

Withdrawal from the United Nations

Over the course of its lifetime, a number of States have left the United Nations. States have ceased to exist, have broken apart, been absorbed into larger States, or amalgamated with others to form new legal entities. On only one occasion has a State whose existence continued uninterrupted attempted to leave the United Nations. On the 20th January 1965, Indonesia's Minister for Foreign Affairs addressed a letter to the Secretary General of the United Nations, communicating Indonesia's intention to withdraw from the organisation. Indonesia's absence from the United Nations was to be short-lived – it communicated its intention to resume participation in the organisation by telegram to the Secretary General on the 19th September 1966. Nevertheless, the period from 1st March 1965 (when Indonesia's withdrawal, on its own estimation, took effect) to 28th September 1966 (when Indonesia's representatives took their seats in the General Assembly for the first time following its absence) presents some fascinating legal questions. Was Indonesia's absence from the United Nations an example of a State withdrawing from the organisation, or did Indonesia merely suspend its membership? Can a State withdraw from the United Nations and, if so, what rules or principles govern the process of withdrawal?

Although Indonesia's withdrawal was not challenged by any State at the time, a number of States and commentators expressed doubts over the legality of Indonesia's action. Unlike the Charter of the League of Nations, the UN Charter does not make provision for a State to withdraw from the organisation. According to some, the lack of a textual basis for withdrawal demonstrates that withdrawal is not permitted by the Charter regime; while others assert that, in the absence of regulation on withdrawal, withdrawal remains a sovereign right belonging to the States Members. Both of these are somewhat extreme positions, and most commentators and States appear to have adopted more nuanced positions. In particular, they place emphasis on an interpretive resolution of the San Francisco Conference (Doc. No. 1178, I/2/76(2), 7 U.N. Conf. Int'l Org. Docs. 328 (1945); referred to in the Letter of the United Kingdom, and reproduced by Schwelb, p.663), which stated that a State seeking to withdraw from the organisation would be required to justify its decision to do so, by reference to 'exceptional circumstances', such as a situation where a Charter amendment which would materially effect its rights and to which it had not agreed were accepted by the majority and carried into effect. Professor Schwarzenberger relied on this declaration as authority for his comment that, in his view, 'Indonesia's purported withdrawal from the United Nations is ineffective, and Indonesia remains subject to all her duties under the United Nations Charter.'

This line of reasoning was thrown into doubt by the reaction (or, rather, the lack thereof) of the organisation to Indonesia's purported withdrawal, however. Indonesia was not called upon to explain its decision to withdraw by reference to 'exceptional circumstances' which would justify its decision; the matter was not referred to the International Court of Justice; no State objected to Indonesia's withdrawal, nor declared that Indonesia lacked the competence to accomplish that action. These circumstances would seem to indicate that Indonesia was considered capable of unilaterally removing itself from the organisation, and that impression is further strengthened by the Roster of the United Nations published in the 1965 UN Yearbook, which records that Indonesia was not, on the 31st December 1965, considered a member of the Organisation.

An additional circumstance serves to further confuse the picture, however. When, in 1966, Indonesia signaled its intention to resume participation in the United Nations it was not

subject to a membership procedure. When a new State seeks to join the organisation, its membership must be approved both by the General Assembly and the Security Council. No such procedure was deemed necessary in Indonesia's case, however. On the 28th September, when Indonesia resumed its seat, the Chair of the General Assembly, having first enquired whether any State wished to raise an objection, simply invited Indonesia's representatives to take their seats.

It appears, therefore, that the organisation treated Indonesia's absence as a temporary suspension, rather than a full withdrawal. Nevertheless, the practice is contradictory in places, and remains open to interpretation.

- [Letter Dated 20 January 1965 from the First Deputy Prime Minister and Minister for Foreign Affairs of Indonesia to the Secretary General, UN Doc No. s/6157.](#)
- [Letter Dated 26 February 1965 from the Secretary-General to the First Deputy Prime Minister and Minister for Foreign Affairs of Indonesia, UN Doc No. s/6202.](#)
- [Note Verbale Dated 13 May 1965 from the Permanent Representative of Italy to the United Nations Addressed to the Secretary General, UN Doc No. s/6356.](#)
- [Letter Dated 8 March 1965 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Addressed to the Security Council, UN Doc No. s/6229.](#)
- [Yearbook of the United Nations, 1965, Appendix 1: Roster of the United Nations as at 31 December 1965, p.801.](#)
- [Telegram Dated 19 September 1966 from the Ambassador of Indonesia to the United States of America Addressed to the Secretary-General, UN Doc No. s/7498.](#)
- [Official Record of the 1420th Plenary Meeting of the United Nations General Assembly, 21st Session, 28 September 1966.](#)
- Schwarzenberger, Georg, Letter to the Editor, *The Times* (London) 11 January 1965.
- [Schwelb, Egon, 'Withdrawal from the United Nations: the Indonesian Intermezzo' \(1967\) 61 *American Journal of International Law* 661.](#)
- [Cilliers, Andries C, 'Withdrawal from the United Nations and the Question of Credentials' \(1975\) 1 *South African Yearbook of International Law* 1.](#)