

ARTICLE 4

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TEXT OF ARTICLE 4

1. 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.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

INTRODUCTORY NOTE

1. For the purpose of the Repertory, the treatment of material under Article 4 presents certain problems which do not arise in connexion with most of the other Articles. These problems do not affect the material relating to the cases in which States have been admitted to membership; they result, however, from the fact that various applications for admission have been before the Organization for a number of years, during which time the Security Council has not submitted to the General Assembly recommendations for the admission of the applicants concerned. This fact has led to the discussion of the item "Admission of new Members" as such in both the Council and the Assembly. As a result, the practice of the two organs bearing upon Article 4 relates not only to the admission of individual applicants but also to questions of interpretation of the Charter and to questions of a political order which have arisen in connexion with the various applications still pending. Since the question of admission has thus developed over a period of several years, the chronological aspects of action taken by the Organization bearing upon Article 4 are of considerable importance for an appreciation of the factors involved in the question. The General Survey, therefore, provides a brief summary of these aspects. This summary is limited to an account of the main lines of the action taken, and is supplemented by the tabulation contained in the annex to the present study.

2. The General Survey also includes an indication of the range and various types of decisions taken and recommendations adopted by the General Assembly and the Security Council in connexion with the question of admission of new Members.

3. The questions involved in the various decisions of the two organs for the most part concern specific portions or phrases of Article 4 and are treated in the Analytical Summary of Practice under the relevant portions or phrases of that Article for the sake of clarity and convenience of presentation. Since Article 4 deals with only one subject, that of admission, the various questions, of course, constitute specific aspects of what from some points of view has, in fact, been a single question. For this reason, it has been necessary in a few cases to deal with material under one question and include cross-references to other questions to which that material is also relevant.

4. Some of the material is relevant to other Articles of the Charter as well. For instance, the question whether a new State created through the division of a Member State acquires membership in the Organization (see paragraphs 32-37 below) concerns Article 3 as well as Article 4; it has been included under Article 4. The material

concerning the respective functions of the Security Council and the General Assembly under Article 4 (2) (see paragraphs 70-85 below) has a bearing on Article 10 of the Charter under which an appropriate cross-reference will be found. Similarly, the practice under Article 4 (2) is relevant to that under Article 27 (3) (see paragraphs 86-91 below).

5. The Analytical Summary of Practice has been divided into two sections, covering respectively questions bearing upon Article 4 (1) and Article 4 (2). The order in which the various questions are arranged corresponds to the order of the portions of Article 4 to which they appear to be most closely related.

I. GENERAL SURVEY

A. Use of subsidiary organs

6. Various subsidiary organs have been established at one time or another by the Security Council and the General Assembly in connexion with the admission of new Members.

7. The Security Council at its 42nd meeting on 17 May 1946, adopted provisional rules of procedure concerning admission of new Members (present rules 58-60). Rule 59 provides that unless the Security Council decides otherwise, applications for admission shall be referred by the President to a committee of the Council (the Committee on the Admission of New Members) for examination and report. From 1946 to the end of 1949, the majority of applications were referred to the Committee prior to consideration by the Council. Since the beginning of 1950 applications have been considered directly by the Council without reference to the Committee. The General Assembly has not appointed any standing committee on admission of new Members, but it has, from time to time, set up ad hoc sub-committees to deal with questions involving applications for admission, and it has also established two temporary committees charged with various duties in this connexion. In 1946, at the second part of the first session of the General Assembly, a sub-committee of the First Committee was established to draft a text which would reconcile three different proposals submitted to the First Committee on the question of admission of new Members. In 1948, at the first part of the third session of the General Assembly, a sub-committee of the Ad Hoc Political Committee was set up to draft an agreed text concerning the application of Ceylon. In 1952, at its seventh session, the General Assembly established 1/ a Special Committee on Admission of New Members to make a detailed study of the question of the admission of States to membership in the United Nations. In 1953, at its eighth session, the General Assembly established 2/ a Committee of Good Offices to consult with members of the Security Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of new Members in accordance with Article 4.

1/ G A resolution 620 A (VII).

2/ G A resolution 718 (VIII).

**B. States admitted to membership and applications
which remain pending**

8. The following States have so far been admitted to membership: 3/

Afghanistan	Yemen
Iceland	Burma
Sweden	Israel
Thailand (Siam)	Indonesia
Pakistan	

On each occasion admission to membership has been effected by decision of the General Assembly upon the recommendation of the Security Council.

9. The following applicants 4/ have so far failed to obtain the recommendation of the Security Council, and their applications remain pending: 5/

Albania	Finland
Mongolian People's Republic	Ceylon
Jordan	Republic of Korea
Portugal	Democratic People's Republic of Korea
Ireland	Nepal
Hungary	Viet-Nam
Italy	Libya
Austria	Democratic Republic of Viet-Nam
Romania	Cambodia
Bulgaria	Japan
	Laos

**C. Action taken by the Security Council and by the General Assembly
concerning applications for admission of new Members**

10. In 1946, the Security Council examined nine applications for membership. It recommended to the General Assembly the admission of Afghanistan, Iceland, Sweden and Thailand (Siam). The applications of Albania and the Mongolian People's Republic failed to obtain the necessary majority for a recommendation by the Council. The applications of Jordan (Transjordan), Portugal and Ireland failed to obtain the recommendation of the Council owing to the negative vote of a permanent member.

11. At the second part of its first session in 1946, the General Assembly decided to admit Afghanistan, Iceland, Sweden and Thailand (Siam) to membership in the United Nations. It also adopted a resolution 6/ recommending that the Council re-examine the

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- 3/ Listed in the chronological order of admission; in cases where the General Assembly decided to admit more than one State on the same day the listing is alphabetical.
- 4/ Listed in the chronological order of reproduction of applications in document form.
- 5/ Of these twenty-one applicants, the following fourteen have failed to obtain a recommendation of the Council owing to the negative vote of a permanent member: Jordan, Portugal, Ireland, Italy, Austria, Finland, Ceylon, Republic of Korea, Nepal, Libya, Japan, Viet-Nam, Cambodia and Laos. The following seven have received less than 7 affirmative votes in the Council: Albania, Mongolian People's Republic, Hungary, Romania, Bulgaria, Democratic People's Republic of Korea (the application of the Democratic People's Republic of Korea has not been voted upon as such by the Council), Democratic Republic of Viet-Nam.
- 6/ G A resolution 35 (I).

applications of Albania, the Mongolian People's Republic, Jordan (Transjordan), Ireland and Portugal on their respective merits as measured by the yardstick of the Charter, in accordance with Article 4.

12. In 1947, the Security Council examined eight new applications for admission. The Council recommended to the General Assembly that Yemen and Pakistan be admitted. It also re-examined the five applications which had failed to obtain its recommendation in 1946. The results of the votes taken by the Council were as follows: the applications of Albania, the Mongolian People's Republic, Hungary, Romania and Bulgaria failed to obtain the required majority. The applications of Jordan (Transjordan), Portugal, Ireland, Italy, Austria and Finland failed to obtain the recommendation of the Council owing to the negative vote of a permanent member. During the discussion, the Council decided to vote separately on five applications which were listed in one draft resolution, and did not vote upon the draft resolution as such.

13. At its second session in 1947, the General Assembly decided to admit Pakistan and Yemen to membership. It also adopted eight resolutions 7/ by which it: (1) recommended that the permanent members of the Council consult with a view to reaching agreement on the admission to membership of the applicants which had not been recommended and submit their conclusions to the Council; (2) requested the International Court of Justice to give an advisory opinion on certain questions connected with the consent of a Member of the United Nations to the admission of a State; and (3) determined that Ireland, Portugal, Transjordan, Italy and Finland, whose admission, it considered, had been opposed on grounds not covered by Article 4, were peace-loving States within the meaning of that Article and should, therefore, be admitted to membership. The General Assembly also expressed the opinion that Austria was a peace-loving State within the meaning of Article 4. It requested the Council to reconsider the applications of the above-mentioned States in the light of the determination which it had made and in the light of the opinion expressed concerning Austria.

14. Towards the end of 1947 and during 1948, the Security Council reconsidered the applications. After taking a vote on one of these, the Council decided to report to the General Assembly that none of its members had changed its position with regard to the applications. Three new applications were examined by the Council in 1948. The Council decided to recommend that Burma be admitted to membership. The application of Ceylon failed to obtain the recommendation of the Council owing to the negative vote of a permanent member. The application of Israel failed to obtain the requisite majority in 1948.

15. At its second special session in 1948, the General Assembly decided to admit Burma to membership. At the first part of its third session in the same year, the Assembly adopted a series of nine resolutions concerning the admission of new Members. 8/ In the first resolution it recommended that each member of the Council and of the Assembly, in exercising its vote on the admission of new Members, should act in accordance with the advisory opinion of the International Court of Justice of 28 May 1948, according to which a Member State was not juridically entitled to make its consent to the admission of a State to membership dependent on conditions not expressly provided by Article 4 (1), and, in particular, could not subject its affirmative vote to the additional condition that other States be admitted together with that State. In the second resolution, having noted the advisory opinion of the Court and the general sentiment in favour of the universality of the United Nations, the Assembly asked the Council to reconsider, taking into account the circumstances of each particular case,

7/ G A resolutions 113 A-H (II).

8/ G A resolutions 197 A-I (III).

the various applications which the Council had failed to recommend. The next five resolutions reiterated the determination of the General Assembly that Portugal, Jordan (Transjordan), Italy, Finland and Ireland were qualified for admission and should be admitted and requested the Council to reconsider the applications in the light of the determination of the Assembly and of the advisory opinion of the Court. In the last two resolutions the Assembly also reiterated its favourable opinion concerning Austria and requested the Council to reconsider the application of that country in the light of that opinion and of the advisory opinion of the Court; it further requested the Council to reconsider at the earliest possible moment the application of Ceylon in the light of the discussions in the Ad Hoc Political Committee which had revealed a unanimous opinion that Ceylon was qualified for admission and should be admitted to membership.

16. In 1949, the Security Council recommended to the Assembly that Israel be admitted to membership. It also received applications for admission from the Republic of Korea, the Democratic People's Republic of Korea and Nepal, and reconsidered the various pending applications. The results of the votes taken were that the situation remained unchanged in so far as the various pending applications were concerned; the applications of the Republic of Korea and Nepal failed to secure the recommendation of the Council owing to the negative vote of a permanent Member, and a proposal to refer the application of the Democratic People's Republic of Korea to the Committee on Admission of New Members was rejected. In the course of this discussion, the Council, after voting separately on each applicant listed, rejected a draft resolution recommending the admission of fourteen applicants.

17. The General Assembly, at the second part of its third session in 1949, decided to admit Israel to membership. At its fourth session in the same year, the General Assembly adopted a series of 11 resolutions concerning the admission of new Members. 9/ In the first nine of these, the Assembly reaffirmed its determination concerning Austria, Ceylon, Finland, Ireland, Italy, Jordan and Portugal; expressed its determination that the Republic of Korea and Nepal were qualified for admission and should be admitted, and requested the Council to reconsider those applications in the light of the determination of the Assembly. In the tenth resolution the Assembly requested the International Court of Justice to give an advisory opinion on whether the admission of a State to membership could be effected by a decision of the General Assembly when the Security Council had made no recommendation for admission. The last resolution requested the permanent members of the Council to refrain from the use of the veto in connexion with recommendations for admission and requested the Council to keep under consideration, in the light of Article 4 (1), the pending applications of all States which so far had not gained admission.

18. In 1950, the Security Council recommended to the General Assembly that Indonesia be admitted to membership.

19. At its fifth session in 1950, the General Assembly decided to admit Indonesia to membership. It also adopted a resolution 10/ recalling the resolutions adopted at the previous session (excepting the request for an advisory opinion by the Court) and requested the Council to keep the pending applications under consideration in accordance with those resolutions.

9/ G A resolutions 296 A-K (IV).

10/ G A resolution 495 (V).

20. At its sixth session in 1951-1952, the General Assembly adopted two resolutions, 11/ in the first of which it recommended that the Council, in reconsidering all pending applications for admission and in the consideration of all future applications, base its action exclusively on the conditions contained in the Charter and on the facts which States applicants might present establishing the existence of those conditions. This resolution also requested the permanent members of the Council to confer with one another soon with a view to assisting the Council to come to positive recommendations in regard to the pending applications for membership. In the second resolution the Assembly requested the Council to report to the Assembly at its seventh session on the status of applications still pending.

