

Chapter VII

PRACTICES RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING THE ADMISSION OF NEW MEMBERS

TABLE OF CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	85
PART I. TABLE OF APPLICATIONS, 1952-1955, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL	
Note	85
A. Applications recommended by the Security Council	85
B. Applications which failed to obtain a recommendation	85
C. Discussion of the question in the Council from 1952-1955	86
D. Applications pending on 1 January 1952	86
E. Applications submitted between 1 January 1952 and 31 December 1955	87
F. Votes in the Security Council (1952-1955) on draft resolutions and amendments concerning applications for admission to membership in the United Nations	87
**PART II. CONSIDERATION OF THE ADOPTION OF AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE	
PART III. PRESENTATION OF APPLICATIONS	
Note	91
PART IV. REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS	
Note	91
A. Before a recommendation has been forwarded or a report submitted to the General Assembly	92
**1. Applications referred to the Committee by the President	92
**2. Applications referred to the Committee by decision of the Security Council	92
3. Applications considered by the Security Council without reference to the Committee	92
**4. Applications reconsidered by the Security Council after reference to the Committee	95
B. AFTER AN APPLICATION HAS BEEN SENT BACK BY THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL FOR RECONSIDERATION	
**1. Applications referred to the Committee by the President	95
2. Applications reconsidered by the Security Council without reference to the Committee	95
Note	95
PART V. PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL	
Note	95
**A. DISCUSSION OF APPLICATIONS	
**1. Order of the discussion of applications	
**2. Documentation submitted to the Security Council	
B. VOTING ON APPLICATIONS	
**1. Omission of voting on applications when previous position of members is unchanged	
2. Time and order of voting on applications	95
3. Consideration of a draft resolution recommending the admission of a number of applicant States	96
**4. The question of submission of a draft resolution with a view to voting on an application	
**5. Conflict between a proposal to recommend admission and a proposal to postpone voting	
6. Consideration of a draft resolution to note the qualifications of an applicant for membership	98
PART VI. THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL	
Note	98

INTRODUCTORY NOTE

This chapter is drawn up along the lines of the corresponding chapter of the previous volume of the *Repertoire*. Part I sets forth material relating to the decisions taken by the Council upon pending and new applications for admission to membership in the United Nations during the period under review. The remainder of the chapter relates to the procedures adopted by the Council in reaching such decisions.

The difficulties in presenting material concerning the considerations invoked by members of the Council in weighing the qualifications of applicants under Article 4 (1) have been indicated in the previous volume of the *Repertoire*. The range of such considerations in the period under review shows no alteration. Indeed,

there has been relatively little discussion of this branch of the subject in the Council since 1951. Hence, it has not been found necessary to present additional material of this kind in the present chapter.

As in the corresponding chapter of the previous volume of the *Repertoire*, parts III, IV, V and VI contain material drawn from proceedings of the Security Council to illustrate procedures adopted by the Council for implementing the obligations laid upon it by Article 4 (2) of the Charter. Since the Council has not adopted new rules of procedure nor amended the existing rules relating to the admission of new Members, part II of the present chapter remains blank.

Part I

TABLE OF APPLICATIONS, 1952-1955, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL

NOTE

The following table represents a continuation of the one in the previous volume where its organization is explained. Reflecting the fact that from 1952 to 1955 the Security Council voted several times on draft resolutions listing more than one application, the present table differs from the original table in form. Another feature of the period has been that no application for admission has been referred to the Committee on the Admission of New Members. Since the Council has taken fewer votes and the material covered is much less extensive than that for the earlier period, the system of reference numbers employed in the previous table has been dropped as unnecessary.

A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL

At the 705th meeting on 14 December 1955, the Security Council, by 8 votes in favour, none against, with 3 abstentions, adopted¹ as a whole a draft resolution listing the applications of sixteen countries which were recommended for admission. The Council had previously taken the following separate votes on the candidatures of the applicants in the draft resolution:²

(i) The candidature of Albania was approved by 8 votes in favour, none against, with 3 abstentions.

(ii) The candidature of Jordan was approved unanimously.

(iii) The candidature of Ireland was approved unanimously.

(iv) The candidature of Portugal was approved unanimously.

(v) The candidature of Hungary was approved by 9 votes in favour, none against, with 2 abstentions.

(vi) The candidature of Italy was approved unanimously.

(vii) The candidature of Austria was approved unanimously.

(viii) The candidature of Romania was approved by 9 votes in favour, none against, with 2 abstentions.

(ix) The candidature of Bulgaria was approved by 9 votes in favour, none against, with 2 abstentions.

(x) The candidature of Finland was approved unanimously.

(xi) The candidature of Ceylon was approved unanimously.

(xii) The candidature of Nepal was approved unanimously.

(xiii) The candidature of Libya was approved unanimously.

(xiv) The candidature of Cambodia was approved unanimously.

(xv) The candidature of Laos was approved unanimously.

(xvi) The candidature of Spain was approved by 10 votes in favour, none against, with 1 abstention.

B. APPLICATIONS WHICH FAILED TO OBTAIN A RECOMMENDATION

The following applications failed to obtain the Council's recommendation up to the end of 1955.

(i) Mongolian People's Republic.³

¹ 705th meeting: provisional record, p. 22.

² 705th meeting: provisional record, pp. 12-21.

³ Failed to obtain recommendation owing to the negative vote of a permanent member.

- (ii) Republic of Korea.⁴
- (iii) Democratic People's Republic of Korea.⁵
- (iv) Viet-Nam.⁶
- (v) Democratic Republic of Viet-Nam.⁷
- (vi) Japan.⁸

presented as debates in the sequence previously used in the *Repertoire*, as follows:

Debate XIV

This debate covered fourteen meetings (577th, 590th, 591st and 594th-604th) between 18 June and 19 September 1952, and concerned: (i) a draft resolution to recommend simultaneous admission of fourteen applicants; (ii) reconsideration of pending applications under General Assembly resolution 506 A (VI); and (iii) five new applications, including one which had not previously been the subject of a separate vote in the Council, although it had been included in a draft resolution listing a number of applications voted upon during debate XIII.

Debate XV

The only debate after 1952 covered seven meetings (701st-706th, 708th) between 10 and 21 December 1955. It concerned: (i) reconsideration of pending applications under General Assembly resolution 817 (IX); (ii) consideration of the Assembly's request in resolution 918 (X) regarding eighteen applications, one of which was new.

C. DISCUSSION OF THE QUESTION IN THE COUNCIL FROM 1952-1955

There have been three periods of discussion of the question of admission by the Council from 1952 to 1955. The first, consisting of a single meeting (573rd on 6 February 1952), represents a continuation of debate XIII covered in the previous volume of the *Repertoire*. For the sake of convenience, the others are also

⁴ Failed to obtain recommendation owing to the negative vote of a permanent member.

⁵ Not voted upon by the Council during the period under review.

⁶ Failed to obtain recommendation owing to the negative vote of a permanent member.

⁷ Received less than 7 affirmative votes.

⁸ Failed to obtain recommendation owing to the negative vote of a permanent member.

