

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 material contained in this study is essentially a continuation of the points covered in the previous Repertory studies of Article 9. It has therefore been organized under the same headings. No new practice has been introduced concerning the number of representatives and their accreditation (sections II, B, 1, a and b).

I. GENERAL SURVEY

2. As in previous years, the application of Article 9 was largely automatic. New Members took part in the proceedings of the General Assembly immediately on their admission to membership.

3. As before, the only discussions regarding this Article related to recognition of the credentials of the representatives of Members to which objections were raised by other Members.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Practice relating to Article 9 (1)

4. During the period under review, which covers the eleventh, twelfth and thirteenth sessions, as well as the first, second and third emergency special sessions, the composition of the General Assembly was enlarged as follows: by five Members at the eleventh session, by one Member at the twelfth session and by one Member at the thirteenth session. 1/ In accordance with the provisions of the rules of procedure, 2/ their membership became automatic on the adoption by the General Assembly of appropriate resolutions. 3/

5. Special measures were taken by the General Assembly at its eleventh and twelfth sessions to ensure that the Members being admitted should be able to take part as rapidly as possible in the General Assembly's proceedings. Thus, at the eleventh session, immediately following the election of the President and prior to the consideration of the provisional agenda, the General Assembly decided, 4/ on the proposal of the President, to approve item 25 "Admission of new Members to the United Nations" for inclusion in the agenda for the purpose of considering immediately the applications of Sudan, Morocco and Tunisia. In proposing this procedure, the President stated: 5/

"The consideration of this item at this stage represents a recourse to a special procedure calculated to meet the special circumstances of the present case, and it does not constitute a precedent."

6. Similarly, at the twelfth session, the General Assembly decided, 6/ following the election of the President and prior to the consideration of the provisional agenda, to include item 25 "Admission of new Members to the United Nations" in the agenda "for the limited purpose of acting immediately upon the application of the Federation of Malaya".

7. At the thirteenth session, the subject of the admission of new Members did not appear in the provisional agenda. In connexion with the admission of Guinea, the General Assembly, on the recommendation of the General Committee, decided 7/ to include the item "Admission of new Members to the United Nations" in the agenda and to proceed to its consideration directly in plenary meeting.

8. Discussions regarding the composition of the General Assembly during the period under review related to the representation of China and of Hungary (see below, paragraphs 12 to 16).

1/ See also this Supplement, under Article 4.

2/ Rules of Procedure of the General Assembly, A/4700 (United Nations Publication, Sales No.: 61.I.4), chapter XIV.

3/ G A resolutions 1110-1113 (XI), 1118 (XI); 1134 (XII); 1325 (XIII).

4/ G A (XI), Plen., vol. I, 574th mtg., para. 32.

5/ Ibid., para. 27.

6/ G A (XII), Plen., 678th mtg., para. 63.

7/ G A (XIII), Plen., 789th mtg., paras. 1 and 2.

B. Practice relating to Article 9 (2)

1. Composition of delegations to the General Assembly

** a. NUMBER OF REPRESENTATIVES

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

9. The practice regarding the issuance of credentials of representatives to the General Assembly - by whom they should be signed and in what form they should be issued - remained unchanged. At the first emergency special session, the President stated that the credentials of representatives who were not yet authorized to represent their countries in the General Assembly would be recognized in accordance with rule 27 of the rules of procedure, and might be presented by telegram. 8/

10. At the second emergency special session, it was agreed, as proposed by the Secretary-General, 9/ that "credentials of representatives participating in the first emergency special session would be considered valid for their participation in the second emergency special session". At the same meeting, a note verbale 10/ from the Permanent Mission of Hungary was communicated to the General Assembly. It stated:

"... the Hungarian Government has not as yet authorized any of the members of the Mission to take part at the emergency special session convened to discuss the item entitled: 'The situation in Hungary'. Furthermore, the Mission communicates that it could not obtain official information and instructions from the Government of the Hungarian People's Republic. As soon as it receives official information and instructions from its Government, it will immediately bring them to the knowledge of the Secretary-General and the Members of the United Nations."

11. Subsequently, doubts were expressed 11/ as to the validity of the credentials issued to the representatives of Hungary by the new Government of that country. It was stated, 12/ on the other hand, that the credentials of the representatives had been issued in accordance with rule 27 of the rules of procedure and there could therefore be no question as to their validity. The Credentials Committee, which considered credentials to the first and second emergency special sessions together, 13/ "agreed not to take any decision regarding the credentials of the representatives of Hungary at this time pending further clarification". 14/ The General Assembly approved 15/ the report of the Credentials Committee.

8/ G A (ES-I), Plen., 561st mtg., para. 14.

9/ G A (ES-II), Plen., 564th mtg., para. 5.

10/ G A (ES-II), Annexes, a.i. 5, p. 2, A/3285, para. 1.