21. Earlier in the sixth session, the Assembly, on the basis of a report by its Fourth Committee, had adopted a resolution 12/ noting the fact that Italy had been charged by the United Nations with the administration of the Trust Territory of Somaliland and recommending that the Council give urgent consideration to the resolution of the Assembly with a view to recommending the immediate admission of Italy. 13/

22. By votes taken early in 1952, following discussion late in 1951, the Council failed to recommend the admission of Italy owing to the negative vote of a permanent member and rejected a draft resolution calling for simultaneous admission of fourteen applicants. The Council again rejected a similar draft resolution later in 1952. In the course of this later discussion applications submitted by Viet-Nam, Libya, Cambodia, Japan and Laos failed to obtain the recommendation of the Council owing to the negative vote of a permanent member. The application of the Democratic Republic of Viet-Nam failed to obtain the necessary majority.

23. At its seventh session in 1952, the General Assembly adopted a series of seven resolutions concerning the admission of new Members, 14/ the first of which established a Special Committee on Admission of New Members to make a detailed study of the question of admission. The remaining resolutions expressed the determination of the Assembly that Japan, Viet-Nam, Cambodia, Laos, Libya and Jordan were qualified for admission and should be admitted and requested the Council to take note of that determination.

24. The Security Council did not discuss the question of admission of new Members during the years 1953 and 1954.

25. At its eighth session in 1953, the General Assembly adopted a resolution 15/ establishing a Committee of Good Offices, empowered to consult with members of the Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of new Members in accordance with Article 4.

11/ G A resolutions 506 A and B (VI).

12/ G A resolution 550 (VI).

13/ For material relating to the participation of Italy in the Trusteeship Council, see also in this Repertory under Article 86.

14/ G A resolutions 620 A-G (VII).

15/ G A resolution 718 (VIII).

II. ANALYTICAL SUMMARY OF PRACTICE

A. Questions bearing upon the provisions of Article 4 (1)

1. *The question of the universality of the Organization*

26. This question, which has been related to the words "Membership in the United Nations is open to all other states", is not simply one involving a choice between two alternative interpretations or applications of that portion of Article 4. It concerns, rather, its bearing upon the interpretation of the remainder of the Article. The term universality or, as it is sometimes phrased, "universal membership", as applied to the United Nations, has been used in most of the debates of the Security Council and the General Assembly on the question of admission of new Members. It has also appeared in draft resolutions and in the preambles to a number of General Assembly resolutions on this question.

a. PROPOSALS SUBMITTED TO THE SECURITY COUNCIL REFERRING TO THE PRINCIPLE OF UNIVERSALITY

27. The first reference to universality of membership in connexion with a proposal submitted to one of the organs of the United Nations was made at the 54th meeting of the Security Council on 28 August 1946, by the representative of the United States, who proposed that the Council take broad and far-sighted action to extend the membership of the United Nations as far as was consistent with the provisions of Article 4 of the Charter. His delegation was prepared to overlook its misgivings concerning certain applicants for the sake of accelerating advancement of universality of membership and submitted a draft resolution under which the Council would recommend to the General Assembly the admission of all eight applicant States. 16/ This draft resolution was supported by a number of other members of the Security Council on the same grounds. At the same meeting the Secretary-General stated: 17/

"the founding Members of the United Nations and all the great Powers which form part of our Organization have agreed, on numerous occasions, that the United Nations must be as universal as possible. This is one subject on which there has never been a serious difference of opinion. For this reason, in my capacity as Secretary-General of the United Nations, I wish to support the admission to membership of all the States which are applying today."

28. The United States draft resolution was opposed on several grounds, including, in particular, the view that the doctrine of universality did not relieve the Council of

16/ Afghanistan, Albania, Iceland, Ireland, Mongolian People's Republic, Portugal, Sweden and Transjordan (Jordan).

17/ S C, 1st yr., 2nd Series, No. 4, 54th mtg., p. 44. At the 186th meeting, on 18 August 1947, the Assistant Secretary-General in charge of Legal Affairs repeated the above quoted statement on the instructions of the Secretary-General (S C, 2nd yr., No. 78, 186th mtg., pp. 2032 and 2033). The Secretary-General has repeatedly expressed support for the concept of universal membership, in particular in several of his annual reports to the General Assembly and in his twenty-year programme for achieving peace through the United Nations.

the responsibility of considering each applicant separately on its merits. The draft resolution was subsequently withdrawn, 18/ its sponsor noting that it was clear that it would be opposed by a permanent member of the Council. 19/

b. PROPOSALS SUBMITTED TO THE GENERAL ASSEMBLY REFERRING
TO THE PRINCIPLE OF UNIVERSALITY

29. Reference has been made to the principle of universality in various proposals submitted to the General Assembly, usually in the preamble to draft resolutions. At the second session of the General Assembly in 1947, a draft resolution 20/ containing such a reference in the operative part was rejected by the First Committee.

30. During the discussion of the question of admission of new Members in 1948, the representative of Sweden submitted a draft resolution 21/ to the Ad Hoc Political Committee, proposing that the General Assembly ask the Security Council to reconsider, in the light of the principle of universality and taking into account the circumstances in each particular case, the applications for membership in the United Nations of the States mentioned in the special reports of the Council.

31. An amendment 22/ submitted by Bolivia proposed the deletion, in the operative part, of the words "in the light of the principle of universality and" and the addition of a third paragraph to the preamble noting "the general sentiment in favour of the universality of the United Nations". 23/

Decision

At the 14th meeting of the Ad Hoc Political Committee on 26 November 1948, the draft resolution submitted by Sweden, as amended by Bolivia, was adopted by 33 votes to 3 with 8 abstentions. This draft resolution was subsequently adopted by the General Assembly as resolution 197 B (III). 24/ The relevant portion of the resolution reads as follows:

"The General Assembly

".....

"Having noted the general sentiment in favour of the universality of the United Nations,

"Asks the Security Council to reconsider, taking into account the circumstances in each particular case, the applications for membership in the United Nations of the States mentioned in the said special reports."

18/ For text of relevant statements, see S C, 1st yr., 2nd Series, No. 4, 54th and 55th mtgs., pp. 41-60.

19/ Similar proposals have at one time or another been submitted to the Council but have also been withdrawn without being put to a vote; for example, proposal by Mexico in 1946 (S C, 1st yr., 2nd Series, No. 5, 57th mtg., pp. 114-124); proposal by Syria in 1946 (S C, 2nd yr., Special Suppl. No. 3, p. 28).

20/ G A (II), 1st Com., p. 579, annex 14 a (A/C.1/183).

21/ G A (III/1), Ad Hoc Pol. Com., Annexes, p. 9, A/AC.24/17.

22/ G A (III/1), Ad Hoc Pol. Com., Annexes, p. 10, A/AC.24/18.

23/ For text of relevant statements, see G A (III/1), Ad Hoc Pol. Com., 9th-14th mtgs.

24/ In the other two resolutions of the General Assembly (506 (VI) and 718 (VIII)) in which reference is made to the concept of universality, the preambles, in which these references are contained, state that universality is subject only to the conditions set forth in Article 4.

*2. The question whether a new State created through the division
of a Member State of the United Nations, acquires
membership in the Organization*

32. This question was raised as a result of a cablegram 25/ dated 15 August 1947, addressed to the Secretary-General by the Minister for Foreign Affairs of Pakistan. The latter stated that in the view of his Government both the Dominions of India and Pakistan should become Members of the United Nations, automatically, with effect from 15 August 1947. If, however, that view was not accepted, he applied for the admission of Pakistan as a Member. The Security Council, on 18 August 1947, decided 26/ to consider the application directly, without reference to its Committee on Admission of New Members, and decided unanimously to recommend the admission of Pakistan. After the decision to recommend admission had been taken, it was emphasized by a representative 27/ that the vote could not be taken as a precedent for omitting consideration of the matter by the Committee on the Admission of New Members. It was not clear whether Pakistan had been born out of India or whether two new States had come into being. He declared that, in the future, should another State split up into several States and all of them ask for automatic admission, the precedent could not be cited as a justification for depriving the Council of the privilege of making recommendations on admission.

33. The recommendation 28/ of the Council was referred to the First Committee at the second regular session of the General Assembly. During the discussion 29/ in the Committee the representative of Argentina held 30/ that Pakistan was already a Member, since with India it had inherited the original membership held by the previous Indian Government. Had the United Nations decided that India and Pakistan were new States, and that, therefore, both Governments should submit applications, he would have had no objection. He submitted a draft resolution 31/ by which the Assembly would declare the Dominion of Pakistan a Member as from 15 August 1947, it being understood that the positions occupied by the representatives of India in United Nations bodies up to 15 August 1947 would be occupied from that date by the representatives of the Dominion of India. A number of representatives agreed that it would be advisable to clarify the legal aspects of the matter for the future but urged that the admission of Pakistan not be delayed. The Committee then approved a draft resolution submitted by Australia to admit Pakistan. Prior to the decision, the representative of Australia had accepted an amendment to that draft resolution by which the legal problem raised by the representative of Argentina would be referred to the Sixth Committee for consideration and report.

Decision

After the adoption of the draft resolution submitted by Australia, it was decided, by 35 votes to none, on the motion of the representative of Australia "that the legal problem raised by the representative of Argentina be referred to the Legal Committee for consideration and report".

25/ S C, 2nd yr., No. 78, 186th mtg., pp. 2027 and 2028, S/498.

26/ Ibid., p. 2030.

27/ Ibid., p. 2055.

28/ S C resolution of 21 August 1947; transmitted to the General Assembly by document A/350, G A (II), 1st Com., p. 529, annex 1.

29/ G A (II), 1st Com., 59th mtg., pp. 3-8.

30/ Ibid., p. 3.

31/ G A (II), 1st Com., p. 582, annex 14 e (A/C.1/187).

34. When the General Assembly considered 32/ the report 33/ of the First Committee, on 30 September 1947, the Rapporteur of the Committee explained that the Committee had agreed that the opinion to be submitted by the Sixth Committee would have no bearing whatever on the First Committee's recommendation concerning Pakistan and was for future reference only. The General Assembly then decided to admit Pakistan to membership.

35. The question 34/ put to the Sixth Committee by the First Committee read as follows: "What are the legal rules to which, in the future, a State or States entering into international life through the division of a Member State of the United Nations should be subject?"

36. On 11 October 1947, the Sixth Committee submitted a report 35/ which included the following principles agreed upon by its members:

"1. That, as a general rule, it is in conformity with legal principles to presume that a State which is a Member of the Organization of the United Nations does not cease to be a Member simply because its Constitution or its frontier have been subjected to changes, and that the extinction of the State as a legal personality recognized in the international order must be shown before its rights and obligations can be considered thereby to have ceased to exist.

"2. That when a new State is created, whatever may be the territory and the populations which it comprises and whether or not they formed part of a State Member of the United Nations, it cannot under the system of the Charter claim the status of a Member of the United Nations unless it has been formally admitted as such in conformity with the provisions of the Charter.

"3. Beyond that, each case must be judged according to its merits."

37. The report further stated that:

"It was agreed by the Sixth Committee that these principles are to be transmitted to the First Committee as suitable to give general guidance to the United Nations in connexion with future cases, with the understanding that each case will be considered in accordance with its particular circumstances."

*3. The question of the manner in which applicant States are
to indicate their acceptance of the obligations
contained in the Charter*

38. The rules of procedure of the Security Council and the General Assembly prescribe what is to be done by applicant States to indicate their acceptance of the obligations contained in the Charter. The rules of the Security Council and the General Assembly with regard to this matter have varied. Under the original rules 36/ the applicant State signified its readiness to accept the obligations of the Charter in a declaration

32/ G A (II), Plen., vol. I, 92nd mtg., pp. 311-320.

33/ G A (II), Plen., vol. II, pp. 1450 and 1451, annex 3 (A/399).

34/ Letter of the President of the General Assembly dated 26 September 1947, transmitted by document A/C.6/145, G A (II), 6th Com., pp. 304 and 305, annex 6.

35/ Letter of the Chairman of the Sixth Committee, transmitted by document A/C.1/212, G A (II), 1st Com., pp. 582 and 583, annex 14 g.

36/ Rules 104 and 107 of the provisional rules of procedure of the General Assembly (A/4) and rule 58 of the provisional rules of procedure of the Security Council (S/96). These rules remained in effect until 21 November 1947 in the case of the General Assembly and 9 December 1947 in the case of the Security Council.

which it was required to submit to the Secretary-General with its application, but the acceptance itself occurred and membership became effective only with the deposit of an instrument of adherence to the Charter after the approval of the application by the General Assembly. Under the present rules, acceptance of the obligations of the Charter takes place when the application for membership is submitted and membership becomes effective when the application is approved by the General Assembly.

a. THE INSTRUMENT OF ADHERENCE - THE PRACTICE UNDER
THE FORMER RULES OF PROCEDURE

39. Six States, namely, Afghanistan, Iceland, Sweden, Thailand (Siam), Pakistan and Yemen became Members of the United Nations under the former rules. 37/ The text of the instruments of adherence submitted by Iceland and Thailand (Siam) reads, for example, as follows: 38/

"The Government of having received from the Secretary-General of the United Nations the information that the General Assembly of the United Nations has approved the application for membership of ... hereby presents to the Secretary-General of the United Nations this instrument of adherence, in accordance with rule 116 of the provisional rules of procedure for the General Assembly.

