case the General Assembly decided to postpone for the duration of the session proposals relating to the representation of China. In view of these decisions the question of admitting "provisionally" the representatives to whose presence objection had been made did not arise.

ii. Owing to a lack of full credentials

21. There has been no variation in the practice described under this heading in the study on Article 9 in volume I of the Repertory.

11/ G A (X), Plen., 542nd mtg., paras. 2-11.

