

REPORT OF THE COMMITTEE ON PROCEDURE FOR THE ADMISSION  
OF NEW MEMBERS

(Item 17 of the Provisional Agenda of the Second Regular Session)

## I

The General Assembly, on 19 November 1946, adopted resolution 36(I) as follows:

"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."

On 15 December 1946, the General Assembly appointed the following members to serve on its Committee on Procedure: Australia, Cuba, India, Norway and the Union of Soviet Socialist Republics.

The Security Council, on 29 November 1946, 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

Upon convocation by the Secretary-General, the General Assembly Committee met at Lake Success on 26 May 1947. In the course of this meeting, the Committee unanimously elected Mr. Sen (India) Chairman and adopted the rules of procedure of the General Assembly for the Committee's use.

The Cuban representative reserved the right of his delegation to raise in the General Assembly the question of the Security Council's alleged failure to comply with the Assembly's resolution with regard to the terms of reference quoted above, on which a general discussion took place.

The Committee decided to invite the sub-committee of the Committee of Experts of the Security Council to confer with it with a view to preparing rules governing the admission of new Members which would be acceptable both to the General Assembly and to the Security Council.

/The Assembly

The Assembly Committee on Procedure held four joint meetings with the sub-committee of the Committee of Experts of the Security Council under the chairmanship of Mr. Sen.

At the beginning of the conference, the Chairman of the sub-committee of the Committee of Experts agreed to discuss with the members of the General Assembly Committee in order to clarify ideas and discover what the various points of view actually were without committing the Security Council to any binding conclusions.

The conference based its discussions upon proposals of the Australian delegation (Annex 1). In order to guide the discussion on the specific Australian draft rules along practical lines, the Chairman submitted at a later stage a working paper (Annex 2), which did not, however, represent the views of the Indian Delegation. The Secretary-General had forwarded an extract from a letter addressed by the Argentine delegation bearing on rules 114 and 115 of the rules of procedure of the General Assembly, the substance of which was also taken into consideration.

### III

The Assembly Committee met again three times and drafted rules for the admission of new Members revising the existing provisional rules of the General Assembly and of the Security Council.

In the framing of the new rules, one of the guiding considerations was 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 that the General Assembly was not entitled under Article 4, 2 of the Charter to decide to admit a new Member except upon an affirmative recommendation by the Security Council. The representative of Cuba reserved the position of his Government on this point.

It was agreed by a majority (India, Norway, and the Union of Soviet Socialist Republics 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 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 the new rule 60, the Security Council would be required to forward to the General Assembly a complete record of its discussion when it recommends an applicant State for membership and to submit in addition a special report to the Assembly if it does not recommend admission 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 a recommendation by the Council. What is requested of the Council in the proposed rule 60 is what the Council did voluntarily 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 majority of the Assembly Committee also proposed two minor changes: the word "decide" should be changed to "consider" in the first paragraph of rule 60, and rule 114 should be redrafted to make it obligatory for the Secretary-General to send a copy of the application to the Members of the United Nations.

The text of the proposed rules was forwarded by Mr. Sen, Chairman of the Assembly Committee, to Mr. Hsu, Chairman of the Security Council Committee, with an explanatory letter dated 30 June 1947 (Annex 3).

#### IV

After consideration of this document, the Committee of Experts amended the rules proposed by the General Assembly Committee and submitted for approval to the Security Council a revised text, together with an explanatory report (S/520).

On 27 August 1947, the Security Council adopted this report and a resolution summing up its essential points. By this resolution, the Security Council accepted (1) the proposed change in rule 114 and the addition of a new rule 116 (General Assembly rules) and (2) the addition of two paragraphs to rule 60 (Security Council rules) as proposed by the General Assembly Committee. The change from the word "decide" to "consider" in the first paragraph of rule 60 was not accepted.

In addition, the Security Council proposed an amendment to new rule 58. It was pointed out that an applicant State becomes a Member of the United Nations immediately upon a favourable decision by the General Assembly (Article 4, 2 of the Charter) and immediately assumes the obligations and acquires the rights of Members of the United Nations, for example, the right to take part in the decisions of the Organization. The Security Council believed, therefore, that it would be preferable that an instrument should

not be submitted after the decision had been taken by the Assembly, as is provided in rule 116 of the existing Rules of Procedure of the General Assembly; such an instrument should, on the contrary, accompany the application. New rule 58 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."