"The Government of ... hereby states that it accepts the obligations contained in the Charter of the United Nations.

(Signed)"

b. THE FORMAL INSTRUMENT OF ACCEPTANCE - PRACTICE UNDER
THE PRESENT RULES OF PROCEDURE

40. Some dissatisfaction with the original rules had been expressed 39/ in the course of the first consideration of applications by the Security Council in 1946. The matter was formally raised 40/ in the Committee of Experts of the Security Council in 1947, when that body was considering the report of a sub-committee concerning joint meetings held with the Committee on procedure for the admission of new members, a committee of the General Assembly, to discuss the respective rules of procedure of the two organs on the admission of new Members. It was pointed out that whereas, according to the Charter, an applicant became a Member upon the decision of the General Assembly, the rules of procedure, as they stood, required that thereafter the applicant submit an instrument of adherence to the Charter. The Committee of Experts accordingly recommended to the Security Council the adoption of the present rule 58 of the provisional rules of procedure. The Committee of the General Assembly subsequently submitted a report 41/ to the General Assembly recommending the adoption of the same text, which is now

37/ The General Assembly decided on 9 November 1946, to admit Afghanistan, Iceland and Sweden. Afghanistan and Iceland submitted instruments of adherence on 19 November 1946. Sweden submitted an instrument of adherence on 16 November 1946. The General Assembly decided on 15 December 1946 to admit Thailand (Siam) and a formal instrument of adherence was submitted on 16 December 1946. The General Assembly decided on 30 September 1947 to admit Pakistan and Yemen and these two States submitted instruments of adherence on the same date.

38/ United Nations Treaty Series, vol. I, 1946-1947, I, Nos. 8, 9 and 11.

39/ See, for example, S C, 1st yr., 2nd Series, 54th mtg., pp. 53 and 54.

40/ S C, 2nd yr., Suppl. 19, pp. 157-164, annex 44, S/520.

41/ G A (II), 1st Com., pp. 546-554, annex 7 (A/384).

rule 135 of its rules of procedure. The new rules were adopted by the Security Council and the General Assembly on 9 December 1947 and on 21 November 1947 respectively.

41. Burma was the first State to be admitted under the new rules, followed by Israel and Indonesia. Burma submitted the following instrument of acceptance 42/ to the Secretary-General on 19 March 1948:

"In the name of Burma, being duly authorized by virtue of the full powers vested in me by the Minister of Foreign Affairs of the Government of the Union of Burma, I declare that Burma hereby accepts without any reservation the obligations of the Charter of the United Nations and promises to keep them inviolably from the day when it becomes a member of the United Nations.

(Signed) U So Nyun
Ambassador E. & P.
of the Union of Burma"

4. The question of the respective roles of the Security Council and the General Assembly regarding the judgement to be made by the Organization

42. Article 4 (1) provides that membership in the United Nations is open to applicants which, "in the judgment of the Organization" meet the conditions set forth in that paragraph. The question as to the respective roles which the Security Council and the General Assembly are to play in making this judgement, is closely connected with questions arising under Article 4 (2), which are dealt with below. 43/ Under the present heading it is sufficient to say that the practice of the Security Council and that of the General Assembly in this respect, as evidenced by their respective rules of procedure, appears to be that the term "judgment of the Organization" as to whether an applicant satisfies the conditions set forth in Article 4 (1) refers to the judgement of both organs. This evidence provided by the rules of procedure is supported by the terms that have been used in draft resolutions, recommendations, resolutions and decisions. The International Court of Justice has also stated, in the advisory opinion it delivered in response to the request 44/ contained in the resolution of the General Assembly 113 B (II), that "the judgment of the Organization means the judgment of the two organs mentioned in paragraph 2 of Article 4". 45/

43. The text of the relevant portions of the rules of the two organs is as follows:

In rule 60 46/ of the provisional rules of procedure of the Security Council it is stated that:

"The Security Council shall decide whether in its judgement the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership."

42/ United Nations Treaty Series, vol. 15, 1948, I, No. 225, p. 4.

43/ In particular, see paras. 70 and 71 below.

44/ See para. 57 below.

45/ Admission of a State to the United Nations, I C J, Reports 1948, p. 62.

46/ This portion of rule 60 has remained unaltered since the Council adopted it on 17 May 1946. Rule 26 of the provisional rules of the Council submitted by the Preparatory Commission was similar in substance to this portion of rule 60.

Rule 137 47/ of the rules of procedure of the General Assembly states:

"If the Security Council recommends the applicant State for membership the General Assembly shall consider whether the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and shall decide, by a two-thirds majority of the Members present and voting, upon its application for membership."

44. Although only one 48/ of the six 49/ recommendations made by the Security Council for admission of new Members referred specifically to the judgement of the Council that the applicant was qualified under Article 4, the majority of draft resolutions concerning admission submitted to the Council since 1948 have contained such a specific reference, and no objection has ever been made to the reference from a constitutional point of view. 50/ Decisions of the General Assembly have normally included a statement to the effect that the State in question fulfilled the conditions of Article 4. 51/ Many Assembly resolutions recommending that the Council reconsider applicants have contained a determination that a given applicant was, in the Assembly's judgment, qualified for admission. 52/

5. *The question of the meaning to be attached to the terms
"peace-loving States ... able and willing to carry out
[the] obligations [contained in the Charter]"*

45. Many references have been made by individual representatives and delegations, at one time or another, to the meaning to be attached to the following terms of Article 4 (1): "peace-loving states ... able and willing to carry out [the] obligations [contained in the Charter]". However, although there have been statements of position in respect of specific interpretations of these terms, there has never been any attempt, in proposals submitted to the Council or the Assembly, to define their meaning in any general sense. Reference to this particular passage of Article 4 (1), has nevertheless been made in General Assembly resolutions 53/ recommending reconsideration of applicants by the Council, and in Security Council recommendations for the admission of

47/ This rule has remained unaltered since it was originally submitted by the Preparatory Commission as rule 106 of the provisional rules of procedure of the Assembly.

48/ S C resolution of 4 March 1949, concerning the admission of Israel, transmitted by document A/818, G A (III/2), Plen., Annexes, pp. 30 and 31. The resolution of 26 September 1950, concerning Indonesia, transmitted by document A/1402, G A (V), Annexes, a.i. 19, p. 3, is similar, but does not use the word "judgement".

49/ The first and third recommendations (S C resolution of 29 August 1946, transmitted by document A/108, and S C resolution of 21 August 1947, transmitted by document A/350, G A (II), 1st Com., p. 529, annex 1) listed more than one applicant State, the Council having previously taken separate votes on the applications in question.

50/ See, for example, S C, 4th yr., Suppl. for June, pp. 11-14, S/1331-S/1337; S C, 7th yr., Suppl. for Jan., Feb. and March, p. 13, S/2483; S C, 7th yr., Suppl. for July, Aug. and Sept., pp. 26 and 29, S/2754, S/2758-S/2760.

51/ For example, G A resolutions 108 (II) and 273 (III). This has not always been the case - G A resolution 491 (V) on Indonesia, for example, does not contain such a reference.

52/ For example, G A resolutions 197 C-G (III).

53/ See, for instance, the second paragraph of the preamble of G A resolution 506 A (VI), specifying the kinds of facts to be taken into account.

individual applicant States. The Assembly has determined in various cases that an applicant possessed the qualifications specified in Article 4 (1); in one instance (see paragraphs 49 et seqq.), it has endorsed a statement that the existing Government of a non-member State did not possess the necessary qualifications to justify its admission to the Organization.

a. DECLARATIONS BY THE GENERAL ASSEMBLY

46. In a number of cases, the General Assembly has declared 54/ that it determined specific applicant States to be, in its judgement, peace-loving States within the meaning of Article 4, able and willing to carry out the obligations of the Charter, and has requested the Council to reconsider such applications, in the light of the determination of the Assembly.

47. For example, at the fourth session of the General Assembly in 1949, nine draft resolutions 55/ were submitted to the Ad Hoc Political Committee by Australia. They reaffirmed 56/ the determination of the General Assembly that Austria, Finland, Ireland, Italy, Jordan and Portugal, were, in its judgement, peace-loving States within the meaning of Article 4, were able and willing to carry out the obligations of the Charter, and should be admitted to membership and made the same determination with respect to Ceylon, the Republic of Korea and Nepal. The Assembly was to request the Council to reconsider the applications of these countries in the light of this determination. These draft resolutions were approved by the Committee, although they were opposed by some of its members on the grounds that to single out certain applicants constituted discrimination against others equally qualified for admission. 57/

Decisions

At its 252nd plenary meeting on 22 November 1949, the General Assembly adopted resolution 296 A (IV) (relating to the application of Austria) by 51 votes to 5, with 2 abstentions.

Resolutions 296 B-I (IV) (relating respectively to the applications of Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal and Nepal) were also adopted.

The relevant portion of resolution 296 A (IV) reads as follows:

"The General Assembly,

".....

"1. Reaffirms its determination that Austria is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

"2. Requests the Security Council to reconsider the application of Austria, in the light of this determination of the General Assembly."

54/ G A resolutions 113 C-G (II), 197 C-G (III), 296 A-I (IV) and 620 B-G (VII).

55/ G A (IV), Plen., Annex, pp. 30-34, A/1066, paras. 11 (a) and 12 A-I.

56/ The original determination had been made in G A resolutions 113 C-H (II) and 197 C-G (III).

57/ For texts of relevant statements, see G A (IV), Ad Hoc Pol. Com., 25th-29th mtgs.

b. DRAFT RESOLUTIONS SUBMITTED TO, AND RECOMMENDATIONS
MADE BY, THE SECURITY COUNCIL

48. Draft resolutions 58/ submitted to the Security Council providing that the Council recommend to the General Assembly that a given applicant be admitted to membership have formally referred to the applicant in question as being a peace-loving State, able and willing to carry out the obligations contained in the Charter or as fulfilling the requirements of Article 4. However, such references have not always been included in the text of the various recommendations made by the Council. The recommendations submitted to the Assembly concerning Israel 59/ and Indonesia 60/ are the only two which have contained specific references to the language of Article 4. 61/ The latter is given as an example:

"The Security Council finds that the Republic of Indonesia is a peace-loving State which fulfils the conditions laid down in Article 4 of the Charter, and therefore recommends to the General Assembly that the Republic of Indonesia be admitted to membership of the United Nations."

c. GENERAL ASSEMBLY RESOLUTIONS CONCERNING RELATIONS OF
MEMBERS OF THE UNITED NATIONS WITH SPAIN

49. At the first part of the first session of the General Assembly in 1946, the delegation of Panama requested inclusion in the agenda of the Assembly of the item entitled "Relations of Members of the United Nations with Spain" and submitted a draft resolution on this item. On the recommendation of the General Committee, the General Assembly considered the item and the draft resolution in plenary meetings without reference to a committee. The draft resolution 62/ recalled the agreement at the San Francisco Conference that so long as régimes installed with the help of armed forces of countries which had fought against the United Nations were in power in certain States, Article 4 (2) could not be applied to the latter; it also recalled the Potsdam Conference statement that the existing Spanish Government did not possess the necessary qualifications to justify its admission to the United Nations. The General Assembly, in endorsing those two statements, was to recommend that the Members of the United Nations should take into account the letter and spirit of the statements in the conduct of their future relations with Spain.

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- 58/ Cf. footnote 46. See also S C, 7th yr., Suppl. for July, Aug. and Sept., p. 48, S/2773.
- 59/ S C resolution of 4 March 1949, transmitted by document A/818, G A (III/2), Plen., Annexes, pp. 30 and 31.
- 60/ S C resolution of 26 September 1950, transmitted by document A/1402, G A (V), Annexes, a.i. 19, p. 3.
- 61/ The other recommendations (S C resolutions of 29 August 1946, 12 December 1946, 21 August 1947 and 10 April 1948, transmitted by documents A/108, A/256, G A (II), 1st Com., p. 529, annex 1 (A/350); G A (S-II), Annex, p. 3, A/533 respectively) have included references to statements made by members of the Council, to unanimous approval of the application or applications in question, and to the report of the Council's Committee on Admission of New Members.
- 62/ G A (I/1), Plen., pp. 584 and 585, annex 9 (A/40).