11/ See, for example, G A (ES-II), Plen., 564th mtg.: Union of South Africa, para. 35; 568th mtg.: Denmark, para. 30; G A (ES-I), Annexes, a.i. 3, A/3321, paras. 5, 8 and 9.

12/ G A (ES-I), Annexes, a.i. 3, A/3321, paras. 6 and 7.

13/ Ibid., para. 2.

14/ Ibid., para. 10.

15/ G A (ES-II), Plen., 571st mtg., paras. 255 and 256; G A resolution 996 (ES-I and II).

C. REPRESENTATION OF A MEMBER STATE IN THE GENERAL ASSEMBLY

12. In addition to the question of the validity of the credentials of the representatives of Hungary at the second emergency special session, referred to in the preceding paragraphs, the question of the representation of Hungary in the United Nations was also raised during these discussions. 16/ The latter question was raised again at the eleventh session; it was maintained, on the one hand, that the Hungarian delegation did not represent a legally constituted Government of Hungary and, on the other, that the credentials were issued by the lawful Government of Hungary in accordance with the General Assembly's rules of procedure. A formal objection to the credentials of the Hungarian delegation was made by the representative of Chile 17/ in accordance with rule 29 of the rules of procedure. The representative of Chile subsequently withdrew his delegation's formal objections, stating that he did so because the General Assembly was nearing the end of its proceedings, the delegation whose credentials had been challenged had withdrawn from the debate, and he did not wish to delay the dispatch of business.

13. The Credentials Committee adopted a motion 18/ "that the Committee take no decision regarding the credentials submitted on behalf of the representative of Hungary"; and the Committee's report was approved 19/ by the General Assembly. The same procedure was followed by the General Assembly at its twelfth and thirteenth sessions. 20/

14. As at previous sessions, 21/ the question was raised of the representation of China in the United Nations. At the second and third emergency special sessions, several representatives pointed out 22/ that their votes in favour of the draft resolution in the report of the Credentials Committee did not imply recognition of the validity of the credentials of the representative of China. One representative, though considering 23/ that the credentials were in order, reserved the position of his Government "on the right of the Chinese Nationalist authorities to issue a document appointing representatives in the name of China".

15. At the eleventh session, the representative of India requested 24/ the inclusion of an additional item entitled "Representation of China in the United Nations". The General Committee approved a draft resolution 25/ providing that the General Assembly should decide (a) not to include in the agenda of its eleventh regular session the

16/ See, for example, G A (ES-II), Plen., 568th mtg.: Cuba, paras. 8 and 9.

17/ G A (XI), Plen., vol. II, 658th mtg., paras. 66-68.

18/ G A (XI), Annexes, vol. I, a.i. 3, A/3536, paras. 4 and 10.

19/ G A resolution 1009 (XI).

20/ G A (XII), Annexes, a.i. 3, A/3773; G A resolution 1183 (XII), G A (XIII), Annexes, a.i. 3, A/4074; G A resolution 1346 (XIII).

21/ See Repertory, Supplement No. 1, vol. I, under Article 9, paras. 9-16.

22/ G A (ES-II), Plen., 571st mtg.: Byelorussian SSR para. 262; Ukrainian SSR, paras. 263-265; USSR, para. 258. G A (ES-III), Plen., 746th mtg.: Albania, para. 250; Bulgaria, paras. 235-239; Burma, paras. 223 and 224; Cambodia, para. 270; Ceylon, paras. 253 and 254; Czechoslovakia, paras. 255-261, 267 and 268; India, para. 187; Indonesia, para. 233; Poland, paras. 242 and 243; Romania, para. 247; USSR, paras. 195-204 and 214; United Arab Republic, para. 246; Yugoslavia, para. 249.

23/ Ibid., United Kingdom, para. 261.

24/ G A (XI), Annexes, vol. I, a.i. 8, p. 4, A/3338.

25/ G A (XI), Annexes, vol. I, a.i. 8, p. 13, A/3350, para. 7.

additional item proposed by India and (b) not to consider at that session 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.

16. When the General Assembly considered the question in plenary meeting, the representative of India submitted amendments 26/ to delete the word "not" in the first operative paragraph of the draft resolution recommended by the General Committee and to delete the second operative paragraph. The amendments were rejected by the General Assembly at its 580th plenary meeting, and the draft resolution recommended by the General Committee was adopted. 27/ Objections to the adoption of the resolution were raised 28/ on the grounds that the General Committee in recommending it had exceeded its functions under the rules of procedure. A virtually identical course of action was followed during the twelfth 29/ and thirteenth 30/ sessions of the General Assembly. Reservations concerning the credentials of the representatives of China were also expressed 31/ by some representatives when the report of the Credentials Committee was considered in plenary meeting.

2. Consideration by the General Assembly of credentials of representatives

a. PROCEDURE FOR EXAMINATION AND APPROVAL

17. As noted above in paragraphs 15 and 16, objections were raised to the procedure under which the General Assembly decided, on the recommendation of the General Committee, to take no action on a proposal regarding the representation of China for the duration of the current session.