D. APPLICATIONS PENDING ON 1 JANUARY 1952

Applicant	Date of Application	Document
Albania	25 January 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (1), pp. 17-18
Mongolian People's Republic	24 June 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (3), pp. 48-49 (S/95)
Jordan	26 June 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (5), p. 50 (S/101)
Portugal	2 August 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (7), p. 51 (S/119)
Ireland	2 August 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (6), pp. 50-51 (S/116)
Hungary	22 April 1947	O.R. 38, 2nd yr., p. 811 (fn.1) (S/333)
Italy	7 May 1947	O.R. Suppl. 12, 2nd yr., Annex 33, pp. 129-130 (S/355)
Austria	2 July 1947	S/403
Romania	10 July 1947	O.R. 60, 2nd yr., pp. 1389-91 (S/411)
Bulgaria	26 July 1947	O.R. Suppl. 18, 2nd yr., Annex 43, pp. 155-156 (S/467)
Finland	19 September 1947	O.R. 90, 2nd yr., p. 2408 (fn.1) (S/559)
Ceylon	25 May 1948	O.R. Suppl. June 1948, 3rd yr., pp. 76-77 (S/820)
Republic of Korea ..	19 January 1949	O.R. Suppl. Feb. 1949, 4th yr., p. 5 (S/1238)
Democratic People's Republic of Korea ..	9 February 1949	O.R. 12, 4th yr., p. 18 (S/1247)
Nepal	13 February 1949	S/1266 and Add.1
Viet-Nam	17 December 1951	S/2446
Libya	24 December 1951	S/2467
Democratic Republic of Viet-Nam	(i) 22 November 1948*	S/2780
	(ii) 29 December 1951	S/2466

* Circulated on 17 September 1952 as S/2780. See Case 1.

**E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1952
AND 31 DECEMBER 1955**

<i>Applicant</i>	<i>Date of Application</i>	<i>Document*</i>
Cambodia	15 June 1952	S/2672
Japan	16 June 1952	S/2673
Laos	30 June 1952	S/2706
Spain	23 September 1955	S/3441/Rev.1

* Includes the formal declaration in each case.

**F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING
APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS**

<i>Draft resolution, etc.</i>	<i>Subject* of vote</i>	<i>for</i>	<i>Vote ag.</i>	<i>abst.</i>	<i>Meeting and date</i>	<i>Result* of vote</i>	<i>Recommendation or Spec. Rept. to G.A.</i>	<i>G.A. Action</i>	<i>Nature of G.A. decision</i>
<i>Debate XIII Feb. 1952</i>									
<i>Italy, French d.r. (S/2443) to recommend its admission</i>	Same	10	1	0	573rd 6.2.52	Not adopted		Neither	
<i>Albania, Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya,</i> USSR d.r. (2449/Rev.1) recommending their simultaneous admission	Same	2	6	0	"	"	"	"	
<i>Debate XIV June-Sept. 1952</i>									
<i>Albania, Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya,</i> USSR d.r. (S/2664) recommending their simultaneous admission	Same	2	5	4	597th 8.9.52	Not adopted	A/2208, G.A. (VII), Annexes, a.i. 19, p. 1 (no recommendation)	Resolution 620 A-G (VIII)	Establishment of a special committee to study question of admission; requests to SC to take note of GA determinations that Japan, Viet-Nam, Cambodia, Laos, Libya and Jordan were qualified for admission and should be admitted
<i>Libya, Pakistan d.r. (S/2483) recommending its admission</i>	Same	10	1	0	600th 16.9.52	"	"	"	
<i>Japan, U.S. d.r. (S/2754) recommending its admission</i>	Same	10	1	0	602nd 18.9.52	"	"	"	
<i>Viet-Nam, French d.r. (S/2758) recommending its admission</i>	Same	10	1	0	603rd 19.9.52	"	"	"	
<i>Laos, French d.r. (S/2759) recommending its admission</i>	Same	10	1	0	"	"	"	"	
<i>Cambodia, French d.r. (S/2760) recommending its admission</i>	Same	10	1	0	"	"	"	"	
<i>Democratic Republic of Viet-Nam, USSR d.r. (S/2773) recommending its admission</i>	Same	1	10	0	"	"	"	"	

* Both the subject and the result of the vote are usually given in the form announced by the President.

F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS *(continued)*

<i>Draft resolution, etc.</i>	<i>Subject of vote</i>	<i>for</i>	<i>Vote ag.</i>	<i>abst.</i>	<i>Meeting and date</i>	<i>Result of vote</i>	<i>Recommendation or Spec. Rept. to G.A.</i>	<i>G.A. Action</i>	<i>Nature of G.A. decision</i>
<i>Debate XV Dec. 1955^b</i>									
<i>Albania, Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain,</i>	1st para.	8	0	3	704th 13.12.55	Adopted	In view of the brief interval between the 704th meeting and the 705th meeting no special report was submitted to the General Assembly		
	2nd para. 1st clause	9	0	2	"	"			
Brazil-New Zealand d.r. (S/3502) providing that the Council, having considered separately the applications of the foregoing States would recommend their admission, and	Inclusion of Rep. of Korea (Chinese amend.)	9	1	1	"	Not included	"		
	Inclusion of Viet-Nam (Chinese amend.)	9	1	1	"	"	"		
Republic of Korea and Republic of Viet-Nam, Chinese amendment (S/3506) to add them to list in S/3502	Inclusion of Albania	7	0	4	"	Included	"		
	Inclusion of Mongolian People's Rep.	8	1	2	"	Not included	"		
	Inclusion of Jordan	10	1	0	"	"	"		
	Inclusion of Ireland	10	1	0	"	"	"		
	Inclusion of Portugal	10	1	0	"	"	"		
	Inclusion of Hungary	9	0	2	"	Included	"		
	Inclusion of Italy	10	1	0	"	Not included	"		
	Inclusion of Austria	10	1	0	"	"	"		
	Inclusion of Romania	9	0	2	"	Included	"		
	Inclusion of Bulgaria	9	0	2	"	"	"		
	Inclusion of Finland	10	1	0	"	Not included	"		
	Inclusion of Ceylon	10	1	0	"	"	"		
	Inclusion of Nepal	10	1	0	"	"	"		
	Inclusion of Libya	10	1	0	"	"	"		
	Inclusion of Cambodia	10	1	0	"	"	"		
Inclusion of Japan	10	1	0	"	"	"			
Inclusion of Laos	10	1	0	"	"	"			
Inclusion of Spain	9	1	1	"	"	"			
2nd para. as a whole, as modified *		1	4	6	"	Not adopted	"		

^b The Security Council did not discuss the question of admission of new Members in 1953-1954. At its eighth session in 1953, the General Assembly adopted resolution 718 (VIII) establishing a Committee of Good Offices to explore the possibilities of finding a solution on the question of admission of new Members. This Committee was requested, in resolution 817 (IX), to continue its efforts in that direction.

Two General Assembly resolutions were before the Security Council at the outset of debate XV. Under resolution 817 (IX), the General Assembly *inter alia* sent back the pending applications to the Council "for further consideration and positive recom-

mendations", and resolution 918 (X) *inter alia* requested the Council to consider, in the light of the general opinion in favour of the widest possible membership of the United Nations, the pending applications of all those eighteen countries about which no problem of unification arose.

* Following the vote on this paragraph, the President stated that there would be no vote on the remainder of the draft resolution since there was nothing to recommend to the Assembly.

F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS (continued)

Draft resolution, etc.	Subject of vote	for	Vote ag.	abst.	Meeting and date	Result of vote	Recommendation or Spec. Repl. to G.A.	G.A. Action	Nature of G.A. decision
Albania, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Laos and Spain,	1st para.	8	0	3	705th 14.12.55	Adopted	A/3099		
	2nd para.						(recommendation)		
	1st clause	9	0	2	"	"	"		
	U.S. amendment								
	Candidature of Japan	10	1	0	"	Not adopted	"		
USSR d.r. (S/3509) by which the Council, having considered separately the applications of the above, would recommend the admission of same, and	Candidature of Albania	8	0	3	"	Approved	"	Resolution 995 (X)	Admitted
Japan, U.S. amendment to add it to list in S/3509	Candidature of Jordan	11	0	0	"	"	"	"	"
	Candidature of Ireland	11	0	0	"	"	"	"	"
	Candidature of Portugal	11	0	0	"	"	"	"	"
	Candidature of Hungary	9	0	2	"	"	"	"	"
	Candidature of of Italy	11	0	0	"	"	"	"	"
	Candidature of Austria	11	0	0	"	"	"	"	"
	Candidature of Romania	9	0	2	"	"	"	"	"
	Candidature of Bulgaria	9	0	2	"	"	"	"	"
	Candidature of Finland	11	0	0	"	"	"	"	"
	Candidature of Ceylon	11	0	0	"	"	"	"	"
	Candidature of Nepal	11	0	0	"	"	"	"	"
	Candidature of Libya	11	0	0	"	"	"	"	"
	Candidature of Cambodia	11	0	0	"	"	"	"	"
	Candidature of Laos	11	0	0	"	"	"	"	"
	Candidature of Spain	10	0	1	"	"	"	"	"
	2nd para. as a whole	8	0	3	"	Adopted	"	"	"
	Draft resolution as a whole	8	0	3	"	"	"	"	"
Japan, U.S. d.r. (S/3510) to recommend its admission at the 11th session of the Assembly	1st part, not including the words "at its eleventh regular session" ^d	10	1	0	706th 15.12.55	Not adopted	Neither		

