
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.

During the period under review, the Council recommended the admission of 22 States to membership in the United Nations.

The issue of the applications submitted by the Republic of Korea and the Democratic People’s Republic of Korea, which had been pending since 1949, was finally resolved when the Council recommended unanimously,¹ and the General Assembly decided,² to admit the two countries to membership in the United Nations.

In three instances, the discussion involved the applications of newly independent States emerging from decolonization: the Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Namibia.

On two occasions, the Council was informed of the merger of two separate Member States in a single sovereign State, with unitary membership in the United Nations. In the first instance, the Ministers for Foreign Affairs of the Yemen Arab Republic and the People’s Democratic Republic of Yemen informed the Secretary-General by a letter dated 19 May 1990 that their countries would merge in a single sovereign State called the Republic of Yemen on 22 May 1990. The Republic of Yemen would have single membership in the United Nations. At the request of the two Ministers for Foreign Affairs, the Secretary-General communicated the letter to all States Members of the United Nations, to all the principal organs of the United Nations and any other organs of the Organization on which either one of the two former countries was represented, and to all the specialized agencies and related organizations by a note verbale dated 21 May 1990.³ In the other instance, the Prime Minister of the German Democratic Republic informed the Secretary-General by a letter dated 27 September 1990 of the accession of his country, as from 3 October 1990, to the scope of the Basic Law of the Federal Republic of Germany so as to unite Germany in a single State. He added that it would consequently be for the united Germany thereafter as a member of the United Nations to remain committed to the provisions of the Charter in accordance with the declarations made by the two

¹ Resolution 702 (1991) of 8 August 1991.

² Resolution 46/1 of 17 September 1991.

³ A/44/946.

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 Yugoslavia (Serbia and Montenegro) was discussed, since its claim to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia had not been generally accepted (see case in part VI).

C. Applications pending on 1 January 1989

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Republic of Korea ¹²	19 January 1949	S/1238 (<i>Official Records of the Security Council, Fourth Year, Supplement for February 1949</i>)
Democratic People's Republic of Korea ¹³	9 February 1949	S/1247 (<i>ibid.</i>)

¹⁰ See table in section D.

¹¹ 3116th meeting, held on 19 September 1992.

¹² A new application was submitted on 19 July 1991 (S/22778) (see table in section D).

¹³ A new application was submitted on 2 July 1991 (S/22777) (see table in section D).

D. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 1989 to 31 December 1992

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee: Council 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>
Namibia	S/21241 6.4.90 10.4.90	2917th mtg. 17.4.90 Referred by President	72nd meeting 17.4.90 S/21251 Draft resolution recommending admission; request that an item be included in the agenda of the 18th special session of the General Assembly	2918th mtg. 17.4.90	Draft resolution (S/21251) adopted as resolution 652 (1990)	Adopted unanimously	18th special session, 1st mtg. 23.4.90	S-18/1	Adopted unanimously	Admitted
Liechtenstein	S/21486 10.8.90 10.8.90	2935th mtg. 13.8.90 Referred by President	73rd meeting 14.8.90 S/21506 Draft resolution recommending admission	2936th mtg. 14.8.90	Draft resolution (S/21506) adopted as resolution 663 (1990)	Adopted unanimously	45th session, 1st mtg. 18.9.90	45/1	Adopted unanimously	Admitted
Democratic People's Republic of Korea	S/22777 2.7.91 10.7.91	2998th mtg. 6.8.91 Referred by President	74th meeting 6.8.91 S/22895 Draft resolution recommending admission	3001st mtg. 8.8.91	Draft resolution (S/22895) adopted as resolution 702 (1991)	Adopted without vote	46th session, 1st mtg. 17.9.91	46/1	Adopted without vote	Admitted
					President made a statement (S/22911)					

