

## **Chapter VII**

### **PRACTICE RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING MEMBERSHIP IN THE UNITED NATIONS**

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## INTRODUCTORY NOTE

The present chapter generally follows the format adopted for previous Supplements, with certain amendments to fully reflect the Security Council's practice in 2000-2003 relating to the admission of New Members to the United Nations.

Part I sets forth in tabular form the applications for admission considered and the decisions taken thereon by the Security Council and the General Assembly during the period under review.

Parts II to V concern the procedures employed by the Council in the consideration of the applications. The parts entitled "Consideration of the adoption or amendment of rules 58-60 of the provisional rules of procedure", "The roles of the General Assembly and the Security Council", and "Practices relating to the applicability of Articles 5 and 6 of the Charter" have been deleted in the present *Supplement* as no material was found for inclusion therein. A new part on "Practices relating to the applicability of Article 4 of the Charter" has been inserted in order to capture the full range of practice in this area.

During the period under review, the Council recommended the admission of 4 States to membership in the United Nations.

The issue of the membership of the Federal Republic of Yugoslavia (Serbia and Montenegro), which had been pending since 1992,<sup>1</sup> was finally resolved when the Council unanimously recommended,<sup>2</sup> and the General Assembly decided,<sup>3</sup> to admit that country to membership in the United Nations.<sup>4</sup>

In the case of the application<sup>5</sup> of Tuvalu, a statement made by one Council member touched on the interpretation of Article 4 (1) of the Charter which sets out the criteria for membership in the United Nations (see case study in Part V).

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<sup>1</sup> At its 3116<sup>th</sup> meeting held on 19 September 1992, the Security Council adopted resolution 777 (1992), by which it considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia; and therefore recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly. Consequently, from 1992 to 2000, representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) participated in Council meetings under a special arrangement; they were invited by name, without mention of the State they represented, and without reference to an Article of the Charter or the provisional rules of procedure.

<sup>2</sup> S/RES/1326 (2000).

<sup>3</sup> A/RES/55/12.

<sup>4</sup> On 4 February 2003, the official name of the Federal Republic of Yugoslavia (Serbia and Montenegro) was changed to Serbia and Montenegro.

<sup>5</sup> S/2000/5.

## PART I

### APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS AND ACTION TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY, 2000-2003

#### NOTE

As in the previous supplements of the *Repertoire*, Part I contains information on the applications before the Council during the period under review and the decisions taken thereon by the Council and the General Assembly. Section A (Applications recommended by the Security Council), Section B (Discussion of the Question in the Security Council), Section C (Applications pending on 1 January 2000) and Section D (Tabulation of applications submitted and action taken thereon by the Security Council and the General Assembly) have been maintained from previous *Supplements*. However, the sections entitled “Applications that failed to obtain a recommendation” and “Applications pending at the end of the period under review” have been deleted in the present *Supplement* as no material was found for inclusion therein.

#### A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL

In the period 1 January 2000 to 31 December 2003, the Security Council recommended the following States for admission to membership in the United Nations:

- (i) Democratic Republic of Timor-Leste
- (ii) Federal Republic of Yugoslavia (subsequently renamed Serbia and Montenegro)
- (iii) Swiss Confederation
- (iv) Tuvalu

#### B. DISCUSSION OF THE QUESTION IN THE SECURITY COUNCIL

The Council held 8 meetings<sup>6</sup> to consider applications for admission during the four-year period from 2000-2003. At one of those meetings,<sup>7</sup> held on 17 February 2000, a statement of position was made concerning Tuvalu’s admission to membership in the United Nations (see Case in Part V).

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<sup>6</sup> See table in Section D.

<sup>7</sup> See S/PV.4103.

**C. APPLICATIONS PENDING ON 1 JANUARY 2000**

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Tuvalu [admitted on 5 September 2000] <sup>8</sup>	16 November 1999	S/2005/5

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<sup>8</sup> See table in Section D.