F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS (continued)

<i>Draft resolution, etc.</i>	<i>Subject of vote</i>	<i>for</i>	<i>Vote ag.</i>	<i>abst.</i>	<i>Meeting and date</i>	<i>Result of vote</i>	<i>Recommendation or Spec. Rept. to G.A.</i>	<i>G.A. Action</i>	<i>Nature of G.A. decision</i>
<i>Mongolian People's Republic and Japan, USSR d.r. (S/3512) to recommend their admission at the 11th session of the G.A.</i>	Same	1	0	10	706th 15.12.55	Not adopted	Neither		
<i>Japan, U.K. d.r. (S/3513), by which the Council would take note that Japan was fully qualified for admission and would express the hope that it would soon be admitted, and,</i>	(Consideration postponed following vote on USSR amendment)								
<i>Mongolian People's Republic, USSR amendment (S/3517) to add to the U.K. draft resolution the above</i>		1	0	10	708th 21.12.55	Not adopted	Neither		

^a The remaining portion of the draft resolution was not put to the vote because the first part had not been carried.

Part II

****CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE**

Part III

PRESENTATION OF APPLICATIONS

NOTE

Part III of this chapter, like its counterpart in the original volume of the *Repertoire*, deals with material concerning the submission of applications to the Secretary-General, their communication to representatives on the Council and their subsequent inclusion in the provisional agenda.

The following list⁹ completes, for the period covered by this supplement, the historical data set forth in the *Repertoire* concerning presentation of applications:

(vii) In 1952:¹⁰

Cambodia	15 June 1952
Japan	16 June 1952
Laos	30 June 1952

(No applications were submitted in 1953 or 1954.)

(viii) In 1955:¹¹

Spain	23 September 1955
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CASE 1

At the 600th meeting on 16 September 1952, the representative of the USSR stated:¹²

“... I have before me ... the text of a statement by the Vietnam Republic dated 22 November 1948. This was the first statement which was sent to the

⁹ The list does not cover renewals of applications, since in practice applications were regarded both by the Security Council and the General Assembly as pending so long as admission had not been effected.

¹⁰ Cambodia, S/2672;

Japan, S/2673;

Laos, S/2706.

¹¹ Spain, S/3441/Rev.1.

¹² 600th meeting: para. 7.

United Nations and which, most strangely, has for unknown reasons not yet been issued as an official Security Council document. It would appear that in the United Nations Secretariat there are officials who deal with incoming documents in the same way that the United States delegation deals with applications for membership in the United Nations, that is to say, they pursue a policy of favouritism towards some governments and a policy of discrimination towards others. For, some applications are issued immediately as official Security Council documents, while others lie in the Secretariat archives for a number of years. I wish to bring this matter to the Council's attention and request that the application of the Democratic Republic of Vietnam be issued immediately as an official Security Council document.”

The application in question was issued as document S/2780 on 17 September 1952.

At the 603rd meeting on 19 September 1952, the following explanation¹³ was given by the representative of the Assistant Secretary-General:

“... The Secretariat ... did not conceal the application from the Democratic Republic of Vietnam. When that application was received in November 1948, copies were immediately distributed to all members of the Security Council for their information on the decision of the then President of the Council. Later, the second application—the application of 1951—was automatically produced as a document, and, at the request of the Soviet Union delegation, the document of 1948 has recently been distributed as a document of the Security Council.”

¹³ 603rd meeting: para. 86.

Part IV

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

NOTE

The Security Council has not, during the period under review, referred applications, whether newly submitted or referred to it for reconsideration by the General Assembly, to its Committee on the Admission of New Members. The principal question which has arisen has concerned the interpretation of 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.

This was discussed at length by the Council in the course of debate XIV (see Cases 3 and 4). In that connexion, the question was also discussed whether an application which had been listed together with others in a draft resolution rejected by the Council, but had not been otherwise considered, was nevertheless to be treated as a new application (see Case 2). No proposal to refer to the Committee applications which the Council was to reconsider has been made during the period under review.

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

****1. Applications referred to the Committee by the President**

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

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

CASE 2

The application of Libya¹⁴ for membership in the United Nations was submitted on 24 December 1951. On 17 January 1952, the representative of Pakistan requested¹⁵ that the question of Libya's admission be placed on the agenda of one of the forthcoming meetings of the Council and presented a draft resolution to recommend the admission of Libya.

At the 573rd meeting on 6 February 1952, the representative of the USSR submitted a revision of a Soviet draft resolution,¹⁶ which had previously listed thirteen applications, to include Libya. This revised draft resolution was put to the vote at the same meeting and failed of adoption.¹⁷ The application of Libya was not otherwise considered by the Council at the meeting, although during the discussion several references were made to it.¹⁸

At the 594th meeting on 2 September 1952, the application of Libya was one of the documents listed under sub-item (c), "New applications for membership", under the general heading "Admission of new Members". The representative of the USSR declared that there was no need to include the application under the proposed sub-item, since it had already been considered by the Council at the 573rd meeting on 6 February 1952 and was included by implication under sub-item (b) which dealt with the consideration of General Assembly resolution 506 (VI). Moreover, the question of Libya's admission had been covered by the USSR proposal for the admission of the fourteen States.

The President (Brazil) replied that the application of Libya had not been discussed by the Security Council although Libya had been included in the USSR draft resolution.¹⁹

The Council then included sub-item (c) in its agenda by 10 votes in favour, with one abstention.²⁰

At the 598th meeting on 10 September 1952, the President (Brazil) raised, "for the proper consideration of the Council", the question of reference of the applications listed under the sub-item to the Committee on the Admission of new Members. The representative of the USSR stated that the new applications should

be referred to the Committee by the President under rule 59. He recalled his view that the application of Libya was not a new one, however; the Council had completed consideration of General Assembly resolution 506 (VI), which, he stated, undoubtedly applied to Libya; he added that "the Libyan question should consequently be reopened only if someone has a strong desire for a negative vote". In reply, the President stated: "When we adopted the agenda we agreed to consider as new all applications which had not been discussed by the Security Council on an individual basis."²¹

Various other members of the Council supported the view that the application was a new one and several urged that accordingly it be referred to the Committee (see Case 3).²¹

CASE 3

At the 594th meeting on 2 September 1952, the Security Council included in its agenda, under the general heading "Admission of new Members", the following sub-item: "(c) New applications for membership . . .", followed by the S/document numbers of the applications of Viet-Nam, the Democratic Republic of Viet-Nam, Libya, Cambodia, Japan and Laos.

At the 598th meeting on 10 September 1952, the President (Brazil) drew attention to the fact that none of the six applications had been referred to the Committee on the Admission of New Members under the provisions of rule 59. He stated:

" . . . Of course, the Council is not bound under the rule to refer a specific application to that Committee; it might prefer to deal with the matter directly. . ."