50. During the discussion 63/ of the matter by the General Assembly, the representative of Norway submitted an amendment 64/ to the draft resolution of Panama replacing the words "take into account" by the words "act in accordance with". 65/

Decision

At the 26th meeting of the General Assembly on 9 February 1946 the amendment submitted by Norway was adopted by 35 votes to 3, with 1 abstention. The draft resolution, as amended, was then adopted by 46 votes to none, with 2 abstentions. The relevant portion of the resolution (which became resolution 32 (I)) reads as follows:

"1. The General Assembly recalls that the San Francisco Conference adopted a resolution according to which paragraph 2 of Article 4 of chapter II of the United Nations Charter 'cannot apply to States whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power.'

"2. The General Assembly recalls that at the Potsdam Conference the Governments of the United Kingdom, the United States of America and the Soviet Union stated that they would not support a request for admission to the United Nations of the present Spanish Government 'which, having been founded with the support of the Axis powers, in view of its origins, its nature, its record and its close association with the aggressor States, does not possess the necessary qualifications to justify its admission.'

"3. The General Assembly, in endorsing these two statements,".

51. At the second part of its first session, the General Assembly adopted a further resolution 66/ on relations of Members of the United Nations with Spain in which it reaffirmed the position taken in the above-quoted resolution. 67/

6. The question of the submission of information or evidence by applicants in connexion with the requirements of Article 4 (1)

52. While there is no provision in Article 4 covering this question, it has arisen in the practice of the Council and of its Committee on the Admission of New Members, and in the practice of the General Assembly. The latter has adopted a resolution 68/ recommending that, in considering or reconsidering applications, the members of the Security Council take into account such facts and evidence as applicants might present and that the Council base its action exclusively on the conditions contained in the Charter and on the facts establishing the existence of those conditions.

63/ G A (I/1), Plen., 26th mtg., pp. 351-361.

64/ G A (I/1), Plen., 26th mtg., p. 358.

65/ For texts of relevant statements, see G A (I/1), Plen., 26th mtg.

66/ G A resolution 39 (I).

67/ G A resolution 386 (V) revoked some of the recommendations adopted in 1946. This resolution contained no reference to the question of qualifications for admission to the United Nations although it referred to membership in the specialized agencies.

68/ G A resolution 506 A (VI).

a. INFORMATION OBTAINED FROM APPLICANTS BY THE SECURITY COUNCIL

53. On 7 August 1946, the Security Council confirmed the validity of two resolutions adopted by its Committee on the Admission of New Members, under which the Committee (1) would consider written statements of fact from any of the applicant States or from any Member, bearing upon the applications which the Committee had been instructed to examine and (2) considered that it had the right to ask for information from Governments of Member States or applicants having a bearing upon the applications before the Committee. Since that time, the Committee has sent questionnaires to the following applicants: Albania, the Mongolian People's Republic, Transjordan (Jordan) and Nepal. ^{69/} In one instance, the Council has received information submitted by an applicant (Ceylon) when no request to that effect had been made previously by the Council, although some representatives had stated in the Council that the available information was insufficient.

b. GENERAL ASSEMBLY RESOLUTION 506 A (VI)

54. At the sixth session of the General Assembly, the delegation of Peru submitted to the First Committee a draft resolution ^{70/} which provided for the following action: a declaration by the General Assembly that the judgement of the United Nations on the admission of new Members should be based exclusively on the juridical conditions contained in Article 4; an invitation to applicant States to present to the Council and the Assembly all appropriate evidence relating to their qualifications under Article 4; and a recommendation to the Council to "reconsider all pending applications for membership as well as future applications in the light of such facts" as the applicants might present. The draft resolution also recommended that the Council base its action exclusively on the conditions contained in the Charter and on the facts establishing the existence of those conditions. The draft resolution was opposed by a number of representatives, who held, among other things, that the Charter and the rules of procedure of the two organs contained no provision for the submission of documents as proof of an applicant's qualifications. Several amendments ^{71/} to this draft resolution were submitted in the course of the debate in the First Committee, but were

^{69/} No questionnaire was sent to Nepal. The Committee simply requested the Government of that country to supply additional information concerning Nepal, and particularly concerning its sovereignty and independence. The questionnaire sent to Transjordan (Jordan) read as follows:

"The Committee on the Admission of New Members would be appreciative if you would be kind enough to supply additional information on the following points to assist the Committee in preparing its report.

"1. The means of maintaining the territorial integrity and political independence of the Hashemite Kingdom of Transjordan.

"2. The budget of the Hashemite Kingdom of Transjordan with as much detail as possible concerning sources of revenue and headings of expenditure.

"3. The effect of the application of the annex of the Treaty of Alliance between the United Kingdom and the Hashemite Kingdom of Transjordan of 22 March 1946 on the maintenance of Transjordan's territorial integrity and political independence.

"The asking of these questions is not in any way an expression of opinion by the Committee on the Hashemite Kingdom of Transjordan's application." (S C, 1st yr., 2nd Series, Suppl. No. 4, annex 7, appendix 18.)

^{70/} G A (VI), Annexes, a.i. 60, p. 3, A/C.1/702/Rev.1.

^{71/} G A (VI), 1st Com., 496th mtg., A/C.1/704, para. 61; G A (VI), Annexes, a.i. 60, p. 4, A/C.1/706 and A/C.1/707.

withdrawn after the substance of some of the proposed changes had been incorporated in revised versions 72/ of the draft resolution.

55. Further changes were made in the revised text before it was voted upon by the Committee; in particular, the provision that the applicant be invited to submit proof was omitted. A provision in the preamble of the original draft resolution stressing the right of applicant States to present proof, was, however, retained in the final text of the resolution. The Committee approved the modified text of the draft resolution. 73/

Decision

At its 369th plenary meeting on 1 February 1952, the General Assembly adopted the draft resolution recommended by the First Committee by 43 votes to 8, with 7 abstentions. The relevant operative paragraphs of resolution 506 A (VI) read as follows:

"The General Assembly,

".....

"1. Declares that the judgment of the United Nations on the admission of new Members ought to be based exclusively on the conditions contained in Article 4 of the Charter;

"2. Recommends that the Security Council reconsider all pending applications for the admission of new Members; that in this reconsideration, as well as in the consideration of all future applications, the members of the Council take into account such facts and evidence as States applicants for membership may present; and that the Security Council base its action exclusively on the conditions contained in the Charter and on the facts establishing the existence of these conditions;

"3. Requests the permanent members of the Security Council to confer with one another soon with a view to assisting the Council to come to positive recommendations in regard to the pending applications for membership."

7. The question of conditions of admission

56. This question first arose in the Security Council in 1946, when a number of representatives contended that the wording of Article 4 precluded the introduction of any condition for admission additional to those contained in Article 4 (1). This discussion was continued in the General Assembly in 1946 and in both organs in 1947. No decision was taken on this matter by the Security Council. The Assembly adopted two resolutions connected with it. The relevant proceedings are summarized below.

a. GENERAL ASSEMBLY RESOLUTION 113 B (II)

57. At the second session of the General Assembly, in 1947, a draft resolution 74/ submitted to the First Committee by Belgium provided that the Assembly request the

72/ G A (VI), Annexes, a.i. 60, p. 3, A/C.1/702/Rev.1 and 3.

73/ For texts of relevant statements, see G A (VI), 1st Com., 494th-501st mtgs. and 506th mtg.

74/ G A (II), 1st Com., p. 584, annex 14 j (A/C.1/242).

International Court of Justice to give an advisory opinion on the question whether a State, called upon to express itself on the admission of an applicant to membership in the United Nations, was juridically entitled to make its consent to the admission dependent on conditions not expressly provided by Article 4 (1). Some representatives opposed this draft resolution on the grounds that the matter was political and not juridical in nature, and could be judged only by the Security Council and the General Assembly. 75/ The draft resolution was approved by the Committee.

Decision

At its 118th plenary meeting on 17 November 1947, the General Assembly adopted the resolution recommended by the First Committee by 40 votes to 8, with 2 abstentions. The text of the question addressed to the Court under resolution 113 B (II) is as follows:

"Is a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of the said Article? In particular, can such a Member, while it recognizes the conditions set forth in that provision to be fulfilled by the State concerned, subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that State?"

b. ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 28 MAY 1948

58. The final paragraph of the text of the advisory opinion delivered by the Court on 28 May 1948 reads as follows: 76/

"The Court,

"by nine votes to six

"is of opinion that a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, is not juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph I of the said Article;

"and that, in particular, a Member of the Organization cannot, while it recognizes the conditions set forth in that provision to be fulfilled by the State concerned, subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that State."

Two of the judges concurring in the majority opinion wrote individual opinions. Four judges gave a joint dissenting opinion although they concurred in the opinion of the majority that the Court was competent to answer the request, holding that the admission of a new Member was pre-eminently a political act and that members of a political organ making the decision were juridically entitled to base their vote upon any political consideration which seemed to be relevant. One judge, although agreeing in substance

75/ For texts of relevant statements, see G A (II), 1st Com., 99th-103rd mtgs.

76/ Admission of a State to the United Nations, I C J, Reports 1948, p. 65.

with the joint dissenting opinion, considered that the Court should have refrained from answering the questions since the request originated in a divergence of views of a political nature, and one judge held that it would have been better if the Court had not answered the questions, which were designed to censure the reasons given by a permanent member of the Security Council.

c. GENERAL ASSEMBLY RESOLUTION 197 A (III)

59. At the first part of the third session in 1948, a draft resolution 77/ submitted to the Ad Hoc Political Committee by Australia provided that the Assembly recommend that each member of the Council and the Assembly, in exercising its vote on the admission of new Members, should act in accordance with the advisory opinion delivered by the International Court of Justice on 28 May 1948. This draft resolution was opposed by a number of representatives, who held that the Court's opinion did not represent the opinion of the majority of the judges and consequently could not be considered authoritative. They also held that the sovereign right of Members to vote for or against admission of a State was a political right which could not be curtailed by any judicial organ. The Committee approved the draft resolution. 78/

Decision

At its 177th plenary meeting on 8 December 1948, the General Assembly adopted the draft resolution recommended by the Committee by 32 votes to 10, with 2 abstentions. The relevant portions of resolution 197 A (III) reads as follows:

".....

"Whereas, the International Court of Justice in an advisory opinion of 28 May 1948 declared that: For the text of the advisory opinion quoted in the resolution, see paragraph 58 above

"The General Assembly

Recommends that each member of the Security Council and of the General Assembly, in exercising its vote on the admission of new Members, should act in accordance with the foregoing opinion of the International Court of Justice."

B. Questions bearing upon the provisions of Article 4 (2)

1. *The question of separate or simultaneous consideration and/or admission of applicants*

60. This question, which may be related to the opening words of Article 4 (2), namely, "The admission of any such state", derives from the contention that Article 4 requires the separate consideration and/or admission of applicants on their individual merits. It has also been maintained that Article 4 does not require separate votes on each application for admission and that individual consideration is sufficient. The advisory opinion of the International Court of Justice of 28 May 1948, and General Assembly resolution 197 A (III) relating thereto, have been

77/ G A (III/1), Plen., Annexes, A/761, para. 19, resolution A.

78/ For text of relevant statements, see G A (III/1), Ad Hoc Pol. Com., 6th-14th mtgs.

invoked as precluding the latter interpretation. 79/ So far, the Security Council has in each case decided by a separate vote to recommend that the General Assembly admit an applicant State, although on two occasions 80/ more than one applicant was listed in the actual recommendation and on several occasions, 81/ the Council voted on a proposal to recommend the simultaneous admission on several applicants. In most instances, the General Assembly has decided to admit new Members by a separate vote in each case. However, there is no indication in the Official Records of a separate vote having been taken by the Assembly in the cases of Afghanistan, Iceland and Sweden. 82/

a. PROPOSALS SUBMITTED IN THE SECURITY COUNCIL

61. The first draft resolution 83/ to recommend the admission of a number of applicants was submitted to the Security Council in 1946, but was withdrawn after opposition had been expressed by other delegations. Similar proposals were made and withdrawn in the Council in 1946 and 1947. In 1947 the Council did not vote upon a draft resolution 84/ calling for a recommendation for the admission of five applicant States. This draft resolution was opposed by the majority of members of the Council on the grounds that the applications should be discussed and voted upon separately. The Council decided to vote upon each of the listed applications separately. Draft resolutions to recommend admission of a number of applicants have since been submitted to the Security Council at various times; some of these draft resolutions 85/ called for the simultaneous admission of the applicant States which were listed. In one case 86/ the Security Council voted separately on each of the applicants listed in one of these draft resolutions, and then voted upon and rejected the draft as such; in another case 87/ it rejected the draft resolution as a whole; and in a third case, 88/ described below, it voted separately on one of the applications (in the form of a separate draft resolution submitted earlier) 89/ and rejected the draft resolution recommending the admission of a number of applicants.