<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>
Republic of Korea	S/22778 19.7.91 7.8.91	2998th mtg. 6.8.91 Referred by President	74th meeting 6.8.91 S/22895 Draft resolution recommending admission	3301st mtg. 8.8.91	Draft resolution (S/22895) adopted as resolution 702 (1991) President made a statement (S/22911)	Adopted without vote	46th session, 1st mtg. 17.9.91	46/1	Adopted without vote	Admitted
Micronesia (Federated States of)	S/22864 and Corr.1 17.7.91 6.8.91	2999th mtg. 6.8.91 Referred by President	75th meeting 7.8.91 S/22896 Draft resolution recommending admission	3002nd mtg. 9.8.91	Draft resolution (S/22896) adopted as resolution 703 (1991) President made a statement (S/22917)	Adopted without vote	46th session, 1st mtg. 17.9.91	46/2	Adopted without vote	Admitted
Marshall Islands	S/22865 and Corr.1 25.7.91 6.8.91	3000th mtg. 6.8.91 Referred by President	76th meeting 6.8.91 S/22897 Draft resolution recommending admission	3003rd mtg. 9.8.91	Draft resolution (S/22897) adopted as resolution 704 (1991) President made a statement (S/22918)	Adopted without vote	46th session, 1st mtg. 17.9.91	46/3	Adopted without vote	Admitted

<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>
Estonia	S/23002	3006th mtg. 10.9.91	77th meeting 10.9.91	3007th mtg. 12.9.91	Draft resolution (S/23021)	Adopted without vote	46th session, 1st mtg. 17.9.91	46/4	Adopted without vote	Admitted
	30.8.91 4.9.91	Referred by President	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		(A) adopted as resolution 709 (1991) President made a statement (S/23032)					
Latvia	S/23003	3006th mtg. 10.9.91	77th meeting 10.9.91	3007th mtg. 12.9.91	Draft resolution (S/23021)	Adopted without vote	46th session, 1st mtg. 17.9.91	46/5	Adopted without vote	Admitted
	30.8.91 4.9.91	Referred by President	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		(B) adopted as resolution 710 (1991) President made a statement (S/23032)					

<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: 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>
Lithuania	S/23004 29.8.91 4.9.91	3006th mtg. 10.9.91 Referred by President	77th meeting 10.9.91 Draft resolution recommending admission	3007th mtg. 12.9.91	Draft resolution (S/23021) (C) adopted as resolution 711 (1991) President made a statement (S/23032)	Adopted without vote	46th session, 1st mtg. 17.9.91	46/6	Adopted without vote	Admitted
Kazakhstan	S/23353 31.12.91 3.1.92	3032nd mtg. 16.1.92 Referred by President	78th meeting 21.1.92 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	3034th mtg. 23.1.92	Draft resolution (S/23456) adopted as resolution 732 (1992) President made a statement (S/23470)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/224	Adopted without vote	Admitted

<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 Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure		adopted as resolution 735 (1992) President made a statement (S/23496)					
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 Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure		adopted as resolution 736 (1992) President made a statement (S/23497)					

<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>
Uzbekistan	S/23451 6.1.92 21.1.92	3037th mtg. 23.1.92 Referred by President	81st meeting 24.1.92 Draft resolution recommending admission	3043rd mtg. 29.1.92	Draft resolution (S/23477) adopted as resolution 737 (1992) President made a statement (S/23498)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/226	Adopted without vote	Admitted
Tajikistan	S/23455 16.1.92 21.1.92	3038th mtg. 23.1.92 Referred by President	82nd meeting 24.1.92 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	3044th mtg. 29.1.92	Draft resolution (S/23478) adopted as resolution 738 (1992) President made a statement (S/23499)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/228	Adopted without vote	Admitted

<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>
Republic of Moldova	S/23468 17.1.92 23.1.92	3045th mtg. 29.1.92 Referred by President	83rd meeting 4.2.92 Draft resolution recommending admission	3047th mtg. 5.2.92	Draft resolution (S/23511) adopted as resolution 739 (1992) President made a statement (S/23516)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/223	Adopted without vote	Admitted
Turkmenistan	S/23489 and Corr.1 20 1.1.92 30.1.92	3048th mtg. 5.2.92 Referred by President	84th meeting 6.2.92 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	3050th mtg. 7.2.92	Draft resolution (S/23523) adopted as resolution 741 (1992) President made a statement (S/23547)	Adopted without vote	46th session, 82nd mtg. 2.3.92	46/229	Adopted without vote	Admitted