26/ G A (XI), Plen., vol. I, 580th mtg., paras. 134 and 135.

27/ G A resolution 1108 (XI); G A (XI), Plen., vol. I, 580th mtg., para. 136.

28/ See this Supplement, under Article 21, section II B 1 b, for discussion of this question. For objections, see G A (XI), Plen., vol. I, 578th mtg.: India, paras. 109 and 110; Yugoslavia, para. 176; 579th mtg.: El Salvador, paras. 25-31; 580th mtg.: India, paras. 40 and 41; Iran, paras. 10-15; Mexico, paras. 138-140. In support of the resolution, see statement by the President, *ibid.*, 580th mtg., paras. 35 and 36; also 578th mtg.: United States, para. 149; 579th mtg.: Philippines, para. 39; 580th mtg.: Peru, paras. 114-117.

29/ G A (XII), Annexes, a.i. 8, p. 3, A/3663; p. 9, A/3670, paras. 7-10; G A (XII), Plen., 684th mtg., para. 63; Ceylon, paras. 176 and 177; India, paras. 71-74; Romania, para. 165; United States, para. 149; 686th mtg.: Bulgaria, paras. 128 and 129; Guatemala, para. 119; Mexico, paras. 196-201; G A resolution 1135 (XII).

30/ G A (XIII), Annexes, a.i. 8, p. 4, A/3851; p. 11, A/3926, paras. 11-15; G A (XIII), Plen., 755th mtg., paras. 90 and 91; 753rd mtg.: Czechoslovakia, para. 185; India, paras. 36-40; Indonesia, para. 263; United States, paras. 52-54; 754th mtg.: United Arab Republic, para. 90; 755th mtg.: Mexico, paras. 37-40; Ukrainian SSR, para. 28; G A resolution 1239 (XIII).

31/ G A (XI), Plen., vol. II, 658th mtg.: Ceylon, paras. 102 and 104; Czechoslovakia, para. 108; India, para. 88; Indonesia, para. 93; Poland, paras. 98-100; USSR, paras. 70-75. G A (XII), Plen., 726th mtg.: Albania, para. 95; Bulgaria, para. 56; Burma, para. 92; Czechoslovakia, paras. 85 and 86; India, paras. 97-99; Poland, paras. 80 and 81; Romania, paras. 36 and 37; USSR, paras. 13-22. G A (XIII), Plen., 792nd mtg.: Albania, paras. 64-66; Bulgaria, paras. 84 and 85; Burma, para. 39; Cambodia, paras. 80 and 81; Czechoslovakia, paras. 75-78; India, para. 69; Indonesia, paras. 82 and 83; Morocco, para. 53; Poland, paras. 58-60; Romania, para. 55; USSR, paras. 40-45; United Arab Republic, para. 57; Yugoslavia, para. 38.

18. Objections were also raised 32/ to the decision of the Credentials Committee at the eleventh session not to take a decision regarding the credentials submitted on behalf of the representatives of Hungary (see paragraphs 12 and 13 above). It was stated that this action was a violation of the Charter and of the General Assembly's rules of procedure; some representatives specified that their votes in favour of the draft resolution of the Credentials Committee did not imply approval of the procedure followed regarding the credentials of the representatives of the Hungarian People's Republic. Similar views were expressed 33/ at the twelfth and thirteenth sessions.

b. PROVISIONAL ADMISSION OF REPRESENTATIVES TO A SESSION

19. In view of the above decisions of the General Assembly during the period under review, to postpone consideration of proposals relating to the representation of China for the duration of each current session, the question of admitting representation of China "provisionally" did not arise. Similarly, with regard to the representatives of Hungary, the General Assembly at each session accepted the Credentials Committee's decision to take no action on the credentials of the representatives of that country.

32/ G A (XI), Plen., vol. II, 658th mtg.: Ceylon, para. 103; Czechoslovakia, paras. 109-112; Egypt, para. 105; India, para. 89; Poland, para. 101; USSR, paras. 76-85; Yugoslavia, para. 87.

33/ G A (XII), Plen., 726th mtg.: Albania, para. 96; Bulgaria, paras. 66-69; Czechoslovakia, paras. 87-89; Hungary, paras. 1-5; Poland, paras. 82 and 83; Romania, paras. 38 and 39; USSR, paras. 23-32. G A (XIII), Plen., 792nd mtg.: Albania, para. 67; Bulgaria, paras. 84 and 87-89; Czechoslovakia, para. 79; Hungary, paras. 21-27; India, para. 70; Poland, para. 58; Romania, para. 56; USSR, paras. 40 and 46-52; United Arab Republic, para. 57; Yugoslavia, para. 38. At the twelfth and thirteenth sessions, the representative of Hungary (who had been absent during consideration of the Credentials Committee's report at the eleventh session) protested against the report of the Credentials Committee and voted against the Committee's draft resolution (G A (XII), Plen., 726th mtg., para. 5; G A (XIII), Plen., 792nd mtg., para. 27).