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RECOGNITION BY THE UNITED NATIONS OF THE REPRESENTATION  
OF A MEMBER STATE

Letter dated 26 July 1950 addressed to the Secretary-General by  
the Permanent Representative of Cuba to the United Nations

New York, 26 July 1950

I have the honour to confirm our Note of 19 July 1950,\* in which it was requested that the following item should be placed on the provisional agenda of the fifth regular session of the General Assembly:

"Recognition by the United Nations of the representation of a Member State."

In accordance with the provision of rule 20 of the rules of procedure of the General Assembly, amended by resolution 362 (IV) adopted by the General Assembly at its 236th plenary meeting on 22 October 1949, I have the honour to transmit to you, enclosed herewith, an explanatory memorandum on the item which my Government has requested should be included in the agenda of the next regular session.

(signed) Alberto I. ALVAREZ  
Permanent Representative

\* Document A/1292.

MEMORANDUM ON THE QUESTION CONCERNING THE  
RECOGNITION BY THE UNITED NATIONS OF THE RE-REPRESENTATION OF A MEMBER STATE

1. In accordance with the provision of rule 20 of the rules of procedure of the General Assembly, an explanation of the item proposed by Cuba for inclusion in the agenda of the fifth session of the General Assembly, concerning the "Recognition by the United Nations of the representation of a Member State", is given hereunder.

2. On 13 January 1950, the representative of India addressed a letter to the President of the Security Council, transmitting the text of two draft amendments to the provisional rules of procedure of the Council (S/1447). In this letter, the representative of India stated:

"The rules of the Security Council on the subject of representation and credentials do not seem to be complete. Thus, there is no provision in the existing rules as to who is to issue credentials. Both in the rules of the General Assembly (rule 23) and of the Trusteeship Council (rule 14) express provision is made for the issue of credentials either by the Head of the State or Government or by the Minister of Foreign Affairs. It seems desirable that there should be a similar provision in the rules of the Security Council.

"None of the rules indicates what is to be done when any question arises as to which is the recognized Government of any particular State. If such a question is to be decided by the Security Council or other organ concerned without any guidance, there is a danger that different organs of the United Nations may decide it by their own majorities in their own different ways. Some uniform procedure, which can be adopted by all the organs, is obviously desirable in order that the chances of conflicting decisions may be minimized.

"I therefore enclose a draft of certain amendments designed to remedy the above defects, which I hope you may see fit to submit for examination by the appropriate authority. I am sending a copy of this

/letter with its



letter with its enclosure to the Secretary-General."\*

3. At its 462nd meeting on 17 January 1950, the Security Council agreed to refer the Indian representative's proposals to its Committee of Experts for study and report (S/PV.462, page 16). The Committee dealt with the question at its 113th to 115th meetings on 30 January and from 3 to 8 February (S/C.1/SR.113, 114 and 115).

4. In opening the discussion in the Committee of Experts on the Indian proposal, the representative of Cuba stated that, especially when taking into consideration the question of competence, "neither the Security Council nor any other organ of the United Nations but the General Assembly or a subsidiary organ established by the Assembly, was legally authorized by the Charter to study or promote identical solutions for all organs of the United Nations concerning questions affecting - as was the case with the proposed rule 17 A - the functioning of the Organization as a whole" (S/C.1/SR.113, pages 3-5). On this point, the Committee agreed that, "as suggested by the representative of India in his letter to the President of the Security Council, it would be desirable to establish some uniform procedure which could be adopted by all the organs of the United Nations, in order that the chances of conflicting decisions might be minimized". Nevertheless, "it was the opinion of the majority that the question under consideration was of such a nature that the General Assembly should be the organ of the United Nations to initiate the study and to seek uniformity and co-ordination with regard to the procedure

\* The draft amendments proposed by the representative of India were as follows:

"In rule 13, before the last sentence, insert the following:

'The credentials shall be issued either by the Head of the State or the Government concerned or by its Minister of Foreign Affairs.'

"After rule 17, insert the following as:

Rule 17 A: "Where the right of any person to represent, or to continue to represent, a State on the Security Council, or at a meeting of the Security Council, is called in question on the ground that he does not represent, or has ceased to represent, the recognized Government of that State, the President of the Council shall, before submitting the question to the decision of the Council, ascertain (by telegraph, if necessary) and place before the Council, so far as available, the views of the Governments of all the other States Members of the United Nations on the matter."

/governing



governing representation and credentials". (Report submitted by Dr. F.V. Garcia-Amador, Chairman of the Committee of Experts of the Security Council, concerning the amendments to the provisional rules of procedure of the Security Council proposed by the representative of India, S/1457, page 2) At its 468th meeting, the Security Council approved the conclusions of the Committee of Experts concerning the subject referred to in the proposed rule 17 A (S/PV.468, page 11).

5. It should be explained that the item proposed for the General Assembly's consideration does not refer only to the formal problem of credentials, but to the problem that arises with regard to the legality of the representation of a Member State; that is, when the United Nations has to decide which government has the right to represent that State in the Organization. The Charter makes no provision for such a situation, nor do the rules of procedure of the main organs give any standards by which it may concretely and specifically be solved. In fact, the said rules merely establish procedure for the submission and approval of the credentials of representatives appointed by Member States to each organ; that is, for the verification of the powers of these representatives. Moreover, three of these rules at present state that "the credentials shall be issued either by the Head of the State or the Government concerned or by its Minister of Foreign Affairs". This proves obviously, that the rules referred to are based on the presumption that in each Member State represented on the organ there exists a definite government competent to appoint representatives and issue their credentials. Consequently, the only questions they provide for and solve are, clearly, those that may arise in regard to the validity of the credentials or powers of the representative or delegate of the government of a Member State and not the question that may arise in regard to its representation when the legality of the said representation is for some reason seriously impugned in the United Nations.\* It is therefore for the solution of these cases that the General Assembly should provide a uniform procedure for the whole Organization.

\* This distinction between credentials and representation is an undeniable legal and political reality. Credentials merely accredit the powers conferred by a government on its representatives; representation, on the other hand, is the right of a government to act on behalf of the State. Consequently, the objections lodged against credentials with those who have to decide on the validity of those credentials do not necessarily affect the legality of the representation of the government that has issued them. Nevertheless, objections made to the representation which a government claims or invokes necessarily and directly affect the competence or right of that government to act and to be represented as such on behalf of the State.

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