

Repertory of Practice of United Nations Organs
Supplement No. 9

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Repertory of Practice of United Nations Organs)

Volume I

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.

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, 6 and 7*, 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 three 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:

Kiribati

Nauru

Tonga

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:

<i>Applicant</i>	<i>Date of recommendation of the Security Council</i>	<i>Date of admission by the General Assembly</i>
Kiribati	25 June 1999	14 September 1999
Nauru	25 June 1999	14 September 1999
Tonga	28 July 1999	14 September 1999

8. In case of all three 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 penultimate paragraph of the same rule.¹

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 STATES² OR OTHER CHANGES IN THE STATUS OF A STATE

¹ Kiribati 4016th mtg.; Nauru 4017th mtg.; Tonga 4026th mtg..

² 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.

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*

9. During the period under review, three 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.³ The declarations are registered with the Secretariat on the effective dates of membership.⁴

4. THE QUESTION OF THE RESPECTIVE ROLES OF THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY REGARDING THE JUDGEMENT TO BE MADE BY THE ORGANIZATION

10. The recommendations 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. 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]"

11. 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. However, in its resolution ES-10-3 on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, adopted on 15 July 1997, at its Tenth emergency special session, the General Assembly *inter alia* “[s]tressed that all Member States, in order to ensure their rights and benefits resulting from membership, should fulfill in good faith the obligations assumed by them in accordance with the provisions of the Charter of the United Nations.”⁵

**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

³ Kiribati A/53/926-S/1999/477; Nauru A/53/927-S/1999/478; Tonga A/53/1022-S/1999/793.

⁴ See ST/LEG/SER.E/18 (Vol. I), Ch. I.2.

⁵ See A/RES/ES-10/3, para 8.

- ** (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"

12. 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 resolutions⁶ 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

13. 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

<i>Application</i>	<i>Meeting and date</i>	<i>Vote For- Against- Abstention</i>	<i>Result of proceedings</i>
Kiribati	4016 th mtg., 25 June 1999	without a vote	res. 1248 (1999)
Nauru	4017 th mtg., 25 June 1999	14 - 0 - 1	res. 1249 (1999)
Tonga	4026 th mtg., 28 July 1999	without a vote	res. 1253 (1999)

II. GENERAL ASSEMBLY

<i>Draft resolution under which the General Assembly, having received the recommendation of the Security Council, would decide to admit to</i>	<i>(54th session) Meeting and date</i>	<i>Vote For- Against- Abstention</i>	<i>Result of proceedings</i>

⁶ G A resolutions 54/1, 54/2 and 54/3.

<i>membership to the United Nations:</i>			
Kiribati	1st mtg., 14 September 1999	<i>without a vote</i>	res. 54/1
Nauru	1st mtg., 14 September 1999	<i>without a vote</i>	res. 54/2
Tonga	1st mtg., 14 September 1999	<i>without a vote</i>	res. 54/3