Chapter VII

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

INTRODUCTORY NOTE ............................................. 73

PART I. TABLE OF APPLICATIONS, 1972-1974, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY
Note ................................................................. 73
A. Applications recommended by the Security Council .................... 73
B. Applications which failed to obtain a recommendation ............... 73
C. Discussion of the question in the Council from 1972-1974 .......... 73
D. Applications pending on 1 January 1972 ............................. 74
E. Applications submitted between 1 January 1972 and 31 December 1974 .... 74
F. Votes in the Security Council (1972-1974) on draft resolutions and amendments concerning applications for admission to membership in the United Nations .... 74
G. Votes in the General Assembly (1972-1974) on draft resolutions concerning Security Council recommendations for admission to membership in the United Nations .... 75

PART II. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE
Note ................................................................. 75

PART III. PRESENTATION OF APPLICATIONS
Note ................................................................. 76

PART IV. REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS
Note ................................................................. 76
A. Before a recommendation has been forwarded or a report submitted to the General Assembly ............................................. 76
   1. Applications referred to the Committee by the President ............ 76
   **2. Applications referred to the Committee by decision of the Security Council ............ 77
   **3. Applications considered by the Security Council without reference to the Committee ...... 77
   4. Applications reconsidered by the Security Council after reference to the Committee .... 77
B. After an application has been sent back by the General Assembly to the Security Council for reconsideration ................................................................. 77

PART V. PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL
**A. Discussion of applications ........................................ 77
** 1. Order of the discussion of applications .......................... 77
** 2. Documentation submitted in the Security Council ................. 77
**B. Voting on applications .......................................... 77

**PART VI. THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL 77

PART VII. PRACTICES RELATIVE TO THE APPLICABILITY OF ARTICLES 5 AND 6 OF THE CHARTER
Note ................................................................. 77
INTRODUCTORY NOTE

In the previous Supplements of the Repertoire, this chapter was entitled Practices Relative to Recommendations to the General Assembly regarding the Admission of New Members. In the present volume, the title of the chapter has been changed and a new part VII has been added, because it was necessary to deal with instances in which the deliberations of the Security Council focused on the Charter provisions regarding suspension or expulsion of Members of the United Nations (Case 5). The rest of the material covered in this chapter is dealt with on lines similar to those followed in the previous Supplements. Part I sets forth in tabular form the applications for admission considered and the decisions taken by the Council during the period under review. Parts II-VI concern the procedures employed by the Council in the consideration of the applications.

The proceedings of the Council in respect of admission of new Members from 1 January 1972 to 31 December 1974 have on one occasion involved a constitutional debate related to the applicant’s eligibility for membership in the United Nations. There have been no procedural discussions with regard to the reference of applications to the Committee on Admission of New Members.

The Council has not adopted new rules of procedure nor amended the existing rules relating to the admission of new Members. However, there has been a discussion in the Council concerning the applicability of rules 59 and 60 of the Provisional Rules of Procedure, which has been included under Part II of this Chapter.

Part I

TABLE OF APPLICATIONS, 1972-1974, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY

NOTE

The following table is a continuation of the one in the previous volumes of the Repertoire, which should be consulted for an explanation of its organization. The modifications in the table introduced in the earlier Supplements have been maintained.

A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL

In the period 1 January 1972-31 December 1974, the Security Council recommended the following States for admission to membership in the United Nations:

(i) At the 1730th meeting on 22 June 1973, the German Democratic Republic and the Federal Republic of Germany were recommended without a vote.

(ii) At the 1732nd meeting on 18 July 1973, the Bahamas was unanimously recommended.

(iii) At the 1736th meeting on 10 June 1974, Bangladesh was recommended without a vote.

(iv) At the 1778th meeting on 13 June 1974, Grenada was unanimously recommended.

(v) At the 1791st meeting on 12 August 1974, the Republic of Guinea-Bissau was unanimously recommended.

B. APPLICATIONS WHICH FAILED TO OBTAIN A RECOMMENDATION

During the period under review all applications for admission have obtained the Council’s recommendation with the only exception of the application of Bangladesh which failed to obtain it upon its initial consideration but was recommended upon reconsideration.

C. DISCUSSION OF THE QUESTION IN THE COUNCIL FROM 1972-1974

[As in the previous five supplements, beginning with 1956-1958 supplement, the system of grouping the discussion under “debates”, used for the sake of convenience in the volumes prior to 1956, is not followed in the present chapter.]

