US-CHINA LAW REVIEW

VOL. 14

May 2017

NO. 5

INTERNATIONAL RECOGNITION OF THE COUNTRIES AND THE FOREIGN POLICY (THEORIES AND PRECEDENTS)

Aneta Stojanovska-Stefanova & Drasko Atanasoski** & Zoran Chachorovski****

In order to recapture the essence and justification of this paper, the source of this theoretical review was found in the definition of statehood. After the end of the thirty years of civil war in Europe and the signing of the peace treaty of Westphalia in 1648, the creation and development of the country began to the form that we know today. In terms of increasing interdependence between the countries, the question of their mutual cooperation is essential. For the states equally important segment with internally arranged relations is the manner on which they concern and regulate the international relations. State boundaries are endpoints to where sovereignty lies within a country. The authorities within it regulate the relations inside and the nature of its international positions. The highest authority, which does not recognize any other form of higher power, is sovereignty. Considering that the law, especially the international, is an active matter open to interpretation, although the basic features of a country are clear, yet there are two types of states divided to a de jure-existing under law and de facto-existing in reality, based on the matter whether and which of the characteristics of statehood they own.

INTRODUCTION.....	272
I. NOMINAL DEFINITION OF SOVEREIGNTY	274
II. ACQUIRING SOVEREIGNTY.....	274
III. DE JURE AND DE FACTO COUNTRIES	275

* Aneta Stojanovska-Stefanova, Ph.D. Candidate, University Teaching Assistant, Faculty of Tourism and Business Logistics, University Goce Delcev, Stip, Republic of Macedonia. Research fields: International Law and Politics, History of Diplomacy, Political System, Political Theory.

** Drasko Atanasoski, Ph.D., Associate Professor, Faculty of Tourism and Business Logistics, University Goce Delcev, Stip, Republic of Macedonia. Research fields: International Transport and Logistics, Customs Administrative Procedure.

*** Chachorovski Zoran, M.Sc Student, University Teaching Assistant, Faculty of Tourism and Business Logistics, University Goce Delcev, Stip, Republic of Macedonia. Research fields: International Relations, Logistics, Management.

IV. RECOGNITION OF COUNTRIES IN THE INTERNATIONAL LAW	276
V. RULES OF THE INTERNATIONAL ORDER AND RECOGNITION OF COUNTRIES	278
VI. PRECEDENT IN THE INTERNATIONAL RECOGNITION OF COUNTRIES: THE CASE OF REPUBLIC OF MACEDONIA	280
CONCLUSION.....	282

INTRODUCTION

The institute of international recognition is one of the instruments for development of cooperation with other countries on the basis of their common interests. This institute of “recognition of countries” is known in League of Nations and United Nations. The legal effects from the recognition of countries are limited if they are downsized only to a declarative act but they can also be constitutive and more serious, if followed by an establishing of other legal and economic pressures such as isolation and boycott.

It is important to be emphasized that the recognition of countries is not directly related with the establishment of diplomatic relations. Namely, it can happen that the country can be recognized without any diplomatic relations to be established, however the opposite is not possible because establishing of diplomatic relations also means recognition of that country.

The foreign policy of a country depends from many factors but, above all, from the interests of the country in terms of specific issues.

Regardless of the existence of dilemmas regarding the sense on one hand and the challenges it faces before the light of globalization on other, the country manages to realize the obligation towards its citizens, who indirectly manage it, in the past centuries. As a result of the above, we can provide a conclusion according to which the modern democratic state must exist on the principle of “sacredness of the person”. It entrusted their basic rights to satisfy the need and to create the preconditions for realization of aspirations without bringing into question the satisfaction of the needs and realization of the aspiration of other citizens who are part of the same community, i.e. country. These conditions, to a large extent, are provided by the democratic state which although is not perfect according the words of Churchill *saying that the human mind did not managed to implement in the practice better form of state organization.*

The state as a subject of the international law in its broadest sense of the word is defined through its four basic characteristics:

- Population;
- Territory;
- Power;
- Sovereignty.

The sum of all citizens who live within a defined territory, divided by other territories, and who are under an authority and have established relations with the state through legal relations of statehood is called population.

The territory is an area separated by other territories by borders where a specific population lives and which has established authorities.

The state borders are end points to where the sovereignty of one country expands.

The authority within one country regulates the relations within that country as well as the character of its international positions.

