

# ARTICLE 9

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## ARTICLE 9

### 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 basically the pattern adopted in volume I of the *Repertory*, in volume I of *Supplement No. 1*, volume II of *Supplement No. 2* and volume I of *Supplement No. 3*.

### I. GENERAL SURVEY

2. The application of Article 9 (1) was mainly the same as in previous years.
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 twenty-first to the twenty-fourth regular sessions inclusive, the fifth special session and the fifth emergency special session, the composition of the General Assembly was enlarged through the admission of new Members, as follows:<sup>1</sup>

- (a) By four Members at the twenty-first session;
- (b) By two Members at the twenty-second session;
- (c) By two Members at the twenty-third session.

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>2</sup>

6. In order to ensure that the new Members might participate as early as possible in its work, the General Assembly continued<sup>3</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.

7. This special procedure was applied at the twenty-first session<sup>4</sup> and at the twenty-third session.<sup>5</sup> The question did not arise at the twenty-second session since the item was included in the agenda in the course of the session.

8. The provisions of rule 28 of the rules of procedure of the General Assembly<sup>6</sup> remained unchanged during the period under review. In practice, the appointment of the nine members of the Credentials Committee took place at the opening meeting of the session, before the election of the President of the General Assembly. The members were appointed by the Assembly on the proposal of the Temporary President. The report of the Credentials Committee was considered by the General Assembly towards the end of each session.<sup>7</sup>

<sup>4</sup> G A (XXI), Plen., 1409th mtg., para. 73.

<sup>5</sup> G A (XXIII), Plen., 1674th mtg., para. 65.

<sup>6</sup> A/520/Rev.8 and 9 (United Nations publications, Sales Nos.: 66.I.9 and 68.I.7) during the period covered by *Supplement No. 4*.

<sup>7</sup> G A (XXI), Plen., 1498th mtg.; G A (S-V), Plen., 1522nd mtg.; G A (ES-V), Plen., 1556th mtg.; G A (XXII), Plen., 1635th mtg.; G A (XXIII), Plen., 1752nd mtg.; G A (XXIV), Plen., 1835th mtg.

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

<sup>2</sup> See *Rules of procedure of the General Assembly*, A/520/ Rev. 9 (United Nations publication, Sales No.: 68.I.7), chap. XIV.

<sup>3</sup> See *Repertory, Supplement No. 3*, vol. I, under Article 9, para. 7.

## 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 during the period under review.

10. At the fifth special session, the General Assembly approved<sup>8</sup> the report of the Credentials Committee,<sup>9</sup> which had 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 provided, *inter alia*, that credentials of representatives and the names of members of a delegation must be submitted to the Secretary-General if possible not less than one week before the date fixed for the opening of the session.

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

11. As had been the case during the periods 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.

12. The question of the representation of China in particular continued to be the subject of extensive discussions.<sup>10</sup>

13. At the twenty-first session, a group of Member States submitted a request for the inclusion in the agenda of an item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations".<sup>11</sup> On the recommendation of the General Committee,<sup>12</sup> the General Assembly decided<sup>13</sup> to include the item in its agenda.

14. The General Assembly adopted a procedural draft resolution<sup>14</sup> by which it decided to reaffirm as valid its previous decision<sup>15</sup> that any proposal to change the representation of China was an important question and thus required a two-thirds majority. Two other draft resolutions were rejected, having failed to obtain the necessary two-thirds majority.

15. The same pattern was followed at the twenty-second, twenty-third and twenty-fourth sessions when the General Assembly decided to reaffirm the validity of its previous decision.<sup>16</sup>

<sup>8</sup> G A (S-V), Plen., 1522nd mtg., para. 145.

<sup>9</sup> G A (S-V), Annexes, a.i. 3, A/6655/Rev.1.

<sup>10</sup> For the question of the representation of China in other organs, see this *Supplement* under Article 86, para. 34.

<sup>11</sup> G A (XXI), Annexes, a.i. 90, A/6391.

<sup>12</sup> *Ibid.*, a.i. 8, A/6395, para. 13.

<sup>13</sup> G A (XXI), Plen., 1415th mtg., para. 96.

<sup>14</sup> G A resolution 2159 (XXI).

<sup>15</sup> See *Repertory, Supplement No. 3*, vol. I, under Article 9, paras. 15 and 16.

<sup>16</sup> G A resolutions 2271 (XXII), 2389 (XXIII) and 2500 (XXIV).