The Council held a total of thirteen meetings to consider applications for admission during this period of three years. In all cases, the discussion involved applications of newly independent States.

1 At the 1660th meeting on 25 August 1972, Bangladesh failed to obtain a recommendation for admission owing to the negative vote of a permanent member. The application was reconsidered and a recommendation was adopted at the 1776th meeting.

D. APPLICATIONS PENDING ON 1 JANUARY 1972

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Date of application</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic People's Republic of Korea</td>
<td>9 February 1949</td>
<td>OR, 12, 4th yr., p. 18 (S/1247)</td>
</tr>
<tr>
<td>Democratic Republic of Viet-Nam</td>
<td>(i) 22 November 1948</td>
<td>OR, 7th yr., Suppl. for July-Sept. 1952, pp. 57-58 (S/2780)</td>
</tr>
<tr>
<td></td>
<td>(ii) 29 December 1951</td>
<td>OR, 7th yr., Suppl. for Jan.-Mar. 1952, pp. 3-4 (S/2466)</td>
</tr>
</tbody>
</table>

a Circulated on 17 September 1952 as S/2780 (see Repertoire of the Practice of the Security Council, Supplement 1952-1955, p. 91, Case 1)

F. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1972 AND 31 DECEMBER 1974a

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Date of application</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>(XXVII) in 1974 Grenada</td>
<td>30 May 1974</td>
<td>OR, 29th yr., Suppl. for Apr.-June 1974, p. 151 (S/11311)</td>
</tr>
</tbody>
</table>

a The material set forth in this table is a continuation, for the period covered by this Supplement, of the historical data included in part III of earlier volumes concerning presentation of applications.

b Includes the formal declaration in each case.

F. VOTES IN THE SECURITY COUNCIL (1972-1974) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

<table>
<thead>
<tr>
<th>Draft resolution</th>
<th>Subject of vote</th>
<th>Meeting and date</th>
<th>Result of votea</th>
<th>Participation by Non-Members of the Security Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh, China d.r. (S/10768) on postponement of consideration of admission</td>
<td>Same</td>
<td>1660th, 25.8.72</td>
<td>3 3 9</td>
<td></td>
</tr>
<tr>
<td>Bangladesh, Guinea, Somalia and Sudan, amendment (S/10775) to d.r. (S/10771) - See below</td>
<td>Same</td>
<td>1660th, 25.8.72</td>
<td>4-4-7</td>
<td></td>
</tr>
<tr>
<td>Bangladesh, India, USSR, United Kingdom and Yugoslavia d.r. (S/10771) recommending admission</td>
<td>Same</td>
<td>1660th, 25.8.72</td>
<td>11-1-3</td>
<td></td>
</tr>
<tr>
<td>German Democratic Republic and the Federal Republic of Germany, Committee on the Admission of New Members d.r. (S/10957)</td>
<td>Same</td>
<td>1730th, 22.6.73</td>
<td>Adopted without a vote</td>
<td></td>
</tr>
<tr>
<td>Bahamas, Committee on the Admission of New Members (S/10968) recommending admission</td>
<td>Same</td>
<td>1732nd, 18.7.73</td>
<td>Unanimously adopted</td>
<td></td>
</tr>
</tbody>
</table>

a Both the subject and the result of the vote are usually given in the form announced by the President.
Part II. Consideration of the adoption or amendment of rules 58, 59 and 60

### NOTE

The case below deals mainly with the interpretation of the provision of rule 60 that 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, and that, 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 these time limits.

#### CASE 1

At the 1659th meeting on 24 August 1972, in connexion with the application of the People's Republic of Bangladesh for admission, after the representative of Sudan had formally moved that the Council adjourn for 24 hours without voting on the two draft resolutions to enable consultations to take place, the representative of India took the floor to oppose the move. After asserting that enough consultations had already taken place, he pointed out that under rule 60 of the provisional rules of procedure the next day was the last day that the Council could make its recommendations.

The representative of the USSR also stated that the Council was facing a deadline and failure to act within that time-limit would oblige the Council "to have recourse to a violation of rule 60 of the provisional rules of procedure."