The representative of the USSR stated that the reference of newly received applications to the Committee under rule 59 was the well established procedure and the existing practice in the Council. Referring to the application of Indonesia, which had been considered by the Council directly, he pointed out that in that exceptional case the Council had not thought it necessary to submit the application to the Committee since it had given sufficient study to that country.

The representative of the United States said that:

"We may properly consider that our decision to adopt the agenda with what was then sub-item 2 (c) included was in fact a decision to discuss the application of Libya, of Japan and of the other four applicants since draft resolutions relating to them were on the table when the agenda was adopted."

He cited the case of the application of Indonesia which the Council had decided to consider directly by putting it on the agenda. He pointed to two other recent instances in which a proposal had been made to refer an application to the Committee. He said:

" . . . In one case, it was adopted over the objection of the USSR; in the other case, it failed of adoption. Therefore it seems to me that rule 59 can be considered to have been complied with by the decision of the Council to place these items on its agenda. In fact,

¹⁴ S/2467, O.R., 7th year, Suppl. for Jan.-March 1952, pp. 4-5.

¹⁵ S/2483, O.R., 7th year, Suppl. for Jan.-March 1952, pp. 12-13.

¹⁶ S/2449/Rev.1, 573rd meeting: para. 66.

¹⁷ 573rd meeting: para. 172.

¹⁸ For texts of relevant statements see: 573rd meeting: Chile, paras. 90-91; Turkey, para. 183; USSR, paras. 198-200; United States, para. 177.

¹⁹ For texts of relevant statements see:

594th meeting: President (Brazil), para. 16; USSR, para. 14.

²⁰ 594th meeting: para. 26.

²¹ For texts of relevant statements see: 598th meeting: President (Brazil), paras. 45-48, 83; USSR, paras. 67, 78-80.

we know it has been done. In other words the Security Council has 'decided otherwise'."

At the 599th meeting on 12 September 1952, the representative of China said that:

"... Neither in law nor in practice has that rule been automatically applied. We know very well that there have been cases of applications acted upon by the Council without any reference to the Committee on the Admission of New Members."

He believed that the purpose of rule 59 and of the Committee was to enable the Council to secure additional information in case of need, and held that such a need could, in the present instance, be met by other means.

The representative of France said that in his opinion

"... the question before us is not whether the provisions of rule 59 of the rules of procedure should be observed, but on the contrary whether there should be a departure from that rule. In other words, we have ... to decide whether, according to rule 59 of the rules of procedure, we should 'decide otherwise' and consider these applications directly."

The Council should, he added, be asked to vote on the exception rather than on the rule; the point to be determined was not whether the Council would observe general practice but whether it would depart from it.

The representative of the USSR contended that the whole import of rule 59 was that all new applications reaching the Council should be referred to the Committee for consideration and study. Only after applications had been returned to the Council with the Committee's conclusions did the Council proceed to examine them directly. The submission of a draft resolution on the admission of one or other applicant States did not prejudice the question of the Security Council's direct examination of the application, and under no circumstances had the submission of a draft resolution on an application ever solved, nor could it solve, the question whether the Council should consider such applications directly itself.

The President (Brazil) stated that:

"Rule 59 indicates the usual procedure to be followed, unless the Security Council decides otherwise. To my mind, it is thus quite clear that the Council should have an opportunity to pronounce itself on this matter. This pronouncement is often tacitly implied when no objections are raised to the President's announcement that he is referring an application to the Committee on the Admission of New Members. In the particular instance, however, objections have been raised by two delegations to referring these applications to the Committee."

He further stated that he would put to the vote the question "whether the Security Council wishes to refer the new applications to the Committee on the Admission of New Members".

The representative of the USSR stated that he was unable to concur in the President's proposal which was contrary to the rules of procedure. The proposal that should be put to the vote was the opposite proposal, namely, "whether the Council was prepared to make

an exception and not to refer these applications to the Committee".

The representative of Pakistan pointed out that the rule provided that:

"... 'Unless the Security Council decides otherwise, the application shall be referred by the President ...' The word 'shall', to my mind, is one of the most mandatory words in the English language. And the proviso in the beginning says: 'Unless the Security Council decides otherwise ...' It does not say: 'Unless there is no objection ...'."

The President was bound, the representative of Pakistan added, to refer the applications to the Committee, unless one of the objectors put forward his objection as a formal proposal and the Council subsequently accepted it. He considered that no explicit vote was required in order to refer this matter to the Committee; however, seven positive votes were required in order not to refer it to the Committee.

The representative of France wondered whether the President could not request the Council to proceed to a prior vote to indicate whether the Council wished to vote on the suggestion of the USSR or on that of the United States.

The representative of the USSR considered that there was no option in the matter and that the applications must be referred to the Committee unless the Council decided otherwise.

The representative of Chile shared the opinions of the representatives of Pakistan, France and the USSR. It must be taken into consideration that rule 59

"... places responsibility in this matter on the President, which makes it difficult for the Council to decide by a vote. In effect, rule 59 does not state that the applications shall be referred to the Committee by the Council, but that, unless the Security Council decides otherwise, the application shall be referred by the President to the Committee. The obligation therefore rests with the President ..."

In accordance with a precise and strict interpretation of the rule,

"... the President would not even need to refer to the Council in taking a decision of this kind and it would be sufficient for him to be informed of an application, to notify the members of the Council of it and if, within a specified period, no request were received for a meeting of the Council to consider the application directly, he would refer it to the Committee ..."

The President replied that there were no precedents in the practice of the Security Council to justify the interpretation that the applications should be referred automatically to the Committee on the Admission of New Members.²²

²² For texts of relevant statements see:

598th meeting: President (Brazil), para. 48; USSR, paras. 50, 70-71; United States, paras. 96-99.

599th meeting: President (Brazil), paras. 105-106, 158; Chile, paras. 155-157; China, para. 63; France, paras. 72, 121-122, 145-146, 162; Pakistan, paras. 113-114, 154; USSR, paras. 82-86, 101-102, 107-108, 150.

The representative of Pakistan maintained that the obvious procedure was that any delegation wishing that the applications be dealt with in the Security Council without reference to the Committee should make a definite proposal to be voted upon by the Council, and he therefore formally proposed²³ that the application of Libya for membership should be dealt with directly without reference to the Committee.

The proposal was adopted by 8 votes in favour, to 1 against, with 2 abstentions.²⁴

The representative of the United States proposed²⁵ that the application of Japan be considered forthwith by the Security Council.

The proposal was adopted by 8 votes in favour, to 1 against, with 2 abstentions.²⁶

The representative of France submitted a formal proposal²⁷ to the effect that the applications of Viet-Nam, Cambodia and Laos should not be referred to the Committee but examined directly by the Security Council.

The proposal was adopted by 8 votes in favour, to 1 against, with 2 abstentions.²⁸

CASE 4

Following the votes taken at the 599th meeting on 12 September 1952 (see Case 3) on proposals that various applications before the Council should not be referred to the Committee on Admission of New Members but should be examined directly by the Security Council, the representative of the USSR urged that the application of the Democratic Republic of Viet-Nam "be dealt with in accordance with rule 59 of the rules of procedure".

The representative of France stated that the application had not been supported by any draft resolution and therefore could not be considered on formal grounds. There were also substantive reasons for not considering it, since the Viet-Nam authorities could not be regarded as forming a government or representing a State.

At the 603rd meeting on 19 September 1952, the representative of Chile asked the President why he had not, with regard to the application of the Democratic Republic of Viet-Nam, applied the provisions of rule 59 of the rules of procedure which required that unless the Security Council decided otherwise, applications for membership should be referred to the Committee.

The President (Brazil) replied that the draft resolution contained in document S/2773, concerning the application of the Democratic Republic of Viet-Nam, presented by the USSR delegation, had been discussed and that it had now come to the vote.

The representative of Pakistan maintained that the Security Council should not take up the application of the Democratic Republic of Viet-Nam unless there was a definite proposal, adopted by the Security Council,

not to refer the application to the Committee on the Admission of New Members.

