Article 4

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**(b)** Proposals submitted in the General Assembly

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Article 4

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. The general structure of this study follows that of Supplement No. 9. As in previous Supplements, the general survey contains a brief outline of the action taken by the Security Council and the General Assembly. Constitutional discussions in respect of Article 4 are covered in the analytical summary of practice.

I. General survey

A. Use of subsidiary organs

2. During the period under review, the Security Council continued the practice of referring membership applications to the Committee on the Admission of New Members, in accordance with rule 59 of the provisional rules of procedure of the Security Council.

B. States admitted to membership and applications which remain pending

3. The following five States were admitted to membership in the United Nations during the period covered by the present Supplement. They are listed according to the order in which they were admitted. In each case, admission was decided by the General Assembly upon the recommendation of the Security Council:

- Tuvalu
- Federal Republic of Yugoslavia
- Switzerland
- Timor-Leste
- Montenegro


5. At the close of the period under review, no applications for admission to membership in the United Nations were pending.

6. During the period under review, there were no new applications for membership that failed to obtain

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557 See S/96/Rev.7.
recommendation by the Security Council and admission by the General Assembly.

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

7. The following table indicates the dates of action by the Security Council and the General Assembly concerning the application for admission of new Members:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Date of recommendation of the Security Council</th>
<th>Date of admission by the General Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuvalu</td>
<td>17 February 2000</td>
<td>5 September 2000</td>
</tr>
<tr>
<td>Federal Republic of Yugoslavia</td>
<td>31 October 2000</td>
<td>1 November 2000</td>
</tr>
<tr>
<td>Switzerland</td>
<td>24 July 2002</td>
<td>10 September 2002</td>
</tr>
<tr>
<td>Timor-Leste</td>
<td>23 May 2002</td>
<td>27 September 2002</td>
</tr>
</tbody>
</table>

8. In the case of all five applications, the Security Council decided, in accordance with the last paragraph of rule 60 of its provisional rules of procedure, to make its recommendations to the General Assembly subsequent to the expiration of the time limits set forth in the penultimate paragraph of the same rule.\(^{562}\)

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II. Analytical summary of practice

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

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

**(a) Proposals submitted to the Security Council referring to the principle of universality**

**(b) Proposals submitted to the General Assembly referring to the principle of universality**

2. The question of membership in the Organization in situations of succession of States or other changes in the status of a State


10. On 4 February 2003, following the adoption and promulgation of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia, the official name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

11. On 21 May 2006, Montenegro held a referendum and declared itself independent from Serbia on 3 June 2006. In a letter dated 3 June 2006, the President of the Republic of Serbia informed the Secretary-General that the membership of Serbia and Montenegro was being continued by the Republic of Serbia, following Montenegro’s declaration of independence.


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

**(a) The instrument of adherence — the practice under the former rules of procedure**

**(b) The formal instrument of acceptance — the practice under the present rules of procedure**

13. During the period under review, five new Members were admitted to the United Nations. In each case formal instruments of acceptance of the obligations contained in the Charter were submitted together with the applications.

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

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

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

**7. The question of conditions of admission**

**8. Cessation of cooperation by a Member State**

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565 GA resolution 55/12.

566 A/60/890-S/2006/409, annex.

567 GA resolution 60/264.


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

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

**(a) Proposals submitted in the Security Council**

**(b) Proposals submitted in the General Assembly**

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”

14. The General Assembly continued its practice of admitting new Members only on the basis of a positive recommendation by the Security Council. In each of its resolutions to admit new Members during the period under review, the General Assembly expressly took note of the fact that a recommendation for the admission of the applicant had been received from the Security Council.570

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

15. The practice of the Security Council in this respect remained unchanged during the period under review. Under the provisions of rule 59 of the provisional rules of procedure of the Security Council, unless the Council decides otherwise, an application for membership shall be referred by the President of the Council to the Committee on the Admission of New Members.571

570 See GA resolutions 55/1 concerning Tuvalu; 55/12 concerning the Federal Republic of Yugoslavia; 57/1 concerning Switzerland; 57/3 concerning Timor-Leste; and 60/264 concerning Montenegro.

571 See S/96/Rev.7.
Annex

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

I. Security Council

<table>
<thead>
<tr>
<th>Application</th>
<th>Meeting and date</th>
<th>Vote for/against/abstention</th>
<th>Result of proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuvalu</td>
<td>4103rd mtg., 17 February 2000</td>
<td>14 votes in favour, China abstained</td>
<td>Resolution 1290 (2000)</td>
</tr>
<tr>
<td>Switzerland</td>
<td>4585th mtg., 24 July 2002</td>
<td>Without a vote</td>
<td>Resolution 1426 (2002)</td>
</tr>
</tbody>
</table>

II. General Assembly

<table>
<thead>
<tr>
<th>Application</th>
<th>Meeting and date</th>
<th>Vote for/against/abstention</th>
<th>Result of proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuvalu</td>
<td>1st mtg., 5 September 2000</td>
<td>Without a vote</td>
<td>Resolution 55/1</td>
</tr>
<tr>
<td>Federal Republic of Yugoslavia</td>
<td>48th mtg., 1 November 2000</td>
<td>Without a vote</td>
<td>Resolution 55/12</td>
</tr>
<tr>
<td>Switzerland</td>
<td>1st mtg., 10 September 2002</td>
<td>Without a vote</td>
<td>Resolution 57/1</td>
</tr>
<tr>
<td>Timor-Leste</td>
<td>20th mtg., 27 September 2002</td>
<td>Without a vote</td>
<td>Resolution 57/3</td>
</tr>
<tr>
<td>Montenegro</td>
<td>91st mtg., 28 June 2006</td>
<td>Without a vote</td>
<td>Resolution 60/264</td>
</tr>
</tbody>
</table>