The representative of Somalia, supporting the proposal for adjournment declared that the Council was the master...
of its own procedures and as such the Council had discretionary powers to set aside time-limits under rule 60 when warranted by special circumstances.

The representative of Sudan stated that so far as rule 60 was concerned "I think that something could be done to extend the time-limit if that is needed, because the use of such a rule as a gimmick to defer consideration of the subject is not in our line of thinking."4

4 For texts of relevant statements, see 1659th meeting: India, paras. 128-129, 164; Somalia, paras. 131-133, 152-153; Sudan, para. 177; USSR, para. 142. At the same meeting the motion of Sudan was adopted by 9 votes in favour to 4 against, with 2 abstentions.

Part III
PRESENTATION OF APPLICATIONS

NOTE

The material concerning the presentation of applications is substantially the same, for the period under review, as the list of applications submitted between 1 January 1972 and 31 December 1974 which appears in part I, section E, of the Table of Applications. Therefore, to avoid duplication, the historical data relating to the presentation of applications which appeared in part III of the original volume and the first two supplements of the Repertoire may found here in section E of the above Table.

Part IV
REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS

NOTE

During the period under review there were no proposals to waive the application of rule 59 of the provisional rules of procedure. All six applications were referred by the President to the Committee under the provision of rule 59, that unless the Security Council decides otherwise, new applications shall be referred by the President to the Committee on the Admission of New Members. However, on one occasion the Security Council reconsidered an application which initially failed to win the recommendation of the Council.5 Discussion in the Council dealt mainly with the application of Article 4 of the Charter.6

A. BEFORE A RECOMMENDATION HAS BEEN FORWARDED OR A REPORT SUBMITTED TO THE GENERAL ASSEMBLY

1. Applications referred to the Committee by the President

CASE 2

At the 1729th meeting on 21 June 1973, in connexion with the applications of the German Democratic Republic and the Federal Republic of Germany, the President (USSR), stated:

5 Case 4.
6 Case 3.

2. As we all know, under rule 59 of the provisional rules of procedure of the Security Council, unless the Security Council decides otherwise, an application for membership in the United Nations shall be referred by the President of the Security Council to the Committee on the Admission of New Members.

3. Consultations between members of the Security Council have resulted in an understanding that in the present case both applications for admission to membership in the United Nations should be transmitted to the Committee on the Admission of New Members without being discussed at today's meeting of the Council. Accordingly, if there are no other suggestions or proposals, I should like to request that the Security Council Committee on the Admission of New Members should meet immediately after today's Council meeting in order to examine each of these applications separately and thereafter report to the Council its conclusions on the two applications and its proposals for a final decision on this matter by the Council.

The applications of the German Democratic Republic and the Federal Republic of Germany were referred to the Committee by the President.7

CASE 3

At the 1658th meeting on 10 August 1972, in connexion with the application of Bangladesh, the representative of China, speaking in reference to the applicability of

7 1729th meeting, paras. 2-4. The applications submitted by the Bahamas, Grenada and the Republic of Guinea-Bissau were also referred to the Committee by the President in the absence of objections to refer to the Committee and in the absence of other proposals of a procedural nature; 1731st meeting, para. 6 (Bahamas); 1777th meeting, paras. 1-3 (Grenada); 1790th meeting, paras. 1-2 (the Republic of Guinea-Bissau).
Article 4 of the Charter, maintained that, in view of the circumstances that prevailed in the Indian subcontinent, it would be contrary to the principles of the Charter and the resolutions adopted by the General Assembly and the Security Council, to consider the application for admission of Bangladesh.5

He further added:

"... before the true implementation of the relevant United Nations resolutions, and pending a reasonable settlement of the issues between India and Pakistan and between Pakistan and Bangladesh, Bangladesh is not at all qualified to be admitted into the United Nations, and the Security Council's consideration of Bangladesh's application for membership in the United Nations is entirely out of the question. ... When one refuses to implement the relevant resolutions of the United Nations, how can one possibly speak of "accepting the obligations contained in the present Charter" and of being "able and willing to carry out these obligations.""