**D. TABULATION OF APPLICATIONS FOR MEMBERSHIP SUBMITTED AND ACTION TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY BETWEEN 1 JANUARY 2000 AND 31 DECEMBER 2003**

Applicant	Application and dates of submission and circulation	Reference to Committee:* Council meeting and date	Committee meeting and date; Committee report and recommendations	Decision of the Council: Council meeting and date	Security Council resolution/ presidential statement	Vote	General Assembly plenary meeting and date	General Assembly resolution	Vote	Result of proceedings
Tuvalu	S/2000/5 16.11.99 5.01.00	4093 <sup>rd</sup> mtg. 28.01.00 Referred by President	102 <sup>nd</sup> and 103 <sup>rd</sup> meetings 28.01.00 and 31.01.2000 Draft resolution recommending admission  Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	4103 <sup>rd</sup> mtg. 17.2.00	Draft resolution contained in S/2000/70 adopted as resolution 1290 (2000)  President made a statement (S/PRST/2000/6)	14-0-1 (China abstained)	55 <sup>th</sup> session, 1 <sup>st</sup> plen. mtg. 05.09.00	A/RES/55/1	Adopted by acclamation	Admitted
Federal Republic of Yugoslavia	S/2000/1043 27.10.00 30.10.00	4214 <sup>th</sup> mtg. 31.10.00 Referred by President	104 <sup>th</sup> meeting 31.10.00 Draft resolution recommending admission  Committee recommended that the Council have recourse to the provisions of the	4215 <sup>th</sup> mtg. 31.10.00	Draft resolution contained S/2000/1051 adopted as resolution 1326 (2000)  President made a statement (S/PRST/2000/30)	Adopted without a vote	55 <sup>th</sup> session, 48 <sup>th</sup> plen. mtg. 01.11.00	A/RES/55/12	Adopted by acclamation	Admitted

\* Committee on the Admission of New Members.

Applicant	Application and dates of submission and circulation	Reference to Committee: <sup>*</sup> Council meeting and date	Committee meeting and date; Committee report and recommendations	Decision of the Council: Council meeting and date	Security Council resolution/ presidential statement	Vote	General Assembly plenary meeting and date	General Assembly resolution	Vote	Result of proceedings
			last paragraph of rule 60 of the provisional rules of procedure							
Democratic Republic of Timor-Leste	S/2002/558 20.05.02 20.05.02	4540 <sup>th</sup> mtg. 22.05.02 Referred by President	105 <sup>th</sup> meeting 23.05.02 Draft resolution recommending admission	4542 <sup>nd</sup> mtg. 23.05.02	Draft resolution contained in S/2002/566 adopted as resolution 1414 (2002)  President made a statement (S/PRST/2002/15)	Adopted without a vote	57 <sup>th</sup> session, 20 <sup>th</sup> plen. mtg. 27.09.02	A/RES/57/3	Adopted by acclamation	Admitted
Swiss Confederation	S/2002/801 20.06.2002 24.07.02	4584 <sup>th</sup> mtg. 24.07.02 Referred by President	106 <sup>th</sup> meeting 24.07.02 Draft resolution recommending admission	4585 <sup>th</sup> mtg. 24.07.02	Draft resolution contained in S/2002/825 adopted as resolution 1426 (2002)  President made a statement (S/PRST/2002/23)	Adopted without a vote	57 <sup>th</sup> session, 1 <sup>st</sup> plen. mtg. 10.09.02	A/RES/57/1	Adopted by acclamation	Admitted

## PART II

### PRESENTATION OF APPLICATIONS

#### NOTE

Material concerning the presentation of applications – that is, the submission of applications to the Secretary-General, their immediate communication to representatives on the Security Council pursuant to rule 59 and their subsequent inclusion in the provisional agenda of the Council – may be found in the table of applications in section D of Part I above. The application of Tuvalu, submitted on 6 November 1999, was circulated by the Secretary-General on 5 January 2000 and included in the agenda of the Council on 17 February 2000.

## PART III

### REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS

#### NOTE

During the period under review, all applications were referred by the President of the Security Council to the Committee on the Admission of New Members. There were no proposals to waive the application of rule 59 of the provisional rules of procedure.<sup>9</sup> On two occasions,<sup>10</sup> upon the recommendation of the Committee on the Admission of New Members, the Council waived the time limits set forth in paragraph 4 of rule 60, in accordance with paragraph 5 of that same rule.<sup>11</sup>

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<sup>9</sup> Rule 59 provides, *inter alia*, that “unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented”.

<sup>10</sup> See table of applications in Part I, Section D. In the case of Tuvalu, though the Council waived the time limits set forth in paragraph 4 of rule 60 in order to present its recommendation to the General Assembly at the Assembly’s 54<sup>th</sup> session, the matter was eventually considered at the Assembly’s 55<sup>th</sup> session.

