ARTICLE 4

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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 judgement 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. Constitutional discussions in respect of Article 4 are covered in the Analytical summary of practice of this study.

2. The General survey contains a brief outline of the action taken by the Security Council and the General Assembly and is supplemented by the tabulation in the annex. The decisions of the two organs for the most part bear upon the provisions of Article 4 and are treated in the analytical summary of practice under the previously established headings. The heading "The question of membership in the Organization in situations of succession of States or other changes in the status of a State" replaces the former headings regarding "the question whether a new State created through the division of a State Member of the United Nations acquires membership in the Organization," and "Merger of Member States" from previous *Supplements* in order to capture the full range of practice in this area.

**I. GENERAL SURVEY**

**A. Use of subsidiary organs**

3. During the period under review, the Security Council continued the practice, referred to in *Supplements* 5 and 6, 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**

4. The following twenty nine 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.
Namibia
Liechtenstein
Democratic People’s Republic of Korea
Estonia
Latvia
Lithuania
Marshall Islands
Micronesia (Federated States of)
Republic of Korea
Armenia
Azerbaijan
Kazakhstan
Kyrgyzstan
Republic of Moldova
San Marino
Tajikistan
Turkmenistan
Uzbekistan
Bosnia and Herzegovina
Croatia
Slovenia
Georgia
Czech Republic
Slovakia
The Former Yugoslav Republic of Macedonia
Eritrea
Monaco
Andorra
Palau

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

6. During the period under review, there were no new applications for membership that failed to obtain 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 by the General Assembly concerning the application for admission of new Members:¹

<table>
<thead>
<tr>
<th>Application</th>
<th>Date of recommendation of the Security Counsel</th>
<th>Date of admission by the General Assembly</th>
</tr>
</thead>
</table>

¹ Listed in chronological order of action taken by the Security Council.
<table>
<thead>
<tr>
<th>Country</th>
<th>Date 1</th>
<th>Date 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Namibia</td>
<td>17 April 1990</td>
<td>23 April 1990</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>14 August 1990</td>
<td>18 September 1990</td>
</tr>
<tr>
<td>Democratic People’s Republic of Korea</td>
<td>8 August 1991</td>
<td>17 September 1991</td>
</tr>
<tr>
<td>Estonia</td>
<td>12 September 1991</td>
<td>17 September 1991</td>
</tr>
<tr>
<td>Latvia</td>
<td>12 September 1991</td>
<td>17 September 1991</td>
</tr>
<tr>
<td>Lithuania</td>
<td>12 September 1991</td>
<td>17 September 1991</td>
</tr>
<tr>
<td>Micronesia (Federated States of)</td>
<td>9 August 1991</td>
<td>17 September 1991</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>8 August 1991</td>
<td>17 September 1991</td>
</tr>
<tr>
<td>Armenia</td>
<td>29 January 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>14 February 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>23 January 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>29 January 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Republic of Moldova</td>
<td>5 February 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>San Marino</td>
<td>25 February 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>29 January 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Turkmenistan</td>
<td>7 February 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>29 January 1992</td>
<td>2 March 1992</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>20 May 1992</td>
<td>22 May 1992</td>
</tr>
<tr>
<td>Croatia</td>
<td>18 May 1992</td>
<td>22 May 1992</td>
</tr>
<tr>
<td>Slovenia</td>
<td>18 May 1992</td>
<td>22 May 1992</td>
</tr>
<tr>
<td>Georgia</td>
<td>6 July 1992</td>
<td>31 July 1992</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>8 January 1993</td>
<td>19 January 1993</td>
</tr>
<tr>
<td>Slovakia</td>
<td>8 January 1993</td>
<td>19 January 1993</td>
</tr>
<tr>
<td>The Former Yugoslav Republic of Macedonia</td>
<td>7 April 1993</td>
<td>8 April 1993</td>
</tr>
<tr>
<td>Eritrea</td>
<td>26 May 1993</td>
<td>28 May 1993</td>
</tr>
<tr>
<td>Monaco</td>
<td>26 May 1993</td>
<td>28 May 1993</td>
</tr>
<tr>
<td>Andorra</td>
<td>8 July 1993</td>
<td>28 July 1993</td>
</tr>
<tr>
<td>Palau</td>
<td>29 November 1994</td>
<td>15 December 1994</td>
</tr>
</tbody>
</table>

