

# **ACADEMY OF THE POLICE FORCE IN BRATISLAVA**

**Public Law Department**

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**Jozef Medelský**

## **INTERNATIONAL ORGANIZATIONS**

**(SELECTED CHAPTERS)**

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# INTRODUCTION

International organizations present an inseparable part of today's world and their activities are in many aspects indispensable and irreplaceable. The presence of international organizations in the world is essential. Their actions are reflected in the maintenance of peace and security, as well as in economic, social and cultural equality in the world. Humanitarian activities are another integral part of international organizations. Operations of the international organizations are therefore considered positive in today's world.

The textbook offers an analysis of the law of the international organizations, as well as an analysis of the selected international intergovernmental organizations. The selection of international organizations corresponds with the information sheet and the syllabus of the subject International Organizations which is taught at the Academy of the Police Force in Bratislava. The publication is systematically divided into seven chapters followed by an attachment (the United Nations Charter). The first chapter provides an introduction of the study of international organizations including the definition of international law and the law of international organizations. The second chapter is focused on a detailed analysis of the international organization. The third chapter focuses on a detailed analysis of the most important international intergovernmental organization – the United Nations. The fourth chapter analyses the international judicial institutions. The fifth chapter analyses the European Union as an international intergovernmental organization the activities of which are part of the everyday reality in our country. The sixth chapter deals with security, specifically analysing the North Atlantic Treaty Organization and the Organization for Security and Cooperation in Europe. The selection of the seventh chapter is in line with the nature of the Academy. Its scope is devoted to the International Criminal Police Organization, also known by the acronym as INTERPOL, and the European Police Office, also known as Europol.

The law of the international organizations is the branch of law closely related to international law, which is taught as a separate subject at the Academy of the Police Force in Bratislava. The presented textbook is designed for the students of the Academy of the Police Force, as well as students of other universities. Furthermore, this textbook is also made for those who are interested in the law of international organizations. The text offers an overview and at the same time systemized information on the presented field of study. The benefit of this publication is the summary of knowledge, which should help the reader to master the subject of international organizations.

**JUDr. Mgr. Jozef Medelský, PhD.**

# I. INTRODUCTION TO THE STUDY OF INTERNATIONAL ORGANIZATIONS

International organizations are an inseparable part of the world nowadays. International organizations can be present in different fields. The most important organization deals with the international security and international peace. Other organizations focus their activities on poverty, health, fight against diseases, development etc. All activities of the international organizations are helpful for the whole world.

For a better understanding of the concept of law of international organizations it is necessary to define the concept of international law, as international law is an integral part of the law of the international organizations.

## 1.1 International law

The international public law is the core of the law of the international organizations. The primary subject of the international public law is the state. State is the only subject with the original subjectivity – legal personality. International organization is also an important subject of the international law but with the derived legal subjectivity. The international law can be defined as: „*The body of law that governs the legal relations between or among states or nations.*”<sup>1</sup> International law governs also the relationship between international governmental organizations.

International law can also be defined as: „*The law of the political system of nation-states. It is a distinct and self-contained system of law, independent of the national systems with which it interacts, and dealing with relations which they do not effectively govern.*”<sup>2</sup>

The Oxford English Dictionary defines international law as: “*The law of nations, under which nations are regarded as individual members of a common polity, bound by a common rule of agreement or custom; opposed to municipal law, the rules binding in local jurisdictions.*” The last definition underlines the common rule of the agreement between the subjects themselves and also emphasizes that the municipal law is the opposite of the international public law.

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<sup>1</sup> <http://legal-dictionary.thefreedictionary.com/International+public+law>

<sup>2</sup> [http://library.law.columbia.edu/guides/Researching\\_Public\\_International\\_Law#Definitions\\_of\\_International\\_Law](http://library.law.columbia.edu/guides/Researching_Public_International_Law#Definitions_of_International_Law)

## 1.2 Law of international organizations

“*The evolution of the modern nation-state and the consequent development of an international order founded upon growing number of independent and sovereign territorial units gave rise to questions of international co-operation*”.<sup>3</sup> The connection between the international public law and the international organization law has already been mentioned above.

The international organization law could be defined as a field of law governing the creation of intergovernmental international organizations, governing the objectives, roles, activities and functioning of international organizations. It also regulates the membership and dissolution of international organizations.

International organization law governs the life of the organization, including the creation and the dissolution of the organization. The area of law defines the basic principles of the organization, its institutes, organization structure, functions and activities. The international organization law furthermore defines the relationships between the organizations and member states, between member states themselves, between the organization and non-member states, between the organization and third subjects, such as non-governmental organizations or other intergovernmental organizations.

Theory uses the term internal law of an organisation. The internal law of an organisation covers matters such as employment relations, the establishment and functioning of subsidiary bodies and the management of its administrative services.<sup>4</sup> The internal law of an organisation is a part of the law of the international organizations. Some authors, for example Malcolm N. Shaw, present a different opinion: “*The internal law of an organisation, which includes the constituent instruments and subsidiary regulations and norms and any relevant contractual arrangements, may in reality be seen as a specialised and particularised part of international law, since it is founded upon agreements that draw their validity and applicability from the principles of international law.*”<sup>5</sup> As can be seen, some of the authors hold the opinion that the internal law of the organisation is a specialized part of the international law. However, in this textbook the opinion that the internal law of an organisation presents an inseparable part of the law of the international organisation is upheld.

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<sup>3</sup> ALVAREZ, J.E.: *International organizations as Law-makers*, Oxford, 2005, p. 165

<sup>4</sup> AMERASINGHE, C.F.: *Principles of the International Law of International Organizations*, 2<sup>nd</sup> Edition, Cambridge, 2005, p. 9

<sup>5</sup> MALCOLM N. SHAW: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1310

The international organization law as a field of law was created during the 20<sup>th</sup> century. It is a rather recent area of law, however, of vital importance with regard to the 65,000 existing international organizations.

### **1.3 Sources of law of international organizations**

The theory of international law distinguishes different types of sources of the law of international organizations. The fundamental sources include:

- International agreements, especially international agreements establishing the international organization. The foundational treaty is *sui generis* an international treaty, because stipulates the structure, membership and financing of the organizations.
- Acts and resolutions of the international organizations regulating the relations inside of the organization and also regulating the relations between the organization and members of the organization.
- Law making of the international organization,
- The law of the treaties,
- International customs as an unwritten source. In international law a rule of the custom evolves from the practice of the states and this can take a considerable or a short time. There must be evidence of substantial uniformity of practice by a substantial number of states.<sup>6</sup>
- Judgments and opinions of international judicial and arbitral tribunals as a subsidiary source of the international law.

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<sup>6</sup> AUST, A.: *Handbook of International law*, Cambridge University Press, New York, 2005, p. 7



## II. INTERNATIONAL ORGANIZATIONS

As written above, international organizations are an inseparable part of today's world. In this chapter the concept of the international governmental organizations and the basic issues related to the international organizations as international legal entities, classification, basic functions of the organizations, the structure, membership and others topics are defined. History of international organizations starts in the nineteenth century. "*International organizations grew out of the diplomatic conferences of the nineteenth century as states sought more effective ways to deal with problems caused by the rapid development of international society.*"<sup>7</sup> The first organizations were the International Telegraphic Union and the Universal Postal Union which were founded in the 1870s. The history of the creation of the international organization is primarily related to the end of the Second World War. After the Second World War, international organizations such as the United Nations, the North Atlantic treaty organizations, the Council of Europe, the European Community (today European Union) and many others were created, and exist until these days.

