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## **Chapter VII**

### **Practice relative to recommendations to the General Assembly regarding membership in the United Nations**

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## Contents

	<i>Page</i>
Introductory note .....	255
Part I. Applications for admission to membership in the United Nations and action taken thereon by the Security Council and the General Assembly, 2000-2003 .....	256
Note .....	256
A. Applications recommended by the Security Council .....	256
B. Discussion of the question in the Security Council .....	256
C. Applications pending on 1 January 2000 .....	257
D. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 2000 to 31 December 2003 .....	258
Part II. Presentation of applications .....	260
Part III. Referral of applications to the Committee on the Admission of New Members .....	260
Part IV. Procedures in the consideration of applications within the Security Council .....	260
Part V. Practices relating to the applicability of Article 4 of the Charter .....	261
Note .....	261

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## Introductory note

The present chapter considers the practice of the Security Council in its recommendations to the General Assembly concerning applications for membership in the United Nations.

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

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

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

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

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

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

<sup>2</sup> Resolution 1326 (2000).

<sup>3</sup> General Assembly resolution 55/12.

<sup>4</sup> As from 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

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

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**Part I**  
**Applications for admission to membership in the**  
**United Nations and action taken thereon by the**  
**Security Council and the General Assembly,**  
**2000-2003**

**Note**

As in the previous Supplements to the *Repertoire*, part I contains information on the applications before the Council during the period under review and the decisions taken thereon by the Council and the General Assembly. Section A (Applications recommended by the Security Council), section B (Discussion of the question in the Security Council), section C (Applications pending on 1 January 2000) and section D (Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 2000 to 31 December 2003) have been maintained from previous Supplements. However, the sections entitled “Applications that failed to obtain a recommendation” and “Applications pending at the end of the period under review” have been deleted in the present Supplement as no material was found for inclusion therein.

**A. Applications recommended by the Security Council**

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

Switzerland  
Timor-Leste  
Tuvalu  
Yugoslavia<sup>6</sup>

**B. Discussion of the question in the Security Council**

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

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<sup>6</sup> As from 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

<sup>7</sup> See table in section D.

<sup>8</sup> See S/PV.4103.

**C. Applications pending on 1 January 2000**

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

<sup>a</sup> Admitted on 5 September 2000. See table in section D.

**D. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 2000 to 31 December 2003**

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Council meeting and date</i>	<i>Committee meeting and date; the Council: Committee report and recommendations</i>	<i>Decision of Council meeting and date</i>	<i>Security Council resolution/presidential statement</i>	<i>Vote</i>	<i>General Assembly meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Tuvalu	S/2000/5 16.11.99 5.1.00	4093rd mtg. 28.1.00 Referred by President	102nd and 103rd meetings 28.1.00 and 31.1.2000 Draft resolution recommending admission	4103rd mtg. 17.2.00	Draft resolution (S/2000/70) Adopted as resolution 1290 (2000)	14-0-1 (China abstained)	55th session, 1st plenary meeting 5.9.00	55/1	Adopted by acclamation	Admitted
			Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure		President made a statement (S/PRST/2000/6)					
Yugoslavia <sup>b</sup>	S/2000/1043 27.10.00 30.10.00	4214th mtg. 31.10.00 Referred by President	104th meeting 31.10.00 Draft resolution recommending admission	4215th mtg. 31.10.00	Draft resolution (S/2000/1051) Adopted as resolution 1326 (2000)	Adopted without a vote	55th session, 48th plenary meeting 1.11.00	55/12	Adopted by acclamation	Admitted
			Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure		President made a statement (S/PRST/2000/30)					



## **Part II**

### **Presentation of applications**

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

## **Part III**

### **Referral of applications to the Committee on the Admission of New Members**

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

## **Part IV**

### **Procedures in the consideration of applications within the Security Council**

During the period under review, the practice of deciding upon applications in the chronological order of their receipt was observed. The Council decided upon all applications separately. In all but one instance, the Council adopted the draft resolutions submitted by the Committee on the Admission of New Members without

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

<sup>10</sup> See table in part I, section D. In the case of Tuvalu, though the Council waived the time limits set forth in the fourth paragraph of rule 60 in order to present its recommendation to the General Assembly at the Assembly’s fifty-fourth session, the matter was eventually considered at the Assembly’s fifty-fifth session.

<sup>11</sup> The fourth and fifth paragraphs of rule 60 read as follows:

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

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

a debate and a vote, “in accordance with the understanding reached in prior consultations among members of the Council”. Following the adoption of the resolution, the President of the Council made a statement on behalf of the members of the Council. In the case of Tuvalu, the draft resolution submitted by the Committee was put to a vote and adopted with one abstention (China). Prior to the vote the representative of China made a statement.<sup>12</sup>

## **Part V**

### **Practices relating to the applicability of Article 4 of the Charter**

#### **Note**

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

#### **Case**

##### **Admission of Tuvalu**

By a letter dated 16 November 1999 from the Prime Minister of Tuvalu addressed to the Secretary-General, Tuvalu submitted an application for admission to membership in the United Nations, which was circulated by the Secretary-General in a note dated 5 January 2000.<sup>14</sup>

The Security Council considered the application at its 4093rd meeting, held on 28 January 2000 and referred the application, in accordance with rule 59, to the Committee on the Admission of New Members. The Committee, in paragraph 4 of its report, dated 31 January 2000,<sup>15</sup> recommended to the Council the adoption of a draft resolution on the application of Tuvalu for admission to membership in the United Nations. Paragraph 5 of the same report, however, stated that China was unable to associate itself with the recommendation of the Committee and that it would expound its position at the formal meeting of the Council.

At its 4103rd meeting, on 17 February 2000, the Council considered the report of the Committee concerning the admission of Tuvalu and decided to proceed to the vote<sup>16</sup> on the draft resolution contained in paragraph 4 of the report. Speaking before the vote, the representative of China asserted that his delegation attached great importance to Tuvalu’s desire to join the United Nations and had seriously considered its application. He underscored that, as a State Member of the United

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

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

<sup>14</sup> S/2000/5.

<sup>15</sup> S/2000/70.

<sup>16</sup> See table in part I, section D, for details of the voting.

Nations, a country should truly fulfil the obligations contained in the Charter and strictly abide by the resolutions of the General Assembly. This, he said, was a very important basis to judge whether an applicant country had met the standards for becoming a Member of the United Nations. In considering Tuvalu's membership, his delegation believed that the most important issue was the upholding of the principles and purposes of the Charter and the implementation of General Assembly resolution 2758 (XXVI) on "Restoration of the lawful rights of the People's Republic of China in the United Nations".<sup>17</sup> Proceeding from that principled position, the Chinese delegation could not support the Security Council recommendation to the General Assembly that Tuvalu be accepted as a new Member State. However, bearing in mind the long-term interests of the peoples of China and Tuvalu, and also taking into consideration various requests, including those of the South Pacific countries, his delegation would not block the recommendation. He expressed the hope that Tuvalu would strictly abide by the Charter of the United Nations and implement General Assembly resolution 2758 (XXVI). In the ensuing vote, China abstained.

Tuvalu was admitted to membership in the United Nations on 5 September 2000 pursuant to the recommendation<sup>18</sup> of the Security Council and the decision<sup>19</sup> of the General Assembly.

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<sup>17</sup> By resolution 2758 (XXVI) of 25 October 1971, the General Assembly decided "to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occup[ied] at the United Nations and in all the organizations related to it".

<sup>18</sup> Resolution 1290 (2000).

<sup>19</sup> General Assembly resolution 55/1.