

ユーゴスラヴィア社会主義共和国連邦・ユーゴスラヴィア共和国連邦の国連加盟国としての地位

- 1991.06.25. クロアチア・スロヴェニア独立宣言
- 1991.09.17. マケドニア独立宣言
- 1992.05.06. ボスニアヘルツェゴヴィナ独立宣言
- 1992.05.22. ボスニアヘルツェゴヴィナ・クロアチア・スロヴェニア国連加盟
- 1993.04.08. マケドニア国連加盟
- 1992.04.27. ユーゴスラヴィア連邦共和国(FRY)、ユーゴスラヴィア社会主義共和国連邦(SFRY)との継続性を主張 (A/46/915)
- 1992.09.19. 安保理、FRY の新規加盟を求めるよう総会に勧告(S/RES/777)
- 1992.09.22. 総会、安保理の立場を了知(A/RES/47/1)
- 1992.09.25. ボスニアヘルツェゴヴィナ・クロアチア書簡(A/47/474)
- 1992.09.29. 国連事務次長・法律顧問書簡(A/47/485)
- 1996.07.11. ICJ ジェノサイド条約適用事件先決的抗弁判決
- 2000.10.27. FRY、国連加盟申請(A/55/528-S/2000/1043)
- 2000.10.31. 安保理、FRY の加盟承認を総会に勧告(S/RES/1326)
- 2000.11.01. 総会、FRY の加盟承認(A/RES/55/12)
- 2004.12.15. ICJ 武力行使事件先決的抗弁判決
- 2007.02.26. ICJ ジェノサイド条約適用事件本案判決

1992 年 9 月 25 日 ボスニアヘルツェゴヴィナ・クロアチア発国連事務総長宛書簡 A/47/474

At this moment, there is no doubt that the Socialist Federal Republic of Yugoslavia is not a member of the United Nations any more. At the same time, the Federal Republic of Yugoslavia is clearly not yet a member. [...] The flag flying in front of the United Nations and the name-plaque bearing the name 'Yugoslavia' do not represent anything or anybody any more. [...] We kindly request that [the Secretary-General] provide a legal explanatory statement concerning the questions raised.

1992 年 9 月 29 日 国連事務次長・法律顧問書簡 A/47/485

While the General Assembly has stated unequivocally that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot automatically continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations, the only practical consequence that the resolution draws is that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate

in the work of the General Assembly. It is clear, therefore, that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) can no longer *participate* in the work of the General Assembly, its subsidiary organs, nor conferences and meetings convened by it.

On the other hand, the resolution neither terminates nor suspends Yugoslavia's *membership* in the Organization. Consequently, the seat and nameplate remain as before, but in Assembly bodies representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot sit behind the sign 'Yugoslavia'. Yugoslav missions at United Nations Headquarters and offices may continue to function and may receive and circulate documents. At Headquarters, the Secretariat will continue to fly the flag of the old Yugoslavia as it is the last flag of Yugoslavia used by the Secretariat. The resolution does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies. The admission to the United Nations of a new Yugoslavia under Article 4 of the Charter will terminate the situation created by resolution 47/1.

ジェノサイド条約 Convention on the Prevention and Punishment of the Crime of Genocide, *United Nations Treaty Series*, vol. 78, p. 277.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any nonmember State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

条約法に関するウィーン条約 Vienna Convention on the Law of Treaties, *UNTS*, vol. 1115, p. 331.

Article 56 Denunciation of or withdrawal from a treaty containing no provision regarding termination, denunciation or withdrawal

1. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless:

(a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or

(b) a right of denunciation or withdrawal may be implied by the nature of the treaty.

2. A party shall give not less than twelve months' notice of its intention to denounce or withdraw from a treaty under paragraph 1.