

# WAYS OF TERMINATING THE MEMBERSHIP OF STATES FROM INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

*VIONA RASHICA*<sup>1</sup>

## **ABSTRACT**

International governmental organizations are important subjects of contemporary international relations. As states face various global problems, although as the most important subjects of international law they do not have enough power to face them on their own, therefore multilateral cooperation is more than necessary. This is the main reason why the membership in international governmental organizations is a priority for many countries. However, there are cases where international organizations have faced with the termination of the membership of states, which occurs in several ways.

The main purpose of this paper is to explain the ways in which states terminate their membership in international organizations, by attaching some specific examples as well.

For the realization of the research are used qualitative methods, based on bibliography that is related to the characteristics of international governmental organizations, and also on the credible Internet sources within which there are valuable data about different cases of the termination of the membership of states from international organizations.

The results highlight four ways of the termination of the membership of states from international organizations such as the dissolution of organization in the case of the League of Nations, the disappearance of state in the case of the former Yugoslavia, the expulsion of state from organization in the case of the recommendation of the General Assembly to expel South Africa from the United Nations, and the withdrawal of state from organization, typical case of which is Brexit.

The conclusions of the research aim to contribute to increasing knowledge about the ways in which the membership of states from international governmental organizations terminates.

**Key words:** international governmental organizations, states, membership, termination

## **1. INTRODUCTION**

The paper treats an important part of the international governmental organizations, which is about the ways of terminating the membership of states in international organizations. International organizations are a very important part of the efforts to solve various global problems and are considered as new bearers of world events. Membership in international organizations is necessary for sovereign states as they are powerless to respond to the many problems and challenges that recognize no territorial boundaries, and that their solution requires global management or multilateral cooperation. However, the resistance to transfer sovereignty to international organizations is present in all states of the world, whether large, medium or small, and when it passes to a high level, the decision of states to terminate their membership in organizations follows.

---

<sup>1</sup> Viona Rashica is Doctor of Political Sciences.  
E-mail address: [vr26813@seeu.edu.mk](mailto:vr26813@seeu.edu.mk)

To understand the importance of the decision of states to leave international organizations, the ways in which the membership of states from international organizations terminates must be specified, which is the main purpose of this paper. The research question of the paper is: *What are the ways of terminating the membership of states in international organizations and which of them is more complicated?* While the hypothesis of this paper is: *Regarding the ways of terminating the membership of states in international governmental organizations, the expulsion results to be the most complicated.*

Therefore, to give the research question the right answer and to identify the raised hypothesis, besides of abstract, introduction, conclusion, bibliography and the Internet sources, this paper contains four chapters. The second chapter explains the first way of terminating the membership of states in international organizations, which is the dissolution of the organization. This chapter has two sub-chapters in which is presented dissolution of the League of Nations and definite article for the dissolution of the World Bank. The third chapter has to do with the second way that is the disappearance of the state, which within two sub-chapters elaborates how the disappearance of states can occur, taking as example termination of the membership of Yugoslavia in the UN. In the fourth chapter the hypothesis of this paper is tested because within it is explained the expulsion of state from international organization. In the first sub-chapter is emphasized the difference between suspension and expulsion of the state from international organization, while the second one describes the recommendation of the General Assembly for the expulsion of South Africa from the UN. The fifth chapter treats the fourth way of terminating the membership of states in international organizations, which is the withdrawal. This chapter is divided into eight sub-chapters, where the right and conditions of withdrawal are described, and examples of the withdrawals of states from the League of Nations, UN, IMF, OIC, NATO, EU and OAS.

This paper has explanatory, descriptive, analytical and comparative nature and for its realization is used qualitative methodology, relying in literature and the Internet sources that are related to international organizations.

## **2. DISSOLUTION OF THE INTERNATIONAL ORGANIZATION**

### ***2.1 Dissolution of the League of Nations***

The termination of the state's membership in an international organization can occur when the latter dissolves and ceases to exist. An organization established for a certain period of time ceases to function after the end of that period, according to the provisions set forth in its statute. However, in the absence of a provision that regulates dissolution, the organization may be dissolved by decision of its highest representative body.

A special case of the dissolution of international organizations is the League of Nations, which was founded on January 10, 1920 to promote international cooperation, as well as to achieve world peace and security, based on open and respected relations between nations (Herren, 2014, p. 16). This organization was an absolute novelty of the international relations of the last century, but the reluctance of member states to transfer parts of sovereignty within it and their specific interests resulted in the prevention of adequate actions of the League. As a result of the attitudes of the states that were considered great powers of that time, a number of security and disarmament issues failed. The absence of the United States within the League has also had an impact on its weakening. The role of the League as an instrument of collective security began to weaken from 1930 onwards,

while the peak of its weakening was in 1939 when World War II broke out, in which the League's operations in Geneva were suspended, and the events of this war hastened its destruction.