The highest authority that does not recognize any other higher form of authority is the sovereignty.¹

The landmarks of a modern state as we know today are defined by the Westphalian Peace Treaty² according to which the state is constituted by three main characteristics: territory, population and sovereignty, i.e. absolute power of rule³. In order to understand the process of recognition better and the different specification which appeared throughout the history, we will first pay attention to the terms sovereignty and statehood, what sovereignty means and how one state acquires it, and later the manners through which the countries recognize the existence of another country. The state is seen as a primary factor and the citizens expect solution of their problems and social needs. Although this partially is due to the unsolved existential problems of social nature, we cannot help but notice the strong tendency of individuality and social alienation. Also a political culture, which is closely related with the creation of cult of the person, is created among the citizens towards the personality of specific political figures as a result of the remaining of the leftovers of the past. The citizens still largely prefer leaders who will rule with a strong hand than development of democratic society⁴.

¹ WILLIAMS, GOLDSTEIN & SCHFRITZ, CLASSIC READINGS OF INTERNATIONAL RELATIONS 82 (Belmond, California: Wadsworth Publishing Company).

² PEACE OF WESTPHALIA, ENCYCLOPEDIA BRITANNICA, www.britannica.com (last visited June 1, 2016).

³ THE CRISIS OF THE SOVEREIGN STATE AND THE "PRIVATIZATION" OF DEFENSE AND FOREIGN AFFAIRS, HERITAGE FOUNDATION, www.heritage.org (last visited June 1, 2016).

⁴ Strasko Stojanovski, Jadranka Denkova & Jovan Ananiev, *Перцепциите на граѓаните за транспарентноста и партиципативноста во процесот на донесување на одлуки во единиците на локалната самоуправа во Источниот плански регион на Република Македонија*, 5 ANNUAL YEARBOOK OF THE FACULTY OF LAW (ISSN 1857-7229) 287—305 (2016).

I. NOMINAL DEFINITION OF SOVEREIGNTY

The sovereignty means supreme and independent power within a defined territory and its population. This kind of interpretation which is part of a broader definition of a state plays enormous role in every aspect of international relation and international law because it highlights that no one else, meaning another country above all has not got the right to prescribe or implement law on a territory of the sovereign country. Having in mind the above, the use of force for implementation of the law lies in the hands of the entity that holds the power regardless if that entity is the government, president or divided sovereignty between two institutions. Hence, once a country acquired sovereignty and it is recognized by other countries, those countries recognize its power over the defined territory and population and denounce the possibility to interfere in the internal affairs of the country they recognized.

The sovereignty can generally be divided into:

- National;
- Foreign.

The national sovereignty is established by a state body with authority to practice power, while the foreign sovereignty portrays the country as a sole unit in the international community which refers the country as a holder of rights and obligation in terms of other country on international level.

Having in mind the meaning of the term sovereignty, the meaning and role of the decision whether a country will be internationally recognized or not as well as the need every territory and nation that prefer to become a country to provide conditions for acquiring of the sovereignty.

II. ACQUIRING SOVEREIGNTY

Sovereignty is generally acquired on five manners, four of which are recognized by the international law⁵.

The first manner is through population of “no one’s land”, i.e. land with no claimed sovereignty or if that land was under someone’s authority and the previous ruler denounces that the rights to lands thus removing the obstacles a new or different country to implement is sovereignty on that territory.

⁵ Aneta Stojanovska, *Process and Methods of Recognition of States* in ANNUAL YEARBOOK OF THE FACULTY OF LAW, GOCE DELCHEV UNIVERSITY—SHTIP (ISSN 1857-7229) 267 (2nd August Printing House—Shtip 2009).

The second manner is related with the first one and envisages acquiring sovereignty through its practicing during longer period of time on the territory and that right not to be challenged by any other country.

The seceding is the third manner for acquiring sovereignty. However, that must be implemented with approval of the country which the newly seceded territory previously belonged to. In this case we have a transfer of rights from one country to another, most often by agreement. The modern trends and the emergence of the idea for self-determination oblige the new country to obtain consent by the population that live on the territory which seeks sovereignty before it may occur. This is the case of the union between East and West Germany where the four occupying countries, USA, France, Great Britain and Soviet Union gave consent for implementation of that process and gave up the right to sovereignty on their part of the German territory. The people also voted positively.

The fourth of the five methods is not considered legal method of acquiring sovereignty today due to the fact it is based on conquering which is considered illegal by the United Nations and it is prescribed as such in their charter which is signed and ratified by every member-country.

