
Chapter VII

Practice relative to recommendations to the General Assembly regarding membership in the United Nations

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Introductory note

The present chapter follows generally the format adopted for previous *Supplements*.

Part I sets forth the applications for admission considered and the decisions taken thereon by the Security Council and the General Assembly during the period under review. A new comprehensive table, similar to the table of applications included in the first volume of the *Repertoire*, shows the chain of proceedings from the submission of the applications to the decisions taken thereon by the General Assembly.

Parts II to V concern the procedures employed by the Council in the consideration of the applications. The part entitled "Consideration of the adoption or amendment of rules 58 to 60 of the provisional rules of procedure" contained in previous *Supplements* has been omitted as there was no material for inclusion.

Part VI deals with practices relating to the applicability of Articles 4, 5 and 6 of the Charter.

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German States on 12 June 1973. As before, the Secretary-General circulated the letter in a note verbale, dated 28 September 1990.⁴ The Security Council took no action in these cases.

Conversely, the Council had to deal with the emergence of new States as a result of the dissolution of the Union of Soviet Socialist Republics, the Socialist Federal Republic of Yugoslavia and Czechoslovakia.

With respect to the Union of Soviet Socialist Republics, the Council recommended the admission, as sovereign States, of 12 of the 15 former constituent republics. Two were already members of the Organization.⁵ The Russian Federation did not apply for membership. By a letter dated 24 December 1991,⁶ the representative of the Union of Soviet Socialist Republics transmitted to the Secretary-General a letter of the same date by which the President of the Russian Federation informed the Secretary-General that the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council and all other organs and organizations of the United Nations system, was being continued by the Russian Federation, with the support of the countries of the Commonwealth of Independent States. The President of the Russian Federation requested that the name “Russian Federation” be used in the United Nations, in place of the name “Union of Soviet Socialist Republics”. He affirmed that the Russian Federation maintained full responsibility for all the rights and obligations of the Union of Soviet Socialist Republics under the Charter of the United Nations, including the financial obligations. The Secretary-General informed the President of the General Assembly and the President of the Security Council of these letters and steps were taken to inform all organs and organizations of the United Nations system. The position of the Russian Federation was not challenged.

In the case of the former Yugoslavia, the Security Council recommended the admission as sovereign States of three of the six former constituent republics. The status of the former Yugoslav Republic of Macedonia and of the Federal Republic of Yugoslavia (Serbia and Montenegro) remained unresolved at the end of 1992. With respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), the Council considered that it could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia. It recommended to the General Assembly “that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly”.⁷ The General Assembly so decided.⁸ The Council’s recommendation and the General Assembly’s decision were seen as falling under neither Article 5 nor Article 6 of the Charter (case in part VI below).

As for Czechoslovakia, by a letter dated 10 December 1992,⁹ the representative of the Czech and Slovak Federal Republic informed the Secretary-General of the dissolution of his country as from 31 December 1992. The successor States of the Czech and Slovak Federal Republic, namely, the Czech Republic and

⁴ A/45/557.

⁵ Belarus and Ukraine.

⁶ Not issued as a United Nations document. For a summary of the letter, see *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 2 (A/47/2)*, p. 277.

⁷ Resolution 777 (1992) of 19 September 1992.

⁸ Resolution 47/1 of 22 September 1992.

⁹ A/47/774.

the Slovak Republic, would apply for membership in the United Nations as soon as possible. At the request of the representative, the letter was circulated as a document of the General Assembly.

Part I

Applications for admission to membership in the United Nations and action taken thereon by the Security Council and the General Assembly, 1989-1992

Note

As in the previous volumes of the *Repertoire*, part I provides information on the applications before the Security Council during the period under review and the decisions taken thereon by the Council and the General Assembly. Section A (Applications recommended by the Security Council), section B (Discussion of the question in the Security Council) and section C (Applications pending on 1 January 1989) have been maintained. The section entitled "Applications that failed to obtain a recommendation" contained in previous *Supplements* has been omitted as there was no material for inclusion.

The new table in section D includes additional information on the dates of circulation of the applications, as distinct from their dates of submission, the meetings at which the applications were first considered by the Council and their referral to the Committee on the Admission of New Members, the meetings, reports and recommendations of the Committee, and the presidential statements adopted by the Council in addition to its resolutions.

A new section E has also been added showing applications pending at the end of the period under review.