The end of WWII highlighted the need to create a new and powerful international organization, which would replace the League, that was the United Nations founded on October 24, 1945 (Lamb & Robertson-Snape, 2017, p. 214). The process of liquidating the assets and dealing with the liabilities of dissolved organisations is invariably laid down by the organisation itself, either in the constitutional documents or by special measures adopted for dissolution (Shaw, 2013, p. 1330). On April 18, 1946, the Assembly of the League of Nations transferred all functions, possessions, and buildings of the League to the UN, which followed the structure of the League of Nations. The Assembly became the General Assembly, the Council became the Security Council, and the Permanent Court of International Justice became the International Court of Justice. The technical services and sections of the League became specialized agencies of the UN (Ginneken, 2006, p. 190).

## **2.2 Definite article for the dissolution of the World Bank**

The statutes of some international organizations contain special provisions that regulate their dissolution. An example is the World Bank as one of the most important international financial organizations in the world. The Article VI of the *Section 5 for Suspension of Operations and Settlement of Obligations* in the *IBRD Articles of Agreement*<sup>2</sup> states:

- a) *In an emergency the Executive Directors may suspend temporarily operations in respect of new loans and guarantees pending an opportunity for further consideration and action by the Board of Governors;*
- b) *The Bank may suspend permanently its operations in respect of new loans and guarantees by a vote of a majority of the Governors, exercising a majority of the total voting power. After such suspension of operations the Bank shall forthwith cease all activities, except those incident to the orderly realization, conservation, and preservation of its assets and settlement of its obligations;*
- c) *The liability of all members for uncalled subscriptions to the capital stock of the Bank and in respect of the depreciation of their own currencies shall continue until all claims of creditors, including all contingent claims, shall have been discharged;*
- d) *All creditors holding direct claims shall be paid out of the assets of the Bank, and then out of payments to the Bank on calls on unpaid subscriptions. Before making any payments to creditors holding direct claims, the Executive Directors shall make such arrangements as are necessary, in their judgment, to insure a distribution to holders of contingent claims ratably with creditors holding direct claims;*
- e) *No distribution shall be made to members on account of their subscriptions to the capital stock of the Bank until*
  - i. *all liabilities to creditors have been discharged or provided for, and*
  - ii. *a majority of the Governors, exercising a majority of the total voting power, have decided to make a distribution;*
- f) *After a decision to make a distribution has been taken under (e) above, the Executive Directors may by a two-thirds majority vote make successive distributions of the assets of the Bank to members until all of*

---

<sup>2</sup> The International Bank for Reconstruction and Development Articles of Agreement were drawn up at the United Nations Monetary and Financial Conference, at Bretton Woods, New Hampshire, 1-22 July 1944. The governing document became effective on December 27, 1945, and has been amended three times: December 17, 1965, February 16, 1989 and June 27, 2012.

*the assets have been distributed. This distribution shall be subject to the prior settlement of all outstanding claims of the Bank against each member;*

- g) Before any distribution of assets is made, the Executive Directors shall fix the proportionate share of each member according to the ratio of its shareholding to the total outstanding shares of the Bank;*
- h) The Executive Directors shall value the assets to be distributed as at the date of distribution and then proceed to distribute in the following manner:*
  - i. There shall be paid to each member in its own obligations or those of its official agencies or legal entities within its territories, insofar as they are available for distribution, an amount equivalent in value to its proportionate share of the total amount to be distributed;*
  - ii. Any balance due to a member after payment has been made under (i) above shall be paid, in its own currency, insofar as it is held by the Bank, up to an amount equivalent in value to such balance;*
  - iii. Any balance due to a member after payment has been made under (i) and (ii) above shall be paid in gold or currency acceptable to the member, insofar as they are held by the Bank, up to an amount equivalent in value to such balance;*
  - iv. Any remaining assets held by the Bank after payments have been made to members under (i), (ii), and (iii) above shall be distributed pro rata among the members.;*
- i) Any member receiving assets distributed by the Bank in accordance with (h) above, shall enjoy the same rights with respect to such assets as the Bank enjoyed prior to their distribution (World Bank, 2012).*

### **3. THE DISAPPEARANCE OF THE STATE**

#### ***3.1 How the disappearance of states can occur?***

Another way of terminating the membership of states in international organizations, which is not mentioned so often, but cannot be bypassed, is the disappearance of the state. Both the birth of the state and its disappearance present factual issues that cause various legal consequences. The *Article I* of the *Montevideo Convention on the Rights and Duties of States*<sup>3</sup> emphasizes that the state as a subject of international law must have these four elements:

- 1) A permanent population;*
- 2) A defined territory;*
- 3) Government;*
- 4) Capacity to enter into relations with the other states (Crawford, 2012, p. 671).*

The loss of any of these elements essential to the state results its disappearance. The disappearance of states has been mostly the result of occupation and subjugation in war, as well as the destruction of the power of the state that lost the war (debellatio). However, the state disappears even with the division of its territory into other states or with the destruction of the previous state. Also, a state can disappear with the voluntary union of two or more states, as a real union (today there are no more such states), or as a federation that is a union of two or more states,

---

<sup>3</sup> The Montevideo Convention on the Rights and Duties of States is a treaty signed at Montevideo, Uruguay, on December 26, 1933, during the Seventh International Conference of American States. The Convention codifies the declarative theory of statehood as accepted as part of customary international law.

countries, created by the constitution and as a whole represents an international entity, although its members are given special sovereignty (Gruda, 2013, pp. 74-77).