The representative of the USSR then stated:

"As far as the questions raised in the Chinese representative's statement are concerned, we should like to point out the following. To put forward as a condition for the admission of Bangladesh to the United Nations that Bangladesh should first implement United Nations resolutions is artificial and completely unjustified. As we are all aware, the United Nations Charter lays down no conditions for the admission of a State to membership in the United Nations other than those contained in Article 4, paragraph 1 of which states: "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 judgement of the Organization, are able and willing to carry out these obligations." There can be no doubt that the People's Republic of Bangladesh fulfils all the requirements listed in Article 4, paragraph 1. It is an independent, sovereign and peace-loving State which pursues a policy of non-alignment and friendly co-operation aimed at easing international tension."9

8 Resolution 2793 (XXVI), resolution 307 (1971).
9 For relevant statements, see: 1658th meeting: China, para. 83; USSR, p. 98.

After further discussion, the application of Bangladesh was referred to the Committee by the President.10

**2. Applications referred to the Committee by decision of the Security Council

**3. Applications considered by the Security Council without reference to the Committee

4. Applications reconsidered by the Security Council after reference to the Committee

CASE 4

At the 1775th meeting in connexion with the reconsideration of the application of Bangladesh, the President (Mauritania) stated:

"From the consultations begun by my predecessor and continued by me it emerged that members of the Council were generally prepared to re-examine the request from the People's Republic of Bangladesh."

I believe that members of the Council will agree that in examining the request for admission from Bangladesh the Council should follow its normal practice, that is to say, refer this request to the Committee on the Admission of New Members in accordance with rule 59 of the provisional rules of procedure.

The application of Bangladesh was then referred to the Committee by the President.11

**B. AFTER AN APPLICATION HAS BEEN SENT BACK BY THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL FOR RECONSIDERATION

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10 Ibid., para. 107.
11 1775th meeting, following the adoption of the agenda.

Part V

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

**A. DISCUSSION OF APPLICATIONS

**1. Order of the discussion of applications

**2. Documentation submitted in the Security Council

**B. VOTING ON APPLICATIONS

Part VI

**THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL

Part VII

PRACTICES RELATIVE TO THE APPLICABILITY OF ARTICLES 5 AND 6 OF THE CHARTER

NOTE:

In accordance with Article 5 of the Charter, a Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. Article 6, stipulates that a
member of the United Nations which has persistently violated the Principles of the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

Since the question of the applicability of Articles 5 and 6 has been raised for the first time in the Security Council during the period under review, it has been necessary to add this new subheading as part VII of this chapter. There has been an explicit reference to Article 6\(^2\) in a discussion in connexion with the situation in the Middle East; and, in the case below,\(^3\) the applicability of Articles 5 and 6, has been the subject of a constitutional discussion during the Council's consideration of the relations between the United Nations and South Africa.

**CASE 5**

At the 1802nd meeting on 25 October 1974, in connexion with the relations between the United Nations and South Africa, the Security Council had before it a draft resolution\(^4\) submitted by Kenya, Mauritania and the United Republic of Cameroon and later co-sponsored by Iraq, which read as follows:

*The Security Council,*

*Having considered General Assembly resolution 3207 (XXIX) of 30 September 1974, in which the Assembly called upon the Security Council to review the relationship between the United Nations and South Africa in light of the constant violation by South Africa of the principles of the Charter and the Universal Declaration of Human Rights,*

*Having heard the statements of the persons invited to address the Council on this issue,*

*Taking note of the report of the Special Committee on Apartheid entitled 'Violations of the Charter of the United Nations and resolutions of the General Assembly and the Security Council by the South African régime' (S/11537),*

*Mindful of the provisions of the Charter concerning the rights and obligations of Member States, particularly those of Articles 1, 2, 4, 5 and 6,*


*Reaffirming that the policies of apartheid are contrary to the principles and purposes of the Charter and inconsistent with the provisions of the Universal Declaration of Human Rights, as well as South Africa's obligations under the Charter,*

*Recalling that the General Assembly and the Security Council have more than once condemned the South African Government for its persistent refusal to abandon its policies of apartheid and to abide by its obligations under the Charter, as called for by the Council and the Assembly,*

*Noting with concern South Africa's refusal to withdraw its police and military forces, as well as its civilian personnel, from the Mandated Territory of Namibia and to co-operate with the United Nations in enabling the people of Namibia as a whole to attain self-determination and independence,*

*Noting further that, in violation of the pertinent resolutions of the Security Council, particularly resolution 253 (1968) of 29 May 1968, South Africa has not only given support to the illegal régime in Southern Rhodesia, but has also sent into that Territory military and police personnel for the purpose of strengthening that régime in its attempt to impede the exercise by the people of the Territory of their inalienable rights,*