8. In most of the above cases, the Security Council decided, in accordance with the last paragraph of rule 60 of its provisional rules of procedure, to make recommendations to the General Assembly concerning applications for membership subsequent to the expiration of the time limits set forth in penultimate paragraph of the same rule.²

II. ANALYTICAL SUMMARY OF PRACTICE

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

1. THE QUESTION OF THE UNIVERSALITY OF THE ORGANIZATION

² For number of respective meetings of the Security Council see Annex, Table I.
9. No decisions requiring treatment under this heading were taken during the period under review. Numerous references, however, continued to be made to the principle of universality in the deliberations of the Security Council and the General Assembly in connection with the question of admission of new Members.

** (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\(^3\) OR OTHER CHANGES IN THE STATUS OF A STATE

10. During the period under review, several Member States of the Organization were in some manner affected by succession of States. In some cases such succession had an impact on the membership of a State in the Organization. In addition to the information concerning the admission of new members contained in paras 4 and 7 above, the following developments concerning the membership in the Organization should be noted:

11. In a note verbale of 21 May 1990,\(^4\) the Secretary-General transmitted to the General Assembly a letter dated 19 May from the Ministers for Foreign Affairs of the Yemen Arab Republic and the People’s Democratic Republic of Yemen informing him that on 22 May 1990 the two states would merge in a single sovereign State called “the Republic of Yemen”. The Republic of Yemen would have a single membership in the United Nations and be bound by the provisions of the Charter of the United Nations.

12. Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State, which as a single Member of the United Nations, would remain bound by the provisions of the Charter in accordance with the solemn declaration of 12 June 1973. In a communication dated 3 October 1990, the Federal Republic of Germany notified the Secretary-General, \textit{inter alia}, that “… As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation ‘Germany’”.

13. In connection with events which affected the Union of Soviet Socialist Republics (USSR), an original member of the Organization,\(^5\) by a communication dated 24 December 1991, the President of the Russian Federation notified the Secretary-General that membership of the USSR in the United Nations is being continued by the Russian Federation. The Government of the Russian Federation subsequently informed the Secretary-General that as at 24 December 1991, the Russian Federation maintained full responsibility for all the rights and obligations of the USSR under the Charter of the United Nations and multilateral treaties deposited with the Secretary-General and requested that the name “Russian Federation” be used in the United Nations in place of the name “Union of Soviet Socialist Republics”.\(^6\)

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\(^3\) The meaning of the term “succession of States” reflects the definition in Article 2(1)(b) of the Vienna Convention on Succession of States in respect of Treaties, namely: “the replacement of one State by another in the responsibility for the international relations of territory.” See UNTS, vol. 1946, p. 3.

\(^4\) A/44/946.


14. The Byelorussian Soviet Socialist Republic (until 18 September 1991) and the Ukrainian Soviet Socialist Republic (until 23 August 1991), original members of the Organization, continued their membership in the Organization as Belarus and Ukraine respectively.

15. In the case of Czechoslovakia, a member of the Organization, the dissolution of which took place on 31 December 1992⁷, two new States that emerged from the dissolution were admitted as new members of the United Nations.⁸

16. Following the promulgation of its constitution, the Federal Republic of Yugoslavia (FRY) advised the Secretary-General on 27 April 1992 that it claimed to continue the international legal personality of the former Socialist Federal Republic of Yugoslavia (SFY). Accordingly, the FRY claimed to be a member of those international organizations of which the SFY had been a member.⁹ Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia, all of which had constituted the SFY and which had applied for and were admitted to membership in the United Nations in accordance with Article 4 of the Charter¹⁰, objected to this view. In its resolution 47/1 of 22 September 1992, the General Assembly, acting upon the recommendation of the Security Council in its resolution 777 (1992) of 19 September 1992, considered that the FRY could not continue automatically the membership of the SFY in the United Nations, and decided that it should accordingly apply for membership in the Organization. It also decided that FRY could not participate in the work of the General Assembly.