The President stated that the Security Council had decided at successive meetings to include in its agenda document S/2466, the application of the Democratic Republic of Vietnam. Unless the Pakistan delegation wished to present a formal proposal to refer the matter to the Committee on the Admission of New Members, the Council would pass to the vote.

The representative of Pakistan declared that he disagreed with the statement of the President that the Security Council could discuss the application without referring it to the Committee. The fact that an item appeared on the agenda of the Security Council, especially if it was an item relating to the admission of new Members, did not mean that it need not go to a committee. Even if it was to go to a committee, it must first appear on the agenda of the Security Council. Therefore, its appearance on the agenda did not signify anything with regard to the question discussed. He maintained that in order not to refer the application to a committee, a positive decision was necessary.

The President replied that "the automatic reference" of applications to the Committee on the Admission of New Members was contrary to all the precedents of the Council. The application of the Democratic Republic of Viet-Nam had been pending since 3 January 1952. The representative of Pakistan had not, as President, felt compelled by the rules of procedure to refer that application to the Committee. That was the best proof available that there was no such practice as "the automatic reference" of applications by the President to the Committee on the Admission of New Members.²⁹

The representative of Chile stated that he agreed with the observations made by the representative of Pakistan and that his delegation did not consider itself bound by the precedent which was being established.³⁰

The President put the draft resolution set forth in document S/2773 to the vote. The draft resolution was not adopted.³¹

CASE 5

The application of Spain for admission to membership in the United Nations was submitted on 23 September 1955. It was included as item 3 of the agenda under

²³ At the 604th meeting on 19 September 1952 (para. 5), the representative of Pakistan said that he saw no inconsistency in the fact that his delegation, in its exercise of the presidency, had not automatically referred certain applications to the Committee. The Council had always made "a clear distinction between matters of which the Security Council is seized and matters which are on the agenda. At that time the Secretary-General had received certain applications, but during the month of April none of those applications was on the agenda. Had such an application been put on the agenda, my delegation, in its exercise of the presidency, would have suggested to the Security Council that such applications should be sent to a committee unless the Security Council decided otherwise. Since those applications were not in the agenda, my delegation could not take such action".

²⁴ For texts of relevant statements see:

599th meeting: France, para. 196; USSR, para. 191; 603rd meeting: President (Brazil), paras. 74, 88, 100; Chile, paras. 73, 101; Pakistan, paras. 87, 94-96.

²⁵ 603rd meeting: para. 104.

²⁶ 599th meeting: paras. 179-180.

²⁷ 599th meeting: para. 181.

²⁸ 599th meeting: para. 184.

²⁹ 599th meeting: para. 185.

³⁰ 599th meeting: para. 186.

³¹ 599th meeting: para. 187.

the general heading "Admission of new Members" at the 701st meeting on 10 December 1955 and discussion continued at the 702nd to 705th meetings on 10, 13 and 14 December. After the Council had failed to recommend admission of Spain in votes taken at its 604th meeting, a recommendation to admit Spain was adopted at the 705th meeting. During these meetings no representative of the Council invoked the provisions of rule 59, nor was any proposal submitted for reference of the application to the Committee on the Admission of New Members.

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

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

****1. Applications referred to the Committee by the President**

2. Applications reconsidered by the Security Council without reference to the Committee

Note: Thirteen pending applications were reconsidered by the Security Council in debates XIII and XIV in 1952 without reference to the Committee. Nineteen pending applications were reconsidered in debate XV in 1955 without such reference.

Part V

PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL

NOTE

By contrast with the period covered in the previous volume of the *Repertoire*, there was little procedural discussion in the proceedings covered by this supplement of draft resolutions listing more than one application.

When voting on a draft resolution listing several applicants, the Council up to the end of 1951 usually voted on each application separately, irrespective of the attitude of the original mover toward such a division. In the course of debates XIII and XIV in 1952, however, two draft resolutions listing a number of applicants were put to the vote as a whole without a previous separate vote on each application. In the second of these cases,³² although most of the members of the Council indicated support for separate votes on each application listed in the draft resolution in question, and one member of the Council requested such separate votes, the President stated that he was unable to comply with the request under rule 32 in view of the objection of the mover of the draft resolution. The request for separate votes was not pressed and the draft resolution was then put to the vote as a whole. In 1955, the Council, when voting on draft resolutions listing a number of applicants, first voted upon the draft resolutions in parts, but did not consider the vote complete until it had voted on the draft resolutions as a whole. However, in one instance in 1955, when the mover of the proposal objected to a division, voting took place on the draft resolution as a whole.³³

In so far as concerned the order of voting on individual applications, the Council in 1955 generally voted upon the applications in the chronological order of their submission. In two instances,³⁴ however, the Security Council voted first on amendments, without regard to the chronological order of submission of the applications of the States listed in the amendments.

Sub-heading 6 in part B, "Consideration of a draft resolution to note the qualifications of an applicant for

membership", is an addition to the headings appearing in part V of the corresponding chapter of the previous volume of the *Repertoire*, under "Voting on applications".

****A. DISCUSSION OF APPLICATIONS**

****1. Order of the discussion of applications**

****2. Documentation submitted to the Security Council**

B. VOTING ON APPLICATIONS

****1. Omission of voting on applications when previous position of members is unchanged**

2. Time and order of voting on applications

CASE 6

Debate XIV

At the 590th meeting on 9 July 1952, the Council engaged in discussion of the following agenda:

"Admission of new Members: (a) Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission; (b) Consideration of resolution 506 (VI) of the General Assembly."

The representative of Greece, pointing out that there were other applications besides the fourteen enumerated in the USSR draft resolution under sub-item (a), suggested that the Council make "a close examination of all the applications pending . . . at a date closer to the next session of the General Assembly". He moved that the debate be adjourned until 2 September 1952. The motion was supported by a number of members of the Council. The representative of the USSR opposed the motion, declaring that the applications listed in the USSR resolution did not give rise "to any internal arguments or controversy". The other applications were more controversial and should therefore be post-

³² See Case 9.

³³ See Case 10, last para.

³⁴ See Case 7.

poned. He also noted the possibility that the Council would have new problems to attend to by September, with the possible consequence of a further postponement, as well as the possibility of a special session which would consider the question of admission if the Council were to recommend the admission of the applicants listed in the USSR draft resolution.³⁵

At the 591st meeting on 9 July 1952, the Council adopted the proposal to postpone consideration of the question until 2 September 1952 by 8 votes in favour, to 1 against, with 2 abstentions.³⁶

CASE 7

Debate XV

At the 703rd meeting on 13 December 1955, the Security Council had before it, in addition to other proposals, a joint draft resolution submitted by the representatives of Brazil and New Zealand,³⁷ providing, *inter alia*, that the Council, having considered separately the applications for membership of Albania, the Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain, should recommend to the Assembly the admission of those countries. The applicant States were listed in the joint draft resolution in the chronological order of the submission of their applications. The representative of China submitted an amendment³⁸ to add the names of the Republic of Korea and Viet-Nam to this list of applications in that draft resolution.

At the 704th meeting also on 13 December 1955, the President (New Zealand) stated that in accordance with rule 36, the Chinese amendment would be voted upon after the introductory words "having considered separately the applications for membership of", which preceded the list of applicants named in the joint draft resolution, and that the applicants named in the amendment and in the joint draft resolution would be voted upon separately.

The representative of the USSR proposed that the Council decide to vote upon the applicants named in the Chinese amendment in the positions they occupied in the chronological order of submission of applications. The representative of China observed that the voting had nothing to do with the order of filing of the applications. The President declared that he had no power to alter the arrangement in the draft resolution, and, at the request of the representative of the USSR, put the USSR proposal to the vote.³⁹ The USSR proposal was rejected by 8 votes in favour, to 1 against, with 2 abstentions.⁴⁰ The joint draft resolution and the Chinese amendment were then voted upon in the manner indicated by the President.

