



SECURITY COUNCIL REPORT

UPDATE REPORT



21 June 2006 No. 6

MONTENEGRO'S ADMISSION TO THE UN

Expected Council Action

The Council is expected to recommend to the General Assembly on 22 June that Montenegro be admitted to the UN. The Council met today in closed session to give initial consideration to Montenegro's application for membership of the United Nations. In accordance with the Council Provisional Rules of Procedure, a Council Committee on Admission of New Members was formed. The Committee met later in the afternoon and is expected to present a report containing a draft resolution on the admission of Montenegro for the Council's consideration tomorrow morning. At its session on 22 June the Council is expected to adopt a resolution recommending to the General Assembly that Montenegro be admitted to the UN, and to issue a presidential statement.

Key Facts

On 21 May Montenegro held a referendum where 55.5 percent of the voters chose independence from Serbia. Two weeks later on 4 June it formally declared independence in a special session of parliament.

On 5 June the President of the Montenegro, Filip Vujanovic, applied for UN membership for Montenegro by sending a letter to the Secretary-General, as required in rule 134 of the Rules of procedure of the General Assembly and attaching the formal declaration of acceptance of the obligations contained in the Charter required under that Rule for a state wishing to join the UN.

Although Serbia had supported preserving the union with Montenegro, it accepted the outcome of the Montenegrin referendum and declared its own sovereignty on 7 June. Serbian Prime Minister, Vojislav Kostunica announced that Serbia would become the legal successor to the state union of Serbia and Montenegro. Following this the President of Serbia, Boris Tadic sent a letter to the Secretary-General informing him that the membership of Serbia and Montenegro in the United Nations would be continued by the Republic of Serbia.

On 16 June the Secretary-General transmitted the application of Montenegro to the Security Council and the General Assembly.

The Socialist Federal Republic of Yugoslavia was an original member of the United Nations but the situation became complicated after Croatia, Slovenia, Bosnia and Macedonia declared independence from Belgrade in 1991 (Croatia and Slovenia) and 1992 (Bosnia and Macedonia). On 19 September 1992 the Security Council recommended to the General Assembly that the Federal Republic of Yugoslavia apply for new membership rather than automatically continue membership of the former

Socialist Federal Republic of Yugoslavia in the United Nations. Finally in 2000, the Federal Republic of Yugoslavia was admitted as a Member of the United Nations by General Assembly resolution 55/12 of 1 November 2000. Following the adoption of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia on 4 February 2003, the name of the State of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

Process of Becoming a Member of the UN

In 1945 when the UN was formed it had 51 original members. Today there are 191 members. There were two phases which saw large increases in the membership of the UN. The first, in the 1960s was during the initial period of decolonisation and 43 new states joined the UN. Then from 1990 to 1999, 33 states became UN members largely as a result of the break-up of the former Soviet Union and other socialist states. The last two members, Switzerland and Timor-Leste, were admitted in September 2002.

Under article 4 of the UN Charter membership is open "...to all peace loving states which accept the obligations contained in the present charter and in the judgement of the Organisation are able and willing to carry out these obligations". Accordingly, there is no automatic right of entry. Instead there is a requirement for a deliberate exercise of discretion by the Organisation, which is always taken seriously.

Article 4 goes on to provide that new member nations are admitted to the UN by the General Assembly on the recommendation of the Security Council.

Rule 58 of the Provisional Rules of Procedure of the Security Council and rule 134 of the Rules of Procedure of the General Assembly state:

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.

In accordance with the Charter and the Rules set out above the practical process of admitting a new member is as follows:

- The new state submits an application to the Secretary-General containing a formal declaration accepting the obligations of the UN Charter.
- The Secretary-General sends a copy of the application to the General Assembly and to the Council. The Council will consider the application at a formal closed meeting and adopt an agenda usually titled "Admission of New Members". At this initial session the Council usually agrees that the application should be referred by the President of the Council to a Committee of the Security Council.
- The Committee examines the application and reports its conclusions to the Council no later than 35 days before a regular session of the General Assembly or no later than 14 days before a Special Session of the General Assembly. (In recent years the practice has been for the Council to complete its consideration rather quickly. For instance, the interval between the first meeting of the Council to consider an application, the committee meeting and the second open meeting of the Council where it adopts its recommendation to the General Assembly is often held within a twenty-four hour period)
- As membership is a substantive issue nine of the fifteen members of the Council, including all five of the permanent members, must agree to the admission of the new state. Among the criteria for admission is whether the new state is peace-loving and is able and willing to carry

out the obligations contained in the Charter.

- If the Committee recommends admission it usually presents the Council with a draft resolution recommending admission of the new state for consideration by the General Assembly.
- If the Council recommends admission, the recommendation is presented to the General Assembly for consideration. The Council cannot make its recommendation less than 25 days ahead of a regular session of the General Assembly or less than four days ahead of a special session. However, under special circumstances, the Council may waive the time limits. This occurred most recently in 2000 when the Council waived the time limit for Tuvalu and Yugoslavia so that their applications could be considered by the General Assembly's 55th session.
- A two-thirds majority is needed in the General Assembly for admission of a new member, and membership is effective on the date that the resolution of admission is adopted.
- If the Council decides not to recommend the new state for admission or postpones consideration of the application, it has to submit a special report to the General Assembly. The General Assembly considers this special report and sends the application back to the Council with a full record of its discussion for further consideration and recommendation. While most applications for membership have gone through smoothly, there have been contentious cases. For example, In 1955 Mongolia's bid for membership was thwarted by China's veto (when the seat was filled by the Republic of China (ROC) and not the People's Republic of China (PRC)) as it saw Mongolia as part of China. This postponed the admission of Mongolia until 1960, when the Soviet Union announced that unless Mongolia was admitted, it would block the admission of all of the newly independent African states. As recently as 2000 China abstained from voting on Tuvalu's membership as it objected to the fact that Tuvalu had diplomatic relations with Taiwan.

UN Documents

Selected Security Council Resolutions

- S/RES/1326(31 October 2000) recommended Yugoslavia for UN membership.
- S/RES/777 (19 September 1992) recommended to the General Assembly that Yugoslavia had to apply rather than automatically continue membership of the former Socialist Federal Republic of Yugoslavia in the United Nations.

Selected General Assembly Resolutions

- A/RES/57/3 (27 September 2002) was the General Assembly approval of Timor-Leste's application for UN membership.
- A/RES/55/12 (1 November 2000) admitted Yugoslavia as a member of the UN.

Recent Presidential Statements

- S/PRST/2002/23 (24 July 2002) on Timor-Leste's application for UN membership.
- S/PRST/2000/30 (31 October 2000) on Yugoslavia's application for UN membership.

Other Documents

- S/2006/425 is the report of the Committee on the Admission of New Members for Montenegro's admission to the UN.
- S/2006/409 (5 June 2006) was the application of Montenegro for membership to the UN transmitted to the Council and General Assembly on 16 June.

As predicted in the above *Update Report*, the Council recommended to the General Assembly on 22 June that Montenegro be admitted as a member of the UN. The General Assembly is expected to approve the Council recommendation on 28 June.

Latest UN Documents

Latest Security Council Resolution

- S/RES/1691(22 June 2006) recommended Montenegro for membership.

Latest Presidential Statement

- S/PRST/2006/27 (22 June 2006) on Montenegro's application for UN membership.