The fifth and last type of acquiring sovereignty over a specific territory is if it is formed as an additional part of already existing territory by a way of natural growth such as sedimentation and volcanic activity.

III. DE JURE AND DE FACTO COUNTRIES

Having in mind that the law, especially international law, is a live matter opened for interpretation although the basic features of one country are clear, two types of countries can be established. They are divided to *de jure* countries that exist according the law and *de facto* countries that exist in reality on the basis of whether and what characteristics of statehood they have⁶.

De jure countries are those which fulfil some of the conditions for statehood but not all three. For example a country that has a territory and population but not complete sovereignty over them. Also another example is a government in exile, i.e. government which according the international community has a right to sovereignty over a defined territory and population but due to occupation it cannot enjoy that right, such as the case with the Baltic countries during the Second World War when their territories were under Nazi occupation but they were recognized by the countries of the Alliance as their legitimate rulers, a role which they *de facto* take over after

⁶ *Ibid*, at 268.

the liberation. One more specific example for recognized sovereignty in absence of territory is the sovereignty managed by the “organization” also known as the Sovereign Military Order of Malta which to a certain extent but not completely is a *de jure* country more than *de jure* government. This “organization” had the power in Malta in the past but after its member was exiled from the island, they continue to exist in Rome. It is interesting that the Order is recognized as sovereign by a large number of countries, a situation that portrays the fact that it has established diplomatic relations with 103 countries and 6 entities subject to international law, among which is the European Union that has answered with reciprocity, meaning that they have established diplomatic relations with the Order. Besides the diplomatic relations, the Sovereign Military Order of Malts owns several buildings in the city of Rome which the Italian government had gave extraterritorial statuses meaning that within that territory/building the law of the Order is conducted and not of the state of Italy, a status which is exclusively reserved for the embassies of states. Additionally, the United Nations does not register the Order as a “country which is not a member” but as an entity that has received a valid invitation to participate as observer in the organization. Besides these typical state characteristics, the “organization” has its own army within the Italian army but an army that waves the flag and it is under the command of the Order, currency which has more of a collectors and symbolic than other usable purpose as well as it prints stamps that although they are not accepted everywhere, they are accepted by large number of European and world countries.

De facto country is an entity that has a territory, population and sovereignty but lacks recognition to legitimately manage them by a larger number of countries. This is mostly the case due to the fact that the *de facto* country was previously part of another country that oppressed and challenged its sovereignty. Here we find the contact point between the characteristics of the statehood and the need of their recognition as legitimate by others already existing countries. There are many examples for *de facto* countries in the world among which are Taiwan which the People’s Republic of China considers part of their territory although it does not have real sovereignty over it and the case of Somaliland and Somalia, then to a certain degree Kosovo and Republic of Serbia and many more.

IV. RECOGNITION OF COUNTRIES IN THE INTERNATIONAL LAW

The institute of “recognition of countries” is common but very important legal institute in the international law mainly due to the political

circumstances that determine it⁷. There is no specific rule to date according to which one country becomes internationally recognized and enjoys the right to statehood and the right to participate as equal to other countries in various international organizations⁸. There were attempts to establish universal criteria for obtaining the said statuses and possibilities but no one managed to affirm itself as relevant and respected by all countries in the world. There are two theories which study this issue⁹. The first one is the *Declarative theory* of statehood adopted at the conference in Montevideo¹⁰ which is best summed up in the following sentence: “The political existence of one country is independent of its recognition by other countries”. According this theory for acquiring statehood, thus including the country in the international law as its entity, it is necessary for the country to encompass four elements: territory, population, sovereign authority and ability to manage the previous three. Having a look at the beginning of the text, it can be seen that the biggest part of the definition is taken over from the Westphalian Peace Treaty, meaning that it is not a novelty in the international but an already existing criterion that although recognized, it is not completely accepted and implemented without discrimination.

The international law also encompasses the *Constitutive theory* of statehood. It studies the recognition of a country by other countries as instrumental for obtaining statehood and status of an entity of the international law of a new country. The views encompassed by the theory, which although formally is not widely accepted we can consider as realistic, are nicely captured in a though by L. Oppenheim stating: “The international law does not provide that one country does not exist until it is recognized by others but at the same time does not exist until it is recognized”.

It can be concluded that the acquiring independence and international legal subjectivity by one state is formal and depends by its international recognition which is based on the will of other countries.