*Considering that effective measures should be taken to resolve the present situation arising out of the policies of apartheid of the Government of South Africa,*

*Recommends to the General Assembly the immediate expulsion of South Africa from the United Nations in compliance with Article 6 of the Charter.*

At the 1806th meeting on 29 October 1974, the representative of Kenya introduced the four-Power draft resolution, which had already been circulated, and stated that for over three decades South Africa had defied the United Nations Charter, over 100 resolutions adopted by the General Assembly and all Security Council resolutions, including resolutions 134 (1960), 181 and 182 (1963), 190 and 191 (1964), and 311 (1972) relating to its racial policies. Considering that South Africa had refused to co-operate in any way with the Council during the 15 years the Council had been seized of the question of apartheid, he added that since South Africa, beginning in 1948, had adopted policies that were clearly incompatible with its obligations as a Member of the United Nations, the Security Council, under Article 6, should recommend to the General Assembly its expulsion from membership in the Organization.

The representative of Kenya rejected the South African argument that its racial policies were an internal matter and that under Article 2, paragraph 7, the United Nations had no right to interfere in its domestic affairs. He recalled that the Council had expressed grave concern that the situation in South Africa seriously disturbed international peace and security in southern Africa, and that it had been condemned on frequent occasions for failing to comply with the Council decisions on Namibia and on Southern Rhodesia, in violation of Article 25 of the Charter. In view of South Africa's total defiance of the decisions and requests of the United Nations and its organs, South Africa did not deserve anything other than expulsion from the Organization in accordance with Article 6. The argument that South Africa's expulsion would violate the principle of universality of membership could not be accepted because the continued presence of South Africa in the United Nations would compromise the Charter and thereby erode the very basis on which the Organization was founded.\(^5\)

At the 1802nd meeting on 25 October 1974, the representative of Barbados suggested that the Council set a date by which South Africa would have to report to the Council its complete withdrawal from Namibia. In accordance with Article 40 of the Charter, the Council might call upon South Africa to comply with certain provisional measures in connexion with the withdrawal. Thus, the condition for the application of the provisions of Article 5 was satisfied.

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\(^3\) Case 5.

\(^4\) S/11543.
would be fulfilled, and the Council could recommend to the General Assembly the suspension of South Africa; its expulsion, if necessary, would be the next step.\(^6\)

At the 1808th meeting on 30 October 1974, the representative of Costa Rica also expressed grave reservations about taking such a drastic step as expulsion at this point and proposed the gradual application of a regime of sanctions against South Africa as well as its immediate suspension from membership, until it ended the policies of apartheid and its defiance of the United Nations decisions regarding Namibia.\(^7\)

At the same meeting, the representative of the United Kingdom stated that his delegation was not willing to accept the argument that it was the function of the Council to recommend the expulsion of South Africa because the vast majority of the General Assembly was in favour of such a measure; under the Charter and following the Assembly's request the Council was obliged to arrive at its own decision. He warned against the misrepresentation that whoever opposed South Africa's expulsion endorsed apartheid; his country condemned apartheid as an evil system, but maintained its preference for the application of the procedure stipulated in the Charter for the peaceful settlement of disputes. His delegation would support expulsion if it would help remedy the situation in South Africa and thereby serve the objective of the United Nations. But in the opinion of his delegation the expulsion would contribute nothing to the solution of the problem, but instead encourage the most illiberal elements in South Africa to pursue stubbornly the evil course of apartheid. The objective was not to purge the United Nations, but to persuade the South African Government to change its policies. In conclusion the representative of the United Kingdom underlined the principle of universality which his delegation would not sacrifice lightly, and stressed that the application of Article 6 of the Charter was a very last resort, when all hope of remedying the situation had vanished.\(^8\)

At the same meeting, the four-Power draft resolution was put to the vote. It obtained 10 votes in favour, and 3 against, with 2 abstentions. It failed of adoption owing to the negative vote of three permanent members of the Council.\(^9\)

\(^6\) 1802nd meeting: intervention by Barbados.
\(^7\) 1808th meeting: intervention by Costa Rica.
\(^8\) 1808th meeting: intervention by the United Kingdom.
\(^9\) 1808th meeting: prior to the concluding statement by the President.