### 2.1 Definition of the international organization

International organizations were first created in the nineteenth century as a means of conducting international relations and fostering cooperation between states. They evolved from the ad hoc multilateral conferences convened by states to deal with particular situations – such as the Congress of Vienna (1815) which settled the issues arising from the end of the Napoleonic wars – into institutions in which member states not only met regularly, but which also had authorities that functioned on a permanent basis. The early international organisations dealt with technical, non-political matters and included Commissions regulating European rivers such as the Rhine, the International Telegraphic Union (1865) and the Universal Postal Union (1874). The League of Nations created in 1919 after the First World War, was the forerunner of the United Nations and was the first international organization established to deal with general political and other relations between states and which aspired to universal membership.<sup>8</sup>

An international organization can be defined as a subject of the international law with international legal personality based on an international treaty, known also as foundational

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<sup>7</sup> AUST, A.: *Handbook of International law*, Cambridge University Press, New York, 2005, p. 196

<sup>8</sup> MALCOLM D. EVANS.: *International law*. Second edition, Oxford University Press, New York, 2006, pp. 277-278

treaty. The foundational treaty has to be signed by at least three states. An international organization based on the treaty must contain its own bodies, a structure representing the organization, and objectives and tasks to attain by its activities.

Virally defines an international organization as: “*an association of States, established by agreement among its members and possessing a permanent system or set of organs, whose tasks it is to pursue objectives of common interest by means of cooperation among its members.*”<sup>9</sup>

According to the Report of the International Law Commission an international organisation is: “*an organisation established by a treaty or other instrument governed by international law and possessing its own legal personality, while noting that international organisations may include as members, in addition to states, other entities.*”<sup>10</sup>

Amerasinghe refers to the organizations as “*normally created by a treaty or convention to which states are parties and the members of the organization so created are generally states, and points to basic characteristics such as establishment by international agreement among states, possession of a constitution, possession of organs separate from its members establishment under international law, and either exclusive or predominant membership of states or governments.*”<sup>11</sup>

Each organization is different but they share specific characteristics:

- Establishment by treaty (constituent treaty),
- Membership limited exclusively or primarily to states,
- International legal personality, separate from its members,
- Financed by the members,
- Permanent secretariat.

Other common features of the international organizations are:

- concrete objectives and tasks,
- activities in line with the defined objectives and tasks,
- being the subject of the international law with rights and duties.

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<sup>9</sup> VIRALLY, M.: *Definition and Classification of International Organizations: a Legal Approach*. In. G. Abi-Saab (ed.), *The Concept of International Organizations* (Paris: UNESCO, 1981)

<sup>10</sup> Report of the International Law Commission, 2003, A/58/10, pp. 38 ff

<sup>11</sup> AMERASINGHE, C.F.: *Principles of the International Law of International Organizations*, 2nd edn, Cambridge, 2005, pp. 9-10

## 2.2 International legal personality

The international legal personality of the organization represents the basic and the most important feature of the international organizations. *“The question of personality will in the first instance depend upon the terms of the instruments establishing the organisation. If states wish the organisation to be endowed specifically with international personality, this will appear in the constituent treaty and will be determinative of the issue. But this actually occurs in only a minority of cases. However, personality on the international plane may be inferred from the powers or purposes of the organisation and its practise.”*<sup>12</sup> The legal personality of the international organization is not the original legal personality. Only the states have the original/domestic personality. International organization as the international subject has the derivative legal personality emerging from the original legal personality of the states. *“The possession of international personality meant that the organisation is a subject of international law and capable of having international rights and duties and of enforcing them by bringing international claims.”*<sup>13</sup> It must be noticed that only the international governmental organization enjoys the international legal personality. *“The most important aspect of separate international legal personality is that the international organization can enter into treaties with other subjects of international law, whether member states, non-member states or other international organizations.”*<sup>14</sup>

The capacity of the international legal personality of international organizations consists of:

- The right of the organization to conclude diplomatic relations;
- The contractual capacity of the organization permitting the organization to enter into international agreements with other subject (states, other international organizations);
- The right to enjoy privileges and immunities for the organization and also for the officers of the organization;
- Resolving conflict before international authorities;
- Eligibility for normative activities – right to approbate and to emit acts;
- The duty to respect general rules of the international law;
- Ability to be responsible for the activities in the international regard.

The legal personality of the international organization is represented by several rights and duties mentioned above. The legal personality of the organization is fundamental for the organization in order to be a subject of the international law.

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<sup>12</sup> SEYERSTED and SCHERMERS and BLOKKER: *International Institutional Law*, 3<sup>rd</sup> Edition, The Hague, 1995, p. 978

<sup>13</sup> MALCOLM N. SHAW: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1298

<sup>14</sup> AUST, A.: *Handbook of International law*, Cambridge University Press, New York, 2005, p. 199

## 2.3 Classification of international organizations

At the beginning of this textbook the fact that there are about 65,000 international organizations has been mentioned. This number includes governmental, as well as non-governmental organizations. This part of the textbook presents the classification of the international governmental organization. Theory distinguishes several possibilities for the classifications. The basic classification categorizes international governmental organizations as:

- Global organizations –the membership is open for all countries. They are generally open to nations worldwide as long as certain criteria and all requirements are met. Examples of these organizations are the United Nations and its specialized agencies such as the Universal Postal Union, Interpol, and International Monetary Fund.
- Regional organizations – the membership in these organizations is characterized by boundaries and demarcations characteristic of a defined and unique geography such as continents, or geopolitics such as economic blocks. They have been established to foster cooperation and political and economic integration or dialogue among states or entities within a limited geographical or geopolitical area. The European Union, the African Union, the Organization of American States are examples of the category.
- Sub-regional organizations – formed by member states which are strategically located in the same geographical region. The membership is limited only to members in certain sub-regions and members from other regions are not allowed to join. Examples include ECOWAS (Economic Community of West Africa States), EAC (East Africa Community), IGAD, SADC, UMA (Arab Maghreb Union) etc.<sup>15</sup>

The textbook of the Union of the International Associations distinguishes several types of international organizations:

- A: Federations of international organizations – the United Nations is included in this type because of its focal role in relation to its specialized agencies that are "members" of the UN system.
- B: Universal membership organizations – include all non-profit international organizations, whether governmental or non-governmental that have a widespread, geographically-balanced membership, management and policy-control.

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<sup>15</sup>See further:

[http://www.academia.edu/5812712/Classification\\_of\\_International\\_Organizations\\_and\\_the\\_Challenges\\_in\\_classifying\\_such\\_entities](http://www.academia.edu/5812712/Classification_of_International_Organizations_and_the_Challenges_in_classifying_such_entities)

- C: Intercontinental membership organizations – this category includes organization with intercontinental memberships. The North Atlantic Treaty Organization is an example of this category.
- D: Regionally defined membership organizations – membership or preoccupations of these organizations are restricted to a particular continent or subcontinental region.
- E: Organizations emanating from places, persons, proprietary products or other bodies;
- F: Organizations having a special form, including foundations and funds;
- G: Internationally-oriented national organizations;
- H: Inactive or dissolved international organizations;
- J: Recently reported bodies – not yet confirmed;
- K: Subsidiary and internal bodies of other internal bodies;
- N: National organizations;
- R: Religious orders, fraternities and secular institutes;
- S: Autonomous conference series (without secretariat);
- T: Multilateral treaties and agreements;
- U: Currently inactive non-conventional or unconfirmed bodies.<sup>16</sup>

The textbook add that only the first four types (A-D) are representing the actual known international organizations.

