

## 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 present study of Article 9 follows the pattern adopted in volume I of the *Repertory*, in volume I of *Supplement No. 1* and volume II of *Supplement No. 2*. No new practice has been introduced concerning the number of representatives (section II, B, 1, a) and the provisional admission of representatives to a session (section II, B, 2, b).

## I. GENERAL SURVEY

2. The application of Article 9 (1) was mainly the same as in previous years, except during the nineteenth session of the General Assembly. In one case, a problem arose in connexion with the implementation of a resolution on the admission of a new Member.

3. The application of Article 9 (2) gave rise to discussions similar to the ones reported in the previous *Supplements* regarding the representation of a Member State in the General Assembly and the recognition of credentials to which objections had been 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 fourteenth to the twentieth regular sessions inclusive, the third and fourth special sessions and the fourth emergency special session of the General Assembly, the composition of the Assembly was enlarged through the admission of new Members, as follows:<sup>1</sup>

- (a) By seventeen Members at the fifteenth session;
- (b) By four Members at the sixteenth session;
- (c) By six Members at the seventeenth session;
- (d) By one Member at the fourth special session;
- (e) By two Members at the eighteenth session;
- (f) By three Members at the nineteenth session;
- (g) By three Members at the twentieth session.

A change in the membership also occurred when two original Members of the United Nations, Egypt and Syria, which had merged into a single State, the United Arab Republic, resumed their former status as two separate Members, with the names of the United Arab Republic and Syria, respectively. Another change occurred in the membership when two Members, Tanganyika and Zanzibar, merged into a single State known as the United Republic of Tanganyika and Zanzibar.<sup>2</sup>

5. As in the past, membership became effective on the date on which the General Assembly took its decision on the application, in accordance with rule 139 of the rules of procedure.<sup>3</sup>

6. During the period covered by this *Supplement*, thirty-two new Members were admitted to membership by acclamation after submission of draft resolutions.<sup>4</sup> One new Member was admitted<sup>5</sup> to membership by a majority vote after General Assembly consideration of a draft resolution. At the nineteenth session, however, owing to the particular circumstances prevailing at that session,<sup>6</sup> the General Assembly admitted three new Members to membership (Malawi, Malta and Zambia) without voting on a draft resolution.<sup>7</sup>

7. In order to ensure that the new Members might participate as early as possible in its work,

respectively. Regarding the question of the temporary cessation of co-operation of Indonesia with the United Nations, see under Article 4, paras. 30–36.

<sup>3</sup> See *Rules of procedure of the General Assembly*, A/520/Rev. 9 (United Nations publication, Sales No.: 68. I. 7), chap. XIV.

<sup>4</sup> G A resolutions 1476–1492 (XV), 1623 (XVI), 1630 (XVI), 1667 (XVI), 1748–1751 (XVII), 1754 (XVII), 1758 (XVII), 1872/S-IV, 1975 and 1976 (XVIII) and 2008 to 2010 (XX).

<sup>5</sup> G A resolution 1631 (XVI); see also G A (XVI/I), Plen., 1043rd mtg., para. 49 *et seq.*

<sup>6</sup> See this *Supplement* under Article 19.

<sup>7</sup> G A (XIX), Plen., 1286th mtg., paras. 39–45.

<sup>1</sup> See also this *Supplement* under Article 4.

<sup>2</sup> Now the “United Republic of Tanzania”. See also this *Supplement* under Article 3 and Article 4, paras. 10, 12 and 29,

the General Assembly continued<sup>8</sup> to deal with the question of the admission of new Members immediately following the election of the President and prior to the adoption of the agenda. No new Members were admitted at the fourteenth session. At the fifteenth session, the President, in suggesting this special procedure, explained that it would not constitute any precedent and stated:

“...My reason for suggesting this procedure on the present occasion is to give the newly independent States which have requested membership of our Organization the opportunity to participate from the outset in the work of the present session. Furthermore, I feel, as I am sure the Assembly will also, that we owe these newly independent States the additional consideration of acting on their requests for membership on the day of the opening of the session, thus underlining the importance to the Organization of this considerable addition to its membership.”<sup>9</sup>

A similar procedure was followed at the seventeenth,<sup>10</sup> nineteenth<sup>11</sup> and twentieth<sup>12</sup> sessions. The question did not arise at the sixteenth and eighteenth sessions since the item “Admission of new Members to the United Nations” did not appear in the provisional agendas or in the supplementary lists but was included in the agendas in the course of the sessions.

8. In all cases but one, no difficulty arose regarding the implementation of the General Assembly’s decisions on the admission of new Members. In one instance, however, the Assembly, having adopted by acclamation a draft resolution by which it admitted a new Member, decided to refer the question of the implementation of the resolution to the Credentials Committee.<sup>13</sup>

## 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 the credentials of representatives to the General Assembly remained unchanged.