### ***3.2 Termination of the membership of Yugoslavia in the United Nations***

A typical example of the disappearance of a federation and the division of its territory into other states is the Socialist Federal Republic of Yugoslavia<sup>4</sup>, which was a member of the UN, the Charter of which it had signed on June 26, 1945 and ratified on October 19, 1945. However, the SFRY's membership in the UN ended in 1992, as a result of its dissolution after the establishment and subsequent accession of new member states to the UN, such as the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Slovenia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia. It should be emphasized that the SFRY did not continue its membership in the UN through the remaining republics within it, that of Serbia and Montenegro, although the latter two described the FRY as a continuation of the SFRY and stated that they would abide by the obligations that the SFRY had assumed internationally as a member of the UN (Duxbury, 2011, p. 21). However, through the Security Council Resolution 777 of September 19, 1992 (United Nations Security Council Resolutions, 1992) and the Resolution A/47/485 of the General Assembly of September 30, 1992 (United Nations, 1992), it was determined that the FRY could not continue membership in the UN as the former SFRY because the latter was disappearing.

The Republic of Slovenia became a member of the UN through Resolution A/RES/46/236, the Republic of Bosnia and Herzegovina by Resolution A/RES/46/237, while the Republic of Croatia with Resolution A/RES/46/238, three states together on May 22, 1992. The General Assembly by Resolution A/RES/47/225 on April 8, 1993 had decided to accept the former Yugoslav Republic of Macedonia as a member of the UN. It should be mentioned that on February 14, 2019, through the Macedonian Diplomatic Mission to the UN Protocol and Liaison Service, the country's name was changed to "Republic of North Macedonia"<sup>5</sup>. The FRY became a member of the UN by Resolution A/RES/55/12 on November 1, 2000. Following the adoption and promulgation of the Constitutional Charter of Serbia and Montenegro on February 4, 2003, the official name of the "Federal Republic of Yugoslavia" was changed to "Serbia and Montenegro". On June 3, 2006, the seventh UN Secretary General Kofi Annan was informed by the Republic of Serbia that the membership of Serbia and Montenegro would be continued only by the Republic of Serbia because of the declaration of independence of Montenegro, which resulted from the referendum on the independence of Montenegro from Serbia, held on May 21, 2006. Montenegro became a member of the UN on June 28, 2006 through Resolution A/RES/60/264 (United Nations, n.d.).

## **4. EXPULSION OF THE STATE FROM INTERNATIONAL ORGANIZATION**

### ***4.1 The difference between suspension and expulsion of the state from international organization***

---

<sup>4</sup> The Socialist Federal Republic of Yugoslavia consisted of six republics: Serbia, Croatia, Slovenia, Macedonia, Montenegro and Bosnia and Herzegovina, and in 1946 within Serbia it was decided to establish two autonomous sub-federal units, Kosovo and Metohija (renamed Kosovo in 1963) and Vojvodina.

<sup>5</sup> The name "Republic of Northern Macedonia" resulted from the Prespa Agreement signed on June 17, 2018 between Greece and Macedonia, as a solution to a long-standing dispute over the name of the latter. The agreement was ratified in the parliaments of the two states on January 25, 2019 and entered into force on February 12, 2019.

Another way of terminating the membership of the state by the international organization is expulsion. However, there are cases when the latter is confused with suspension, so the difference between them should be clarified.

Suspension of states by international organizations constitutes a measure taken by the organization through which the member state is abstained from exercising the rights and privileges defined by the statute of the organization within a certain period of time (Amerasinghe, 2015, p. 114). A suspended state does not participate in or contribute to the organization's decision-making processes as long as the suspension is active. Suspension is also considered as a right tool for the imposition of observance of the norms of the organization by member states and is often used as a sanctioning method for non-fulfillment of the financial obligations of the membership (Duxbury, 2011, p. 22).

Expulsion is the most debatable method of terminating the membership of states in international organizations and at the same time the most severe sanction that the organization can take against a member state. The decision to expel a state results from non-compliance or serious violations of the principles of the organization. There are provisions in the constitutions of some organizations, particularly the financial institutions, providing for expulsion of members, but this is not always the case. In the absence of provisions for expulsion, it is doubtful whether there is a general principle or a presumption of interpretation which permits expulsion. Therefore, just as the conditions for the membership of states in international organizations are regulated, the way of their expulsion should also be regulated if the states fail to fulfill the obligations of membership (Amerasinghe, 2015, pp. 122-123). Many experts deny the effectiveness of expulsion as a method of sanctioning wayward behaviour by a member state, as it removes the state from the strictures of the organisation. Some described expulsion as a crude device 'quite incapable of achieving any lasting result in a community the units of which are states and one of the characteristics of which is therefore a very low rate of mortality'. While some others also doubted the efficacy of coercive sanctions such as expulsion, on the basis that they disrupt the organisation's work and generate dissatisfaction amongst members, resulting in greater costs than benefits (Duxbury, 2011, p. 23).