In general, theory distributes international organizations into several groups:

- Classification according to the membership:
  - Universal organizations – countries from all the regions are members of this type of organization. UN and related organizations – UNESCO, UNICEF, etc. are an example of this category.
  - Particular organizations – in this category there are no regional restrictions. Common interest is the reason for the foundation of this type of organization. COMECON known as the Council for Mutual Economic Assistance is an example.
  - Regional organizations – membership in this organization is restricted to a concrete region or area. Council of Europe, European Union, and African union are examples.
- Classification according the existence:

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<sup>16</sup> See further: <http://www.uia.org/archive/types-organization/toy>

- Permanent – there is no temporal restriction. Organization of American States is an example.
- Temporal – organization created for a concrete period of time depending on the main objectives to be achieved. The European Coal and Steel Community (ECSC) is an example.
- Classification according to the type of membership:
  - Open – organizations without any or minimal conditions for membership, e.g. the World Health Organization.
  - Semi-open – require concrete conditions for membership in the organization, e.g. the Council of Europe.
  - Closed – the membership is closed for new members. Practically there are no actual examples in this category.
- Classification according to the activities:
  - Economic – cooperation in the economic and financial field is the main objective of the members of the organization.
  - Political – these organizations operate in the field of international peace and security, they cooperate in different fields of the members state's interests. E.g. Organization of American States.
  - Administrative – organizations develop cooperation in the field of science and technical progress. E.g. the Universal Postal Union.
  - Defensive – the primary goal of these organizations is collective security of the members. The North Atlantic Treaty Organization is an example.
- Classification according to the objective of the organizations:
  - Integral – the main goal is the cooperation between member states and also integration of the union. The European Union is an example.
  - Cooperative – the main goal is only the cooperation between the members in a particular area, such as the development, industry, etc.

The presented classification of the international organizations manifests the variability of the types of the organizations. Each organization has specific activities and those activities define the category of the international organizations.

## 2.4 Functions of international organizations

Theory distinguishes several functions of international organizations. Each organization has its function mentioned in the foundational treaty. These functions define the character of the organization, as well as the scope of activities of the organization. For example Malcolm D. Evans in his publication distinguishes several functions of international organisations:

- *“Providing a forum for identifying and deliberating upon matters of common interests,*
- *Acting as vehicles for taking action on international or transnational problems,*
- *Providing a forum or developing rules on matters of common interest,*
- *Providing mechanisms for promoting, monitoring and supervising state compliance with agreed rules and policies as well as for gathering information regarding the conditions in and practice of states.*
- *Providing a forum for the resolution of international disputes.”<sup>17</sup>*

In general, theory distinguishes three basic functions of international organizations:

- Normative functions – The main element is the will of the Member States. These functions consist of establishing rules of conduct to states, to international organizations, or their staff. These rules of conduct may take the form of binding legal norms, or the contrary, the form of recommendations. Recommendations are not binding, but they have significant political and moral strength. In addition, to make the legal acts directed at Member States which are inherently prepared by the Member States through their representatives, international organizations also approve internal legal acts which are directed to the inside of the organization. The aim of these acts is to regulate the relations inside an organization. The acts regulating the relationships inside the organization are legally binding for the member states.
- Control and compulsive functions – The countries themselves execute these functions. The purpose of the control function is to investigate the factual status in respect to international law. The execution of this function means making a comparison of the actual status with the code of conduct. The obtained knowledge is then evaluated. The process of comparison is carried out in three stages. The first stage is to detect/recognize the factual situation. The second stage is the comparison itself with the requirements of the Code of Conduct. The third stage consists of finding possible violations, and allocating responsibility for such violation. The execution of the

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<sup>17</sup> MALCOLM D. EVANS.: *International law*. Second edition, Oxford University Press, New York, 2006, p. 278

control function can violate the sovereignty of the subject – the state. For this reason, the affected state should express consent with the execution of the control function of the organization. An example of the execution of this important function is the investigation of the Organization for the Prohibition of Chemical Weapons, or investigations of the International Atomic Energy Agency. International organizations collect information in several ways:

- The first possibility is to provide inspection or investigation inside of the affected state.
  - The second possibility is to require information from the affected state about the possible violation.
  - The third possibility is that the state itself collects and submits a report about the eventual conduct.
- Operative functions – International organizations perform operational functions in such a way that the resolution is approved first and then the approved resolution is implemented through its staff and with the means at its disposal. Operational functions are not executed by the member states, but by the organizations themselves. These specific functions of the international organizations offer several services. Examples include actions aimed at maintaining peace and security, actions consisting of technical assistance, financial assistance, etc.<sup>18</sup>

## 2.5 General structure of international organizations

Each organization has a specific structure. In general, the individual bodies of the organization attain to different objectives, and exercise different rights and duties within the international organization. In the text below the general structure of the international organizations is analysed. The structure of the international organization is also an inseparable part of the foundational act. All the principal bodies are introduced in the foundational act including their legal description. The theory of international organizations law distinguishes between permanent organs of the organization and *ad hoc* organs. The *ad hoc* organs are created depending on the situation that must be resolved.

There are some typical bodies defining the structure of the international organization:

- **The supreme organ** is the main organ of the international organization in which all the member states have their own representatives. The main organ is the law-making

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<sup>18</sup> See further: VALUCH, J., RIŠOVÁ, M., SEMAN, R.: *Právo medzinárodných organizácií*. 1. vydanie,. Praha, C. H. Beck, 2011, p. 12 -16



body, and also approves all the important decisions in dealing with the functioning of the organization. The supreme organ makes decisions on admitting or excluding the member states, and on many others important issues. The General Assembly of the UN is an example.

- **An executive organ** also called council or commission is composed of a limited number of representatives of the member states. All the members of the executive body are elected for a concrete period of time. Permanent membership is permitted in this type of organs. The Security Council of the UN is an example of an executive body. The Security Council is composed of five permanent members and ten non-permanent members elected for a limited time. This body implements the decisions of the supreme body, but also participates in the significant political and economic issues of the organization. The executive body may have a duty to inform the supreme body about its activities.
- **An administrative organ**, also called secretariat, is headed by the secretary. The Secretariat of the UN is an example of this type of organs. The secretariat carries out the day-to-day work of the international organization. All the activities of the secretariat are administered by the staff. Their activities must be administered independently from their domestic state.
- **A judicial organ's** principal role is to settle legal disputes between the members of the organization, and also between the organs of the organization, or between the member states and organizations.
- **Subsidiary organs** offer support and assistance to the organization and the principal bodies in the fulfilment of their objectives. Examples include the International Law Commission of the UN. The Commission participates in the drafting of international legal documents. The Commission is composed of experts of the international law. Another example is the UN refugee agency headed by the High Commissioner for refugees.

The structure consists of many others bodies and it is adapted to the activities of the organization in accordance with the main objectives. The structure is the basic element necessary for the functioning of the international organization.

## 2.6 Memberships in international organizations

At the beginning of this subchapter it must be emphasized that only a state can become a member of an international governmental organization. Natural person are not allowed to be members of such organizations. However, a specific state subject like the Vatican City State, national-liberation movement, or another such organization can be a member of an organization. Specific subjects have specific positions in the organization. They cannot exercise all the rights as permanent members of the international organization. “*Many international organizations, such as UN specialised agencies, are open for membership by any state. Others that are limited to particular regions (e.g. Europe) or interests (e.g. Antarctic science) restrict effective membership accordingly.*”<sup>19</sup>

Theory of the international organizations law offers the following classification of the membership in the organizations:

- Classification according to temporal aspect:
  - Constituent members – subjects/states who founded and signed the foundational act,
  - Accession states – subjects/states accessing the organization and the foundational act in the course of time,
- Classification according to quantitative aspect:
  - Full-valued membership – states may exercise all the rights and have to comply with all the duties contained in the foundational act,
  - Associate membership – state can vote as a full-valued member in some of the organs of the organization (can vote about selected questions), in others organs only have a statue of an observer.
- Classification according to inclusive and exclusive membership:
  - Exclusive membership – several conditions have to be met by the candidate state who wish to become part of the organization,
  - Inclusive membership – the enlargement of the organization is open to anyone, and only subsequently after the acceptance the members must comply with the obligations.

