
REPORT OF DR. SHUSEI HSU, RAPporteur OF THE COMMITTEE OF EXPERTS
CONCERNING THE RULES GOVERNING THE ADMISSION OF NEW MEMBERS

I

At its forty-ninth plenary meeting, 19 November 1946, the General Assembly adopted the following Resolution:

The General Assembly requests the Security Council to appoint a Committee to confer with a Committee on procedure of the General Assembly, with a view to preparing rules governing the admission of new Members which will be acceptable both to the General Assembly and to the Security Council.

At its sixty-seventh plenary meeting, 15 December 1946, the General Assembly appointed the following members to serve on its Committee on Procedure: Australia, Cuba, India, Norway, USSR.

At its eighty-first meeting, 29 November 1946, the Security Council decided to "instruct the Committee of Experts to name a small sub-committee from among its own number to meet with and listen to the proposals which the committee appointed by the Assembly might have to make and to report on those proposals to the Council for further instructions". Representatives of the following countries were appointed to serve on this sub-committee: China (Chairman), Brazil and Poland.

II

The above-mentioned sub-committee met with the Assembly Committee three times and its members expressed their views on points raised by the Assembly Committee on the basis of proposals submitted by the Delegation of Australia to that Committee. Most of the views thus expressed were accepted by the Assembly Committee and include the following:

- (a) It is beyond the competence of the General Assembly Committee to make recommendations which do not conform to the spirit and letter of the Charter;

/(b) The General

- (b) The General Assembly is not entitled under Article 4 (2) of the Charter to decide to admit a new Member except upon a recommendation in the affirmative by the Security Council;
- (c) The Assembly Committee cannot suggest any procedural rules which will have the effect of defining or limiting the powers of the Security Council in relation to the admission of new Members;
- (d) The Security Council is entitled to consider the application first.

The only substantive changes in the existing rules on the admission of new Members proposed by the General Assembly Committee are the addition of a new Rule 116 to the General Assembly Rules of Procedure and the addition of two new paragraphs to Rule 60 of the Security Council Rules of Procedure. According to new Rule 60, the Security Council would be required to forward to the General Assembly a complete record of its discussion in case it recommends an applicant State for membership and to submit in addition a special report to the Assembly if it does not recommend it or postpones the consideration of the application. In new Rule 116, the General Assembly asserts the right to send back to the Council for further consideration and recommendation or report applications which have not been the object of recommendation by the Council. What is requested of the Council in the proposed Rule 60 is what the Council voluntarily did last year, and what is asserted in the proposed Rule 116 is what the Council actually acquiesced in when it accepted the five non-recommended applications referred back to it by the Assembly.

The rules proposed by the General Assembly Committee and an explanatory letter from its Chairman, Mr. B. R. Sen, are annexed to this Report.

III

The Committee of Experts devoted three meetings to the consideration of the proposals submitted by the Assembly Committee.

New Rule 58 of the Security Council Rules was amended as proposed by the Belgian member of the Committee, who pointed out that an applicant State becomes a Member of the United Nations immediately upon a favourable decision

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by the General Assembly (Article 4 (2) of the Charter) and comes into immediate possession of the rights enjoyed by the Members of the United Nations, namely, the right to take part in the decisions of the organization. The Committee of Experts believes, therefore, that it would be preferable that an instrument should not be submitted after the decision has been taken by the Assembly, as is provided in Rule 117 of the existing Rules of Procedure of the General Assembly; such an instrument should, on the contrary, accompany the application.

New Rule 58 proposed by the Assembly Committee was consequently amended as follows:

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.

The Committee of Experts points out that, as a consequence, Rule 117 will have to be amended and suggests the following text:

The Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is approved, membership will become effective on the date on which the General Assembly takes its decision on the application.

If the Security Council should approve the changes recommended in new Rule 58 and in Rule 117, it would be desirable to authorize the Committee of Experts to instruct its sub-committee to meet with the General Assembly Committee and attempt to obtain their agreement on these changes. In case the Assembly Committee should not be able to accept them, the Committee of Experts suggests that the sub-committee be authorized, as an alternative, to accept new Rule 58 as proposed by the Assembly Committee.

No change was proposed in Rule 59 of the Security Council Rules.

With regard to new Rule 60, the majority of the Committee of Experts preferred to keep the word "decide" in the first line of the first paragraph rather than adopt the word "consider" which was proposed by the Assembly Committee. The Colombian member of the Committee reserved the position of his Delegation on this point.

The Committee recommends the approval of the second and third paragraphs
/of new Rule

of new Rule 60, additions to the original rule proposed by the Assembly Committee.

In the fourth paragraph a simple grammatical correction (which applies only to the English text) was made by the Assembly Committee.

With regard to the Rules of Procedure of the General Assembly (Rule 117 has already been mentioned above), new Rule 113 was amended in accordance with the change made in new Rule 58 of the Security Council.