62. The following account of this last-mentioned instance is given as an example: At its 577th meeting on 18 June 1952, the Security Council had before it a draft resolution 90/ submitted by the USSR providing that the Council recommend to the General Assembly the simultaneous admission to membership of the following applicants: Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya. The Council took up

79/ See paras. 56-59 above.

80/ S C resolution of 29 August 1946, S/177, concerning the admission of Afghanistan, Iceland and Sweden, and S C resolution of 21 August 1947, S C, 2nd yr., No. 81, 190th mtg., p. 2136, concerning the admission of Pakistan and Yemen.

81/ See paras. 61 and 62 below.

82/ G A (I/2), Plen., 47th mtg., p. 943.

83/ An account of the discussion of this proposal is given in paragraphs 26-31.

84/ S C, 2nd yr., No. 90, 204th mtg., p. 2412, S/565.

85/ S C, 4th yr., No. 41, 443rd mtg., pp. 33 and 34, S/1340/Rev.2; S C, 7th yr., 573rd mtg., p. 12, S/2449/Rev.1, and S C, 7th yr., 590th mtg., S/2664, para. 33.

86/ S C, 4th yr., No. 41, 443rd mtg., pp. 33 and 34, S/1340/Rev.2; S C, 4th yr., Nos. 31-34 and 39-42, 428th-431st and 439th-445th mtgs.

87/ S C, 7th yr., 573rd mtg., p. 12, S/2449/Rev.1; S C, 7th yr., 568th, 569th and 573rd mtgs.

88/ S C, 7th yr., 577th and 594th-597th mtgs., S C, 7th yr., 590th mtg., S/2664, para. 33.

89/ S C, 7th yr., Suppl. for Jan., Feb. and March, p. 12, S/2483; S C, 7th yr., 594th-600th mtgs.

90/ S C, 7th yr., 590th mtg., S/2664, para. 33.

discussion of the draft resolution in meetings held from 2 to 8 September 1952 inclusive. 91/ In support of this draft resolution the representative of the USSR maintained that the problem of admission of new Members could only be solved by simultaneously admitting the fourteen States which had applied and stated that there was nothing in the Charter to prevent the admission of several States by a single resolution. Other members of the Council considered that the draft resolution did not conform with Article 4 (1), since it made the admission of countries which were fully qualified dependent upon the admission of other countries backed by the USSR. Several members of the Council regarded some or all of the latter as not qualified for admission. The representative of the USSR considered that the opposition to admission of the people's democracies was due to a desire on the part of some States to constrain those countries to change their internal system of government, a policy he regarded as being contrary to the Charter. 92/

Decision

At the 597th meeting of the Council on 8 September 1952, the draft resolution submitted by the USSR was rejected. There were 2 votes in favour (Pakistan, USSR), 5 against and 4 abstentions.

b. PROPOSALS SUBMITTED IN THE GENERAL ASSEMBLY

63. Draft resolutions 93/ listing a number of applicants have been submitted at the first, fourth, fifth, sixth, seventh and eighth sessions of the General Assembly in connexion with the question of the admission of new Members. Most of these proposals provided that the General Assembly request the Security Council to reconsider the applications which were listed therein, but some called for simultaneous reconsideration of those applications. At the first session, three such draft resolutions were merged, and the resulting common text was adopted by the General Assembly as resolution 35 (I). At the fourth, fifth and seventh sessions, the draft resolutions in question were rejected. At the sixth session, the First Committee approved a draft resolution 94/ providing that the Assembly recommend that the Council reconsider thirteen applications and consider a fourteenth. This draft resolution was not adopted by the General Assembly since it failed to obtain the two-thirds majority which the Assembly had previously decided was required. Two draft resolutions 95/ submitted at the eighth session were not pressed to a vote by the delegation which submitted them.

64. The following paragraphs provide illustrative summaries of the proceedings of the General Assembly in some of the above-mentioned cases:

91/ S C, 7th yr., 594th-597th mtgs.

92/ For texts of relevant statements, see S C, 7th yr., 594th-597th mtgs.

93/ G A (I/2), 1st Com., pp. 319-321, annexes 6 b (A/C.1/26), 6 c (A/C.1/30), and 6 d (A/C.1/32);

G A (IV), Ad Hoc Pol. Com., Annex, vol. I, pp. 8 and 9, A/AC.31/L.19;

G A (IV), Plen., Annex, p. 34, A/1079;

G A (V), Annexes, a.i. 19, p. 3, A/1577;

G A (VI), 1st Com., 495th mtg., A/C.1/703, para. 23;

G A (VI), Annexes, a.i. 60, pp. 5 and 6, A/2100;

G A (VII), Ad Hoc Pol. Com., 45th mtg., A/AC.61/L.35/Rev.1, para. 1;

G A (VII), Annexes, a.i. 19, p. 11, A/L.142.

94/ G A (VI), Annexes, a.i. 60, p. 8, A/2100, draft resolution II.

95/ G A (VIII), Annexes, a.i. 22, A/2520, paras. 15 and 16.

i. Proceedings at the first session of the General Assembly

65. At the second part of the first session of the General Assembly in 1946, three draft resolutions, 96/ submitted respectively by Panama, Egypt and the Philippines, provided for a request by the General Assembly to the Security Council to reconsider the applications of Albania, the Mongolian People's Republic, Transjordan, Ireland and Portugal. A sub-committee of the First Committee drafted a common text on the basis of these proposals, and the text recommended was approved 97/ by the First Committee.

Decision

At the 49th meeting of the General Assembly on 19 November 1946, the draft resolution recommended by the First Committee was adopted unanimously. The relevant portion of resolution 35 (I) reads as follows:

"Therefore, the General Assembly recommends that the Security Council re-examine the applications for membership in the United Nations of the above-mentioned States [the People's Republic of Albania, the Mongolian People's Republic, the Hashemite Kingdom of Transjordan, Ireland and Portugal] on their respective merits as measured by the yardstick of the Charter, in accordance with Article 4."

ii. Proceedings at the sixth session of the General Assembly

66. At the sixth session of the General Assembly, in January 1952, a draft resolution 98/ submitted to the First Committee by the USSR provided that the Assembly recommend that the Security Council reconsider the applications of Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon and Nepal, and also consider the application of Libya. In support of this draft resolution, it was held that the provisions of Article 4 should be applied to all candidates instead of pursuing a policy of discrimination against some and of favouritism towards others. It was also argued that admission of the States listed would make it easier to establish normal relations with all of them and would thereby contribute to the universality and effectiveness of the Organization. The representatives who opposed the draft resolution held that it made the admission of new Members dependent on conditions other than those of Article 4 and ran counter both to that Article and to the advisory opinion of the International Court of Justice of 28 May 1948. Some of the candidates, it was held, did not meet the simple requirements of membership, and the draft resolution did not list all of the pending applications. The draft resolution was approved by the First Committee by 21 votes to 12, with 25 abstentions. 99/

Decision

At its 370th meeting on 1 February 1952, the General Assembly decided that adoption of the draft resolution recommended by the First Committee required a two-thirds majority. The draft resolution then received 22 votes in favour to 21 against, with 16 abstentions, and was not adopted, having failed to obtain the required two-thirds majority. 100/

96/ G A (I/2), 1st Com., pp. 319-321, annexes 6 b (A/C.1/26), 6 c (A/C.1/30), and 6 d (A/C.1/32).

97/ For text of relevant statements, see G A (I/2), 1st Com., 14th and 17th mtgs.

98/ G A (VI), 1st Com., 495th mtg., A/C.1/703, para. 23.

99/ For texts of relevant statements, see G A (VI), 1st Com., 494th-501st mtgs.

100/ For texts of relevant statements, see G A (VI), Plen., 369th and 370th mtgs.

iii. Proceedings at the seventh session of the General Assembly

67. At the seventh session of the General Assembly, a draft resolution 101/ submitted to the Ad Hoc Political Committee by Poland provided that the Assembly request the Council to reconsider the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya in order to submit a recommendation on the simultaneous admission of those States as Members of the United Nations. This draft resolution was opposed by the majority of those speaking in the discussion, on the grounds that it would violate the Charter and would involve disregard of the advisory opinion of the International Court of Justice of 28 May 1948, in that the admission of certain States was made conditional upon that of certain others, rather than upon an objective and individual study of the merits of the applicants. Since the text submitted by Poland did not list all applicants, it could not even be regarded as an application of the principles of universality. In favour of the proposal it was declared that the simultaneous admission of fourteen applicant States was the only just course toward a proper solution of the problem. The text offered by Poland was submitted, it was held, with a view to increasing universality of the United Nations by admitting all States capable of contributing to the fulfilment of all Charter principles.

68. On the request of the representative of Egypt that a separate vote be taken on the word "simultaneous" in this text, the Committee decided, on 19 December, to delete this word. It then rejected the draft resolution as modified. 102/

69. The draft resolution submitted by Poland 103/ was reintroduced at the 410th plenary meeting of the General Assembly on 21 December 1952, when the representative of the Philippines requested that a separate vote be taken on the word "simultaneous" in the draft resolution. The representative of Poland and other representatives said that they would vote against the draft resolution if it were decided to omit the word "simultaneous".

Decision

At the 410th meeting of the General Assembly on 21 December 1952, the proposal to retain the word "simultaneous" in the draft resolution submitted by Poland was rejected by 10 votes to 9, with 25 abstentions. The draft resolution, as amended, was rejected by 30 votes to 9, with 10 abstentions.

*2. The question of the nature of the functions of the Security Council
and of the General Assembly envisaged by the words "will be
effected by a decision of the General Assembly upon the
recommendation of the Security Council"*

70. This question has arisen in connexion with the various interpretations which have been given at one time or another to the meaning and the effect of this portion of Article 4 (2). The question was first discussed in 1946, when the representative of Australia in the Security Council, during the consideration of the Council's provisional rules of procedure, put forward certain views on the relationship between the two organs. He held that the initiative in matters of admission belonged to the

101/ G A (VII), Ad Hoc Pol. Com., 45th mtg., A/AC.61/L.35/Rev.1, para. 1.

102/ For texts of relevant statements, see G A (VII), Ad Hoc Pol. Com., 41st-50th mtgs.

103/ G A (VII), Annexes, a.i. 19, p. 11, A/L.142.

General Assembly, and that the recommendation of the Council could concern only matters relating to security. 104/ The question was also raised at the second part of the first session of the General Assembly, particularly during discussion of a proposal submitted by Australia that the Assembly request the Security Council to appoint a committee to confer with a committee on procedures of the Assembly with a view to preparing rules governing the admission of new Members which would be acceptable both to the Assembly and to the Council. 105/ The question was raised in another form during discussion of the question of admission in the First Committee at the second regular session of the General Assembly, when four draft resolutions 106/ were submitted by Argentina providing that the Assembly admit certain applicants, named in the relevant draft resolutions, and that it defer consideration of certain other applications. These draft resolutions were based on the argument that the language used in Article 4 (2) gave the power of decision to the General Assembly. Reference was also made to the interpretation by the Advisory Committee of Jurists at the San Francisco Conference, an interpretation subsequently approved by the Conference itself, in which the powers of the Assembly "to reject ... a recommendation to the effect that a given state should not be admitted" and, it was argued, accordingly to decide favourably on its admission, were expressly recognized.

71. At the first part of the third session of the General Assembly Argentina submitted to the Ad Hoc Political Committee another draft resolution, 107/ in connexion with which the same considerations were invoked. A series of draft resolutions 108/ was also submitted to the Security Council by the representative of Argentina during 1949, containing considerations along similar lines. At the fourth session of the General Assembly, a draft resolution 109/ submitted to the Ad Hoc Political Committee by Argentina led to the adoption by the General Assembly of resolution 296 J (IV) requesting an advisory opinion of the International Court of Justice. For details of this resolution requesting the opinion of the Court, see paragraphs 81-84 below. 110/

104/ S C, 1st yr., 1st Series, No. 2, 41st mtg., pp. 261-268.

105/ G A (I/2), 1st Com., 17th mtg., pp. 72-83.

106/ G A (II), 1st Com., pp. 580, 582 and 583, annexes 14 b (A/C.1/184), 14 c (A/C.1/185), 14 d (A/C.1/186), and 14 h (A/C.1/222).

107/ G A (III/1), Ad Hoc Pol. Com., Annexes, p. 9, A/AC.24/15; see paras. 86-91 below.

108/ S C, 4th yr., Suppl. for June, pp. 11-14, S/1331-S/1337; see paras. 86-91 below.

109/ G A (IV), Ad Hoc Pol. Com., Annexes, vol. I, pp. 7 and 8, A/AC.13/L.18.