A. Applications recommended by the Security Council

In the period 1 January 1989 to 31 December 1992, the Council recommended the following States for admission to membership in the United Nations:

- Armenia
- Azerbaijan
- Bosnia and Herzegovina
- Croatia
- Democratic People's Republic of Korea
- Estonia
- Georgia
- Kazakhstan
- Kyrgyzstan
- Latvia
- Liechtenstein
- Lithuania
- Marshall Islands
- Micronesia (Federated States of)
- Namibia
- Republic of Korea
- Republic of Moldova
- San Marino

Slovenia
Tajikistan
Turkmenistan
Uzbekistan

B. Discussion of the question in the Security Council

The Council held 38 meetings to consider applications for admission during the four-year period 1989-1992.¹⁰ At a separate meeting,¹¹ the question of the membership of the Federal Republic of

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly reT0.027T0.040.640[(Cou)-1 T03;8.3(t)10.4(h)-11</i>

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: meeting and date</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Armenia	S/23405	3035th mtg. 23.1.92	79th meeting 24.1.92	3041st mtg. 29.1.92	Draft resolution (S/23475)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/227	Adopted without vote	Admitted
	17.1.92	Referred by President	Draft resolution recommending admission		adopted as resolution 735 (1992)					
Kyrgyzstan	S/23450	3036th mtg. 23.1.92	80th meeting 24.1.92	3042nd mtg. 29.1.92	Draft resolution (S/23476)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/225	Adopted without vote	Admitted
	6.1.92 21.1.92	Referred by President	Draft resolution recommending admission		adopted as resolution 736 (1992)					
			Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure		President made a statement (S/23496)					
			Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure		President made a statement (S/23497)					

*Application
and dates of
submission
and
circulation*

Applicant

Applicant
Application and dates of submission and circulation
Referral to Council Committee: meeting and date
Committee meeting and date; Committee report and recommendations
Security Council resolution/ presidential statement
Decision of the Council: Council meeting and date

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: meeting and date</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Azerbaijan	S/23558 14.1.92 7.2.92	3051st mtg. 11.2.92 Referred by President	85th meeting 11.2.92 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3052nd mtg. 14.2.92	Draft resolution (S/23569) adopted as resolution 742 (1992) President made a statement (S/23597)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/230	Adopted without vote	Admitted
San Marino	S/23619 19.2.92 21.2.92	3054th mtg. 21.2.92 Referred by President	86th meeting 24.2.92 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	3056th mtg. 25.2.92	Draft resolution (S/23634) adopted as resolution 744 (1992) President made a statement (S/23640)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/231	Adopted without vote	Admitted

Applicant

Application and dates of submission and circulation

Referral to Committee: Council meeting and date

Committee meeting and date; Committee report and recommendations

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Council Committee: meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: Council meeting and date</i>	<i>Security Council resolution/ presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
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E. Applications pending on 31 December 1992

Action was taken by the Security Council on all applications circulated during the period under review. The application of the former Yugoslav Republic of Macedonia, dated 30 July 1992, was circulated after the end of the period under review in a note of the Secretary-General dated 22 January 1993.¹⁴ No application was submitted by the Federal Republic of Yugoslavia (Serbia and Montenegro), which claimed to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia (see case in part VI).

Part II Presentation of applications

Note

Material concerning the presentation of applications — that is, the submission of applications to the Secretary-General, their communication to representatives on the Security Council and their subsequent inclusion in the provisional agenda of the Council — may be found in the table of applications in section D of part I above. It should be noted that the applications of the Democratic People's Republic of Korea and the Republic of Korea, which had been pending since 1949, were resubmitted on 2 July and 19 July 1991, respectively. The application of the Republic of Croatia, contained in a letter dated 11 February 1992, was circulated by the Secretary-General on 7 May 1992. The case of the application submitted by the former e Reepublic o[(Mac2(ona

recommendation of the Committee on the Admission of New Members, the Council waived the time limits set forth in the fourth paragraph of rule 60, in accordance with the fifth paragraph of that rule.¹⁹

Part IV

Procedures in the consideration of applications

Part V

Roles of the General Assembly and the Security Council

Note

The roles of the General Assembly and the Security Council were considered at the 3116th meeting, on 19 September 1992, when the issue of the membership of the Federal Republic of Yugoslavia was discussed (case in part VI). It is also worth noting that the Council requested, as recommended by the Committee on the Admission of New Members in its report on the application of Namibia, the inclusion of an item entitled “Admission of new Members to the United Nations” in the supplementary list of items for the agenda of the eighteenth special session of the General Assembly.²²

Part VI

Practices relative to the applicability of Articles 4, 5 and 6 of the Charter

Note

During the period under review, the Security Council did not take or consider any measures involving Articles 5 or 6 of the Charter, concerning, respectively, suspension and expulsion. However, in the deliberations of the Council on the question of the membership of the Federal Republic of Yugoslavia (Serbia and Montenegro), Articles 4, 5 and 6 of the Charter were explicitly invoked, as shown in the case history below.

Case

Membership of the Federal Republic of Yugoslavia (Serbia and Montenegro)

At its 3116th meeting, on 19 September 1992, the Council considered the item entitled “Draft resolution contained in document S/24570”. By the draft resolution,²³ the Security Council would consider that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and would therefore recommend to the General Assembly “that it

decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly”.

During the deliberations in the Council, a constitutional discussion arose over the conformity of the draft resolution with the provisions of the Charter relating to membership. On the one hand, it was maintained that the proposed recommendation did not conform to either Article 5 or Article 6 of the Charter. While the Council was competent to recommend suspension or expulsion of a State, it had no authority to recommend to the General Assembly that a country’s participation in the Assembly be withdrawn or suspended. That authority belonged to the General Assembly, which did not need any recommendation to that effect from the Security Council. Indeed, the General Assembly was under no legal obligation to act on any such recommendation. It was also noted that the question of succession had never been raised in the Council and that nowhere in the Charter was the resolution of succession matters stipulated as a condition for membership in the United Nations.