<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: 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	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

<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>
Croatia	S/23884	3073rd mtg.	87th meeting	3076th mtg.	Draft	Adopted	46th session, 46/238	Adopted	without vote	Admitted
	11.2.92	14.5.92	15.5.92	18.5.92	resolution (S/23935)	without vote	86th mtg.	without vote		
	7.5.92	Referred by President	Draft resolution recommending admission		adopted as resolution 753 (1992)		22.5.92			
			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/23945)					
Slovenia	S/23885	3074th mtg.	88th meeting	3077th mtg.	Draft	Adopted	46th session, 46/236	Adopted	without vote	Admitted
	5.5.92	14.5.92	15.5.92	18.5.92	resolution (S/23936)	without vote	86th mtg.	without vote		
	7.5.92	Referred by President	Draft resolution recommending admission		adopted as resolution 754 (1992)		22.5.92			
			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/23946)					

<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>
Bosnia and Herzegovina	S/23971 8.5.92 19.5.92	3078th mtg. 20.5.92 Referred by President	89th meeting 20.5.92 Draft resolution recommending admission	3079th mtg. 20.5.92	Draft resolution (S/23974) adopted as resolution 755 (1992) President made a statement (S/23982)	Adopted without vote	46th session, 86th mtg. 22.5.92	46/237	Adopted without vote	Admitted
Georgia	S/24116 6.5.92 18.6.92	3090th mtg. 2.7.92 Referred by President	90th meeting 2.7.92 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	3091st mtg. 6.7.92	Draft resolution (S/24231) adopted as resolution 763 (1992) President made a statement (S/24241)	Adopted without vote	46th session, 88th mtg. 31.7.92	46/241	Adopted without vote	Admitted

<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>
The former Yugoslav Republic of Macedonia	S/25147 ^a 30.7.92 22.1.93									

^a The application was received on 30 July 1992 and circulated by the Secretary-General in a note dated 22 January 1993 (S/25147). Details will be covered in the next *Supplement* to the *Repertoire*.

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 Yugoslav Republic of Macedonia on 30 July 1992, and circulated in a note by the Secretary-General dated 22 January 1993, will be dealt with in the next *Supplement*.

Part III Referral of applications to the Committee on the Admission of New Members

Note

During the period under review, all applications were referred by the President of the Security Council to the Committee on the Admission of New Members. There were no proposals to waive the application of rule 59 of the provisional rules of procedure.¹⁵ On one occasion, the Council adopted a proposal¹⁶ to waive the time limit provided for in the last sentence of rule 59.¹⁷ On 16 occasions,¹⁸ upon the

¹⁴ S/25147.

¹⁵ Rule 59 provides, inter alia, that “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”.

¹⁶ S/PV.2917, p. 3 (Namibia).

¹⁷ The sentence reads: “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 on 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.”

¹⁸ See table in part I, section D.

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 within the Security Council

Note

The practice of deciding upon applications in the chronological order of their receipt was not strictly observed. The application for membership of Azerbaijan, received on 14 January 1992, was recommended after the applications of Tajikistan, the Republic of Moldova and Turkmenistan, dated 16, 17 and 20 January 1992, respectively. The application of Croatia, received on 11 February 1992, was recommended after that of San Marino, dated 19 February 1992. The application of Georgia, received on 6 May 1992, was recommended after that of Bosnia and Herzegovina, received on 8 May 1992.²⁰

The Council decided upon all applications separately with the exception of the applications of the Democratic People's Republic of Korea and the Republic of Korea, which were recommended by a single resolution, as proposed by the Committee on the Admission of New Members.