Subliming the declarative positions of the countries on this topic but also the reality, it can be summed up that the recognition of one country as sovereign and as relevant entity of the international law is opened for interpretation, that there are no game rules in this field and that every existing country recognizes a new country at its own discretion and in

⁷ LJ. D. FRCHKOVSKI, V. TOPURKOVSKI & V. ORTAKOVSKI, INTERNATIONAL PUBLIC LAW 58 (Tabernakul Skopje 1995).

⁸ More in: THOMAS D. GRANT, THE RECOGNITION OF STATES: LAW AND PRACTICE IN DEBATE AND EVOLUTION (Praeger Publishers 1999).

⁹ More in: H. Lauterpacht, *Recognition of States in International Law*, NEW HAVEN CONN: YALE LAW JOURNAL (1944).

¹⁰ More in: MONTEVIDEO CONVENTION ON RIGHTS AND DUTIES OF STATES (1933).

accordance with its national interest thus not following some custom norms of the international conduct.

V. RULES OF THE INTERNATIONAL ORDER AND RECOGNITION OF COUNTRIES

Since we established that the recognition of countries in the international law is an issue of a political decision, let's review its methods¹¹. Just as with the classification of the countries to *de jure* and *de facto*, both models also exist as methods for recognition. *De jure* recognition means adoption of a formal legal act—diplomatic note, law or declaration in the legislation house or by the government or president of state which publishes the recognition of one country by another through an official document¹². This method is not ambiguous and does not leave any room for interpretation.

The second method, the *de facto* method means establishment of political, economic and other type of relations.

The differences between the first and second method are in the formal legal document which provides the rights and obligations and which is present in the first case but absent in the second.

The *de facto* recognition is often used with a purpose to avoid violation of the bilateral relations with another country but at the same time to actually implement the recognition of the country in question. Types of relations between two countries that can be considered as a step towards recognition are the following: establishing diplomatic relations, visit by the head of state of the existing country to the country requesting recognition, signing of bilateral agreements between both parties and recognition of passports of the unrecognized country by the existing country. If one can take a look through history, there are cases where diplomatic communication between two countries, one of which is not internationally recognized, was necessary such as the case of establishing dialog between USA and the Palestinian movement for independence where in order to avoid informal message for recognition, the existing country explicitly states that its activities does not mean recognition of the country which establishes relations due to specific reasons. We have a similar example of Taiwan's relations with large number of countries in the world. Although officially recognized and has diplomatic relations with 23 countries, unofficially the United States of America, Australia, Great Britain, France

¹¹ INTERNATIONAL & COMPARATIVE LAW QUARTERLY 35: 975—990 (Cambridge University Press (1986).

¹² EUROPEAN JOURNAL OF INTERNATIONAL LAW 4(1): 66—71 (1993).

and many other countries have its offices under the cover of research and cultural centres and trade associations.

According to the doctrine introduced in the 1930s by the Mexican minister of foreign affairs, Genaro Estrada¹³, besides the previous two, a method for recognition of countries is also introduced. What is the difference? If the country has a policy to perform legal recognition, it means that it has to give a positive or negative statement regarding the recognition of the new government upon every unconstitutional change of power in one country¹⁴. The advantage of this policy is the possibility to revise the relations towards other countries upon every unconstitutional change but that means interfering in its internal affairs by approving or disapproving with the changes made. The policy of secret recognition is a balance between the two doctrines and according to it the state is not obliged to evaluate the new government of another country but can confirm or revoke the recognition if desired. *The third doctrine*, which is used mostly nowadays, discusses recognition of countries instead of governments. According to it, if the first country has recognized the country where unconstitutional change of the government was made, it shall not revise the decision for recognition based exclusively on the change of regime. The advantages of this policy are far less administrative and bureaucratic procedure regarding the political changes in the world. While leaving space for manoeuvring in case of real need to reconsider the cooperation with the country where the change occurred is considered as disadvantage.

We can consider the so called “*collective recognition of countries*” as a separate form of recognition which may occur through joint acceptance of membership of one country in the regional and universal international organization, through joint acceptance of a declaration of international convention or through formal procedure within the bodies of an international organization.

The recognition of one country on international level is reflected through its membership in the Organization of the United Nations (UN)¹⁵. All dilemmas regarding the independence and sovereignty of any country are removed by becoming a member of this global organization. This is because in order for a country to become a member of this international institution it is necessary to be recognized by the five member-countries of

¹³ Genaro Estrada, http://www.biografiasyvidas.com/biografia/e/estrada_genaro.htm (last visited June 2, 2016).