#### ***4.2 The recommendation of the General Assembly for the expulsion of South Africa from the United Nations***

An example that confirms the raised doubts about the effectiveness of the expulsion as a sanctioning method of the international organization against serious violations of a state is the recommendation for the expulsion of South Africa from the UN. The expulsion of states from the UN is regulated in the *Article 6* of its Charter that states: *A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.*

South Africa was one of the 51 founding members of the UN in 1945 (Permanent Mission of South Africa to the United Nations, n.d.). The negative feature of South Africa was the policy of apartheid, which was legalized in the 1940s. It was characterized by the racial segregation between the white minority and the non-white majority, as well as the severe political and economic discrimination of the latter. Although the issue of apartheid had entered in the agenda of the General Assembly in 1952, the racial policies of the South African Government had been discussed since 1946 by India regarding the treatment of Indians in the then South African Union, who during apartheid had experienced almost the same discrimination as blacks and people of other races

(Dakers, 2014, p. 45). For South-Africa the question of apartheid was an internal matter and could therefore not be addressed by the UN. At the behest of several delegations, however, it was inscribed on the General Assembly's agenda in 1952, the year when several modest steps were taken: first, to study the racial situation in South Africa and, second, to ensure that all Member States acted in conformity with their Charter obligations to promote the observance of human rights and basic freedoms. On December 6, 1955, the adoption of Resolution 917 (X) on apartheid was to cause the South African delegation to withdraw from the Assembly. In 1955 South Africa withdrew voluntarily from the General Assembly Hall. During the 1960s there was a lot of pressure to suspend South Africa from the General Assembly. In 1969 the Assembly decided in Resolution 2636 A (XXV), to approve the Credentials Committee's report "except as regards the credentials of the representatives of South Africa". The same formula was used in the 1971, 1972, 1973 sessions. However, a more definitive step was taken when on November 12, 1974 the Assembly, by a vote of 91 to 22 with 19 abstentions, endorsed a ruling, interpreting the annual rejection of South Africa's credentials as a repudiation of South Africa's participation in the work of the Assembly. It was not an expulsion, but its effect was the same. A Draft Resolution (S/11453) was submitted by Cameroon, Kenya and Mauritania, who were joined later by Iraq. The draft recommended that the Assembly immediately expel South Africa from the UN in accordance with Article 6 of the Charter that was fully justified for three reasons:

- 1) *South Africa refused to abandon its policy of apartheid;*
- 2) *It continued to refuse to withdraw its forces from Namibia;*
- 3) *It was supporting the illegal regime in Southern Rhodesia by sending military and police forces in violation of the pertinent Security Council resolutions.*

As a result of triple veto of France, the United Kingdom and the US in the Security Council, the General Assembly intensified its condemnation of South Africa. Towards the late eighties, but especially after Nelson Mandela's release from prison in 1990 and the South African Government decision in 1991 to begin dismantling its apartheid regime, there were remarkable changes in the situation in Southern Africa. The most symbolic event of those changes was the accession of Nelson Mandela to the Presidency of the Republic of South Africa on May 10, 1994. On June 23, 1994, when South Africa resumed its participation in the General Assembly by Resolution A/48/PV.95, its Foreign Minister insisted that "his country's long night of diplomatic isolation had finally come to an end" (Bosch-Marín, 1998, pp. 43-45).

## **5. WITHDRAWAL OF THE STATE FROM INTERNATIONAL ORGANIZATION**

### ***5.1 The right and the conditions of withdrawal***

Withdrawal is a voluntary act of a state to leave the organization, which is another way of terminating the membership of states from international organizations. The *Article 54* of the *Vienna Convention on the Law of Treaties*<sup>6</sup> states that the termination of a treaty or the withdrawal of a party may take place:

- 1) *In conformity with the provisions of the treaty;*
- 2) *At any time by consent of all the parties after consultation with the other contracting States.*

---

<sup>6</sup> The Vienna Convention on the Law of Treaties is an international agreement regulating treaties between states, that is signed on May 23, 1969 in Vienna and entered into force on January 27, 1980. Known as the "treaty on treaties", it establishes the rules and procedures for how treaties are defined, drafted, enforced, amended, interpreted, and generally operate.

The right to withdraw is expressly referred in the constitutions of most of international organizations and the conditions attached to the right of withdrawal vary. Some organizations impose clear limitations on withdrawal, in some cases it is not permitted during an initial period, so as to allow the organization time to become established. Whereas, in some cases a period is prescribed between the giving of notice to withdraw and the coming into effect of withdrawal, a kind of ‘cooling-off’ period to allow for reconsideration and other possibilities. Another condition sometimes attached to withdrawal is that outstanding obligations must be fulfilled before withdrawal is effective. In general the obligations specified are simply the financial obligations incurred as part of the budgetary commitment, but in some cases the fulfilment of obligations other than financial ones is required (Amerasinghe, 2005, pp. 117-118). There is a question whether a member state can suspend its notice, once given. The answer should be that it cannot, unless the rest of the members agree (Duxbury, 2011, p. 20).