New Rule 114 makes it obligatory for the Secretary-General to send a copy of the application to the Members of the United Nations.

No change was proposed in Rule 115.

The approval of new Rule 116 is recommended by the majority of the Committee of Experts. The Delegate for the Soviet Union reserved the position of his Delegation on This Rule.

The text of the proposals which the majority of the Committee of Experts (the Australian and Colombian members of the Committee reserved the position of their Delegations on the whole of the proposals) has the honour to recommend is as follows:

I. PROVISIONAL RULES OF PROCEDURE FOR THE GENERAL ASSEMBLY*

XVII. ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

New Rule 113

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall (be accompanied by a declaration of its readiness to accept) contain a declaration, made in a formal instrument, that it accepts the obligations contained in the Charter.

New Rule 114

(If the applicant State so requests) The Secretary-General shall (inform) send for information a copy of the application to the General Assembly, or to the Members of the United Nations if the General Assembly is not in session. (of the application)

Rule 115

If the Security Council recommends the applicant State for membership, the General Assembly shall consider whether the applicant is a peace-loving

* The underlined words represent additions to the existing rules and the words in parentheses indicate the deletions.

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.

New Rule 115

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 Assembly, for further consideration and recommendation or report.

New Rule (116) 117

The Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is approved, membership will become effective on the date on which the (applicant State presents to the Secretary-General an instrument of adherence) General Assembly takes its decision on the application.

II. PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL*

X. ADMISSION OF NEW MEMBERS

New 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 (be accompanied by a declaration of its readiness to accept) contain a declaration made in a formal instrument, that it accepts the obligations contained in the Charter.

Rule 59

The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly or, if a special session of the General Assembly is called, not less than fourteen days in advance of such session.

New Rule 60

The Security Council shall decide whether in its judgment 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

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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.

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

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

ANNEX

LETTER FROM THE CHAIRMAN OF THE GENERAL ASSEMBLY
COMMITTEE TO THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE

30th June, 1947.

Sir,

Following the joint meetings in the course of which a most useful exchange of views took place between the Security Council and General Assembly Committees on Procedure for the Admission of new Members to the United Nations, the General Assembly Committee met on the 11th, 12th, 18th and 26th of June 1947, in order to draft in pursuance of the Resolution of the General Assembly of 19 November 1946, proposals relating to the rules of procedure for the admission of new Members to the United Nations.

One of the guiding considerations in the framing of the new rules has been to make them acceptable both to the Security Council and to the General Assembly. The Committee also bore in mind that it was beyond its competence to make recommendations which did not conform to the spirit and letter of the Charter.

It was agreed unanimously that the General Assembly was not entitled under Article 4 (2) of the Charter to decide to admit a new Member except upon a recommendation in the affirmative by the Security Council. The Delegate of Cuba reserved the position of his Government on this point.

It was agreed by a majority (India, Norway, and U.S.S.R. voting for and Australia and Cuba voting against):

- (a) that the Committee could not suggest any procedural rules which would have the effect of defining or limiting the powers and jurisdiction of the Security Council in relation to the admission of new Members;
- (b) that the Security Council was entitled to consider the application first.

The draft proposals are annexed. The Committee adopted unanimously the amendments proposed, except that the Soviet Delegate could not accept, and reserved his position with regard to, the new Rule 116 and the substitution of the word "consider" for the word "decide" in the first paragraph of the new Rule 60.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) B. R. Sen,
Chairman of the General Assembly
Committee on Procedure for the
Admission of new Members.

Dr. Shuhsi Hsu,
Chairman of the Security Council Committee
on Procedure for the Admission of New Members
Chinese Delegation to the United Nations

/PROPOSED

PROPOSED RULES FOR THE ADMISSION OF NEW MEMBERS*

I. PROVISIONAL RULES OF PROCEDURE FOR THE GENERAL ASSEMBLY (A/71/Rev.1)

XVII. ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

New Rule 113

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New Rule 114

(If the applicant State so requests) The Secretary-General shall (inform) send for information a copy of the application to the General Assembly, or to the Members of the United Nations if the General Assembly is not in session. (of the application)

Rule 115

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.

New Rule 116

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 Assembly, for further consideration and recommendation or report.

Rule (116) 117

The Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is approved, membership will

* Note: The underlined words represent additions to the existing rules. and the words in parentheses indicate the deletions.

become effective on the date on which the applicant State presents to the Secretary-General an instrument of adherence.

II. PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL (S/36)

X. ADMISSION OF NEW MEMBERS

New Rule 58

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Rule 59

The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly or, if a special session of the General Assembly is called, not less than fourteen days in advance of such session.

New Rule 60

The Security Council shall (decide) consider whether in its judgment 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 of 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.

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

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