110/ At the seventh session of the General Assembly a number of proposals bearing upon this question and the one dealt with in paragraphs 86-91 below were submitted to the Ad Hoc Political Committee and were subsequently considered by the General Assembly's Special Committee on the Admission of New Members. These proposals, which have not been dealt with here because they have not been acted upon by the Assembly and remain before it, are the following:

G A (VII), Annexes, a.i. 19, p. 2, A/AC.61/L.30, p. 3, A/AC.61/L.31 and p. 5, A/AC.61/L.36.

The text of these proposals, as well as an account of discussion in the Ad Hoc Political Committee and in the Special Committee of the Assembly, may be found in documents A/AC.64/L.1 (Memorandum on the historical background of the question of the admission of new Members) and A/2400, G A (VIII), Annexes, a.i. 22, pp. 1-20.

72. The remaining draft resolutions mentioned above failed to be adopted by the Council and the Assembly, at least in their original form bearing upon the present question. The practice of the General Assembly has been to admit new Members only on the basis of a positive recommendation by the Security Council. On every occasion when the General Assembly has decided to admit an applicant state to membership in the United Nations, it has, in its relevant resolution, expressly taken note of the fact that the Assembly had received from the Security Council a recommendation for the admission of that applicant. In the cases of applicants which have not received such a recommendation, the Assembly has frequently requested reconsideration by the Council. A list of such requests is included in the annex. The rules of procedure of the two organs contain provisions which define, to a certain extent, the respective functions of the Council and the Assembly in this matter. An account of the relevant portions of these rules and of certain decisions taken in connexion with them follows:

a. RELEVANT RULES OF PROCEDURE OF THE SECURITY COUNCIL
AND OF THE GENERAL ASSEMBLY

73. In the course of study of the provisional rules of procedure of the Security Council by the Committee of Experts of the Council in 1946, the representative of Australia maintained that, since admission was a collective act of the Council and of the Assembly, the initiative belonged to the Assembly, which should determine when, how and by whom applications should be considered. This point of view, which was rejected by the Committee, was stated again in the Security Council when the latter undertook consideration of the Committee's report.^{111/} The representative of Australia held that the recommendations on admission which the Council could make could concern only matters relating to security, after which it was still up to the Assembly to weigh the merits of the case and the fitness of the candidate with respect to other aspects of the Charter. He urged that the Council refrain from definitely adopting rules which concerned another organ and proposed ^{112/} that the President of the Council discuss with the President of the Assembly the best method of consultation between the appropriate representatives of the two organs with a view to bringing about the adoption of appropriate rules by both. He also submitted an outline ^{113/} of what his delegation regarded as the appropriate procedure for admission.

74. The point of view put forward by Australia was opposed by other members of the Council on the grounds that Article 4 (2) clearly laid a special responsibility upon the Council and that the analogous provisions of Articles 6 and 97 made it clear that recommendations of the Council were not limited solely to matters of security.

Decisions

At its 42nd meeting on 17 May 1946, the Security Council rejected the draft resolution submitted by Australia by 1 vote in favour to 10 against. Chapter X of the provisional rules of procedure recommended by the Committee was then adopted ^{114/} by 10 votes to 1.

^{111/} S C, 1st yr., 1st Series, Suppl. No. 2, pp. 20-30, annex 1 d (S/57). The relevant portions of the report were considered at the 41st and 42nd meetings of the Council on 16 and 17 May 1946, S C, 1st yr., 1st Series, No. 2.

^{112/} S C, 1st yr., 1st Series, No. 2, 42nd mtg., p. 277.

^{113/} Ibid., 41st mtg., p. 265.

^{114/} Ibid., 42nd mtg., p. 277.

75. At the second part of the first regular session of the General Assembly, the representative of Australia again raised the question of ensuring conformity between the respective rules of the two organs. On 19 November 1946, the Assembly adopted resolution 36 (I), by which it requested the Council to appoint a committee to confer with a committee on procedures of the Assembly. The Council subsequently instructed its Committee of Experts to name a small sub-committee for that purpose. As a result of their work, the two bodies recommended 115/ to the Council and to the Assembly the adoption of various changes in their respective rules.

76. The recommended changes in the rules of the Security Council were the amended provision concerning submission of the declaration of acceptance of Charter obligations and the two new provisions 116/ that if the Council recommended the applicant State for membership, a complete record of the discussion was to be forwarded to the Assembly with the recommendation, and, that if the Council did not recommend the applicant or postponed consideration of the application, it was to submit a special report to the Assembly with a complete record of the discussion.

77. The recommended changes in the rules of procedure of the General Assembly, in addition to the above-mentioned provision 117/ concerning the declaration of acceptance and a consequential change making membership effective on the date of the decision of the Assembly, provided that if the Council did not recommend the applicant State or postponed consideration of the application, the Assembly might, after full consideration of the special report of the Council, send back the application to the Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

78. The reports of the bodies of the Security Council and of the General Assembly were considered by the two organs on 9 December and 21 November 1947 respectively.

Decisions

At the 222nd meeting on 9 December 1947, the Security Council adopted the modified rules of procedure without objection.

At its 122nd plenary meeting on 21 November 1947, the General Assembly adopted the modified rules of procedure without objection.

79. The changes thus adopted by the two organs made the text of their respective rules in regard to admission substantially the same as at present. The text of those portions of the present rules which are particularly relevant to this question follows:

"Rules 58 and 60 of the provisional rules of procedure
of the Security Council

"Rule 58

"Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration made in a formal instrument that it accepts the obligations contained in the Charter."

115/ S C, 2nd yr., Suppl. No. 19, annex 44 (S/520 and Add.1); G A (II), 1st Com., pp. 546-554, annex 7 (A/384).

116/ Two new paragraphs (the second and third) in rule 60.

117/ New rule (present rule 139).

"Rule 60

"The Security Council shall decide whether in its judgement the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership.

"If the Security Council recommends the applicant State for membership, it shall forward to the General Assembly the recommendation with a complete record of the discussion.

"If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion."

"Rules 135, 137 and 138 of the rules of procedure
of the General Assembly"Applications"Rule 135

"Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration, made in a formal instrument, that it accepts the obligations contained in the Charter."

"Consideration and decision by the General Assembly"Rule 137

"If the Security Council recommends the applicant State for membership, the General Assembly shall consider whether the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and shall decide, by a two-thirds majority of the Members present and voting, upon its application for membership.

"Rule 138

"If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly may, after full consideration of the special report of the Security Council, send back the application to the Security Council, together with a full record of the discussion in the General Assembly, for further consideration and recommendation or report."

b. GENERAL ASSEMBLY REQUESTS FOR RECONSIDERATION OF
APPLICATIONS BY THE SECURITY COUNCIL

80. The General Assembly has addressed numerous recommendations to the Council for reconsideration of some or all of the pending applications for admission. In 1946, the Assembly recommended 118/ that the Council re-examine five applicants on their respective merits as measured by the yardstick of the Charter in accordance with Article 4. In 1947, it requested 119/ the Council to reconsider six applications in

118/ G A resolution 35 (I).

119/ G A resolutions 113 C-H (II).

the light of the determination of the General Assembly that the applicants in question were qualified and should be admitted. In 1948, the Assembly asked 120/ the Council to reconsider the applications of the States mentioned in the special reports of the Council, and requested the Council to reconsider the applications of six States, taking into account the circumstances in each particular case, the determination of the General Assembly and the advisory opinion of the International Court of Justice of 28 May 1948. In 1949, the Assembly requested 121/ the Council to reconsider the applications of nine States and to keep under consideration the pending applications of all States which so far had not gained admission. In 1950, the Assembly reiterated 122/ its request that the Council keep pending applications under consideration. At its sixth session, ending early 1952, the Assembly recommended 123/ that the Council reconsider all pending applications, basing its actions exclusively on the conditions for admission contained in the Charter and on the facts establishing the existence of those conditions. At its seventh session, also in 1952, the Assembly did not request reconsideration, and limited itself to asking 124/ the Council to take note of a determination which it expressed with respect to six applicants.

C. REQUEST FOR AN ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

81. At the fourth session of the General Assembly in 1949, a draft resolution 125/ was submitted by Argentina under which the Assembly would submit several questions to the International Court of Justice with a request for an advisory opinion. The preamble referred to the interpretation of the Advisory Committee of Jurists, which had been approved by the San Francisco Conference, and which had dealt with the right of the Assembly to accept or to reject a recommendation that a given State should or should not be admitted to the United Nations. The Court was to be asked: (1) Whether this interpretation referred to a recommendation by the Security Council to the effect that a given State should not be admitted to the United Nations. If the Court's reply should be in the affirmative, it was to be asked whether that meant that the Council could make a recommendation against admission; (2) whether the interpretation of the Advisory Committee of Jurists was the only authentic one of the powers of the Assembly with respect to the admission of new Members; (3) if the Court found that it was not the only authentic one, it would be asked to determine whether there was any provision in the Charter which afforded legal support for the view that the recommendation to which Article 4 referred must always be positive; (4) whether the decision to admit a State to membership had to be to the same effect as the Council's recommendation, namely, either positive or negative, or whether the Assembly had complete freedom of decision; (5) if the Court answered the fourth question in the affirmative, it would be asked whether it was absolutely essential that the Council should adopt a resolution in the form of a positive or negative recommendation, or whether it was sufficient that the Council should have taken cognizance of the request and should have had an opportunity to express its opinion, even if for any reason it had not expressed an opinion; (6) whether the admission of new Members was a purely legal question or whether the General Assembly might be guided by political considerations in exercising its powers of decision.

120/ G A resolutions 197 B and C-I (III).

121/ G A resolutions 296 A-I and K (IV).

122/ G A resolution 495 (V).

123/ G A resolution 506 A (VI).

124/ G A resolution 620 (VII).

125/ G A (IV), Ad Hoc Pol. Com., Annex, vol. I, p. 7, A/AC.31/L.18.

82. In submitting 126/ this draft resolution, the representative of Argentina reiterated views expressed at previous sessions concerning the nature of the vote by which the Council decided to make a recommendation for admission, 127/ and recalled his analysis of the respective powers of the Assembly and the Council with regard to admission. 128/ In this analysis, he had made the following points, among others: The opinion of the Advisory Committee of Jurists had been that the text of Article 4 meant that the Assembly had the power to accept or to reject a recommendation of the Council, which could be favourable or unfavourable; but whatever the nature of that recommendation, the Assembly should take the final decision. That interpretation had been approved as final by the San Francisco Conference. Under Article 4, the Council was bound to transmit requests for admission, together with its opinion, to the General Assembly. The Council could not prevent the Assembly from making use of the powers which it possessed by virtue of Article 4.

83. Although doubts and reservations were voiced by many members during the discussion in the Committee, the majority expressed themselves in favour of seeking an advisory opinion. Other representatives opposed the draft resolution submitted by Argentina as an attempt to by-pass the Security Council which might endanger the prestige of the Court by involving it in political matters. The following were among the other points made during the debate: caution should be exercised in calling for the legal opinion of the Court in matters with political implications. The text of Article 4 was perfectly clear and most of the documents of the San Francisco Conference contradicted the interpretation given by the delegation of Argentina. Moreover, the interpretation approved by the Conference had been that the Assembly could in each case accept or reject the recommendation of the Council, whether favourable or unfavourable, but that did not mean that an applicant which had failed to be recommended or had been recommended unfavourably, could be admitted by the Assembly. It was obvious that a recommendation was, by definition, a positive one.

84. After some discussion, the representative of Argentina accepted the suggestion that he consult with other representatives and he later submitted a revised text of his draft resolution. 129/ Only one question was to be put to the Court: Whether the admission of a State to membership in the United Nations, pursuant to Article 4, could be effected by a decision of the Assembly when the Council had made no recommendation for admission by reason of the candidate failing to obtain the requisite majority, or by reason of the negative vote of a permanent member of the Council on a draft resolution to recommend. The representative of Argentina also accepted an amendment offered by the Netherlands deleting the reference to the interpretation by the Advisory Committee of Jurists and substituting a reference to the discussion in the Committee. The draft resolution as modified was approved by the Committee. 130/

Decision

At its 252nd plenary meeting on 22 November 1949, the General Assembly adopted the resolution recommended by the Ad Hoc Political Committee by 42 votes to 9, with 6 abstentions. The text of the question put to the Court in resolution 296 J (IV) follows:

126/ G A (IV), Ad Hoc Pol. Com., 26th mtg., paras. 31-53.

127/ See paras. 86-91 below.

128/ This analysis was made at the first part of the third session. G A (III/1), Ad Hoc Pol. Com., 6th mtg., pp. 59-63, and 11th mtg., pp. 118-122.

129/ G A (IV), Ad Hoc Pol. Com., Annex, vol. I, p. 8, A/AC.31/L.20.

130/ For texts of relevant statements, see G A (IV), Ad Hoc Pol. Com., 25th-29th mtgs.