²³ Submitted by Belgium, France, Morocco, the United Kingdom and the United States.

negotiations between all parties of the former Yugoslavia.²⁴ On the other hand, it was noted that the situation was unprecedented, in that the United Nations had never before faced the dissolution of one of its Members without agreement by the successor States on the status of the original United Nations seat. It was also contended that the resolution respected the apportioning of competence established by the Charter between the Security Council and the General Assembly.²⁵

On the question of the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, it was noted that the prevailing view in the international community was that none of the republics that had emerged in the place of the former Socialist Federal Republic of Yugoslavia could claim automatic membership in the United Nations. It was also stated that none of the former republics of the former Yugoslavia was so clearly a predominant portion of the original State as to be entitled to be treated as a continuation of that State. It was further maintained that there was no legal basis for the Federal Republic of Yugoslavia's automatic continuation of the legal existence of the Socialist Federal Republic of Yugoslavia. It was therefore held that the Federal Republic of Yugoslavia's claim to the seat of the former Socialist Federal Republic of Yugoslavia in the United Nations could not be accepted and that the Federal Republic of Yugoslavia should apply for membership in the United Nations.²⁶

With respect to the participation of the Federal Republic of Yugoslavia in the United Nations, it was contended that the decision of the Council had to be strictly interpreted, since it did not provide for the expulsion of the Federal Republic of Yugoslavia from the United Nations. It was emphasized, in particular, that the Federal Republic of Yugoslavia's participation in the work of United Nations organs other than the General Assembly, as well as the functioning of its mission and the issuance of documents to it or from it, would not be affected. It was also noted that the nameplate "Yugoslavia" would be kept in the General

Assembly Hall and the rooms in which the Assembly's organs met.²⁷ The view was, however, expressed that "Serbia and Montenegro ... must apply for membership if it wishes to participate in the United Nations" and that "other bodies in the United Nations system should be guided by this action of the Security Council and the General Assembly on this matter".²⁸

Regarding the admission of the Federal Republic of Yugoslavia to membership in the United Nations, it was maintained that "Serbia and Montenegro, like any other new State, ... should be held to the criteria in the United Nations Charter ... [that] require that the applicant be both willing and able to fulfil United Nations obligations, including compliance with Chapter VII Security Council resolutions".²⁹ It was also stated that the Federal Republic of Yugoslavia's application for membership "should be studied and decided upon in accordance with the same criteria which prevailed in the discussion of the admission to the United Nations of all the other successor States of the former Yugoslav Federation".³⁰ It was further asserted that the principles set out in Articles 4, 5 and 6 of the Charter "should be uniformly applied in the quest for universality that the founding fathers of the United Nations had in mind when they formulated these provisions".³¹

At the same meeting, the draft resolution was adopted as resolution 777 (1992) by 12 votes to none, with 3 abstentions.³² The resolution reads as follows:

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Considering that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist,

Recalling in particular its resolution 757 (1992) of 30 May 1992 in which it noted that "the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted",

²⁷ *Ibid.*, pp. 2-5 (Russian Federation); and pp. 14-15 (China).

²⁸ *Ibid.*, pp. 12-14 (United States).

²⁹ *Ibid.*, p. 13 (United States).

³⁰ *Ibid.*, p. 17 (Hungary).

³¹ *Ibid.*, pp. 8-10 (Zimbabwe).

³² China, India, Zimbabwe.

²⁴ S/PV.3116, pp. 6-7 (India); pp. 7-11 (Zimbabwe); and pp. 14-15 (China).

²⁵ *Ibid.*, p. 12 (France); and pp. 12-13 (United States).

²⁶ *Ibid.*, pp. 2-5 (Russian Federation); pp. 12-14 (United States); and p. 16 (Austria).

1. *Considers* that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore recommends to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly;

2. *Decides* to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly.

By a letter dated 19 September 1992 addressed to the President of the Security Council,³³ the representative of the Federal Republic of Yugoslavia transmitted the text of a statement that, to his regret, he had not been able to deliver at the 3116th meeting of the Council. In his statement, he contended that the suspension of his country's participation in the work of the General Assembly threatened the principle of universality of the Organization, its democratic character and its role as guardian of world peace and forum for equal cooperation between States and peoples. Moreover, he argued that the positions put forward in the Council's recommendation denied the sovereign right of the peoples of a country to preserve their own State and its international and legal personality in case of secession of part of that country.

In a note dated 28 September 1992,³⁴ the Secretary-General indicated that, on 22 September 1992, the General Assembly had adopted a resolution entitled "Recommendation of the Security Council of 19 September 1992".³⁵ He cited the operative paragraphs of the resolution, in which the General Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; and therefore decided that it "should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly"; and took note of the intention of the Security Council to consider the matter again before the end of the