As a consequence, rule 113 had to be changed to make it conform to the new text of rule 58, and rule 117 had to be amended. The Security Council suggested the following text for the latter:

"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."

#### V

Upon the invitation of Mr. Hsu, the General Assembly Committee held a joint meeting with the sub-committee of the Committee of Experts of the Security Council, on 2 September 1947. Mr. Hsu, who presided over this joint meeting, explained to the conference the reasons for which the Security Council had modified the proposals made by the Assembly Committee.

#### VI

The General Assembly Committee met immediately after this conference and, following a short discussion, accepted the changes made by the Security Council.

The Australian and Cuban representatives reserved the rights of their delegations to raise in the General Assembly the questions of principle which they had advocated but which had not been accepted by the General Assembly Committee and the Security Council.

The text of the redrafted Rules of Procedure which the majority of the Committee on Procedure of the General Assembly 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

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

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 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.

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.

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

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 recommendations 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.

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 1

DRAFT RULES SUBMITTED BY THE DELEGATION OF AUSTRALIA  
AS A BASIS FOR DISCUSSION

1. Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General.
2. Such application shall contain an undertaking by the applicant State that it will accept the obligations contained in the Charter of the United Nations.
3. The Secretary-General shall acknowledge receipt of the application and shall send a copy to the General Assembly or to the Members of the United Nations if the General Assembly is not in session. The Secretary-General shall inform the President of the Security Council that the application has been received and has been forwarded to the General Assembly for consideration.
4. The General Assembly shall consider the application and, if it finds that the application has been submitted in due form by the appropriate authority of the applicant State and that the applicant State has shown its willingness to carry out the obligations of the Charter, shall refer the application to the Security Council for its recommendation.
5. The Security Council shall examine the application and shall send its recommendation thereon to the General Assembly together with a complete record of the discussion in the Council and the evidence submitted to it. This recommendation shall be based on the consideration of:
  - (a) The ability of the applicant to carry out the obligations contained in the Charter of the United Nations so far as such obligations relate to matters within the jurisdiction of the Security Council.
  - (b) Consideration of the question whether the applicant is a peace-loving State.
6. Upon receipt of the recommendation of the Security Council 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. In its consideration the General Assembly shall take into account the evidence transmitted by the Security Council.
7. If the Security Council recommends the applicant State for membership the General Assembly shall decide by a two-thirds majority of the members present and voting upon its application for membership.
8. If the Security Council recommends the non-admittance of an applicant State the General Assembly may, after full consideration, in the terms of

rule 6, refer the application, together with a full report of the discussion in the General Assembly, back to the Security Council for further consideration.

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



ANNEX 2

DRAFT AMENDMENTS TO RULES OF PROCEDURE FOR THE  
GENERAL ASSEMBLY AND THE SECURITY COUNCIL

(Working Paper Submitted by the Chairman)

Rules of General Assembly

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 contain an undertaking that it will accept the obligations contained in the Charter.

Rule 114

If the applicant State so requests The Secretary-General shall inform the General Assembly, or 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 recommends the rejection or postponement of the application, the General Assembly may, after full consideration, send back the application to the Security Council together with a full report of the discussion in the Assembly, for further consideration and recommendation.

Rules 116 and 117 to be re-numbered 117 and 118 respectively.

Rules of 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 be accompanied by a declaration of its readiness to contain an undertaking that it will accept the obligations contained in the Charter.

\* No Change

[ ] Delete

/Rule 59\*

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.

Rule 60

The Security Council shall [decide] consider 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 so far as such obligations relate to matters within the scope of the functions and powers of the Security Council, and accordingly whether to recommend [the applicant State for membership.] acceptance, rejection or postponement of the application.

In order to assure 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 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.

The recommendations of the Security Council will be forwarded to the General Assembly with a complete record of the discussion in the Council.

\* No change  
[ ] Delete

ANNEX 3

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

30 June 1947

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 11, 12, 18 and 26 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 the Union of Soviet Socialist Republics 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.

(signed) B. R. SEN

Chairman of the General Assembly  
Committee on Procedure for the  
Admission of new Members

/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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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.

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## II. PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL (S/96)

### 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 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.

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.