"Can the admission of a State to membership in the United Nations, pursuant to Article 4, paragraph 2, of the Charter, be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent member upon a resolution so to recommend?"

d. ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 30 MARCH 1950

85. In response to the resolution of the General Assembly, the Court delivered an advisory opinion on 3 March 1950. The Court answered the question put to it in the resolution in the negative by 12 votes to 2. ^{131/} The majority of the judges held that the Court was called upon to determine solely whether the Assembly could make a decision to admit a State when the Council had transmitted no recommendation; it did not have to examine whether the negative vote of a permanent member was effective to defeat a recommendation which had obtained seven or more votes. Two things were required to effect admission: a recommendation of the Security Council and a decision of the Assembly, the recommendation having to precede a decision. The natural and ordinary meaning of the relevant terms was perfectly clear; the Court, noting that in practice no unfavourable recommendation had ever been made, stated that Article 4 (2) had in view only a favourable recommendation of the Council. Nowhere had the Assembly received the power to change, to the point of reversing the meaning of a vote of the Council. In consequence, it was impossible to admit that the Assembly had the power to attribute to the vote of the Council the character of a recommendation when the Council itself considered that no such recommendation had been made. One of the dissenting judges considered that the Assembly could proceed to admit a State without a recommendation by the Council if it determined that the right of "veto" had been abused. The other dissenting judge held that the "veto" did not apply to a recommendation for the admission of a State.

*3. The question whether the recommendation of the Security Council
is subject to the voting procedure prescribed by
Article 27 (3) of the Charter*

86. This question has arisen in connexion with the contention that the provisions of Article 27 (2) should govern voting in the Security Council on recommendations for admission to membership in the Organization. That contention has been based in part on the fact that no specific reference is made to the admission of new Members in the declaration of the sponsoring Powers of the San Francisco Conference regarding voting procedure in the Security Council; and it has been supported partly by interpretations of the Charter as endowing the General Assembly with the main responsibility in matters of admission and as limiting the application of the unanimity rule to decisions, taken within the Council, concerning the maintenance of international peace and security. In response to these contentions, it has been declared that recommendations for admission obviously come within the category of decisions requiring the unanimity of the permanent members of the Council. Among other considerations adduced in support of this point of view, reference has been made to the provisions of Article 18, under which admission of new Members is one of the important questions to be decided by a two-thirds majority of the Assembly, as making it clear that the question could not be regarded as a procedural one in the Council. It has also been emphasized that, since Articles 5, 6 and 97 employ wording similar to that of Article 4 (2), in respect of matters admittedly subject to the unanimity rule, there can be no question of the applicability of that rule to recommendations for admission.

^{131/} Competence of Assembly regarding admission to the United Nations, I C J, Reports 1950, p. 10.

a. PRACTICE OF THE SECURITY COUNCIL

87. In every instance, recommendations for admission of applicant States have been adopted by the Security Council by a majority of seven or more votes in favour, including the concurring votes of the five permanent members. Abstentions by permanent members, in accordance with the practice dealt with in the study on Article 27, have been regarded as not affecting the requirement of concurring votes by those members. 132/ The permanent members of the Council have indicated acceptance of the view that the provisions of Article 27 (3) govern voting on recommendations for admission, and four of them have at various times expressed their readiness, or undertaken, to refrain from using their privileged vote in connexion with such recommendations. 133/

b. PROPOSALS SUBMITTED TO THE SECURITY COUNCIL
AND TO THE GENERAL ASSEMBLY

88. The first formal proposal bearing on this question to be submitted in the General Assembly was put before the First Committee at the second regular session in 1947, in the form of four draft resolutions submitted by Argentina 134/ providing that the Assembly admit certain applicants to membership and defer consideration of certain other applications. Those applicants which had received seven or more favourable votes in the Council were to be admitted, while consideration of the other applications would be deferred. These proposals were subsequently withdrawn in favour of other draft resolutions requesting the Council to reconsider certain applicants. 135/ Another draft resolution 136/ was submitted by Argentina at the first part of the third session and is dealt with below. The representative of Argentina renewed his contention concerning the inapplicability of the privileged vote to the admission of new Members in connexion with a series of draft resolutions 137/ which he submitted to the Council in 1949. These proposals, however, did not include provisions bearing on it. When voted upon by the Council, the draft resolutions failed to be adopted 138/ owing to the negative vote of a permanent member. A number of proposals 139/ bearing on this question were submitted at the sixth and seventh sessions of the General Assembly but, except for the instance which follows, have not been dealt with here since they have not been voted upon by the Assembly.

89. At the first part of the third session of the Assembly in 1948, the representative of Argentina submitted a draft resolution 140/ to the Ad Hoc Political Committee providing that the Assembly decide that applications for membership would be submitted to the Assembly when the Council had reached its decision. The decision of the Council would be deemed a recommendation in favour of admission if an application had received seven or more affirmative votes. The Assembly was also to decide that it

132/ Permanent members of the Council have in two instances abstained on recommendations adopted by the Council: the United Kingdom, in the case of the application of Israel, and China in the case of the application of Indonesia.

133/ China, France, United Kingdom and United States.

134/ G A (II), 1st Com., pp. 580, 581 and 583, annexes 14 b (A/C.1/184), 14 c (A/C.1/185), 14 d (A/C.1/186) and 14 h (A/C.1/222).

135/ The other proposals in question became G A resolutions 113 C-G (II).

136/ G A (III/1), Ad Hoc Pol. Com., Annexes, p. 9, A/AC.24/15.

137/ S C, 4th yr., Suppl. for June, pp. 11-14, S/1331-S/1337.

138/ S C, 4th yr., No. 41, 443rd mtg.

139/ G A (VI), Annexes, a.1. 60, p. 5, A/C.1/708;

G A (VII), Annexes, a.1. 60, pp. 2, 3 and 5, A/AC.61/L.30, 31 and 36.

140/ See footnote 136.

had the right both to reject an application which was the subject of a favourable recommendation and to admit an applicant which had been unfavourably recommended, such decisions to be supported by a two-thirds majority. In presenting this draft resolution, the representative of Argentina stated that the Council, by not recommending applicants in cases where its permanent members failed to achieve unanimity, was exceeding its powers under the Charter, since only the Assembly had the power of decision in such matters. The draft resolution submitted by Argentina was opposed by a majority of the speakers in the debate on the grounds that its terms were not consonant with the provisions of the Charter. A motion made by Yugoslavia that the Committee vote that the General Assembly was not competent to adopt the proposal was, however, rejected by 28 votes to 10, with 11 abstentions. The draft resolution submitted by Argentina was withdrawn after this vote. A proposal by the USSR that the vote on the motion made by Yugoslavia be considered null and void in consequence of the withdrawal of the draft resolution in question was rejected by 34 votes to 8, with 5 abstentions. 141/

C. GENERAL ASSEMBLY RECOMMENDATIONS TO THE PERMANENT MEMBERS
OF THE SECURITY COUNCIL

90. At the second part of its third session, on 14 April 1949, the General Assembly adopted resolution 267 (III), by which it recommended to the permanent members of the Security Council that they seek agreement among themselves upon possible decisions by the Council in respect to which they might forbear to exercise their veto, when seven affirmative votes had already been cast in the Council and give favourable consideration to the list 142/ of such decisions annexed to the resolution among which was included a recommendation to the Assembly on the admission of a State to membership.

91. At its fourth session, on 22 November 1949, the General Assembly adopted resolution 296 K (IV) by which it requested the permanent members of the Council to refrain from the use of the veto in connexion with the recommendation of States for membership in the United Nations.

141/ For texts of relevant statements, see G A (III/1), Ad Hoc Pol. Com., 6th-14th mtgs.

142/ G A (III), Suppl. No. 10, A/578, p. 3.

ANNEX

Tabulation of principal instances in which formal votes relating to admission of new members were taken by the Security Council and the General Assembly

I. SECURITY COUNCIL

<u>Applications and a/ draft resolutions:</u>	<u>Meeting and date</u>	<u>Vote b/</u>			<u>Result of proceedings</u>
		<u>For</u>	<u>Against</u>	<u>Abstention</u>	
<u>1946</u>					
Albania	57th mtg., 29.8	5	3*	3	Not recommended
Mongolian People's Republic	57th mtg., 29.8	6	3*	2	Not recommended
Afghanistan	57th mtg., 29.8	10	0	1	Recommended
Transjordan (Jordan)	57th mtg., 29.8	8	2*	1	Not recommended
Ireland	57th mtg., 29.8	9	1*	1	Not recommended
Portugal	57th mtg., 29.8	8	2*	1	Not recommended
Iceland	57th mtg., 29.8	10	0	1	Recommended
Sweden	57th mtg., 29.8	10	0	1	Recommended
Siam (Thailand)	83rd mtg., 12.12	11	0	0	Recommended
<u>1947</u>					
Albania	186th mtg., 18.8	3	4*	4	Not recommended
Mongolian People's Republic	186th mtg., 18.8	3	3*	5	Not recommended
Transjordan (Jordan)	186th mtg., 18.8	9	1*	1	Not recommended
Ireland	186th mtg., 18.8	9	1*	1	Not recommended
Portugal	186th mtg., 18.8	9	2*	0	Not recommended
Yemen	186th mtg., 18.8	11	0	0	Recommended
Pakistan	186th mtg., 18.8	11	0	0	Recommended
Hungary	190th mtg., 21.8	1	1*	9	Not recommended

a/ Draft resolutions are identified as such only when they concerned a number of applications.

b/ When a negative vote by one or more permanent members of the Security Council is included in the votes against, the corresponding figure is marked with an asterisk.

Applications and
draft resolutionsMeeting and dateVote
For Against AbstentionResult of
proceedings1947 (cont'd.)

Italy	190th mtg., 21.8	9	1*	1	Not recommended
Austria	190th mtg., 21.8	8	1*	2	Not recommended
Romania	190th mtg., 21.8	1	0	10	Not recommended
Bulgaria	190th mtg., 21.8	1	1*	9	Not recommended
Hungary	206th mtg., 1.10	5	0	6	Not recommended
Italy	206th mtg., 1.10	9	2*	0	Not recommended
Romania	206th mtg., 1.10	4	0	7	Not recommended
Bulgaria	206th mtg., 1.10	1	3*	7	Not recommended
Finland	206th mtg., 1.10	9	2*	0	Not recommended

1948

Burma	279th mtg., 10.4	10	0	1	Recommended
Italy	279th mtg., 10.4	9	2*	0	Not recommended
Ceylon	351st mtg., 18.8	9	2*	0	Not recommended
Ceylon	384th mtg., 15.12	9	2*	0	Not recommended
Israel	386th mtg., 17.12	5	1	5	Not recommended

1949

Israel	414th mtg., 4.3	9	1	1 <u>c/</u>	Recommended
Republic of Korea	423rd mtg., 8.4	9	2*	0	Not recommended
Democratic People's Republic of Korea <u>d/</u>					
Nepal	439th mtg., 7.9	9	2*	0	Not recommended
Portugal	443rd mtg., 13.9	9	2*	0	Not recommended
Jordan	443rd mtg., 13.9	9	2*	0	Not recommended
Italy	443rd mtg., 13.9	9	2*	0	Not recommended
Finland	443rd mtg., 13.9	9	2*	0	Not recommended
Ireland	443rd mtg., 13.9	9	2*	0	Not recommended
Austria	443rd mtg., 13.9	9	2*	0	Not recommended
Ceylon	443rd mtg., 13.9	9	2*	0	Not recommended
Albania	445th mtg., 15.9	2	1	8	Not recommended

c/ See footnote 132 above.

d/ No vote was taken on this application as such. A USSR draft resolution to refer the application to the Council's Committee on Admission of New Members was rejected at the 410th meeting on 16 February 1949. There were 2 votes in favour, 8 against and 1 abstention.

Applications and
draft resolutionsMeeting and dateVote
For Against AbstentionResult of
proceedings1949 (cont'd.)

Mongolian People's Republic	445th mtg., 15.9	2	2*	7	Not recommended
Bulgaria	445th mtg., 15.9	3	1	7	Not recommended
Romania	445th mtg., 15.9	3	1	7	Not recommended
Hungary	445th mtg., 15.9	3	1	7	Not recommended
Draft resolution to recommend the admission of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon and Nepal (S/1340/Rev.2)	445th mtg., 15.9	4	2	4 e/	Not adopted

1950

Indonesia	503rd mtg., 26.9	10	0	1 f/	Recommended
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1951

No votes

1952

Italy	573rd mtg., 6.2	10	1*	0	Not recommended
Draft resolution recommending the simultaneous admission of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya (S/2449/Rev.1)	573rd mtg., 6.2	2	6*	3	Not adopted

e/ One member of the Council did not participate in the vote.
f/ See footnote 132 above.

Applications and
draft resolutions:

1952 (cont'd.)