Content of the membership in the international organization is represented by several rights and duties. All the rights and duties make an inseparable part of the foundational act.

Examples of the rights are:

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<sup>19</sup> AUST, A.: *Handbook of International law*, Cambridge University Press, New York, 2005, p. 197

- The right to vote in the organs of the organization,
- The right to participate in the management and administration of the organization,
- The right to ensure collective security.

Examples of the duties are:

- The obligation to comply with all the obligations arising from the foundational act,
- The obligation to fulfil and comply with the admission criteria,
- The obligation to contribute to the costs of the organization.

All the rights and duties are contained in the foundational act of the international organization. The first step in order to be a part of the organization must be made by the state. The state has to manifest the will to be admitted to the organization. After the manifestation of the will the future member of the organization must implement all the accession criteria required by the organization. After the implementation, the state can be a part of the organization with equal rights and duties as the former states. The state can enjoy all the rights and comply with all the obligations. In the case when the state as a member does not comply with the obligations, the organization represented by its organs can impose sanction on the state. A sanction is a consequence of the unlawful actions of the member. Organs of the organization can impose several sanctions such as:

- Suspension of enjoyment of particular rights,
- Suspension of membership in the organization,
- Exclusion of the member from organization.

Establishment and also termination of the membership in the organization are regulated in the foundational act. The withdrawal of the state from an international organization is based on the manifestation of the will of the state. It is the same manifestation of the will necessary for the access to the organization. The organization must accept the manifestation of the will of the member state not to be a part of the organization anymore.

## **2.7 Seat and financing of the international organizations**

The seat of an international organization is another important element of its functioning. The seat of the organization is generally regulated in the foundational act. At the same time, the organization signs a seat agreement with the host state. This agreement defines the legal status of the seat in the host state and regulates the privileges and immunities of international organizations, and ultimately defines the issue of dealing with any future disputes between the organization and the host state. Several factors play an important role in

the selecting process of the seat of the organization. There are political, economic and logistic factors taken into consideration when selecting the seat. Furthermore, the organizations also take into account the geographical location of the future seat, so that it becomes accessible to all members of the organization. Some organizations, such as the UN, have more than one headquarters. UN's headquarters are in New York, but also in Geneva, and Vienna.

Financing is an important aspect of the functioning of international organizations. Without regular contributions to the organization implementation of the objectives and functions could not be realistic. Individual missions and objectives are performed from the organization's budget, which is generally approved by the supreme body of the organization. The budget of the organization is formed by contributions from member states. In addition to these regular contributions from member states, sources of the budget may also be loans, or even their own incomes such as rental of property or the import or export taxes (e.g. in the case of the European Union).

## **2.8 Privileges and immunities of international organizations**

Privileges and immunities are an important element for the functioning of the organizations. *“To ensure that ministers, diplomats and other officials attending meetings of an international organisation, whether at its headquarters or elsewhere are free from interference in carrying out their duties, they enjoy immunities and privileges. They are also accorded to the organisation itself and its staff. The guiding principle is that there must be a functional need for immunity, primarily to ensure independence of the participants and the organisation.”*<sup>20</sup>

Privileges and immunities of international organizations are in most cases regulated directly in the foundational act. Privileges and immunities should be also regulated in bilateral agreements between the headquarters state and the international organization (agreement on the privileges and immunities of the international organization). Finally, international conventions also regulate the privileges and immunities of the international organization and its staff.

The privileges and immunities of international organizations may for example include:

- inviolability of the headquarters and its archives,
- facilities in respect of communications,

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<sup>20</sup> AUST, A.: *Handbook of International law*, Cambridge University Press, New York, 2005, p. 197

- the right to use a flag or an emblem of the organization.

*“Immunity also includes certain currency and fiscal privileges, such as exemption from direct taxation with regard to the assets, income of property of the organisation and from customs dues. Organisations may also be permitted to hold and transfer funds and other financial assets freely.”*<sup>21</sup>

The privileges and immunities of the international organization’s staff include:

- Personal inviolability,
- Immunity from personal arrest or detention,
- Immunity from seizure of their personal baggage,
- Inviolability for all official papers and documents,
- Exemption from taxes and other custom duties, etc.

The true basis for the immunities given to international organisations is that they are necessitated by the effective exercise of their functions.<sup>22</sup>

International organisations play a vital role in the international community today. They coordinate cooperation in a large number of fields, such as humanitarian aid, human rights, protection of the environment etc. International organisations in addition play a significant role in international affairs generally and in the development of international law specifically.<sup>23</sup> Without international organisations it would have been more difficult to meet some of these issues which are one of the most important of humankind at the present time. Of course it is possible for the states to cooperate without the institutionalisation of an international organisation, but the permanent organs make the cooperation rise to another level.<sup>24</sup>

Law of the international organization makes an inseparable part of the international public law. The Law of the international organization deals with the foundation, existence and dissolution of the organization. This field of international law deals with the fundamental aspects of the organization. Fundamental aspects are represented by the definition of the organization and other basic elements (international legal personality, membership, privileges and immunities, etc.) needed for reaching the objectives and for functioning of the

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<sup>21</sup> AMERASINGHE, C.F.: *Principles of the International Law of International Organizations*, 2nd edn, Cambridge, 2005, p.335

<sup>22</sup> MALCOLM N. SHAW.: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1319

<sup>23</sup> MALCOLM D. EVANS.: *International law*. Second edition, Oxford University Press, New York, 2006, p. 278

<sup>24</sup> <https://www.duo.uio.no/bitstream/handle/10852/18865/2304AvhSjg.pdf?sequence=3>

organization in the international environment. Nowadays, international organizations make an inseparable part of the international community life.

### III. THE UNITED NATIONS

The United Nation (hereinafter the “UN”) is the most important international organization established on 24 October, 1945 by ratification of the United Nations Charter by five permanent members of the Security Council (France, the Republic of China, the Soviet Union, the United Kingdom and the United States) and other 46 member states. The United nation replaced the non-functional League of Nations created after the First World War the purpose of which was to prevent future conflicts. The UN replaced the League of Nations and was created after the Second World War with the same purpose to prevent future conflicts. The structure of the League of Nations was quite similar to the current structure of the UN. However, there are some important changes, especially in The Security Council and the International Court of Justice. The UN was founded by 51 member states including Czechoslovakia. On the 25 April, 1945 the UN Conference on International Organization in San Francisco was held. The Conference was attended by 50 governments with the purpose to draft the United Nations Charter.

The main purpose of the UN is:

- to maintain international peace and security,
- to develop friendly relations among nations,
- to promote social progress, better living standards and human rights.

These are the most important objectives of the UN. The functioning of the UN is based on the cooperation between the member states. The today’s number of member states is 193. The organization works on a broad range of fundamental issues, from sustainable development, environment and refugees protection, disaster relief, counter terrorism, disarmament and non-proliferation, to promoting democracy, human rights, gender equality and the advancement of women, governance, economic and social development and international health, clearing landmines, expanding food production, and more, in order to achieve its goals and coordinate efforts for a safer world for this and the future generations.