What happens in the absence of a withdrawal clause? Some have argued that in a such situation member states have no right of unilateral withdrawal. However, the *Article 56* of the Vienna Convention on the Law of Treaties is dedicated to denunciation of or withdrawal from a treaty containing no provision regarding termination, denunciation or withdrawal, that states:

- 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;*
  - 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* (Dörr & Schmalenbach, 2018, p. 1039).

## **5.2. Withdrawal of states from the League of Nations**

Withdrawal of member states from the League of Nations was regulated on *the Article 1* of its *Covenant*<sup>7</sup> and stated: *Any Member of the League may, after two years’ notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal* (Yale Law School, n.d.).

Since from its establishment in 1920 to its dissolution in 1946, the League of Nations has had many cases of withdrawals of states. First state to have withdrawn from the League was Costa Rica in December 1924, continuing with Brazil in June 1926, Japan in March 1933, Germany in October 1933, Paraguay in February 1935, Guatemala in May 1936, Nicaragua in June 1936, Honduras in July 1936, El Salvador in August 1937, Italy in December 1937, Chile in June 1938, Venezuela in July 1938, Peru in April 1939, Hungary in April 1939, Spain in May 1939, Romania in July 1940 and Haiti in April 1942 (Ginneken, 2006, pp. 24-34). The withdrawals of these states were affected from the events before and during WWII.

## **5.3 Withdrawal of Indonesia from the United Nations**

The Charter of the UN contains no express provision prohibiting, permitting, or regulating the question of withdrawal from the organization, and the UN has on only one occasion had to deal with this situation. The only case of withdrawal that can be cited is that of Indonesia in 1965, when this state announced and put into

---

<sup>7</sup> The Covenant of the League of Nations was the charter of the League of Nations that was signed on June 28, 1919 in Paris as Part I of the Treaty of Versailles, and became effective together with the rest of the Treaty on January 10, 1920.



effect its intention to withdraw from the UN as a protest against the election of Malaysia as a non-permanent member of the Security Council. Notice of withdrawal was given in a letter to the Secretary-General. Although in his letter of reply, the Secretary left open the issue of the legality of Indonesia's conduct, the UN's acquiescence to the withdrawal—defined as “inactive membership” can be inferred from a series of conclusive acts of the organization, such as the cancellation of Indonesia from the list of members, the removal of the Indonesian flag and plate from the UN, its exclusion from the budget documents, and so on (Conforti & Focarelli, 2016, p. 53). However, at the end of 1966, Indonesia informed the Secretary-General for its decision to resume participation in its activities starting with the Twenty-First Session of the General Assembly. Because of its peculiar characteristics, and especially because of the rather tenuous and sui generis justification brought by Indonesia as grounds for withdrawal, this case seems to testify to the view that each member state has a complete and unconditional right to withdraw from the UN (Cogan et al., 2016, p. 982).

#### **5.4 Withdrawal of states from the International Monetary Fund**

A member may be withdrawn from the IMF because it is deemed to have withdrawn whether it in fact wishes to withdraw or not, or it may withdraw voluntarily, or it may be required to withdraw. Based on the *Article 25 of the Articles of Agreement of the IMF*<sup>8</sup>, *any member may withdraw from the Fund at any time by transmitting a notice in writing to the Fund at its principal office. Withdrawal shall become effective on the date such notice is received* (International Monetary Fund, 2016).

There were three cases of voluntary withdrawal from the IMF. Poland withdrew from the IMF in March 1950 because according to the Polish government the Fund had failed to fulfill its duties, had been a submissive instrument of the policy of the Government of the US, and had cooperated lately with the US in forcing a number of members to devalue their currencies. Cuba withdrew from the Fund in April 1964 because failed to fulfill its duties as an IMF member state. Indonesia for the same reasons that decided to withdraw from the UN, withdrew also from the IMF in August 1965. The Section 2 of the aforementioned article regulates compulsory withdrawal from the IMF, if a member fails to fulfill any of its obligations under the Agreement of the IMF. There was such a case of compulsory withdrawal of Czechoslovakia from the IMF in September 1954 (International Monetary Fund, 1985).

#### **5.5 Withdrawal of Zanzibar from the Organization of Islamic Cooperation**

The *Article 35 of the Charter of the OIC*<sup>9</sup> emphasizes: *Any Member State may withdraw from the Organisation by notifying the Secretary-General one year prior to its withdrawal. Such a notification shall be communicated to all Member States. The State applying for withdrawal shall be bound by its obligations until the end of the fiscal year during which the application for withdrawal is submitted. It shall also settle any other financial dues it owes to the Organisation* (Organization of Islamic Cooperation, n.d.).

