
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 the *Repertory* and in the eight previous *Supplements*. Decisions are grouped under the name of the State whose membership or credentials were called into question by other Member States, first in the Credentials Committee, if applicable, and then in the plenary. If a pattern or trend is detected, it is described in detail and all the sessions in which it was applied are noted.

I. General survey

2. The application of Article 9 (1) was primarily the same as in previous years. Three new members were admitted to the United Nations.

3. The application of Article 9 (2) gave rise to discussions similar to those 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 Member States. This was the case in respect of Afghanistan, Cambodia and Israel.

4. As in the recent past, from the fiftieth to the fifty-fourth session the Credentials Committee met twice during each session. The Committee issued two reports to be considered by the General Assembly at each

session, except in 1997 when it only issued one. The first report of the Committee was considered mainly after the conclusion of the general debate and the second report later in the session.

5. In the Credentials Committee, starting with the fifty-first session, the validity of the credentials of Afghanistan was questioned (see paras. 12-21).

6. In addition, during the fifty-second session, the validity of the credentials of Cambodia was questioned. During the fifty-third session, the Credentials Committee was convened for the sole purpose of acting on the credentials of Cambodia (see paras. 22-24).¹

¹ A/53/726.

II. Analytical summary of practice

A. Practice relating to Article 9 (1)

7. During the period under review, which covers the fiftieth to fifty-fourth regular sessions and the nineteenth to twenty-second special sessions, the membership of

the United Nations was enlarged through the admission of three new members, as follows:²

² See also the present *Supplement* under Article 4.

<i>Member State</i>	<i>Resolution No.</i>	<i>Date</i>
Kiribati	54/1	14 September 1999
Nauru	54/2	14 September 1999
Tonga	54/3	14 September 1999

8. As in the past, membership became effective on the date at which the General Assembly took its decision on the application, in accordance with the rules of procedure of the Assembly. All admissions were taken without a vote and the delegations of the three countries were escorted to their places in the General Assembly Hall³

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.

(c) Representation of a Member State in the General Assembly

10. As had been the case during the periods covered by the previous *Supplements*, objections were raised both in the Credentials Committee and in the plenary as to the validity of the credentials of the representatives of some Member States.

11. While, during the sessions covered by previous *Supplements*, proposals had been made for inclusion in the agenda of items regarding the representation of certain Member States in the General Assembly, no such proposal was made during the period under review.

2. Consideration by the General Assembly of credentials of representatives

(a) Procedure for examination and approval

(1) Afghanistan

12. At the fifty-first session, formal credentials were submitted for the representatives of Afghanistan on 15 September 1996. Those credentials were the same as the credentials accepted at the fiftieth session. Additionally, the Legal Counsel pointed out that no challenge had been made by a Member State to the credentials of Afghanistan within the terms of rule 29 of the rules of procedure of the General Assembly.⁴

³ A/54/PV.1.

⁴ A/51/548, para. 6

However, on 3 and 10 October 1996, the Secretariat had received two communications from the Ministry of Foreign Affairs in Kabul stating that these credentials, issued by President Rabbani, were “not authoritative and legally valid”; nevertheless, the communications did not contain a list of purported new representatives of Afghanistan nor did either communication constitute provisional or formal credentials of representatives.⁵

13. During the first meeting of the Credentials Committee at the fifty-first session, the representative of the United States of America proposed that, in the light of the complex situation in Afghanistan, the Committee defer its decision regarding the credentials of the representatives of Afghanistan to a later meeting.⁶ The representative of the Netherlands observed that the Government of Afghanistan which had submitted credentials for its representatives at the fiftieth session of the Assembly was still the Government, and that there was therefore no reason not to accept the credentials as presented to the Secretary-General.⁷ The representative of the Russian Federation supported the position of the Netherlands and indicated that the most reasonable and cautious approach would be to confirm the credentials of Afghanistan.⁸ Both countries agreed to go along with the proposal to defer the Committee’s decision regarding the credentials of the representatives of Afghanistan until a later meeting of the Committee, on the understanding that the current representatives of Afghanistan could continue to participate fully in the work of the General Assembly.⁹ The Chairman therefore proposed that the Credentials Committee decide to defer any decision on the credentials of the representatives of Afghanistan until a later meeting, and the proposal was adopted without a vote.¹⁰

14. At the second meeting of the Credentials Committee during the fifty-first session, the Chairman informed the Committee that members of the Committee had two different views on the credentials of the representatives of Afghanistan. The first view was that those representatives currently in New York should continue to occupy the seat of Afghanistan with their credentials approved, while the second view was that no further decision was necessary or appropriate. The Chairman stated that the Committee should take a decision on the matter by consensus and, since there

⁵ Ibid.