	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of proceedings</u>
		<u>For</u>	<u>Against</u>	<u>Abstention</u>	
Draft resolution recommending the simultaneous admission of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya (S/2664)	597th mtg., 8.9	2	5*	4	Not adopted
Libya	600th mtg., 16.9	10	1*	0	Not recommended
Japan	602nd mtg., 18.9	10	1*	0	Not recommended
Viet-Nam	603rd mtg., 19.9	10	1*	0	Not recommended
Laos	603rd mtg., 19.9	10	1*	0	Not recommended
Cambodia	603rd mtg., 19.9	10	1*	0	Not recommended
Democratic Republic of Viet-Nam	603rd mtg., 19.9	1	10*	0	Not recommended

1953-1954

No votes

II. GENERAL ASSEMBLY (plenary only)

<u>Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of proceedings g/</u>
		<u>For</u>	<u>Against</u>	<u>Abstention</u>	

1946

Draft resolution (A/179), recommended by the First Committee, providing that the General Assembly take note of the applications submitted by Afghanistan, Iceland, and Sweden, of the recommendations of the Security Council for their	47th mtg., 9.11	Unanimous			Resolution 34 (I)*
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g/ Resolutions which have effected admission of new Members are marked with an asterisk.

Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary

Meeting and date

Vote
For Against Abstention

Result of proceedings

1946 (cont'd.)

admission to membership in the United Nations and of the report by the First Committee unanimously approving those Security Council recommendations; and to decide, therefore, that Afghanistan, Iceland, and Sweden "be admitted to membership in the United Nations".

Draft resolution (A/185), recommended by the First Committee, recommending that the Security Council re-examine the applications of Albania, Mongolian People's Republic, Transjordan (Jordan), Ireland and Portugal on their respective merits as measured by the yardstick of the Charter, in accordance with Article 4.

49th mtg., 19.11

Unanimous

Resolution 35 (I)

Draft resolution (A/264), recommended by the General Committee, providing that the General Assembly take note of the application of Siam (Thailand) and of the recommendations of the Security Council on the admission of Siam, and to decide that Siam be admitted to membership.

67th mtg., 15.12

Unanimous

Resolution 101 (I)*

1947

Draft resolution (A/399), recommended by the First Committee, to take note of the recommendation of the Security Council on the applications of Yemen and Pakistan and to decide to admit these two States.

92nd mtg., 30.9

Unanimous

Resolution 108 (II)*

Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary

Meeting and date

Vote
For Against Abstention

Result of proceedings

1947 (cont'd.)

Draft resolution (A/471), recommended by the First Committee, recommending that the permanent members of the Security Council consult with a view to reaching agreement on the admission of applicants not recommended up to then, and submit the conclusions to the Security Council.	118th mtg., 17.11	46	1	5	Resolution 113 A (II)
Draft resolution (A/471), recommended by the First Committee requesting an advisory opinion of the International Court of Justice.	118th mtg., 17.11	40	8	2	Resolution 113 B (II)
Draft resolution (A/471), recommended by the First Committee requesting the Security Council to reconsider the application of Ireland in the light of the determination by the General Assembly that Ireland was qualified and should be admitted.	118th mtg., 17.11	43	8	1	Resolution 113 C (II)
Similar draft resolution (A/471), concerning Portugal.	118th mtg., 17.11	40	9	3	Resolution 113 D (II)
Similar draft resolution (A/471), concerning Transjordan (Jordan).	118th mtg., 17.11	44	8	0	Resolution 113 E (II)
Similar draft resolution (A/471), concerning Italy.	118th mtg., 17.11	43	8	1	Resolution 113 F (II)
Similar draft resolution (A/471), concerning Finland.	118th mtg., 17.11	44	8	0	Resolution 113 G (II)

Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary

Meeting and date

Vote
For Against Abstention

Result of proceedings

1947 (cont'd.)

Draft resolution (A/471), recommended by the First Committee requesting the Security Council to reconsider the application of Austria in the light of the General Assembly opinion that Austria was a peace-loving State within the meaning of Article 4.	118th mtg., 17.11	43	8	1	Resolution 113 H (II)
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1948

Draft resolution by the President of the General Assembly, taking note of the application of Burma and the recommendation of the Security Council, and deciding to admit Burma.	131st mtg., 19.4			Unanimous	Resolution 188 (S-2)*
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Draft resolution (A/761), recommended by the <u>Ad Hoc Political Committee</u> , recommending that each member of the Security Council and the General Assembly, in exercising its vote on admission, act in accordance with the advisory opinion of the International Court of Justice of 28 May 1948.	177th mtg., 8.12	32	10	2	Resolution 197 A (III)
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Draft resolution (A/761), recommended by the <u>Ad Hoc Political Committee</u> , asking the Security Council to reconsider, taking into account the circumstances in the particular cases, the applications of the States mentioned in the special reports of the Security Council.	177th mtg., 8.12	33	0	10	Resolution 197 B (III)
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<u>Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of proceedings</u>
		<u>For</u>	<u>Against</u>	<u>Abstention</u>	
1948 (cont'd.)					
Draft resolution (A/761), recommended by the <u>Ad Hoc Political Committee</u> , requesting the Security Council to re-examine the question of the admission of Italy and Finland in the light of the advisory opinion of the International Court of Justice.	177th mtg., 8.12	11	15	17 <u>h/</u>	Rejected
Draft resolution (A/761), recommended by the <u>Ad Hoc Political Committee</u> recommending the Security Council to reconsider the application of Portugal in the light of the General Assembly determination and the advisory opinion of the International Court of Justice.	177th mtg., 8.12	39	6	1	Resolution 197 C (III)
Similar draft resolution (A/761), concerning Transjordan (Jordan).	177th mtg., 8.12	40	6	1	Resolution 197 D (III)
Similar draft resolution (A/761), concerning Italy.	177th mtg., 8.12	37	6	1	Resolution 197 E (III)
Similar draft resolution (A/761), concerning Finland.	177th mtg., 8.12	38	6	1	Resolution 197 F (III)
Similar draft resolution (A/761), concerning Ireland.	177th mtg., 8.12	38	6	1	Resolution 197 G (III)
Draft resolution (A/761), recommended by the <u>Ad Hoc Political Committee</u> , requesting the Security Council to	177th mtg., 8.12	37	6	2	Resolution 197 H (III)

h/ The original sponsor in the Committee had requested that this draft resolution be withdrawn because of the approval of other draft resolutions concerning these applicants.

Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary

Meeting and date

Vote
For Against Abstention

Result of proceedings

1948 (cont'd.)

reconsider the application of Austria in the light of the opinion of the General Assembly that Austria was a peace-loving State within the meaning of Article 4, and of the advisory opinion of the International Court of Justice.

Draft resolution (A/761), recommended by the <u>Ad Hoc Political Committee</u> , as amended in plenary, requesting the Security Council to reconsider the application of Ceylon in the light of the resolution and the discussions in the <u>Ad Hoc Political Committee</u> .	177th mtg., 8.12	41	6	0	Resolution 197 I (III)
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1949

Draft resolution (A/855), recommended by the <u>Ad Hoc Political Committee</u> , referring to the recommendation of the Security Council and recalling certain General Assembly resolutions and declarations by Israel, deciding that Israel is a peace-loving State accepting, and able and willing to carry out the obligations of the Charter, and deciding to admit Israel.	207th mtg., 11.5	37	12	9	Resolution 273 (III)*
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Draft resolution (A/1066), recommended by the <u>Ad Hoc Political Committee</u> , requesting the Security Council to reconsider the application of Austria in the light of the General Assembly determination that Austria was qualified for admission.	252nd mtg., 22.11	51	5	2	Resolution 296 A (IV)
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Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary

Meeting and date

Vote
For Against Abstention

Result of proceedings

1949 (cont'd.)

Similar draft resolution (A/1066), concerning Ceylon.	252nd mtg., 22.11	53	5	1	Resolution 296 B (IV)
Similar draft resolution (A/1066), concerning Finland.	252nd mtg., 22.11	53	5	1	Resolution 296 C (IV)
Similar draft resolution (A/1066), concerning Ireland.	252nd mtg., 22.11	51	5	1	Resolution 296 D (IV)
Similar draft resolution (A/1066), concerning Italy.	252nd mtg., 22.11	51	6	1	Resolution 296 E (IV)
Similar draft resolution (A/1066), concerning Jordan.	252nd mtg., 22.11	50	5	2	Resolution 296 F (IV)
Similar draft resolution (A/1066), concerning the Republic of Korea.	252nd mtg., 22.11	50	6	3	Resolution 296 G (IV)
Similar draft resolution (A/1066), concerning Portugal.	252nd mtg., 22.11	53	5	1	Resolution 296 H (IV)
Similar draft resolution (A/1066), concerning Nepal.	252nd mtg., 22.11	52	5	1	Resolution 296 I (IV)
Draft resolution (A/1066), recommended by the <u>Ad Hoc Political Committee</u> requesting an advisory opinion from the International Court of Justice.	252nd mtg., 22.11	42	9	6	Resolution 296 J (IV)

Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary

Meeting and date

Vote
For Against Abstention

Result of proceedings

1950 (cont'd.)

El Salvador draft resolution (A/1585), as amended, to urge the Security Council to reconsider the applications of Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal and Nepal and to allow the Governments of those countries, pending admission, an opportunity to send observers to the General Assembly and its Committees.

289th mtg., 28.9

13 19 13

Rejected

Joint draft resolution (A/1571), requesting the Security Council to keep the pending applications under consideration in accordance with resolutions 296 A-I and K (IV).

318th mtg., 4.12

46 5 2

Resolution 495 (V)

1951

Draft resolution (A/1990), recommended by the Fourth Committee recommending that the Security Council give urgent consideration to the resolution with a view to recommending the immediate admission of Italy (in connexion with the full participation of Italy in the work of the Trusteeship Council).

352nd mtg., 7.12

54 5 1

Resolution 550 (VI)

Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary

Meeting and date

Vote
For Against Abstention

Result of proceedings

1952

Draft resolution (A/2100), recommended by the First Committee, recommending that the Security Council reconsider all pending applications, basing its action exclusively on the conditions contained in the Charter and the facts establishing their existence, and requesting the permanent members of the Security Council to consult so as to assist the Security Council to come to positive recommendations.

370th mtg., 1.2

43 8 7

Resolution 506 A (VI)

Draft resolution (A/2100), recommended by the First Committee, recommending that the Security Council reconsider the applications of 13 listed States as well as consider the application of Libya.

370th mtg., 1.2

22 21 16

Not adopted because it did not obtain required two-thirds majority.

Draft resolution (A/2100), recommended by the First Committee, requesting the Security Council to report to the seventh session of the General Assembly on the status of applications still pending.

370th mtg., 1.2

36 5 14

Resolution 506 B (VI)

Draft resolution (A/2341 and Corr.1), recommended by the Ad Hoc Political Committee, establishing a Special Committee to study the question of the admission of States to membership in the United Nations.

410th mtg., 21.12

48 5 6

Resolution 620 A (VII)

<u>Draft resolutions recommended by the relevant Committee, or submitted directly to the plenary</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of proceedings</u>
		<u>For</u>	<u>Against</u>	<u>Abstention</u>	
<u>1952 (cont'd.)</u>					
Draft resolution (A/2341 and Corr.1), recommended by the <u>Ad Hoc Political Committee</u> requesting the Security Council to take note of the General Assembly determination that Japan was qualified for admission and should be admitted.	410th mtg., 21.12	50	5	4	Resolution 620 B (VII)
Similar draft resolution (A/2341 and Corr.1), concerning Viet-Nam.	410th mtg., 21.12	40	5	12	Resolution 620 C (VII)
Similar draft resolution (A/2341 and Corr.1), concerning Cambodia.	410th mtg., 21.12	38	5	14	Resolution 620 D (VII)
Similar draft resolution (A/2341 and Corr.1), concerning Laos.	410th mtg., 21.12	36	5	14	Resolution 620 E (VII)
Similar draft resolution (A/2341 and Corr.1), concerning Libya.	410th mtg., 21.12	51	5	3	Resolution 620 F (VII)
Similar draft resolution (A/2341 and Corr.1), concerning Jordan.	410th mtg., 21.12	49	5	3	Resolution 620 G (VII)
Polish draft resolution (A/L.142), as amended in plenary, recommending that the Security Council reconsider 14 listed applicant States in order to submit a recommendation on their admission.	410th mtg., 21.12	9	30	10	Rejected
<u>1953</u>					
Draft resolution (A/2520), recommended by the <u>Ad Hoc Political Committee</u> , establishing a <u>Committee of Good Offices</u> to explore the possibilities of finding a solution on the question of admission of new Members.	453rd mtg., 8.12	Unanimous			Resolution 718 (VIII)