³⁵ For texts of relevant statements see: 590th meeting: Greece, paras. 34, 37-38, 56; USSR, paras. 65, 67, 70, 77-78.

³⁶ 591st meeting: para. 96.

³⁷ S/3502.

³⁸ S/3506.

³⁹ For texts of relevant statements see: 704th meeting: provisional record, President (New Zealand), pp. 11, 16; China, p. 16; USSR, pp. 16-22.

⁴⁰ 704th meeting: provisional record, pp. 17-22.

At the 705th meeting on 14 December 1955, the Council had before it a USSR draft resolution⁴¹ providing that the Council, having considered separately the applications for membership of Albania, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Laos and Spain, should recommend that the Assembly admit those countries to membership. The applicant States were listed in the draft resolution in the chronological order of the submission of their applications. The representative of the United States submitted an amendment⁴² to add the name of Japan to the enumeration of applicants in the USSR draft resolution. The President stated that he would put the amendment and the draft resolution to the vote in the same manner as the joint draft resolution and the Chinese amendment had been put to the vote at the previous meeting.⁴³ The applications listed in the United States amendment and in the draft resolution were then voted upon in the manner indicated by the President.

3. Consideration of a draft resolution recommending the admission of a number of applicant States

CASE 8

Debate XIII

At the 573rd meeting on 6 February 1952, the Council had before it a USSR draft resolution⁴⁴ recommending the simultaneous admission of 14 applicant countries. The draft resolution was opposed by other members of the Council on the grounds that it ran counter to the terms of Article 4 of the Charter, as interpreted by the International Court of Justice, in that it made admission of States admittedly fully qualified for membership conditional upon admission of other applicants whose qualifications were doubtful. The representative of the USSR declared that the USSR draft resolution indicated how the Security Council could find a solution to the problem of admission "in the way which is most acceptable, most equitable and most compatible with the Charter, the one based on the principle of treating all fourteen States equally".⁴⁵

The USSR draft resolution was put to the vote as a whole and was rejected. There were 2 votes in favour and 6 against, with 3 abstentions.⁴⁶

CASE 9

Debate XIV

At the 595th meeting on 3 September 1952, in connexion with the question of admission of new Members, the Council continued its consideration of sub-item 2 (a) "Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission" as contained in the draft

⁴¹ S/3509.

⁴² S/3510.

⁴³ 705th meeting: provisional record, p. 8.

⁴⁴ S/2449/Rev. 1.

⁴⁵ 573rd meeting: para. 171.

⁴⁶ 573rd meeting: para. 172.

resolution⁴⁷ submitted by the representative of the USSR.

The representative of China stated that, since the conditions and qualifications for membership set forth in the Charter were those of individual States and not of a group of States, the Council, in conformity with the Charter, could admit Members only one by one. He therefore requested that, in accordance with rule 32 of the rules of procedure, the names of the fourteen States listed in the USSR draft resolution be put to the vote separately. Should the representative of the USSR object, he added, the resolution should be ruled out of order as being in contradiction to the Charter.

At the 597th meeting on 8 September 1952, the representative of the USSR, rejecting the request of the representative of China to have a separate vote on each of the fourteen applicants named in the USSR draft resolution, stated:

“ . . . In accordance with the generally accepted meaning of rule 32 of the rules of procedure and with the working practice which has been established since the early days of the Security Council's existence, every representative in the Security Council submits his proposal, defends it and secures a vote on the proposal in the form in which he submitted it. No one is entitled to change the proposal, however much its opponents may desire to do so. That is the force and sense of rule 32.”

After the President (Brazil) had declared that he was unable to comply with the request of the representative of China under the terms of rule 32, the representative of China observed:

“The representative of the Soviet Union just stated that my request was illegal and unprecedented. The records of the Security Council show a large number of such precedents. Let us take this question of admission of new Members. Some members of this Council may recall what happened at the 444th meeting of this Council when, faced with a similar proposal of the simultaneous admission of a number of applicants, the representative of the United States moved that a separate vote be taken. The Soviet Union representative then, as now, pronounced such a proposal to be illegal, and on that occasion he formally moved that the United States proposal was out of order. The President on that occasion put that motion to a vote, and the Security Council, by a large majority, voted that the demand for a separate vote was in order . . .”⁴⁸

The President observed that he had made no ruling. He had only made a statement of fact with respect to rule 32, and had not said the Chinese motion was illegal. A member had the right to request a vote in parts and the original mover had the right to object. He then stated that since the representative of China did not insist on a separate vote, he would put the USSR draft resolution to a vote as a whole. The USSR draft resolu-

tion was put to the vote as a whole and was rejected. There were 2 votes in favour and 5 against, with 4 abstentions.⁴⁹

CASE 10

Debate XV

At the 701st meeting on 10 December 1955, the Security Council had before it, *inter alia*, a request from the General Assembly⁵⁰ to the effect that it “consider in the light of the general opinion in favour of the widest possible membership of the United Nations the pending applications for membership of all those eighteen countries about which no problem of unification arises”. The representatives of Brazil and New Zealand submitted a joint draft resolution⁵¹ which, referring to the above request of the General Assembly, provided that the Council, having considered separately the applications for membership of eighteen countries listed by name, would recommend to the General Assembly the admission of those countries.

The President (New Zealand), in response to a question by a member of the Council, stated that the joint draft resolution would be voted upon in parts, including separate votes on each of the countries listed, prior to the vote on the paragraph containing the list as a whole and on the draft resolution as a whole.

The representative of the USSR proposed that the General Assembly should act on each recommendation by the Council for admission of an applicant before the Council voted on the succeeding application.⁵² At the 703rd meeting on 13 December 1955, the representative of the USSR stated that he would not insist on the procedure he had proposed and accepted the procedure set out in the joint draft resolution. He declared that the joint draft resolution was a single entity, a single recommendation, which was to be considered as such by the General Assembly and should be referred back to the Council for reconsideration if it was amended in any way by the Assembly.

Also at the 703rd meeting, the representative of China submitted an amendment⁵³ to add the names of the Republic of Korea and the Republic of Viet-Nam to the names listed in the joint draft resolution.

At the 704th meeting on 13 December 1955, the Council voted upon the draft resolution and the Chinese amendment in parts, taking a separate vote on each of the twenty names. The names of four applicants obtained the required majority. The paragraph containing those 4 applicant States was put to the vote as a whole, and was not carried. The President (New Zealand) stated that he would not put the last paragraph nor the resolution as a whole to the vote since there was nothing to recommend to the General Assembly.

In explaining their votes on the paragraph as a whole, a number of representatives stated that they had voted for all the applicants named, but that they had abstained

⁴⁷ S/2664, 590th meeting: para. 33.

⁴⁸ For texts of relevant statements see:

595th meeting: China, paras. 53-54.

597th meeting: President (Brazil), paras. 10-11, 20, 25; China, paras. 22-23; USSR, paras. 12-13, 19.

⁴⁹ 597th meeting: para. 26.

⁵⁰ Resolution 918 (X).

⁵¹ S/3502.

⁵² S/3483.

⁵³ S/3506.

or voted against what remained of the paragraph because it had lost all meaning.⁵⁴

At the 705th meeting on 14 December 1955, the representative of the USSR submitted a draft resolution which also referred to the General Assembly resolution of 8 December 1955 on the admission of new Members and provided that the Council, having considered separately the applications for membership of sixteen applicants named in the proposal, would recommend to the General Assembly the admission of those countries.⁵⁵ The representative of the United States submitted an amendment⁵⁶ to add the name of Japan to the list in the USSR proposal.

The USSR draft resolution and the United States amendment were then voted upon in accordance with the same procedure as had been followed at the previous meeting. After the Council failed to adopt the United States amendment, it approved each of the applications listed in the USSR draft and adopted the draft resolution as a whole.