---

<sup>8</sup> Articles of Agreement of the International Monetary Fund were adopted at the United Nations Monetary and Financial Conference, Bretton Woods, New Hampshire on July 22, 1944, entered into force on December 27, 1945, amended effective on July 28, 1969, amended effective on April 1, 1978 and amended effective on November 11, 1992.

<sup>9</sup> The first OIC Charter was adopted in 1972 and laid down the objectives and principles of the organization and fundamental purposes to strengthen the solidarity and cooperation among the member states. Over the last 40 years, the membership has grown from its founding members of 30 to 57 states. The Charter was amended to keep pace with the developments that have unraveled across the world. The present Charter of the OIC was adopted by the Eleventh Islamic Summit held in Dakar on 13-14 March, 2008 to become the pillar of the OIC future Islamic action in line with the requirements of the 21st century.

There was a case of withdrawal of Zanzibar from OIC in August 1993. Tanzania is about 34% Christian, 33% Muslim and the 33% other religions while Zanzibaris are mainly Muslim. The Zanzibar government said it joined the OIC in order to achieve greater economic benefits. Tanzanian President Ali Hassan Mwinyi publicly endorsed the Zanzibar decision, but the opposition was incensed and demanded his impeachment and Zanzibar was later forced to withdraw from the OIC. The Government of Tanzania had strong reservations about Zanzibar's action as it believed that it was not in the best interests of the country to join an organisation representing only one of Tanzania's religions (United Nations Refugee Agency, 2004).

### **5.6 Withdrawal of France from the North Atlantic Treaty Organization**

The withdrawal process of states from NATO is regulated by *Article 13* of the *North Atlantic Treaty*<sup>10</sup>. This article states: *After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation* (North Atlantic Treaty Organization, 2019).

There is a specific case of the withdrawal of state from NATO. On June 21, 1966, President Charles de Gaulle decided to withdraw France from NATO's integrated military command structure. This decision came as a result of the desire of De Gaulle for a greater military independence of France, especially compared to the US. However, this decision was reversed on April 4, 2009 by President Nicolas Sarkozy (*L'Organisation du Traité de l'Atlantique Nord*, p.d.).

### **5.7 Withdrawal of the United Kingdom from the European Union**

While it has always been generally assumed that the EU could be dissolved and individual withdrawals permitted by an agreement of all the member states, most publicists believed before the entry into force of the Treaty of Lisbon<sup>11</sup> in 2009 that the European treaties in their Nice version did not permit unilateral withdrawals, in view of express provisions stating that these treaties were concluded for unlimited periods. (Dörr & Schmalenbach, 2018, p. 1057). The Lisbon Treaty for the first time defined the possibility of voluntary withdrawal of a member state from the EU according to *the Article 50* which states:

- 1) *Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.*
- 2) *A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.*

---

<sup>10</sup> The North Atlantic Treaty, also referred to as the Washington Treaty, is the treaty that forms the legal basis of, and is implemented by, the North Atlantic Treaty Organization. It was signed in Washington on April 4, 1949.

<sup>11</sup> The Treaty of Lisbon, initially known as the Reform Treaty, is an international agreement that amends the two treaties which form the constitutional basis of the European Union. The Treaty of Lisbon was signed by the EU member states on 13 December 2007, and entered into force on 1 December 2009.

3) *The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.*

4) *For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in decisions concerning it.*

*A qualified majority shall be defined in accordance with Article 238(3)(b) of the Treaty on the Functioning of the European Union.*

5) *If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49 (European Union Law, 2012).*

Brexit is a term formed by the unification of the words “Britain” and “Exit”, referring to the referendum held on June 23, 2016 in the UK (Shipman, 2016, p. 22), in which the British voted 51.9 % with 48.1% in favor of withdrawal from the EU (The Electoral Commission, 2019). The British Government on March 29, 2017 confirmed its decision to the EU to activate the Article 50 (United Kingdom Government, 2017) and the European Council on May 22, 2017 approved the authorization decision to open Brexit negotiations, the commission and negotiating directives (European Council, 2017). The Withdrawal Agreement was approved by the UK Parliament and received royal assent, was signed by the British Prime Minister and EU leaders, was also approved by the European Parliament, and entered into force on January 31, 2020 (European Council, 2020). The EU-Britain Trade and Cooperation Agreement on December 24, 2020 was signed by the leaders of the EU and the UK, as well as ratified by the British Parliament and received royal assent on December 30, 2020 (European Council, 2020). This agreement was applied provisionally as of January 1, 2021 and entered into force on May 1, 2021 when it was approved by the EP on April 27, 2021 (European Commission, n.d.).

### **5.8 Withdrawal of Venezuela from the Organization of the American States**

The Article 143 of the Charter of the OAS<sup>12</sup> emphasizes: *The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the General Secretariat, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the General Secretariat receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter* (Organization of American States, n.d.).