The main and the most important document of the UN is the United Nation Charter. The Charter of the United Nations is not only a multilateral treaty which created the organisation and outlined the rights and obligations of its signing states. It is also the constitution of the UN, laying down its functions and prescribing its limitations.<sup>25</sup> The Charter is divided into 19 chapters. After the Preamble there are:

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<sup>25</sup> CHESTERMAN, S. et al.: *Law and Practice of the United Nations*, Oxford, 2008, p.4

- Chapter I: Purposes and Principles
- Chapter II: Membership
- Chapter III: Organs
- Chapter IV: The General Assembly
- Chapter V: The Security Council
- Chapter VI: Pacific Settlement of Disputes
- Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression
- Chapter VIII: Regional Arrangements
- Chapter IX: International Economic and Social Co-operation
- Chapter X: The Economic and Social Council
- Chapter XI: Declaration regarding Non-Self-Governing Territories
- Chapter XII: International Trusteeship System
- Chapter XIII: The Trusteeship Council
- Chapter XIV: The International Court of Justice
- Chapter XV: The Secretariat
- Chapter XVI: Miscellaneous Provisions
- Chapter XVII: Transitional Security Arrangements
- Chapter XVIII: Amendments
- Chapter XIX: Ratification and Signature

An inseparable part of the Charter is the Statute of the International Court of Justice.

The main goals of the UN according the Charter are:

- To maintain international peace and security;
- To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- To be a centre for harmonizing the actions of nations in the attainment of these common ends.



The above mentioned goals may be reached through the main principles. Those are also an integral part of the Charter, Article 2:

- The organization is based on the principle of sovereign equality of all its members.
- All members, in order to ensure to all of them the rights and benefits resulting from the membership, shall fulfil in good faith the obligations assumed by them in accordance with the Charter.
- All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.
- All members shall give the United Nations every assistance in any action it takes in accordance with the Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
- The organization shall ensure that states which are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.
- Nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.

The UN is based on the sovereign equality of the states and the principles of fulfilment in good faith of the obligations contained in the Charter, the peaceful settlement of disputes and the prohibition on the use of force. It is also provided that member states must assist the organization in its activities taken in accordance with the Charter and must refrain from assisting states against which the UN is taking preventive or enforcement action.<sup>26</sup>

### **3.1 Structure of the UN**

The structure of the UN consists of six principal organs:

- General Assembly
- Security Council
- Economic & Social Council
- Trusteeship Council
- International Court of Justice

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<sup>26</sup> MALCOLM N. SHAW.: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1206

- Secretariat

### 3.1.1 The General Assembly

The General Assembly is the policymaking and representative organ of the UN. The Assembly is the one of six organs in which all member nations have equal representation. Each member has no more than five representatives in this main organ. All member states are represented in the Assembly. The status of the Assembly is regulated in the Charter, Art. 9–22 of Chapter 4.

The General Assembly has various functions and powers:

- To discuss any questions or any matters within the scope of the Charter;
- To make recommendations to the members of the United Nations or to the Security Council;
- To discuss any questions relating to the maintenance of international peace and security;
- To call the attention of the Security Council to situations which are likely to endanger international peace and security;
- To receive and consider annual and special reports from the Security Council;
- To receive and consider reports from the other organs of the United Nations;
- To consider and approve the budget of the Organization;
- To consider and approve any financial and budgetary arrangements with specialized agencies;
- To adopt its own rules of procedure.

“Voting in the Assembly is governed by Article 18, which stipulates that each member has one vote only, despite widespread disparities in populations and resources between states, and that decisions on important questions, including the admission of new members and recommendations relating to international peace and security are to be made by a two-thirds majority of members present and voting.”<sup>27</sup> Each country of the General Assembly has one vote. Decisions on important questions require a two-thirds majority. Decisions on other questions are made by simple majority.

The important questions considered by the Charter are:

- recommendations with respect to the maintenance of international peace and security,
- the election of the non-permanent members of the Security Council,

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<sup>27</sup> CLARKE, G., SOHN, L.B.: *World Peace Through World Law*. Cambridge, 1958, pp. 19-30

- the election of the members of the Economic and Social Council,
- the election of members of the Trusteeship Council
- the admission of new members to the United Nations,
- the suspension of the rights and privileges of membership,
- the expulsion of members,

The Assembly has the right to establish subsidiary organs if it is necessary for the performance of its functions.

The General Assembly meets in regular annual sessions, and in special sessions if necessary. Special sessions are convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations. The meetings of the assembly are usually from September to December.

A member state of the UN has no vote in the Assembly if the member is late in the payment of its financial contributions to the UN. Nevertheless, the Assembly may permit the right to vote for the member state according to the Art. 19 of the Charter.

The General Assembly also cooperates with its own subsidiary organs.<sup>28</sup> The most important subsidiary organs are for example:

- Board of Auditors;
- Advisory Board on Disarmament Matters;
- Disarmament Commission;
- International Law Commission;
- United Nations Peacebuilding Commission;
- Advisory Commission on the United Nations Relief And Works Agency for Palestine Refugees in the Near East;
- Investments Committee;
- Administrative and Budgetary Committee;
- Legal Committee;
- Committee on Information;
- United Nations Scientific Committee on the Effects of Atomic Radiation;
- Human Rights Council;
- Governing Council of the United Nations Environment Programme;
- Governing Council of the United Nations Human Settlements Programme, etc.<sup>29</sup>

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<sup>28</sup> See further: BROMS. B.: *the United Nations*, Helsinki, 1990, pp. 1980 ff

<sup>29</sup> See: *United Nations Handbook*, Wellington, 2001, pp. 27 ff.

The Headquarters of the UN is situated in New York City (Manhattan). Other offices are located in Geneva, Vienna and Nairobi.

### 3.1.2 The Security Council

The United Nations Security Council (UNSC) is one of the six principal organs of the United Nations and is in charge of the maintenance of international peace and security. The Council was intended to operate as an efficient executive organ of limited membership, functioning continuously.<sup>30</sup> The first session of the Security Council was on 17 January, 1946. Until the end of the Cold War, the Council generally did not fulfil the expectations held of it, although resolution 242 (1967) laid down the basis for negotiations for a Middle East peace settlement and is regarded as the most authoritative expression of the principles to be taken into account.<sup>31</sup>

The Council has 15 members. Five of them are permanent members:

- China,
- France,
- Great Britain
- the Russian Federation
- the United States of America.

Other 10 members denominated as temporary members are elected by the General Assembly for two year terms with five replaced each year. The selecting of the non-permanent members of the Council is by blocs where the African bloc is represented by three members, the Latin America and the Caribbean, Asia-Pacific, and Western Europe and other blocs by two each, and the Eastern European bloc by one. The status of the Security Council is regulated in the Charter, Art. 23 – 32 of Chapter 5.

The Security Council has the primary responsibility for the maintenance of international peace and security. The specific powers granted to the Security Council are regulated in the Charter:

- Chapter VI: Pacific Settlement of Disputes;
- Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression;
- Chapter VIII: Regional Arrangements;
- Chapter IX: International Economic and Social Co-operation.

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<sup>30</sup> TAYLOR, P., GROOM, A.J.R.: *The United Nations at the Millennium*. London, 2000, p. 230

<sup>31</sup> POGANY, I.: *The Security Council and the Arab-Israeli Conflict*. Aldershot, 1984, Chapter 5

The Security Council has an annual obligation to inform the General Assembly about the provided activities. Every member state agrees to execute every decision of the Council according to the Charter.

The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.

**The most important powers of the Security Council are:**

- To determine the existence of any threat to the peace, breach of the peace, or act of aggression;
- To make recommendations, or measures to maintain or restore international peace and security;
- To decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations (Art. 41);
- To take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security if the measures provided in Art. 41 were inadequate. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations (Art. 42);
- To take military action against an aggressor;
- To formulate plans for the establishment of a system to regulate armaments;
- To recommend the appointment of the Secretary-General;
- To recommend the admission of new Members to the United Nations
- To elect the judges of the International Court of Justice.