At the 706th meeting on 15 December 1955, the Council discussed a draft resolution submitted by the USSR recommending to the General Assembly that the Mongolian People's Republic and Japan be admitted at its eleventh session.⁵⁷ The representative of the USSR opposed a suggestion made by the representative of

⁵⁴ For texts of relevant statements see:

701st meeting: provisional record, President (New Zealand), p. 37.

702nd meeting: provisional record, Brazil, p. 3; Iran, p. 5; USSR, p. 7.

703rd meeting: provisional record, USSR, p. 2; China, pp. 7-9.

704th meeting: provisional record, President (New Zealand), p. 33; Peru, p. 34; Turkey, p. 33; United Kingdom, p. 33.

⁵⁵ S/3509.

⁵⁶ S/3510.

⁵⁷ S/3512.

France to vote by division on his draft resolution. The USSR draft resolution was accordingly voted upon as a whole, and was not adopted.⁵⁸

4. The question of submission of a draft resolution with a view to voting on an application

****5. Conflict between a proposal to recommend admission and a proposal to postpone voting**

6. Consideration of a draft resolution to note the qualifications of an applicant for membership

CASE 11

Debate XV

At the 706th meeting on 15 December 1955, the representative of the United Kingdom submitted a draft resolution⁵⁹ to take note that Japan was fully qualified for membership and to express the hope that it would soon be admitted to the United Nations.

At the 708th meeting on 21 December 1955, the representative of the USSR submitted an amendment⁶⁰ to add the name of the Mongolian People's Republic to the United Kingdom draft resolution. This amendment was opposed by other members of the Council, partly on the ground that it ran counter to Article 4 by linking admission of one applicant to that of another. The USSR amendment was rejected by 1 vote in favour, to none against, with 10 abstentions. The United Kingdom representative then requested postponement of the voting on his draft resolution.⁶¹

⁵⁹ 706th meeting: provisional record, p. 50.

⁶⁰ S/3513.

⁶¹ S/3517.

⁶² 708th meeting: provisional record, p. 35.

Part VI

THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL

NOTE

The material covered in part VI of the *Supplement* includes five cases; the first one concerns consultations by the permanent members of the Council in response to a request by the Assembly; the second sets forth the discussion in the Council of the terms of a special report; the third case concerns consideration of a new application in accordance with a General Assembly resolution; the fourth relates to the question of the procedure for achieving agreement with the General Assembly on the States to be admitted to membership; and the fifth relates to the question of whether the Council may specify the time at which the Assembly is to act upon its recommendation.

CASE 12

Debate XIV

In the course of discussion at the 590th and 591st meetings on 9 July 1952 of the proposal to postpone consideration of the question of admission,⁶² the representatives of Chile and Pakistan, referring to the request in General

⁶² See Case 6.

Assembly resolution 506 A (VI) that the permanent members of the Council confer, submitted a joint draft resolution⁶³ urging the permanent members to give their earnest attention to that request. This joint draft resolution was not put to the vote because the proposal for adjournment of the debate was adopted, but during the discussion the representatives of some of the permanent members indicated their readiness to hold consultations.

At the 594th meeting on 2 September 1952, when the Council resumed discussion of the membership question, it was informed that the permanent members had met on 21 August but that agreement had not been possible since they had not changed their positions.⁶⁴

CASE 13

Debate XIV

At the 604th meeting on 19 September 1952, the Security Council discussed the question of submitting a special report to the General Assembly in accordance

⁶³ S/2694, 591st meeting: para. 25.

⁶⁴ 594th meeting: paras. 3-5.

with rule 60 (3) of the provisional rules of procedure, as well as the relationship of such a report to the General Assembly's request under resolution 506 B (VI) that the Council report to the General Assembly at its seventh session on the status of applications still pending. During the discussion, the President (Brazil) suggested that the drafting of the report be entrusted to the Secretariat. The representative of the USSR raised the question of the meaning of the term "applications still pending" in the Assembly resolution. The President stated:

"... that no reference will be made to applications outside of those which were dealt with by the Council in the various draft resolutions submitted to the Council. The reference to resolution 506 (VI) will only embrace the meetings of the Security Council and the effort made by it to find a basis of agreement, with a notation to the effect that no changes were made in the general situation."

The representative of Chile considered that the course proposed by the President would not fulfil the Assembly's request. The Spanish text of the Assembly's resolution clearly referred to such applications as might be pending when the Security Council reported.

The representative of Greece concurred with the view of the representative of Chile, stating:

"... We have examined nineteen of the applications still pending. The only ones we have not examined are the applications of the Republic of Korea and of the so-called People's Democratic Republic of Korea. Can we not, in accordance with the third paragraph of rule 60 of the rules of procedure, decide to postpone the consideration of these two applications at once and then make reference to the postponement in the report to the General Assembly?"

The President thereupon observed that a decision of the Council would be necessary and that no draft resolutions had been presented in connexion with those applications.

The representative of Chile stated that the question "of the two applications concerning Korea can be settled without difficulty by stating that the Council has not dealt with them. The point raised in paragraph 1 would thus be met".⁶⁵

The Special Report submitted by the Council stated in part:⁶⁶

"The Security Council did not consider, during its discussion, the applications of the Republic of Korea and of the People's Democratic Republic of Korea."

CASE 14

In the case of the application of Spain, which was addressed to the Secretary-General on 23 September 1955,⁶⁷ the Security Council did not begin its consideration of the application until after the General Assembly had adopted its resolution of 8 December 1955 request-

ing the Council to examine the pending applications for membership of "all those eighteen countries about which no problem of unification arises", the eighteen countries in question including, implicitly, Spain. The application of Spain appeared for the first time on the provisional agenda of the Council only at its 701st meeting on 10 December 1955.

CASE 15

Debate XV

At the 701st meeting of the Security Council on 10 December 1955, the Council adopted an agenda covering General Assembly resolutions 817 (IX) and 918 (X), as well as the application of Spain. The Council had before it thirteen draft resolutions⁶⁸ submitted by China to recommend respectively the admission of Italy, Japan, Spain, the Republic of Korea, the Republic of Viet-Nam, Cambodia, Laos, Portugal, Ceylon, Jordan, Libya, Austria and Ireland.

The representative of the Union of Soviet Socialist Republics submitted eighteen draft resolutions⁶⁹ to recommend respectively the admission of Albania, the Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain. Since his delegation considered it essential that the Security Council and the General Assembly should take agreed action on the matter, in accordance with a predetermined plan, he also submitted a draft resolution⁷⁰ on the procedure to be followed providing that the Council take a separate decision on each application and, after voting to recommend the first State on the list, examine the next application only after the General Assembly had completed consideration of the Council recommendation on the preceding application.

At the same meeting a joint draft resolution⁷¹ submitted by Brazil and New Zealand provided, following a preambular reference to resolution 918 (X), that the Council, having considered separately the applications of Albania, the Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain, recommend to the General Assembly the admission of the above mentioned countries.

Introducing the joint draft resolution, the President, speaking as the representative of New Zealand, stated in part:

"... We cannot ignore the fact that the General Assembly expects the members of the Council to reach an understanding which would permit the immediate admission of all eighteen applicants. Still less can we ignore the fact that, in the absence of such understanding, no candidate is likely to be admitted. Therefore, while the procedure my delegation contemplates is one of a separate vote on each applicant, we believe that there must also be a vote

⁶⁵ For texts of relevant statements see:

604th meeting: President (Brazil), paras. 2-3, 18, 26; Chile, paras. 19, 27; Greece, paras. 24-25.

⁶⁶ A/2208, G A (VII), Annexes, a.1. 19, p. 1.

⁶⁷ S/3441/Rev.1.

⁶⁸ S/3468-S/3480.

⁶⁹ S/3484-S/3501.