In April 2017, the Bolivarian Republic of Venezuela officially began the process of withdrawal from the OAS in a decision that President Nicolás Maduro affirmed on that occasion, “conforms sovereignly to the historical postulates of our Bolivarian independence process”. The Venezuelan leader said then, in an official letter, that the history of the Organization, both, before as for now, “expresses pitifully a corporation kidnapped from birth by interests contrary to the spirit of integration and union”. Before the decision was adopted, extremist sectors of the local opposition encouraged an escalation of unprecedented violence in the country. The OAS, for

---

<sup>12</sup> The Charter of the Organization of the American States is a Pan-American treaty that sets out the creation of the Organization of American States. It was signed at the Ninth International Conference of American States of April 30, 1948, held in Bogotá, Colombia and the treaty came into effect on December 13, 1951.

its part, intensified the intervention in Venezuela's internal affairs in flagrant violation of the Organization's Charter, prompting the historic decision of the national Executive. On April 27, 2017, the Venezuelan diplomatic representation before the OAS delivered the letter signed by President Nicolás Maduro formalizing the withdrawal of the country from this organization. President Maduro had repeatedly pointed out that the OAS is a "flawed organism" and represented the interests "of imperialism and its way of doing criminal policy in the region" (Ministry of Popular Power for External Relations of the Venezuela, 2019). Officially Venezuela withdrew from the OAS in April 2019.

## 6. CONCLUSION

To understand the termination of state's membership by an international organization, should be specified and clarified the ways in which membership terminates. When the international organization dissolves, then the membership of the states terminates. The international organization can be dissolved in two ways, by the decision of its main organ as has happened with the League of Nations, or when an article of the statute of the organization that regulates dissolution is activated, as it has the World Bank. The disappearance of the state, whether by dividing its territory into new states or by voluntary union of two or more states, is another way of terminating the state's membership by an international organization. A typical example is the termination of the SFRY's membership in the UN. When the state is suspended by the international organization for non-fulfillment of obligations of the latter's statute, its membership is not terminated but the exercise of rights and obligations is terminated for a certain period of time. Whereas, on the other hand, the expulsion is the third way of terminating the membership of the state by the international organization that results from serious violations of the principles of the organization. The recommendation the of General Assembly for the expulsion of South Africa from the UN demonstrates what a complicated process expulsion it is. Withdrawal is the fourth way of terminating the membership of the state from international organization, which is emphasized in articles of the statutes of most international organizations. However, compared to the other three ways, there are more cases of withdrawals. The League of Nations was faced with withdrawals of many states, then is the withdrawal of Indonesia from the UN, the withdrawals of Poland, Cuba and Indonesia from the IMF, the withdrawal of Zanzibar from the OIC, the withdrawal of France from NATO, withdrawal of the UK from the EU and the withdrawal of Venezuela from the OAS. Based on the complications of Brexit, can be concluded that the withdrawal of the UK from EU membership will be recognized as the most complicated case of the withdrawals of states from international organizations. The main reason for the decision of states to withdraw from international organizations is the transfer resistance of their sovereignty.

## BIBLIOGRAPHY

- 1) Amerasinghe, F., C. (2005). *Principles of the Institutional Law of International Organizations*. UK: Cambridge University Press.
- 2) Bosch-Marín, M. (1998). *Votes in the UN General Assembly*. Netherlands: Kluwer Law International.
- 3) Cogan, K., J., Hurd, I. & Johnstone, I. (Ed.). (2016). *The Oxford Handbook of International Organizations*. UK: Oxford University Press.

- 4) Conforti, B. & Focarelli, C. (2016). *The Law and Practice of the United Nations* (5th ed). The Netherlands: Brill.
- 5) Crawford, J. (2012). *Brownlie's Principles of Public International Law* (8th ed.). UK: Oxford University Press.
- 6) Dakers, D. (2014). *Nelson Mandela: South Africa's anti-apartheid revolutionary*. Canada: Crabtree Publishing Company.
- 7) Dörr, O. and Schmalenbach, K. (Eds.). (2018). *Vienna Convention on the Law of Treaties: A Commentary* (2nd ed.). Germany: Springer.
- 8) Duxbury, A. (2011). *The Participation of States in International Organizations: The Role of Human Rights and Democracy*. UK: Cambridge University.
- 9) Ginneken, M., H., A. (2006). *Historical Dictionary of the League of Nations*. USA: Scarecrow Press, Inc.
- 10) Gruda, Z. (2013). *E Drejta Ndërkombëtare Publike*. Prishtinë: CIP.
- 11) Herren, M. (Ed). (2014). *Global Histories of International Organizations*. Switzerland: Springer International Publishing.
- 12) Lamb, P. & Snape-Robertson, F. (2017). *Historical Dictionary of International Relations*. London: Rowman & Littlefield.
- 13) Shaw, N., M. (2008). *International Law*. UK: Cambridge University Press.
- 14) Shipman, T. (2016). *All Out War: The Full Story of How Brexit Sank Britain's Political Class*. UK: William Collins.