According to the Art. 29 of the Charter the Council may establish subsidiary bodies for the performance of its functions. The subsidiary bodies can be for example:

- Counter-Terrorism and Non-Proliferation Committees;
- Military Staff Committee (helps plan UN military measures and regulate armaments);
- Sanctions Committees (ad hoc committees);
- Standing Committees and Ad Hoc Bodies (procedural questions).

Inseparable parts of the Security Council representation are peacekeeping operations and political missions.

- A peacekeeping operation consists of military, police and civilian personnel, who work to deliver security, political and early peacebuilding support. Peacekeeping is flexible and over the past two decades has been deployed in many configurations. Today's multidimensional peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote human rights and assist in restoring the rule of law. Current peacekeeping missions approved by the Security Council are:

- The United Nations Mission for the Referendum in Western Sahara (MINURSO);
- Multidimensional United Nations peacekeeping operation in the Central African Republic – MINUSCA;
- The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA);
- The United Nations Stabilization Mission in Haiti (MINUSTAH);
- the United Nations Organization Mission in the Democratic Republic of Congo (MONUC);
- The United Nations Assistance Mission in Afghanistan (UNAMA);
- The African Union/United Nations Hybrid operation in Darfur (UNAMID);
- The United Nations Disengagement Observer Force in Golan (UNDOF);
- The United Nations Peacekeeping force in Cyprus (UNFICYP);
- The United Nation Interim Force in Lebanon (UNIFIL);
- the United Nations Interim Security Force for Abyei (UNISFA);
- the United Nations Interim Administration Mission in Kosovo (UNMIK);
- The United Nations Mission in Liberia (UNMIL);
- the United Nations Mission in the Republic of South Sudan (UNMISS);

- the United Nations Military Observer Group in India and Pakistan (UNMOGIP);
  - the United Nations Operation in Côte d'Ivoire (UNOCI);
  - The United Nations Truce Supervision Organization in the Middle East.
- Political missions are part of a continuum of UN peace operations working in different stages of the conflict cycle. In some instances, following the signing of peace agreements, political missions overseen by the Department of Political Affairs during the stage of peace negotiations have been replaced by peacekeeping missions. In other instances, UN peacekeeping operations have given way to special political missions overseeing longer term peace-building activities.

The subsidiary bodies also include criminal courts, mainly the International Criminal Tribunal for former Yugoslavia and the International Criminal Tribunal for Rwanda. These organs depend on the UN in administrative and financial matters.<sup>32</sup> As judicial institutions they are independent of any institution, including the Security Council.

Each member state of the Council has one vote. The Council is voting on procedural matters and all others matters. Procedural matters are approved by an affirmative vote of nine members. All others matters are approved by an affirmative vote of nine members including the concurring votes of the permanent members. The permanent members can veto any substantive Security Council resolution, including those on the admission of new member states or candidates for the Secretary-General, including the most important powers mentioned in Art. 41 and Art. 42 of Chapter 7 of the Charter. The procedural matters are not subject to a veto, so the veto cannot be used to avoid discussion of any issue.

Every member state of the Security Council has a permanent representative at all times in the seat of the organization. The Security Council shall hold periodic meetings at the seat of the organization or other places if it can facilitate its work. The Security Council adopts its own rules of procedure, including the method of selecting its President. The presidency of the Security Council is held in turn by the members of the Security Council in the English alphabetical order of their names. Each President holds office for one calendar month.

Official languages of the Security Council are Arabic, Chinese, English, French, Russian and Spanish.

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<sup>32</sup> MALCOLM N. SHAW.: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1208

### **3.1.3 The Economic & Social Council**

The Economic and Social Council was established by the Charter in 1946 and it is regulated in chapter X. The Council is responsible for coordinating the economic, social and related work of the UN specialized agencies, their functional commissions and regional commissions. The Council has 54 members. The members are elected by the General Assembly. Seats on the Council are based on geographical representation with 18 allocated to African states, 13 to Asian states, 8 to East European states, 13 to Latin American and Caribbean states and 13 to West European and other states. Each member of the Council has one representative. The Council is the United Nations' central platform for reflection, debate, and innovative thinking on sustainable development.

The Council focuses the work on three basic areas:

- Economic field;
- Social field;
- Environmental field.

The basic functions and powers of the Council are:

- To make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters;
- To make recommendations to international economic, social, cultural, educational, health, and related matters to the General Assembly, to the Members of the United Nations and to the specialized agencies concerned;
- To make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms;
- To prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence;
- To call international conferences on matters falling within its competence;
- To enter into agreements with any of the agencies referred to in Article 57 of the Charter. Agreement must be approved by the General Assembly;
- To co-ordinate the activities of the specialized agencies through consultation and recommendations;
- To obtain regular reports from the specialized agencies.

According to Art. 68 of the Charter the Council can set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions. These commissions are considered subsidiary bodies that assist the Council. The main bodies are divided into three blocs:



- ECOSOC Functional Commissions:
  - Statistical Commission;
  - Commission on Population and Development;
  - Commission for Social Development;
  - Commission on the Status of Women;
  - Commission on Narcotic Drugs;
  - Commission on Crime Prevention and Criminal Justice;
  - Commission on Science and Technology for Development;
  - Commission on Sustainable Development;
  - United Nations Forum on Forests;
- ECOSOC Regional Commissions:
  - Economic Commission for Africa (ECA);
  - Economic and Social Commission for Asia and the Pacific (ESCAP);
  - Economic Commission for Europe (ECE);
  - Economic Commission for Latin America and the Caribbean (ECLAC);
  - Economic and Social Commission for Western Asia (ESCWA);
- ECOSOC Standing Committees:
  - Committee for Programme and Coordination;
  - Committee on Non-Governmental Organizations;
  - Committee on Negotiations with Intergovernmental Agencies.

These are the main subsidiary bodies of the Council helping to accomplish the agenda.

The fundamental session takes place in July in New York or Geneva. Besides this, there are several short sessions, ad hoc meetings, round tables and panel discussions throughout the year.

The decisions of the Council are approved by a majority of the members present and voting. Each member of the Council has one vote. The Council adopts its own rules of procedure, including the method of selecting its President elected for a one year term.

### **3.1.4 The Trusteeship Council**

The Trusteeship Council is also one of the principal organs of the United Nations. All the operations of this Council were suspended from the 1 November, 1994. The reason was

that the last trust territory obtained independence and became the Republic of Palau on 1 October, 1994. The Council is considered an archaic organ of the UN.<sup>33</sup>

The regulation of this organ is in Chapter 12 of the Charter. The main goals of the Trusteeship Council and the trusteeship system were:

- to further international peace and security;
- to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence;
- to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;
- to ensure equal treatment in social, economic, and commercial matters for all members of the United Nations and their nationals.

The trusteeship system was applied on different categories of territories:

- territories held under mandate;
- territories which may be detached from enemy states as a result of the Second World War; and
- territories voluntarily placed under the system by states responsible for their administration.

The trusteeship system cannot apply to those territories which have become members of the United Nations. Their relationship is based on respect for the principle of sovereign equality. The Trusteeship Council was authorized to examine and discuss reports from the Administering Authority on the political, economic, social and educational advancement of the people from Trust Territories.

Nowadays the Trusteeship Council is a subject of the planning reform of the structure of the UN.<sup>34</sup>

### **3.1.5 The International Court of Justice**

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. The ICJ is an inseparable part of the structure of the main organs of the UN. It was

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<sup>33</sup> MALCOLM N. SHAW.: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1214

<sup>34</sup> See further: WILLSON, C.L.: *Changing the Charter: The United Nations Prepares for the Twenty-First Century*. 90 AJIL, 1996, pp. 115, 12-2

established in June 1945 by the Charter of the United Nations and began work in April 1946 as the successor to the Permanent Court of International Justice.<sup>35</sup>

The main goal of the Court is to settle the legal disputes submitted to it by the states and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The jurisdiction of the Court is provided in accordance with the international law.