⁷⁰ S/3483.

⁷¹ S/3502.

on the group. If, after the separate voting on individual States, the group comprises fewer than eighteen States, we shall then have disregarded the views of an overwhelming majority of Members of the United Nations. This is a fact which my delegation cannot fail to take into account. It follows also that our chances of success would be destroyed as soon as one applicant failed to secure the necessary votes. . . .

“ . . .
 “My delegation does not believe that this resolution can be successfully amended. Nevertheless, for the reasons we have given, we contemplate allowing separate votes on the eighteen applicants. I should say at this juncture that I have listened with great care to the procedure proposed by the representative of the Soviet Union. In my view, the procedure which we propose is capable of achieving everything which the procedure proposed by the Soviet Union is designed to achieve, and will, I think, be more generally acceptable.”

In replying at the 702nd meeting on 10 December 1955 to a question by the representative of the USSR concerning the joint draft resolution, the President said that while the Security Council could not impose a procedure on the General Assembly, he could not conceive that the General Assembly would do other than promptly endorse the Council's recommendation by an overwhelming majority.

After some discussion of the question of procedure, in the course of which the representatives of Belgium, Brazil, Iran, Peru and the United Kingdom noted that the joint draft resolution was compatible with the relevant provisions of the Charter in the matter of admission of new Members, the representative of the USSR said at the 703rd meeting on 13 December 1955 that his delegation was bound to take into account the support given to the joint draft resolution by many members of the Council and would not oppose the motion to give that joint draft resolution priority which had been made by the representative of Iran. It was the understanding of the Soviet delegation that that draft resolution:

“ . . . represents a single entity, a single recommendation, which is to be considered by the General Assembly in that sense. We understand the draft resolution to mean that if the General Assembly amends the recommendation in any way, the Security Council's recommendation would be amended accordingly because it would lose its meaning as an entity and as a single recommendation, and would consequently have to be referred back to the Security Council for reconsideration.”

The representative of China noted that the list contained in the second paragraph of the Brazil-New Zealand draft resolution did not include the Republics of Korea and Viet-Nam, which were covered in the series of draft resolutions submitted by China. If that paragraph meant that his own draft resolutions on Korea and Viet-Nam would not be considered and voted upon, he could not support the joint draft resolution. The third paragraph of the joint draft resolution appeared to him not to be necessary at all.

He submitted an amendment⁷² to add the names of Korea and Viet-Nam to the list of applications contained in the second paragraph of the Brazil-New Zealand draft resolution.

At the 704th meeting on 13 December 1955, after the Council had decided to give priority in the voting to the draft resolution of Brazil and New Zealand, the President, speaking as the representative of New Zealand, indicated why he could not support the amendment proposed by the representative of China. He stated that while, as the representative of China had indicated, the preamble of the joint draft resolution might be construed as neither approving nor disapproving the General Assembly resolution, the joint draft resolution considered as a whole was intended to give effect to the purpose of the Assembly resolution. He added that:

“If we now add two more to the eighteen countries, and two about which a problem of unification may be said to arise, we shall not be acting in accordance with the request of the General Assembly; we shall be doing something different. The result of doing something different from what the Assembly asked, in my view and in the view of my delegation, would be to diminish our chances of success. That is why, in introducing the draft resolution of Brazil and New Zealand, I expressed the belief that it could not be successfully amended.”

The representative of the United States said that he did not believe:

“ . . . there is a definite purpose in this draft resolution or a definite obligation here to give effect to whatever the General Assembly may have voted. We certainly have the obligation to give it tremendous weight and give it very respectful consideration, but certainly we cannot contend that the Assembly has the right to bind the Security Council any more than the Security Council has the right to bind the Assembly; they are autonomous organs.”

The object of the joint draft resolution in his view was to provide an orderly method of voting and an orderly procedure for considering these questions. The amendment offered by the representative of China was entirely appropriate and consistent with his understanding of the joint draft resolution.

The representative of the United Kingdom agreed that the Council should pay the utmost respect to an indication of wishes on the part of the General Assembly. Noting that the Security Council was master of its own procedures and judgements, he said:

“ . . . it does not seem to me in any way out of line with the responsibilities of these two organs of the United Nations that we here in the Security Council should decide that we ought to consider the amendments, adding the Republic of Korea and the Republic of Viet-Nam to the list of applicant countries. I may recall that there is still outstanding a resolution of the General Assembly of last year asking the Security Council to consider the pending applications for membership, and of course among the latter applications are those of the Republic of Korea and the Republic of Viet-Nam.”

⁷² S/3506.

The representative of France declared that the Council was entitled to receive amendments to the draft resolutions before it, and to vote upon them, even though such resolutions had not been previously accepted by the Assembly.

The representative of the Union of Soviet Socialist Republics declared that the amendment was intended to obstruct a decision by the Security Council and said that:

“This is not of course an amendment in the ordinary sense of the word. It is a completely new proposal which radically alters the meaning of the proposal made by Brazil and New Zealand. . . .”⁷³

CASE 16

Debate XV

At the 705th meeting on 14 December 1955, the representative of the United States submitted a draft resolution⁷⁴ to recommend to the Assembly that it admit Japan to the United Nations at its eleventh regular session.

At the 706th meeting on 15 December 1955, the representative of the USSR submitted a draft resolution⁷⁵ to recommend to the Assembly that it admit the Mongolian People's Republic and Japan to the United Nations at its eleventh regular session.

The President, speaking as the representative of New Zealand, indicated that he would abstain on both proposals “on constitutional grounds”, namely that “the

⁷³ For texts of relevant statements see:

701st meeting: provisional record, President (New Zealand), pp. 37-38.

702nd meeting: provisional record, President (New Zealand), p. 2; Belgium, pp. 8-11; Brazil, pp. 3-4; Iran, pp. 4-5, 17-22; Peru, pp. 26-28; United Kingdom, pp. 23-25.

703rd meeting: provisional record, China, pp. 7-27; USSR, pp. 2-3.

704th meeting: provisional record, President (New Zealand), pp. 2-5; France, p. 9; USSR, pp. 9-10; United Kingdom, pp. 7-8; United States, pp. 6-7.

⁷⁴ S/3510.

⁷⁵ S/3512.

Council is not permitted by the Charter to attach conditions of any kind to its recommendations” in the matter of admission. The representative of Brazil likewise did not regard “the form of the draft resolution” as suitable.

The representative of Peru expressed the view that

“. . . the Security Council does not function in the same cycles as the Assembly, and is not bound to the Assembly's annual cycle. The Security Council is a continuous entity, without fixed sessions. The chronological factor may be taken into account where the Security Council is concerned, but it is not a consideration of substances. There is no fixed session for the Council, because it functions continuously, whereas the Assembly does function in sessions. When an Assembly adjourns, it can be said to have no jurisdiction until it is convened again. On the other hand it would appear that the Council has this question before it continuously, without a break. Thus the Council is in a position to express an opinion which will be valid, unless it is retracted, until the Assembly's eleventh session. This resolution can obviously be revoked by the Council itself in the light of events before the eleventh session.”

The representative of France supported the United States proposal, and did not think that it was “in any way contrary to the constitutional rules”.⁷⁶

The United States draft resolution was voted upon in parts. The first part, not including the words “at its eleventh regular session”, received 10 votes in favour and 1 against.⁷⁷ It was not adopted since the opposing vote was that of a permanent member. The remainder of the draft resolution accordingly was not put to the vote. The USSR draft resolution was voted upon as a whole and was not adopted, there being 1 vote in favour and 10 abstentions.⁷⁸

⁷⁶ For texts of relevant statements see:

706th meeting: provisional record, President (New Zealand), p. 22; Brazil, p. 27; France, p. 50; Peru, pp. 34-38.

⁷⁷ 706th meeting: provisional record, p. 50.

⁷⁸ 706th meeting: provisional record, p. 50.