¹⁴ Aneta Stojanovska, *Process and Methods of Recognition of States* in ANNUAL YEARBOOK OF THE FACULTY OF LAW, GOCE DELCHEV UNIVERSITY—SHTIP (ISSN 1857-7229) 267, 272 (2nd August Printing House—Shtip 2009).

¹⁵ More in: Hans Kelsen, *The Law of the United Nations, and on United Nations*, www.un.org.

the Security Council, USA, Russia, China, Great Britain and France without whose decision (resolution) a membership is not possible. But it is important to be emphasized that there is no obligation (in the UN Charter) that obliges the member-countries, after the acceptance of a new country as member of UN, to establish “full political and legal recognition” by establishing bilateral diplomatic relations¹⁶.

VI. PRECEDENT IN THE INTERNATIONAL RECOGNITION OF COUNTRIES: THE CASE OF REPUBLIC OF MACEDONIA

The process of establishment and positioning of Republic of Macedonia on international plan through establishing communication, cooperation and becoming a member of international organization began at the same time with the process for independence of Republic of Macedonia in 1991. Republic of Macedonia became a member of the United Nations on April 7, 1993 and then of all agencies, programmes and funds of the UN system. Two years later, in 1995, Republic of Macedonia became member of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe as well as other relevant regional organizations and initiatives. In the following years, Republic of Macedonia became a member of the World Trade Organization (2003), CEFTA (2006) and full member of the Francophonie (2006).

During this period, Republic of Macedonia seeks to promote itself as responsible entity in the international relations, accepting the basic principles and goals from the UN Charter as basic postulates for its foreign policy. Regionally, it seeks to promote good neighbouring relations, cooperation and sustainable development of the region it belongs to.

The case for admission procedure of Republic of Macedonia as a member of the United Nations is a precedent in the history of that organization. This precedent is important not only for the specific circumstances related with Republic of Macedonia but also as a possible negative example in the procedure, namely as mutual dependence between the legal and political evaluations in the bodies of the United Nations. In the admission procedure in UN bodies such as the Security Council, General Assembly of UN, the legal and more general political arguments did not dominate but it was imposed as a topic and an obstacle the political challenging of a member-country (Greece), which called upon the provisions from the Charter for keeping the peace and avoidance of creating

¹⁶ LJ. D. FRCHKOVSKI, V. TOPURKOVSKI & V. ORTAKOVSKI, *INTERNATIONAL PUBLIC LAW* 61 (Tabernakul Skopje 1995).

crises zones in the world, its political views towards Macedonia presented as possible threat to peace (the very existence of Macedonia at its northern borders) which actually arose to a bilateral dispute on a level of “procedural obstacle” in the United Nations.

Bringing back of the issue with the recognition of Republic of Macedonia on collective manner, with the membership in the United Nations, was supplemented with another precedent, i.e. Republic of Macedonia is admitted for membership in the United Nations under the temporary “designation” as “Former Yugoslav Republic of Macedonia” and with temporary removal of its official flag in front of the building and in the bodies of UN. This decision should be effective until final solution of the “dispute” with the procedure of its solution placed by the secretary general of the United Nations.

The precedent is unpleasant for the organization of the United Nations because it refers to illegal and unfounded arising of a bilateral issue to a legal and procedural circumstance—obstacle in realization of the basic rights of one country to become international subject with full capacity¹⁷. In the case of Republic of Macedonia in the admission in UN, Republic of Macedonia was presented with two additional conditions of no legal character that directly violate the Charter: to descriptive name FYRoM to be accepted and to negotiate with Greece about its constitutional name¹⁸. The International Court of Justice, as one of the main bodies of the United Nations, in its history of existence had already considered the issue of imposing additional conditions for membership in the United Nations. In its advisory opinion from May 28, 1948 regarding the conditions for admission of a country as a member of the United Nations, the court took legal stand (contained in the ICJ Reports, 1948)¹⁹ that the requests stated in Article 4 Paragraph 1 of the Charter regarding the membership “are exhausting numeration and therefore they are not given as managing principles or an example”. That means that if an applicant fulfils the four conditions from Article 4 Paragraph 1 of the Charter, that country should be admitted as a member of UN. According the mentioned court opinion from 1948, a country cannot be conditioned before its admission by previous recognition of elements of the legal entity, i.e. such conditioning imposes additional conditions which are opposite of Article 4 Paragraph 1 of the UN Charter

¹⁷ *Ibid*, at 61—62.