There are three fundamental legal documents regulating the Court of Justice:

- The Charter of the UN,
- Statute of the International Court of Justice,
- The Rules of the International Court of Justice (the document is drawn up by the Court itself).

The Court is composed of 15 judges who are elected for a nine years term by the United Nations General Assembly and the Security Council. It is assisted by the Registry, its administrative organ. Its official languages are English and French. The current president of the Court is Judge JUDr. Peter Tomka, Csc. from the Slovak Republic.

Further details of this institution are discussed in a separate chapter of this textbook.

### **3.1.6 The Secretariat**

The last of the main bodies of the UN is the Secretariat regulated in the Chapter 15 of the Charter. It is an administrative body of the UN and provides studies, information, and facilities needed by United Nations bodies for their meetings. The Secretariat carries out the diverse day-to-day work of the Organization thanks to the working stations all around the world. The Secretariat is headed by the Secretary General (from January 2007 Ban Ki –moon from the South Korea) appointed by the General Assembly based on the recommendation of the Security Council. The Secretary-General shall not originate from one of the five permanent Security Council member states. The Secretary–General is the chief administrative officer of the organization and as the chief administrative officer is surrounded by staff. Main purpose of the Secretariat staff is for example to inform the world's communications media about the work of the United Nations; organize international conferences on issues of worldwide concern; and interpret speeches and translate documents into the organization's official languages. The Secretariat has around 43,000 staff members around the world. The Secretary-General and the staff are responsible for their activities only to the organization.

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<sup>35</sup> See further: MALCOLM N. SHAW.: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1216

They also do not seek or receive instructions from any government or from any other authority external to the organization.<sup>36</sup>

The Secretary–General:

- must make an annual report to the General Assembly on the work of the organization,
- may bring the attention of the Security Council to any matter which in his opinion may threaten the maintenance of international peace and security,
- appoints the Secretariat staff,
- makes up the plenary session program of the General Assembly,
- controls the implementation of the budget,
- manages the finances of the organization,
- registers and publishes international treaties.

“The principle of the Secretary–General’s authority is contained in article 99 of the Charter, which empowers him to bring to the attention of the Security Council any matter which he feels may strengthen the maintenance of international peace and security, although this power has not often been used.”<sup>37</sup> According to the Charter the Secretary-General and the Secretariat staff enjoy the diplomatic privileges and immunities. The Secretary-General acts as the head of the UN. He is the main representative of the organization. The Secretariat manages different cooperative departments and offices such as:

- Regional Commissions,
- Executive Office of the Secretary-General,
- Department of Economic and Social Affairs,
- Department for the General Assembly and Conference Management,
- Department of Political Affairs,
- Department of Peacekeeping Operations,
- Office of the United nation High Commissioner for Human Rights,
- Office of Legal Affairs.
- United Nation Office at Vienna,
- United Nation Office at Nairobi.

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<sup>36</sup> MALCOLM N. SHAW.: *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1214-1215

<sup>37</sup> SCHWEBEL S.: *The Origins and development of Article 99 of the Charter*. IN: *Justice in International Law*, 1994, Cambridge, Cambridge University Press, p. 233

### 3.2 Specialized agencies, related organizations, funds, and other UN entities

Specialized organizations and agencies are maintained and administrated by the United Nations. Most of these organizations are related to the UN's budget. Specialized organizations and agencies are headed by the executive board of the member states. Some of them have to report their activities to the General Assembly; others make a report directly to the member states. All the specialized organizations and agencies have their own structure and have their own activities according to the field of operation. Nowadays, there are about 15 specialized organizations and agencies, some of them were attached to the UN after the foundation of the UN.

In this chapter we give examples of the organizations related to the UN and their brief description:

- **The International Telecommunication Union** originally the **International Telegraph Union (ITU)** was founded on 17 May, 1865. The organization has 193 state members and more than 700 companies of the private sector. Main bodies of the organization are:
  - The Plenipotentiary Conference,
  - The Council,
  - The General Secretariat.

ITU allocates global radio spectrum and satellite orbits, develops technical standards that ensure networks and technologies seamlessly interconnect, and strives to improve access to ICTs<sup>38</sup> to underserved communities worldwide. The headquarters of the organization is located in Geneva, Switzerland.<sup>39</sup>

- **The Universal Postal Union (UPU)** established on 9 October, 1874 is the second oldest international organization worldwide. The organization is the primary forum for cooperation between the postal sector players. It helps to ensure a truly universal network of up-to-date products and services. The structure of the UPU consist of:
  - The Congress,
  - The Council of Administration,
  - The Postal Operations Council,
  - The International Bureau.

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<sup>38</sup> **Information and communication technologies**

<sup>39</sup> <http://www.itu.int>

The UPU has 192 members. The headquarters is situated in Bern, Switzerland.<sup>40</sup>

- **The United Nations Educational, Scientific and Cultural Organization (UNESCO)** is an international organization established on 16 November, 1945 by the Constitution of UNESCO. The structure of the UNESCO is:

- The General Conference,
- The Executive Board,
- The Secretariat,
- The National Commissions.

At present, the UNESCO has 195 members and 9 associate members. The main aim of the UNESCO is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.<sup>41</sup> UNESCO headquarters is established in Paris, France.<sup>42</sup>

- **The International Civil Aviation Organization (ICAO)** was established on 7 December, 1944 by signing of the Convention on International Civil Aviation (Chicago Convention). The main aim of the ICAO is to codify the principles and techniques of international air navigation and foster the planning and development of international air transport to ensure safe and orderly growth. The organization sets and evolves Standards and Recommended Practices (SARPs) for the safe and orderly development of international civil aviation. The structure of the organisation is:

- The Assembly,
- The Council,
- The Secretariat,
- The Air Navigation Commission.

The organization now has 191 member states. The headquarters of the ICAO are situated in Montreal, Quebec, Canada.<sup>43</sup>

- **The United Nation Industrial Development Organization (UNIDO)** was established on 1 May, 1967, by the General Assembly resolution number 5152 (XXI).

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<sup>40</sup> <http://www.upu.int>

<sup>41</sup> The Constitution of the UNESCO: [http://portal.unesco.org/en/ev.php-URL\\_ID=15244&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>42</sup> <http://en.unesco.org>

<sup>43</sup> <http://www.icao.int>

The organization's primary objective is to promote and accelerate industrial development in the developing countries and countries with economics in transition, as well as to promote international industrial cooperation. The Agency also encourages globalization and environmental sustainability. The agency consists of:

- The General Conference,
- The Industrial Development Board,
- The Programme and Budget Committee,
- The Secretariat.

To date, the agency has 172 members. The headquarters of the Agency is located in Vienna.<sup>44</sup>

- **The World Intellectual Property Organization (WIPO)** was founded on 14 July, 1967 by the Convention Establishing the World Intellectual Property Organization. The main aim of the organization is to encourage creative activity, and to promote the protection of intellectual property throughout the world. The structure of the organization is represented by:

- The General Assembly,
- The Conference,
- The Coordination Committee,
- The International Bureau.