17. The Legal Counsel took the view that this resolution of the General Assembly neither terminated nor suspended the membership of the former Socialist Federal Republic of Yugoslavia (SFY) in the United Nations.¹¹ At the same time, the Legal Counsel expressed the view that the admission of the Federal Republic of Yugoslavia (FRY) to a membership in the United Nations, in accordance with Article 4 of the Charter of the United Nations, would terminate the situation that had been created by General Assembly resolution 47/1.¹²

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**

18. During the period under review, twenty-nine 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. The declarations are registered with the Secretariat on the effective dates of membership.¹³

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⁷ See ST/LEG/SER.E/18 (Vol. I), Ch. I.1 footnote 1.
⁸ See also ST/LEG/SER.E/18 (Vol. I), Ch.11, footnote 11.
⁹ See S/23877 and A/46/915.
¹² A/47/485.
¹³ See ST/LEG/SER.E/18 (Vol. I), Ch. I.2.
GENERAL ASSEMBLY REGARDING THE JUDGEMENT TO BE MADE BY THE
ORGANIZATION

19. All but one recommendation adopted by the Security Council during the period under review
continued the previous practice of making no express reference to the judgement of the Council, but
simply stated in each case that the Council, having considered the application of a given country,
recommended that it should be admitted. In one recommendation, however, the Council made such
reference by “[n]oting that the applicant fulfils the criteria for membership in the United Nations laid
down in article 4 of the Charter,” noting at the same time “that a difference has arisen over the name of
the State, which needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly
relations in the region”.

20. The decisions of the General Assembly on the admission of the new Members likewise
contained no express reference to the judgement of the General Assembly.

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]"

21. During the period under review, there were no statements of position in respect of specific
interpretations of these terms and no attempts to define their meaning in any general sense. The following
developments, however, have a bearing on the requirements of Article 4(1).

22. By its resolutions 44/40 B and 45/83 B on the situation in the Middle East, the General
Assembly stated, inter alia, that “Israel’s record, policies and actions confirm[ed] that it [was] not a
peace-loving Member State and that it [had] failed to carry out neither its obligations under the Charter
nor its commitments under General Assembly resolution 273 (III) of 11 May 1949.”

**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**

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

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14 See list of resolutions containing Council’s recommendations in Annex, Table I.
15 Res. 817 (1993). The Security Council, inter alia, recommended to the General Assembly “that the State whose application is
contained in document S/25147 be admitted to membership in the United Nations, this State being provisionally referred to for all
purposes within the United Nations as “the former Yugoslav Republic of Macedonia” pending the settlement of the difference
that has arisen over the name of the State”.
16 See list of resolutions of the General Assembly in Annex, Table II.
17Para 12.
18Para 12.
19See Repertory, Supplement No.7, under Article 4, ftn. 3.
23. During the period under review, in the case of the applications by the Democratic People’s Republic of Korea and Republic of Korea, the Security Council, having considered, at the same meeting, but separately, applications of these two States for admission to the United Nations, embodied its respective recommendations in two separate paragraphs of the same resolution. At the same meeting, following the adoption of the resolution, the President of the Council in his statement on behalf of the members stated, inter alia, that “[t]he aspirations of the peoples and Governments of [the two States] have harmoniously coincided [and] [t]hat is why the Council decided to consider and take a simultaneous decision on the admission of both parts of the Korean Peninsula to membership in the world Organization.”

24. Similarly, the General Assembly, having considered separately the applications of the two States for membership embodied its respective decisions into two separate paragraphs of the same resolution.

** (b) Proposals submitted in the General Assembly


25. 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.

