

Chapter VII

PRACTICE RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING MEMBERSHIP IN THE UNITED NATIONS 1996-1999

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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 during the period 1996-1999 relating to the admission of New Members to the United Nations.

Part I sets forth the applications for admission considered and the decisions taken thereon by the Security Council and the General Assembly during the period under review. A comprehensive table, contained in Section C, shows the chain of proceedings from the submission of the applications to the decisions taken thereon by the General Assembly.

Parts II to IV 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 provision rules of procedure", and "The roles of the General Assembly and the Security Council" have been deleted in the present *Supplement* as no material was found for inclusion therein. The part entitled "Practices relating to the applicability of Articles 5 and 6 of the Charter" has been replaced by Part V on "Practices relating to the applicability of Article 4 of the Charter".

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

In the case of the application¹ of the Republic of Nauru, 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).

PART I

APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS AND ACTION TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY, 1996-1999

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

¹ S/1999/478
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recommended by the Security Council), Section B (Discussion of the Question in the Security Council), Section C (Tabulation of applications submitted and action taken thereon by the Security Council and the General Assembly) and Section D (Applications pending at the end of the period under review) have been maintained from previous *Supplements*. However, the sections entitled "Applications that failed to obtain a recommendation", "Applications pending on 1 January 1996", and "Applications that failed to obtain a recommendation" 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 1996 to 31 December 1999, the Council recommended the following States for admission to membership in the United Nations:

- i) Republic of Kiribati
- ii) Republic of Nauru
- iii) Kingdom of Tonga

B. DISCUSSION OF THE QUESTION IN THE SECURITY COUNCIL

The Council held 6 meetings² to consider applications for admission during the four-year period from 1996-1999. At one of those meetings³ a statement was made concerning the Republic of Nauru's admission to membership in the United Nations (see Case in Part IV).

² See table in Section C.

³ See S/PV.4017.

C. TABULATION OF APPLICATIONS SUBMITTED AND ACTION TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY BETWEEN 1 JANUARY 1996 AND 31 DECEMBER 1999

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
Republic of Kiribati	S/1999/477 14.4.99 26.4.99	3995 th mtg. 4.5.99 Referred by President	98 th meeting 22.6.99 S/1999/715 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	4016 th mtg. 25.6.99	Draft resolution (contained in para. 4 of S/1999/715) adopted as resolution 1248 (1999) President made a statement S/PRST/1999/18	Adopted without vote	54 th Session 1 st plenary meeting, 14.9.99	A/RES/54/1 14.9.99	Adopted by acclamation	Admitted
Republic of Nauru	S/1999/478 16.4.99 26.4.99	3996 th mtg. 4.5.99 Referred by President	99 th and 100 th meeting 22 and 25.6.99 S/1999/716 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of	4017 th mtg. 25.6.99	Draft resolution (S/1999/716) adopted as resolution 1249 (1999) President made a statement S/PRST/1999/19	14-0-1 (China abstained)	54 th Session 1 st plenary meeting, 14.9.99	A/RES/54/2 14.9.99	Adopted by acclamation	Admitted

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
			rule 60 of the provisional rules of procedure							
Kingdom of Tonga	S/1999/793 8.7.99 16.7.99	4024 th mtg. 22.7.99 Referred by President	101 st meeting 27.7.99 S/1999/823 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	4026 th mtg. 28.7.99	Draft resolution (S/1999/823) adopted as resolution 1253 (1999) President made a statement S/PRST/1999/23	Adopted without vote	54 th Session 1 st plenary meeting, 14.9.99	A/RES/54/3 14.9.99	Adopted by acclamation	Admitted

D. APPLICATIONS PENDING AT THE END OF THE PERIOD UNDER REVIEW

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Tuvalu	16 November 1999	S/2005/5

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 C of Part I above.

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.⁴ In each instance, 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 rule⁵ in order to present its recommendations to

⁴ 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”.

⁵ 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”.

the General Assembly at its 53rd Session. All the applications were, however, considered by the General Assembly at its 54th Session.

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 the Republic of Nauru, the draft resolution was put to the vote and adopted with 14 in favour, none against, and one abstention (China). Prior to the vote, the representative of China made a statement.⁶

PART V

PRACTICES RELATING TO THE APPLICABILITY OF ARTICLE 4 OF THE CHARTER

NOTE

During the consideration of the Republic of Nauru’s admission to membership, a statement of position was made by one Council member which touched on the interpretation of Article 4 (1)⁷.

CASE

Admission of the Republic of Nauru

“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.”

⁶ See S/PV.4017, p.2 and also the case study in Part V of the present chapter.

⁷ 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 in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations”.

By a letter dated 16 April 1999 addressed to the Secretary-General⁸, the Republic of Nauru submitted an application for admission to membership in the United Nations. The Secretary-General circulated this request in a note dated 26 April 1999⁹.

The Security Council considered the application at its 3996th meeting held on 4 May 1999 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 dated 25 June 1999¹⁰ recommended to the Security Council the adoption of a draft resolution on the application of the Republic of Nauru for admission to membership in the United Nations. Paragraph 5 of the same report 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 4017th meeting held on 25 June 1999¹¹, the Security Council considered the report of the Committee concerning the admission of the Republic of Nauru and decided to proceed to the vote¹² on the draft resolution contained in paragraph 4 of the report. Speaking before the vote, the representative of China stated that his delegation attached importance to the desire of Nauru to be admitted to membership in the United Nations and had carried out serious study with regard to its application. In considering Nauru's admission, he believed it most essential that the purposes and principles of the Charter should be fully complied with, that General Assembly resolution 2758 (XXVI) of 1971¹³ should be implemented and that the new Member should fulfil its Charter obligations and comply with General Assembly resolutions. It was on that basis that China was unable to support the recommendation by the Council to the General Assembly concerning the admission of Nauru to the membership of the United Nations. At the same time, considering the long-term interests of the peoples of China and Nauru, and given the request of South Pacific countries, China would not block the recommendation. The representative of China expressed the hope that following its admission to membership of the United Nations, Nauru would strictly comply with resolutions of the General Assembly, including General Assembly resolution 2758 (XXVI). China abstained from the ensuing vote.

⁸ See annex to S/1999/478

⁹ S/1999/478

¹⁰ S/1999/716

¹¹ S/PV.4017

¹² See the table in Part 1, Section Cm for details of the vote

¹³ By resolution 2758 (XXVI) of 25 October 1971, the General Assembly decided "to restore 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".

The Republic of Nauru was admitted to membership in the United Nations on 14 September 1999 pursuant to the recommendation¹⁴ of the Security Council and the decision¹⁵ of the General Assembly.

¹⁴ S/RES/1249 (1999)

¹⁵ A/RES/54/2