<sup>11</sup> Paragraphs 4 and 5 of rule 60 read as follows:

“In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of an application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session”.

“In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph”.

## PART IV

### PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL

#### NOTE

During the period under review, the practice of deciding upon applications in the chronological order of their receipt was observed. The Council decided upon all applications separately. In all but one instance, the Council adopted the draft resolutions submitted by the Committee on the Admission of New Members without a debate and a vote, “in accordance with the understanding reached in prior consultations among members of the Council”. Following the adoption of the resolution, the President of the Council made a statement on behalf of the members of the Council. In the case of Tuvalu, the draft resolution submitted by the Committee was put to a vote and adopted with one abstention (China). Prior to the vote the representative of China made a statement.<sup>12</sup>

## PART V

### PRACTICES RELATING TO THE APPLICABILITY OF ARTICLE 4 OF THE CHARTER

#### NOTE

During the consideration of Tuvalu’s admission to membership, a statement of position was made by one Council member which touched on the interpretation of Article 4 (1).<sup>13</sup>

#### CASE

##### Admission of Tuvalu to Membership

By a letter<sup>14</sup> dated 16 November 1999 addressed to the Secretary-General, Tuvalu submitted an application for admission to membership in the United

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<sup>12</sup> See S/PV.4103, p. 2 and also the case study in Part V of the present chapter.

<sup>13</sup> The text of Article 4 (1) reads as follows: “Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations”.

<sup>14</sup> See annex to S/2000/5.

Nations. The Secretary-General circulated this request in a letter<sup>15</sup> dated 5 January 2000.

The Security Council considered the application at its 4093<sup>rd</sup> meeting held on 28 January 2000 and referred the application, in accordance with rule 59, to its Committee on the Admission of New Members. The Committee, in paragraph 4 of its report<sup>16</sup> dated 31 January 2000, recommended to the Security Council the adoption of a draft resolution on the application of Tuvalu for admission to membership in the United Nations. Paragraph 5 of the same report, however, stated that China was unable to associate itself with the recommendation of the Committee and that it would expound its position at the formal meeting of the Security Council.

At its 4103<sup>rd</sup> meeting held on 17 February 2000,<sup>17</sup> the Security Council considered the report of the Committee concerning the admission of Tuvalu and decided to proceed to the vote<sup>18</sup> on the draft resolution contained in paragraph 4 of the report.<sup>19</sup> Speaking before the vote, the representative of China asserted that his delegation attached great importance to Tuvalu's desire to join the United Nations and had seriously considered its application. He underscored that, as a State Member of the United Nations, a country should truly fulfil the obligations contained in the Charter and strictly abide by the resolutions of the General Assembly. This, he said, was a very important basis to judge whether an applicant country had met the standards for becoming a United Nations Member. In considering Tuvalu's membership, his delegation believed that the most important issue was the upholding of the principles and purposes of the Charter and the implementation of General Assembly resolution 2758 (XXVI) on "Restoration of the lawful rights of the People's Republic of China in the United Nations".<sup>20</sup> Proceeding from that principled position, the Chinese delegation could not support the Security Council recommendation to the General Assembly that Tuvalu be accepted as a new Member State. However, bearing in mind the long-term interests of the peoples of China and Tuvalu, and also taking into consideration various requests, including those of the South Pacific countries, his delegation would not block the recommendation. He expressed the hope that Tuvalu would

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<sup>15</sup> S/2000/5.

<sup>16</sup> S/2000/70.

<sup>17</sup> S/PV 4103.

<sup>18</sup> See the tabulation in Part I, Section D, for details of the vote.

<sup>19</sup> S/2000/70.

<sup>20</sup> By resolution 2758 (XXVI) of 25 October 1971, the General Assembly decided "to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occup[ied] at the United Nations and in all the organizations related to it".

strictly abide by the Charter of the United Nations and implement General Assembly resolution 2758 (XXVI). In the ensuing vote, China abstained.

Tuvalu was admitted to membership in the United Nations on 5 September 2000 pursuant to the recommendation<sup>21</sup> of the Security Council and the decision<sup>22</sup> of the General Assembly.

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<sup>21</sup> S/RES/1290 (2000).

<sup>22</sup> A/RES/55/1.