## THE INTERNET SOURCES

- 1) European Commission. (n.d.). *The EU-UK Trade and Cooperation Agreement*. Retrieved May 11, 2021, from, [https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement\\_en](https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement_en).
- 2) European Council. (2020, January 30). *Brexit: Council adopts decision to conclude the withdrawal agreement*. <https://www.consilium.europa.eu/en/press/press-releases/2020/01/30/brexit-council-adopts-decision-to-conclude-the-withdrawal-agreement/>.
- 3) European Council. (2017, May 22). *General Affairs Council (Art. 50), 22 May 2017*. <https://www.consilium.europa.eu/en/meetings/gac-art50/2017/05/22/>.
- 4) European Council. (2020, December 30). *Press release: Signature of the EU-UK agreement, 30 December 2020*. <https://www.consilium.europa.eu/en/press/press-releases/2020/12/30/press-release-signature-of-the-eu-uk-agreement-30-december-2020/>.
- 5) European Union Law. (2012, October 26). *Consolidated version of the Treaty on European Union: TITLE VI - FINAL PROVISIONS: Article 50*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M050>.

- 6) International Monetary Fund. (2016, April). *Articles of Agreement of the International Monetary Fund - Article XXVI: Withdrawal from Membership*. <https://www.imf.org/external/pubs/ft/aa/index.htm>.
- 7) International Monetary Fund. (1985, October). *Chapter 16 Withdrawal from Fund: Three Cases of Voluntary Withdrawal*. <https://asean.elibrary.imf.org/view/IMF071/15759-9781455215935/15759-9781455215935/ch16.xml?redirect=true>.
- 8) L'Organisation du Traité de l'Atlantique Nord. (p.d.). *La France et l' OTAN: L'OTAN a quitté Paris, mais la France n'a pas quitté L'OTAN*. Retrouver Décembre 10, 2019, de [https://www.nato.int/cps/fr/natohq/declassified\\_160672.htm?selectedLocale=fr](https://www.nato.int/cps/fr/natohq/declassified_160672.htm?selectedLocale=fr).
- 9) Ministry of Popular Power for External Relations of the Venezuela. (2019, April 26). *Venezuela ceases membership in the OAS this Saturday: What motivates this sovereign decision?*. <http://mppre.gob.ve/en/2019/04/26/venezuela-ceases-membership-oas-sovereign-decision/>.
- 10) North Atlantic Treaty Organization. (2019, April 10). *The North Atlantic Treaty: Article 13*. [https://www.nato.int/cps/en/natolive/official\\_texts\\_17120.htm](https://www.nato.int/cps/en/natolive/official_texts_17120.htm).
- 11) Organization of American States. (n.d.). *Charter of the Organization of American States - Chapter XXI Ratification and Entry into Force: Article 143*. Retrieved December 11, 2019, from [http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-41\\_charter\\_OAS.asp#Chapter\\_XIX](http://www.oas.org/en/sla/dil/inter_american_treaties_A-41_charter_OAS.asp#Chapter_XIX).
- 12) Organization of Islamic Cooperation. (n.d.). *OIC Charter: Article 35*. Retrieved December 8, 2019, from [https://www.oic-oci.org/page/?p\\_id=53&p\\_ref=27&lan=en](https://www.oic-oci.org/page/?p_id=53&p_ref=27&lan=en).
- 13) Permanent Mission of South Africa to the United Nations. (n.d.). *Permanent Mission of South Africa to the United Nations: Home*. Retrieved December 4, 2019, from <https://www.southafrica-newyork.net/pmun/index.html>.
- 14) The Electoral Commission. (2019, August 7). *Results and turnout at the 2016 Scottish Parliament election*. <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/scottish-parliamentary-elections/results-and-turnout-2016-scottish-parliament-election>.
- 15) United Kingdom Government. (2017, March 29). *Prime Minister's letter to Donald Tusk triggering Article 50*. <https://www.gov.uk/government/publications/prime-ministers-letter-to-donald-tusk-triggering-article-50/prime-ministers-letter-to-donald-tusk-triggering-article-50>.
- 16) United Nations. (1992, September 30). *General Assembly: Forty-seventh session*. [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=a/47/485](https://www.un.org/en/ga/search/view_doc.asp?symbol=a/47/485).
- 17) United Nations. (n.d.). *Member States: North Macedonia*. Retrieved December 2, 2019, <https://www.un.org/en/member-states/index.html#gotoN>.
- 18) United Nations Security Council Resolutions. (1992, September 19). *Resolution 777*. <http://unscr.com/en/resolutions/777>.
- 19) United Nations Refugee Agency. (2004). *Chronology for Zanzibaris in Tanzania*. <https://www.refworld.org/docid/469f38e61e.html>.
- 20) Yale Law School. (n.d.). *The Covenant of the League of Nations*. Retrieved December 5, 2019, from [https://avalon.law.yale.edu/20th\\_century/leagcov.asp](https://avalon.law.yale.edu/20th_century/leagcov.asp).

- 21) World Bank. (2012, June 27). *IBRD Articles of Agreement: Article VI, Section 5, Suspension of Operations and Settlement of Obligations*. <https://www.worldbank.org/en/about/articles-of-agreement/ibrd-articles-of-agreement/article-VI>.