3. THE QUESTION WHETHER THE RECOMMENDATION OF THE SECURITY COUNCIL IS SUBJECT TO THE VOTING PROCEDURE PRESCRIBED BY ARTICLE 27(3) OF THE CHARTER

26. The practice of the Security Council in this respect remained unchanged during the period under review.

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</th>
<th>Result of proceedings</th>
</tr>
</thead>
</table>

203001th meeting, 8th August 1991.
22Res. 46/1.
23 Referred to in the annex to this study.
<table>
<thead>
<tr>
<th>Country</th>
<th>Meeting and date</th>
<th>Vote</th>
<th>Result of proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Namibia</td>
<td>1st mtg., 23 April 1990</td>
<td>without a vote</td>
<td>res. S-18/1</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>1st mtg., 18 September 1990</td>
<td>without a vote</td>
<td>res. 45/1</td>
</tr>
<tr>
<td>Democratic People’s Republic of Korea</td>
<td>1st mtg., 17 September 1991</td>
<td>without a vote</td>
<td>res. 46/1</td>
</tr>
<tr>
<td>Estonia</td>
<td>1st mtg., 17 September 1991</td>
<td>without a vote</td>
<td>res. 46/4</td>
</tr>
<tr>
<td>Country</td>
<td>Meeting Date</td>
<td>Resolution</td>
<td>Vote Result</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-----------------------</td>
<td>------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Latvia</td>
<td>1st mtg., 17 September 1991</td>
<td>without a vote</td>
<td>res. 46/5</td>
</tr>
<tr>
<td>Lithuania</td>
<td>1st mtg., 17 September 1991</td>
<td>without a vote</td>
<td>res. 46/6</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>1st mtg., 17 September 1991</td>
<td>without a vote</td>
<td>res. 46/3</td>
</tr>
<tr>
<td>Micronesia (Federated States of)</td>
<td>1st mtg., 17 September 1991</td>
<td>without a vote</td>
<td>res. 46/2</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>1st mtg., 17 September 1991</td>
<td>without a vote</td>
<td>res. 46/1</td>
</tr>
<tr>
<td>Armenia</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/222</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/223</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/224</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/225</td>
</tr>
<tr>
<td>Republic of Moldova</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/226</td>
</tr>
<tr>
<td>San Marino</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/227</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/228</td>
</tr>
<tr>
<td>Turkmenistan</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/229</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>82nd mtg., 2 March 1992</td>
<td>without a vote</td>
<td>res. 46/230</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>86th mtg., 22 May 1992</td>
<td>without a vote</td>
<td>res. 46/231</td>
</tr>
<tr>
<td>Croatia</td>
<td>86th mtg., 22 May 1992</td>
<td>without a vote</td>
<td>res. 46/232</td>
</tr>
<tr>
<td>Slovenia</td>
<td>86th mtg., 22 May 1992</td>
<td>without a vote</td>
<td>res. 46/233</td>
</tr>
<tr>
<td>Georgia</td>
<td>88th mtg., 31 July 1992</td>
<td>without a vote</td>
<td>res. 46/234</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>95th mtg., 19 January 1993</td>
<td>without a vote</td>
<td>res. 47/221</td>
</tr>
<tr>
<td>Slovakia</td>
<td>95th mtg., 19 January 1993</td>
<td>without a vote</td>
<td>res. 47/222</td>
</tr>
<tr>
<td>The Former Yugoslav Republic of Macedonia</td>
<td>98th mtg., 8 April 1993</td>
<td>without a vote</td>
<td>res. 47/225</td>
</tr>
<tr>
<td>Eritrea</td>
<td>104th mtg., 28 May 1993</td>
<td>without a vote</td>
<td>res. 47/230</td>
</tr>
<tr>
<td>Monaco</td>
<td>104th mtg., 28 May 1993</td>
<td>without a vote</td>
<td>res. 47/231</td>
</tr>
<tr>
<td>Andorra</td>
<td>108th mtg., 28 May 1993</td>
<td>without a vote</td>
<td>res. 47/232</td>
</tr>
<tr>
<td>Palau</td>
<td>89th mtg., 15 December 1994</td>
<td>without a vote</td>
<td>res. 49/63</td>
</tr>
</tbody>
</table>