10. At the fifteenth session the General Assembly, at the same time as it approved the report of the Credentials Committee,<sup>14</sup> called the attention of Member States “to the necessity of complying with the requirements of rule 27 of the rules of procedure of the General Assembly which provides:

‘The credentials of representatives and the names of members of a delegation shall be submitted to

the Secretary-General if possible not less than one week before the date fixed for the opening of the session. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.’”<sup>15</sup>

#### c. Representation of a Member State in the General Assembly

11. As had been the case during the period covered by the previous *Supplements*, objections were also raised both in the Credentials Committee and in the plenary as to the validity of the credentials of the representatives of some Member States.<sup>16</sup>

#### Question of the representation of China

12. The question of the representation of China in particular continued to be the subject of extensive discussions.<sup>17</sup>

13. At the fourteenth session, India submitted a request for the inclusion in the agenda of an item entitled “Question of the representation of China in the United Nations”.<sup>18</sup> The General Committee decided to recommend to the General Assembly the adoption of a draft resolution whereby the General Assembly would reject India’s request and decide “not to consider at its fourteenth regular 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”.<sup>19</sup> The draft resolution submitted by the General Committee was subsequently adopted by the General Assembly.<sup>20</sup>

14. At the fifteenth session, a request for the inclusion of an item on the representation of China was submitted by the Union of Soviet Socialist Republics.<sup>21</sup> On the recommendation of the General Committee,<sup>22</sup> the General Assembly adopted a draft resolution<sup>23</sup> similar to the one adopted at the fourteenth session.

15. At the sixteenth session, two requests were submitted on the question of the representation of China: one by New Zealand for the inclusion of an item entitled “Question of the representation of China in the United Nations”,<sup>24</sup> and the other by the Union of Soviet Socialist Republics for the inclusion of an item entitled “Restoration of the lawful rights of the People’s Republic of China in the United

<sup>15</sup> G A resolution 1618 (XV), para. 2.

<sup>16</sup> G A (XIV), Plen., 852nd mtg., para. 14 *et seq.*; G A (XV/2), Plen., 995th mtg. para. 368 *et seq.*; G A (XVI), Plen., 1083rd mtg. para. 68 *et seq.*; G A (XVII), Plen., 1201st and 1202nd mtgs., G A (XVIII), Plen., 1283rd mtg.; G A (XX), Plen., 1407th mtg.

<sup>17</sup> For the question of the representation of China in other organs, see this *Supplement* under Articles 61, 86, and 108 and 109, paras. 22, 41–43 and 49.

<sup>18</sup> G A (XIV), Annexes, a.i. 8, A/4139.

<sup>19</sup> *Ibid.*, A/4214, para. 7.

<sup>20</sup> G A resolution 1351 (XIV), See also this *Supplement*, under Article 21, paras. 17 and 18.

<sup>21</sup> G A (XV), Annexes, a.i. 8, A/4474.

<sup>22</sup> *Ibid.*, A/4520, para. 10.

<sup>23</sup> G A resolution 1493 (XV).

<sup>24</sup> G A (XVI), Annexes, a.i. 90 and 91, A/4873.

<sup>8</sup> See *Repertory Supplement No. 2*, vol. II, under Article 9, paras. 5 and 6.

<sup>9</sup> G A (XV/I), Plen., 864th mtg., para. 48.

<sup>10</sup> G A (XVII), Plen., 1122nd mtg., para. 18.

<sup>11</sup> G A (XIX), Plen., 1286th mtg., para. 39.

<sup>12</sup> G A (XX), Plen., 1332nd mtg., para. 33.

<sup>13</sup> See para. 17 below.

<sup>14</sup> G A (XV), Annexes, a.i. 3, A/4713.

Nations".<sup>25</sup> Both items were included in the agenda and discussed concurrently. The General Assembly was seized of a draft resolution submitted by the Union of Soviet Socialist Republics whereby the Assembly would resolve "to remove immediately from all United Nations organs the representatives of the Chiang Kai-shek clique who are unlawfully occupying the place of China in the United Nations" and invite "the Government of the People's Republic of China to send its representatives to participate in the work of the United Nations and of all its organs".<sup>26</sup> Cambodia, Ceylon and Indonesia proposed instead, by an amendment, to substitute the operative paragraphs of the draft resolution by a single paragraph whereby the General Assembly would decide "in accordance with the above declaration that the representatives of the Government of the People's Republic of China be seated in the United Nations and all its organs".<sup>27</sup> A procedural draft resolution submitted by Australia, Colombia, Italy, Japan and the United States of America<sup>28</sup> was given priority in the vote and was adopted.<sup>29</sup> By that resolution the Assembly decided "in accordance with Article 18 of the Charter of the United Nations, that any proposal to change the representation of China is an important question", thus requiring a two-thirds majority.<sup>30</sup> The other draft resolution and the amendment thereto failed to obtain the necessary number of votes.