⁶ Ibid., para. 9.

⁷ Ibid., para. 10.

⁸ Ibid., para. 11.

⁹ Ibid., para. 13.

¹⁰ Ibid., para. 14.

was no consensus, proposed that the Credentials Committee defer a decision on the question. That proposal was adopted without objection.¹¹

15. At the first meeting of the Credentials Committee during the fifty-second session, which was held on 17 September and resumed on 19 September and 5 December 1997, the Legal Counsel pointed out that two sets of credentials for Afghanistan had been received. Having considered the question of the credentials of Afghanistan, the Credentials Committee decided to defer a decision on the credentials of representatives of Afghanistan, on the understanding that the current representatives of Afghanistan accredited to the United Nations could continue to participate in the work of the General Assembly pursuant to the applicable rules of procedure of the Assembly.¹²

16. In the General Assembly, at its fifty-second session, the representative of Pakistan stated that the way in which the Credentials Committee dealt with the situations of Afghanistan and Cambodia, both situations in which two different sets of credentials had been received, was contradictory, as in the case of Afghanistan the Committee decided to defer the decision and allow the current representatives of Afghanistan to continue to participate in the work of the Assembly, while in the case of Cambodia the Committee decided that no one would occupy the seat of Cambodia.¹³ The representative of Pakistan was also of the view that rule 29 should apply in both cases.¹⁴ He observed that “we cannot but seriously regret that the Credentials Committee has been partial, inequitable and unjust in its consideration of the credentials of the legitimate Government of Afghanistan”.¹⁵ The representative of Pakistan also stated: “We therefore do not understand the Legal Counsel’s contention that there was no challenge made to the credentials of the speaker representing the ousted Government of Afghanistan.”¹⁶ The representative of Afghanistan exercised his right of reply and discussed the current situation in Afghanistan, without addressing, however, the issue of credentials.¹⁷

¹¹ A/51/548/Add.1, para. 6.

¹² A/52/719, para. 9.

¹³ See *infra* (ii).

¹⁴ A/52/PV.76.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

17. During the twentieth special session, the Credentials Committee, having considered the question of the credentials of Afghanistan, decided to take the same position as that taken at the fifty-second session of the General Assembly.¹⁸

18. At the first meeting of the Credentials Committee during the fifty-third session of the General Assembly, the Legal Counsel again pointed out that two sets of credentials had been received for Afghanistan. Statements on the question of the credentials of Afghanistan were made by several representatives, who were in favour of following the same approach as that taken at the fifty-second session of the General Assembly. Therefore, the Committee decided again to defer a decision on the credentials of representatives of Afghanistan.¹⁹

19. During the twenty-second special session, the Credentials Committee, having considered the question of the credentials of Afghanistan, decided to adopt the same position as that taken at the fifty-third session of the General Assembly.²⁰

20. At the first meeting of the Credentials Committee during the fifty-fourth session, the Legal Counsel again reported that the Secretariat had received two sets of communications for two different delegations. Having considered the question of the credentials of Afghanistan, the Credentials Committee again decided to adopt the same position as had been taken at the fifty-second and fifty-third sessions of the General Assembly.²¹

(ii) Cambodia

21. At its first meeting during the fifty-second session of the General Assembly, the Credentials Committee was informed that two sets of credentials had been received, presenting two delegations to represent Cambodia. On 19 September 1997, the Committee decided to defer a decision on the credentials of Cambodia on the understanding that, pursuant to the applicable procedures of the Assembly, no one would occupy the seat of Cambodia at the fifty-second session.²² In the General Assembly, the representative of Pakistan expressed the view that this approach was

¹⁸ A/S-20/10, para. 9.