¹⁸ ANETA STOJANOVSKA, CONSTITUTIONAL AND LEGAL AND POLITICAL ASPECTS OF THE FOREIGN POLICY, WITH SPECIAL OVERVIEW OF REPUBLIC OF MACEDONIA, Master Thesis, at 58.

¹⁹ REPORTS OF JUDGEMENTS, ADVISORY OPINIONS AND ORDERS OF INTERNATIONAL COURT OF JUSTICE, <http://www.icj-cij.org/docket/files/3/1821.pdf> (last visited October 2015).

and by imposing such conditions is UN Charter is being violated as the court stated.

Through its foreign policy on bilateral and multilateral level—Republic of Macedonia promotes its national values and interest. The European and Transatlantic integration are of vital interest for the long-term stability, security and well-being of Republic of Macedonia, a country as a stable military partner of the Alliance.

The process of recognition of Republic of Macedonia began in 1992. Diplomatic relations with total of 167 countries are established since then. Republic of Macedonia has established full diplomatic relations with the European Union on December 29, 1995²⁰.

CONCLUSION

With the conclusion of this theoretical overview, which refers to the international recognition of the countries in the international law, it is important to be emphasized that the recognition of the countries in the international law is common and very complex legal institute which is strongly determined by the political circumstances. While considering the recognition of one country by another and how that influences on its existence and operation, one comes to the most inaccurate part of the international law and customs. There is no specific rule to date according to which one country becomes internationally recognized and enjoys the right to statehood and the right to participate as equal to other countries in various international organizations²¹. There were attempts to establish universal criteria for obtaining the said statuses and possibilities but no one managed to affirm itself as relevant and respected by all countries in the world.

The international relations are subject to regulation of the constitutional regulation because the national law depends of the international law.

The best evidence for that are those constitutions that contain provisions for transferring part of the state sovereignty to the international institutions or envisage obligation for harmonization of the national legal order with the commonly accepted rules on international level. The mutual dependence between the national and international law is in the function of acting of the independent countries towards protection and promotion of world peace.

²⁰ JUSTICIA, <http://justicia.mk/novost.asp?cnd=96> (last visited June 1, 2016).

²¹ GRANT THOMAS D., *THE RECOGNITION OF STATES: LAW AND PRACTICE IN DEBATE AND EVOLUTION* (Praeger Publishers 1999).

The state, in its full meaning is established after the three-year war in Europe and signing of the Westphalian Peace Treaty in 1648 that put the end of it. Since that date onwards, the creation and further development of the state has begun, as a whole that has the following characteristics: (a) constant population; (b) defined territory; (c) authority and (d) ability to establish relations with other countries. The rules that regulate the relations between citizens established with this kind of system, i.e. their rights and obligations towards the country were determined. Different forms of organization of the state authority are established depending on the historic tradition, realities in life, political events and general tendencies in that area. For every democratic country it is equally important to regulate and develop its national and international relations.

The basic sources of international relations are the compulsory norms of the international law (*jus cogens*) and the legal principles recognized by the civilized nations.

With the help of the compulsory norms of the international public law and the legal principles recognized by the civilized nations, the international relations of the countries become legal relations or value which are developed with the help of the law. In that context, the law appears as a factor for civilized development of the international relations.

The regulations of the international public law are often violated, especially this is noticeable in a case of war when “the strong do what they have a power to do, and the weak do what they must accept”.

Therefore, the recognition in the foreign policy is always followed by precedents.

The case for admission procedure of Republic of Macedonia as a member of the United Nations is a precedent in the history of that organization. This precedent is important not only for the specific circumstances related with Republic of Macedonia but also as a possible negative example in the procedure, namely as mutual dependence between the legal and political evaluations in the bodies of the United Nations. In the admission procedure in UN bodies such as the Security Council, General Assembly of UN, the legal and more general political arguments did not dominate but it was imposed as a topic and as obstacle the political challenging of a member-country (Greece), which called upon the provisions from the Charter for keeping the peace and avoidance of creating crises zones in the world, its political views towards Macedonia presented as possible threat to peace (the very existence of Macedonia at its northern borders) which actually arose to a bilateral dispute on a level of “procedural obstacle” in the United Nations.