In one instance, the Committee examined jointly the applications of Estonia, Latvia and Lithuania, but recommended in its report the adoption of three separate draft resolutions. The Council adopted the three resolutions at one meeting.²¹

In all but two instances, the Council adopted the draft resolutions submitted by the Committee on the Admission of New Members, without a vote, "in accordance with the understanding reached in prior consultations among members of the Council". Following the vote, the President of the Council made a statement on behalf of the members of the Council. The two exceptional cases were those of Liechtenstein and Namibia. In those instances, the draft resolutions submitted by the Committee were put to the vote and adopted unanimously. Statements were made following the voting by members of the Council and, in the case of Namibia, by other Member States and the Secretary-General.

¹⁹ The fourth and fifth paragraphs of rule 60 read:

"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 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."

²⁰ See table in part I, section D.

²¹ 3007th meeting.

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

²² See S/PV.2918, p. 6.

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. Indeed, such matters had been considered in the past as extraneous to the question of membership. It was further maintained that the continuation of the membership of the Socialist Federal Republic of Yugoslavia should be settled through consultations and

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 main part of the forty-seventh session of the General Assembly.

Following the adoption by the General Assembly of resolution 47/1, the representatives of Bosnia and

Herzegovina and Croatia addressed to the Secretary-General a joint letter dated 25 September 1992.³⁶ In that letter, they noted that Security Council resolution 777 (1992) clearly stated that the Socialist Federal Republic of Yugoslavia had "ceased to exist"; thus, it was not a member of the United Nations anymore". They observed that, at the same time, the Federal Republic of Yugoslavia was clearly not yet a member, since it had to apply for membership. They further maintained that the flag flying in front of the United Nations and the nameplate bearing the name "Yugoslavia" did not represent anything or anybody anymore. Consequently, they requested the Secretary-General to provide a legal explanatory statement concerning the decision to keep the flag and nameplate of the former Socialist Federal Republic of Yugoslavia on United Nations premises.

By a letter dated 28 September 1992 addressed to the Secretary-General,³⁷ the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia considered that the interpretation of the resolutions of the Security Council and the General Assembly contained in the above-mentioned joint letter was contrary to the provisions of the said resolutions and to the general thrust prevailing at the time of their adoption.

By a letter dated 29 September 1992,³⁸ the Legal Counsel responded to the representatives of Bosnia and Herzegovina and Croatia. He stated that General Assembly resolution 47/1 dealt with a membership issue which was not foreseen in the Charter, "namely the consequences for purposes of membership in the United Nations of the disintegration of a Member State on which there was no agreement among the immediate successors of that State or among the membership of the Organization at large". As a result, resolution 47/1 had not been adopted pursuant to Article 5 (suspension) or Article 6 (expulsion) of the Charter, nor did it refer to those Articles or the criteria they contained. The Legal Counsel pointed out that the only practical conclusion drawn by the resolution from the fact that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations was that it "shall not *participate* in the work of the General Assembly". Its representatives, therefore, could no longer "*participate* in the work of

³³ S/24577.

³⁴ S/24590.

³⁵ Resolution 47/1.

³⁶ A/47/474.

³⁷ S/24599 (A/47/478).

³⁸ A/47/485. Emphasis in the original.

the General Assembly, its subsidiary organs, nor conferences and meetings convened by it". He noted, on the other hand, that the resolution neither terminated nor suspended "Yugoslavia's *membership* in the Organization". Consequently, the seat and nameplate remained as before, but the representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) could not sit behind the sign "Yugoslavia" in Assembly bodies; Yugoslav missions might continue to function and receive and circulate documents; the Secretariat would continue to fly the flag of the old Yugoslavia at Headquarters; and the resolution had not taken away "the right of Yugoslavia

to participate in the work of organs other than Assembly bodies". The Legal Counsel concluded that the admission to the United Nations of a new Yugoslavia under Article 4 of the Charter would terminate the situation created by General Assembly resolution 47/1.

By a letter dated 9 December 1992,³⁹ the President of the Security Council informed the President of the General Assembly that the members of the Council had agreed to keep the subject matter of resolution 777 (1992) under continuous review and to consider it again at a later date.

³⁹ S/24924.