¹⁹ A/53/556, para. 8.

²⁰ A/S-22/8, para. 10.

²¹ A/54/475, para. 9.

²² A/52/719, para. 5.

inconsistent with the Credentials Committee's handling of the credentials of Afghanistan (see para. 16).²³

22. During the fifty-third session, the Credentials Committee held a special meeting on 4 December 1998 to examine the credentials of the representatives of Cambodia. The Legal Counsel stated that the Secretary-General had received a facsimile letter signed by His Royal Highness King Norodom Sihanouk presenting the credentials of the representatives of Cambodia to the fifty-third session of the General Assembly. These credentials represented the new coalition Government of Cambodia, formed in late November as a result of Cambodia's elections of July 1998.²⁴ The Chairman proposed the following draft resolution, which was adopted without a vote:

The Credentials Committee,

Having examined the credentials of the representatives of Cambodia to the fifty-third session of the General Assembly,

Accepts the credentials of the representatives of Cambodia.²⁵

23. At the 80th plenary meeting during the fifty-third session, on 7 December 1998, the General Assembly approved the special report of the Credentials Committee and the recommendation contained therein without a vote.²⁶

(iii) Israel

24. During consideration by the General Assembly of the first report of the Credentials Committee for the fiftieth session, the representative of the Islamic Republic of Iran voiced a reservation regarding the credentials of Israel and the representative of the Libyan Arab Jamahiriya stated that the absence of objections on his part did not imply recognition of the credentials of Israel.²⁷ Similar statements were made by the representatives of the Islamic Republic of Iran and the Libyan Arab Jamahiriya at the fifty-first²⁸ and fifty-second²⁹ sessions respectively and by the representative of the Islamic Republic of Iran at the fifty-third³⁰ and fifty-fourth³¹ sessions. In all

²³ A/52/PV.76.

²⁴ A/52/PV.80.

²⁵ A/53/726.

²⁶ GA resolution 53/23 B; A/53/PV.80.

²⁷ A/50/PV.33.

²⁸ A/51/PV.43

²⁹ A/52/PV.76.

³⁰ A/53/PV.54.

instances, the Assembly approved the reports of the Credentials Committee without a vote.³²

25. At the fifty-second session of the General Assembly, the representative of the United Arab Emirates, in his capacity as Chairman of the Group of Arab States, stated that it had to be understood that the credentials submitted by the delegation of Israel bore no relation whatsoever to the Arab territories occupied by Israel; however, the Group had decided not to take specific action in this regard.³³ Additionally, during the fifty-second session, on 24 December 1997, the Permanent Observer of Palestine sent a letter urging the General Assembly to take the necessary actions to ensure that the participation of Israel in the work of the General Assembly was consistent with international law.³⁴ At the fifty-third session of the General Assembly, the Permanent Observer of Palestine noted that the Chairman of the Coordinating Bureau of the Non-Aligned Movement had sent a letter to the Credentials Committee stating that the countries recognized that the participation of Israel in the work of the General Assembly should be in accordance with international law. Consequently, the credentials of Israel should not cover the territories occupied since 1967, including Jerusalem. The Permanent Observer of Palestine went on to request that forthcoming Credentials Committee reports reflect this view.³⁵ The delegation of Egypt also spoke in support of the view of the Permanent Observer of Palestine and of the Non-Aligned States.³⁶

(b) Provisional admission of representatives to a session

26. During the period under consideration, the Credentials Committee continued its practice of recommending to the General Assembly that representatives who did not have credentials in conformity with rule 27 of the rules of procedure should be seated with the same rights as other representatives pending the receipt of formal credentials.

*** (c) Statement on the scope of credentials*

³¹ A/54/PV.38

³² GA resolution 50/4, A/50/PV.33; GA resolution 51/9, A/51/PV.43; GA resolution 52/178, A/52/PV.76; GA resolution 53/23 A, A/53/PV.54; and GA resolution 54/6 A, A/54/PV.38.

³³ A/52/PV.76.

³⁴ A/52/754.

³⁵ A/53/PV.54.

³⁶ Ibid.