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

### a. Procedure for examination and approval

#### i. In the Credentials Committee

##### Objections to credentials

16. At the twenty-first session of the General Assembly, the representative of the Union of Soviet Socialist Republics introduced a draft resolution under which the Committee would decide "to consider invalid the credentials of the persons calling themselves the representatives of the Government of the Republic of China to the twenty-first session of the General Assembly owing to the incompatibility of these credentials with the requirements of rule 27 of the rules of procedure of the General Assembly".<sup>17</sup> The draft resolution was opposed on the ground that the question of the representation of China had already been disposed of by the General Assembly at its current session when, in connexion with the agenda item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations", it had rejected<sup>18</sup> a draft resolution proposing<sup>19</sup> that the representatives of the Republic of China be expelled from the United Nations. The Credentials Committee rejected the draft resolution by 5 votes to 3, with 1 abstention.

17. At the fifth special session,<sup>20</sup> the fifth emergency special session,<sup>21</sup> the twenty-second session,<sup>22</sup> the twenty-third session,<sup>23</sup> and the twenty-fourth session,<sup>24</sup> similar draft resolutions to the effect that the Credentials Committee should not recognize the credentials of the representatives of the Republic of China were submitted and rejected.

18. At the twenty-first session of the General Assembly, the credentials of the representatives of South Africa were challenged on the ground that the persons claiming to represent that country in fact represented a minority community of oppressors and colonialists whose activities were contrary to the Purposes and Principles of the Charter of the United Nations.<sup>25</sup>

19. It was, however, argued that the objection in question was a separate issue and that the task of the Credentials Committee was simply to ascertain whether the credentials of representatives fulfilled the requirements of rule 27 of the rules of procedure.<sup>26</sup>

20. Similar discussions took place at the fifth special ses-

<sup>17</sup> G A (XXI), Annexes, a.i. 3, A/6620, para. 6.

<sup>18</sup> G A (XXI), Plen., 1481st mtg., para. 110.

<sup>19</sup> G A (XXI), Annexes, a.i. 3, A/6620, paras. 9 and 10.

<sup>20</sup> G A (S-V), Annexes, a.i. 3, A/6655/Rev.1, paras. 7 and 8.

<sup>21</sup> G A (ES-V), Annexes, a.i. 3, A/6742, paras. 6 and 7.

<sup>22</sup> G A (XXII), Annexes, a.i. 3, A/6990, paras. 7 and 8.

<sup>23</sup> G A (XXIII), Annexes, a.i. 3, A/7228, paras. 5 and 6.

<sup>24</sup> G A (XXIV), Annexes, a.i. 3, A/7634, paras. 6 and 7.

<sup>25</sup> G A (XXI), Annexes, a.i. 3, A/6620, paras. 14, 15 and 18.

<sup>26</sup> *Ibid.*, para. 16. During the period covered by *Supplement No. 4*, rule 27 of the rules of procedure of the General Assembly read as follows:

"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." (A/520/Rev.8 and Rev. 9).

sion,<sup>27</sup> the fifth emergency special session<sup>28</sup> and the twenty-second session.<sup>29</sup>

21. At the twenty-third session, a proposal<sup>30</sup> that the Credentials Committee declare "invalid the credentials of the representatives of the Government of South Africa" was rejected by 5 votes to 3, with 1 abstention.<sup>31</sup>

22. At the twenty-fourth session, the credentials of the representatives of South Africa were not challenged in the Credentials Committee.

23. At the twenty-third session, a representative stated that the credentials of the representatives of Nigeria "should not be taken as including the credentials of the Republic of Biafra".<sup>32</sup>

*Action taken by the Credentials Committee*

24. During the period under review the Credentials Committee included in each of its reports to the plenary a resolution in which it accepted the credentials of all representatives of Member States and recommended that the General Assembly should approve the Committee's report. At each session the Credentials Committee adopted the resolution by a vote.<sup>33</sup> Reservations to specific credentials were included in the Committee's reports where requested by a member of the Committee.

ii. *In the plenary*

25. Reservations were expressed in the plenary regarding the credentials of the Republic of China when the General Assembly considered the report of the Credentials Committee at the twenty-first session,<sup>34</sup> the fifth special session,<sup>35</sup> the fifth emergency special session,<sup>36</sup> the twenty-second session,<sup>37</sup> the twenty-third session<sup>38</sup> and the twenty-fourth session.<sup>39</sup>

<sup>27</sup> G A (S-V), Annexes, a.i. 3, A/6655/Rev.1, paras. 14-18.

<sup>28</sup> G A (ES-V), Annexes, a.i. 3, A/6742, paras. 13-16.

<sup>29</sup> G A (XXII), Annexes, a.i. 3, A/6690, paras. 13-15.

<sup>30</sup> G A (XXIII), Annexes, a.i. 3, A/7228, para. 13.

<sup>31</sup> *Ibid.*, para. 20.

<sup>32</sup> *Ibid.*, para. 22.