16. At the subsequent sessions—with the exception of the nineteenth session when no formal agenda was adopted—the question was discussed under the heading "Restoration of the lawful rights of the People's Republic of China in the United Nations". No resolution was adopted at the seventeenth and eighteenth sessions. At the twentieth session, however, the General Assembly reaffirmed that "any proposal to change the representation of China is an important question".<sup>31</sup>

#### *Question of the representation of the Congo (Leopoldville)*

17. At the fifteenth session, on 20 September 1960, the General Assembly decided to admit the Republic of the Congo (Leopoldville)<sup>32</sup> to membership in the United Nations. Immediately afterwards the President made the following statement on the implementation of the resolution:

"As Members of the Assembly are aware, the situation in the Congo has been the subject of much discussion in the United Nations within recent weeks and even within the past few days, and the constitutional and political position in that country still remains, unhappily, far from clear. In these circumstances, we are faced with a difficulty as regards the implementation of the resolution we have just adopted. The difficulty is one

for the Assembly itself, and I would suggest to the Assembly that the best solution of this would be to refer it to the Credentials Committee. As I hear no objection to this proposal, it will be considered as adopted."<sup>33</sup>

After having devoted three meetings to the question of the credentials of the representatives of the Congo (Leopoldville), the Credentials Committee decided to recommend "that the General Assembly accept the credentials of the representatives of the Republic of the Congo (Leopoldville) issued by the Head of the State and communicated by him to the President of the General Assembly in a letter dated 8 November 1960".<sup>34</sup> On 22 November, after the rejection of an amendment submitted by Guinea,<sup>35</sup> by which the General Assembly would have agreed to defer its decision on the credentials, the Assembly adopted the draft resolution submitted by the Credentials Committee,<sup>36</sup> thereby accepting the credentials issued by the Head of State.<sup>37</sup>

18. At the seventeenth session, the Credentials Committee was seized of the credentials issued by the Minister for Foreign Affairs of the Kingdom of Yemen and by the President of the Yemen Arab Republic. The Committee decided to recommend to the General Assembly "to accept the credentials addressed to the Secretary-General of the United Nations, dated 8 December 1962, issued by the President of the Yemen Arab Republic".<sup>38</sup>

## 2. CONSIDERATION BY THE GENERAL ASSEMBLY OF CREDENTIALS OF REPRESENTATIVES

### *a. Procedure for examination and approval*

19. At the fourteenth,<sup>39</sup> fifteenth,<sup>40</sup> sixteenth<sup>41</sup> and seventeenth<sup>42</sup> sessions, the Credentials Committee decided to take no action on the credentials submitted on behalf of the representatives of Hungary. The General Assembly endorsed these recommendations by adopting the report of the Credentials Committee.<sup>43</sup>

20. At the twentieth session, the General Assembly, in approving the report of the Credentials Committee on the credentials of representatives to the nineteenth and twentieth sessions, included in its draft resolution an amendment submitted by thirty-five Member States<sup>44</sup> by which it decided "to take no decision on the credentials submitted on behalf of the representatives of South Africa".<sup>45</sup>

### *\*\*b. Provisional admission of representatives to a session*

<sup>33</sup> G A (XV/I), Plen., 864th mtg., para. 63.

<sup>34</sup> G A (XV), Annexes, a.i. 3, A/4578, para. 7.

<sup>35</sup> *Ibid.*, A/L.322/Rev. 1.

<sup>36</sup> G A resolution 1498 (XV).

<sup>37</sup> G A (XV), Annexes, a.i. 3, A/CR/L.3/Rev. 1.

<sup>38</sup> G A (XVII), Annexes, a.i. 3, A/5395, para. 20.

<sup>39</sup> G A (XIV), Annexes, a.i. 3, A/4346, paras. 9 and 11.

<sup>40</sup> G A (XV), Annexes, a.i. 3, A/4743, paras. 10 and 12.

<sup>41</sup> G A (XVI), Annexes, a.i. 3, A/5055, paras. 11 and 14.

<sup>42</sup> G A (XVII), Annexes, a.i. 3, A/5395, paras. 10 and 18.

<sup>43</sup> G A resolutions 1457 (XIV), 1618 (XV/2), 1693 (XVI) and 1871 (XVII).

<sup>44</sup> G A (XX), Annexes, a.i. 3, A/6208 and A/L. 481.

<sup>45</sup> G A resolution 2113 (XX).

<sup>25</sup> *Ibid.*, A/4874.

<sup>26</sup> *Ibid.*, A/L. 360.

<sup>27</sup> *Ibid.*, A/L. 375.

<sup>28</sup> *Ibid.*, A/L. 372.

<sup>29</sup> G A resolution 1668 (XVI).

<sup>30</sup> See also this *Supplement* under Article 18.

<sup>31</sup> G A resolution 2025 (XX).

<sup>32</sup> Now the "Democratic Republic of the Congo"; see G A resolution 1480 (XV).