<sup>33</sup> G A (XXI), Annexes, a.i. 3, A/6620, paras. 19-22; G A (S-V), Annexes, a.i. 3, A/6655/Rev.1, paras. 19-22; G A (ES-V), Annexes, a.i. 3, A/6742 and Corr.1, paras. 17-20; G A (XXII), Annexes, a.i. 3, A/6990, paras. 16-19; G A (XXIII), Annexes, a.i. 3, A/7228, paras. 2-25; G A (XXIV), Annexes, a.i. 3, A/7634, paras. 12-13.

<sup>34</sup> G A (XXI), Plen., 1498th mtg., paras. 60-65, 68, 72-77, 80-88, 93, 94, 98-100, 106, 110-113, 117, 121, 125 and 131.

<sup>35</sup> G A (S-V), Plen., 1522nd mtg., paras. 109-113, 117, 121-124, 132, 134, 138, 141, 147-151, 155 and 158.

<sup>36</sup> G A (ES-V), Plen., 1556th mtg., paras. 8-14, 17-22, 26-28, 31, 36, 40, 47, 48, 52, 54 and 56.

<sup>37</sup> G A (XXII), Plen., 1635th mtg., paras. 2, 5, 6, 9-13, 15, 18-21, 25, 26, 29-32, 35, 38, 39 and 42.

<sup>38</sup> G A (XXIII), Plen., 1752nd mtg., paras. 381, 386-390, 393-395, 397, 399, 402-405, 409, 410 and 418-20.

<sup>39</sup> G A (XXIV), Plen., 1835th mtg., paras. 2, 3, 5-8, 10-22, 25, 26, 29, 30, 36 and 45-47.

26. Reservations were also expressed in the plenary regarding the credentials of the representatives of South Africa when the General Assembly considered the report of the Credentials Committee at the twenty-first session<sup>40</sup> the fifth special session,<sup>41</sup> the fifth emergency special session,<sup>42</sup> the twenty-second session,<sup>43</sup> the twenty-third session<sup>44</sup> and the twenty-fourth session.<sup>45</sup>

27. Some delegations expressed reservations with regard to the credentials of the representatives of Israel at the twenty-first session,<sup>46</sup> the fifth special session,<sup>47</sup> the fifth emergency special session<sup>48</sup> and the twenty-fourth session.<sup>49</sup>

28. At each session, the General Assembly approved the report of the Credentials Committee by a vote.<sup>50</sup>

b. *Provisional admission of representatives to a session*

29. At the resumed twenty-second session, the Credentials Committee noted in its report<sup>51</sup> that the Governments of certain Member States had informed the Secretary-General of the changes in their representation to the resumed session, but that the credentials of some of their new representatives had not yet been submitted to the Secretary-General. The Committee decided to meet at a later stage with a view to examining credentials of those representatives when they had been submitted to the Secretary-General and to recommend to the General Assembly that in the meantime the representatives concerned should be seated provisionally with the same rights as the other representatives.

<sup>40</sup> G A (XXI), Plen., 1498th mtg., paras. 66, 69, 70, 78, 89, 90, 95, 101-104, 107, 109, 114, 120, 122-125, 132 and 133.

<sup>41</sup> G A (S-V), Plen., 1522nd mtg., paras. 114, 118, 125-130, 135, 139 and 156.

<sup>42</sup> G A (ES-V), Plen., 1556th mtg., paras. 23, 29, 37, 41, 47, 49 and 50.

<sup>43</sup> G A (XXII), Plen., 1635th mtg., paras. 7, 16, 27, 33, 36 and 40.

<sup>44</sup> G A (XXIII), Plen., 1752nd mtg., paras. 391, 400, 406, 411-414, 421 and 424.

<sup>45</sup> G A (XXIV), Plen., 1835th mtg., paras. 23, 31, 33, 34 and 37.

<sup>46</sup> G A (XXI), Plen., 1498th mtg., paras. 115 and 116.

<sup>47</sup> G A (S-V), Plen., 1522nd mtg., paras. 133, 140 and 157.

<sup>48</sup> G A (ES-V), Plen., 1556th mtg., paras. 42-45 and 47.

<sup>49</sup> G A (XXIV), Plen., 1835th mtg., paras. 32 and 38.

<sup>50</sup> G A (XXI), Plen., 1498th mtg., para. 137; G A (S-V), 1522nd mtg., para. 145; G A (ES-V), Plen., 1556th mtg., para. 60; G A (XXII), 1635th mtg., para. 43; G A (XXIII), Plen., 1752nd mtg., para. 426; G A (XXIV), Plen., 1835th mtg., para. 43.

<sup>51</sup> G A (XXII), Annexes, a.i. 3, A/6690/Add.1, para. 4.