The headquarters of the organization is in Geneva. To date, the organization has 187 members including more than 250 nongovernmental organizations enjoying the official observer status at WIPO meetings.<sup>45</sup>

- **The World Tourism Organization (UNWTO)** was established on 27 September, 1970 by the Statute of the UNWTO. The Agency is responsible for the promotion of responsible, sustainable and universally accessible tourism. UNWTO promotes tourism as a driver of economic growth, inclusive development and environmental sustainability and offers leadership and support to the sector in advancing knowledge and tourism policies worldwide. To date, the agency has 156 member countries, 6 associate members and over 400 affiliate members representing the private sector, educational institutions, tourism associations and local tourism authorities. The structure consists of:

- The General Assembly,

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<sup>44</sup> <http://www.unido.org>

<sup>45</sup> <http://www.wipo.int>

- The Executive Council,
- The Secretariat,
- The Regional Commissions.

The headquarters of the agency is situated in Madrid, Spain.<sup>46</sup>

- **The Food and Agriculture Organization of the United Nation (FAO)** was founded on 13 June, 1943 by the Constitution. The Organization started its own activities in 1945. The main aims of the organizations are to:

- help to eliminate hunger, food insecurity and malnutrition,
- make agriculture, forestry and fisheries more productive and sustainable,
- reduce rural poverty,
- enable inclusive and efficient agricultural and food systems,
- increase the resilience of livelihoods to disasters.

FAO is the largest of UN agencies and its headquarters is in Rome, Italy. The structure of the organization consists of:

- The General Conference,
- The FAO Council,
- The Secretariat.

All the member states of the UN are also members of the FAO.<sup>47</sup>

- **The World Health Organization (WHO)** is an important organization founded on 22 July, 1946 by the Constitution of the WHO. The Organization is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries and monitoring and assessing health trends. The main bodies of the Organizations are:

- The World Health Assembly,
- The Executive Board,
- The Secretariat,
- The Regional Offices.

The headquarters of the organization is in Geneva and to date it has 194 members and about 7000 workers from over 150 countries.

Priorities of the WHO are:

- Universal health coverage,

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<sup>46</sup> <http://www.unwto.org/>

<sup>47</sup> <http://www.fao.org>



- The International Health Regulations,
  - Increasing Access to medical products,
  - Social, economic and environmental determinants,
  - Non-communicable diseases,
  - Health-related Millennium Development Goals.<sup>48</sup>
- **The International Labour Organization (ILO)** was founded on 28 June, 1919 and is one of the oldest organizations worldwide. The basic document is the Constitution of ILO. Initially the organization was an agency of the League of Nations. The work of the ILO is based on cooperation between governments, employers and workers organizations in fostering social and economic progress. The organization is based on tripartism – cooperation between governments, employers and workers. The structure of the agency is:
- The International Conference,
  - The Governing Body,
  - The International Labour Office.

The main aim of the organization is represented by these four objectives:

- promoting and realizing standards and fundamental principles and rights at work,
- creating greater opportunities for women and men to decent employment and income,
- enhancing the coverage and effectiveness of social protection for all,
- strengthening tripartism and social dialogue.

The organization has 183 members and is situated in Geneva.<sup>49</sup>

- **The International Maritime organization (IMO)** was established on 6 March, 1948 by the Convention of IMO. The main role of the agency is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented. All the work is aimed at safety, security and environmental performance of international shipping. Main bodies of the organization are:
- The Assembly,
  - The Council,
  - The Committees.

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<sup>48</sup> <http://www.who.int>

<sup>49</sup> <http://www.ilo.org>

To date, the organization has 170 members and the headquarters is located in London.<sup>50</sup>

- **The world Meteorological Organization (WMO)** was founded on the 11<sup>th</sup> October, 1947 by the Convention of WMO. It originated from the International Meteorological Organization (IMO) which was founded in 1873. WMO promotes cooperation in the establishment of networks for making meteorological, climatological, hydrological and geophysical observations, as well as the exchange, processing and standardization of related data, and assists technology transfer, training and research. It also fosters collaboration between the National Meteorological and Hydrological Services of its Members.

Main bodies of the agency are:

- The World Meteorological Congress,
- The Executive Council,
- The Secretariat,
- The Regional Offices.

To date, the Organization has 191 members and the headquarters is situated in Geneva.<sup>51</sup>

- **The International Monetary Fund (IMF)** was founded on 22 July, 1944 by the Agreement of IMF. The IMF provides monetary cooperation and financial stability and acts as a forum for advice, negotiation and assistance on financial issues. The IMF works to foster global growth and economic stability. It provides policy advice and financing to members in economic difficulties and also works with developing nations to help them achieve macroeconomic stability and reduce poverty. The structure of the Fund is:

- The Board of Governors,
- The International Monetary and Financial Committee,
- The Executive Board,
- The Managing Director.

The headquarters of the Fund is situated in Washington, D.C., and to date has 188 members.<sup>52</sup>

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<sup>50</sup> <http://www.imo.org>

<sup>51</sup> <https://www.wmo.int>

<sup>52</sup> <http://www.imf.org>

- **The World Bank Group** is a source of financial and technical assistance to developing countries around the world. The Group consist of five organizations:
  - International Bank for Reconstruction and Development (IBRD),
  - International Centre for Settlement of Investment Disputes (ICSID),
  - International Development Association (IDA),
  - International Finance Corporation (IFC),
  - Multilateral Investment Guarantee Agency (MIGA).

It is part of the United Nations system and has a formal relationship agreement with the UN but retains its independence. The Group provides low-interest loans, interest-free credits, and grants to developing countries. These support a wide range of investments in such areas as education, health, public administration, infrastructure, financial and private sector development, agriculture, environmental and natural resource management. Some of the projects are co-financed by governments, other multilateral institutions, commercial banks, export credit agencies, and private sector investors. The Group also offers support to developing countries through policy advice, research and analysis, and technical assistance.

The Group was established in 1944. The World Bank Group is headquartered in Washington, D.C. and has more than 10,000 employees in more than 120 offices worldwide.<sup>53</sup>

- **The International Fund for Agricultural Development (IFAD)** was established on 13 June, 1976. The Fund is focused on rural poverty reduction, working with poor rural populations in developing countries to eliminate poverty, hunger and malnutrition, raise their productivity and incomes, and improve the quality of their lives. The structure of the Fund is:
  - The Governing Council,
  - The Executive Board.

The headquarters is situated in Rome and has 172 members. In order to reach the main objectives the Fund cooperates closely with other international organization such as the FAO, OECD, OPEC, and with nongovernmental organizations.<sup>54</sup>

- **The International Atomic Energy Agency (IAEA)** is an intergovernmental organization for scientific and technical cooperation in the field of nuclear technology. The friendship organization of the UN was established on 23 October, 1956 by the

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<sup>53</sup> <http://www.worldbank.org/>

<sup>54</sup> <http://www.ifad.org>

Statute of the IAEA. The Agency works with its Member States and multiple partners worldwide to promote safe, secure and peaceful nuclear technologies. The main objective of the Organization is to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world.

The main bodies of the IAEA are:

- The General Conference,
- The Board of Governors,
- The Staff.

The headquarters of the IAEA is situated in Vienna and has 162 members.<sup>55</sup>

- **The Organization for the Prohibition of Chemical Weapons (OPCW)** was established on 13 January, 1993 by the Convention for the Prohibition of Chemical Weapons. It's also the friendship organization to the UN. Main aims of the OPCW according to the Convention are:

- destroying all existing chemical weapons under international verification by the OPCW;
- monitoring chemical industry to prevent new weapons from re-emerging;
- providing assistance and protection to states parties against chemical threats; and
- fostering international cooperation to strengthen implementation of the Convention and promote peaceful use of chemistry.

Main bodies of the organization are:

- The Conference of the State Parties,
- The Executive Council,
- The Technical Secretariat.

The headquarters of the Organization is located in the Hague, the Netherlands and has 190 members.<sup>56</sup>

All the presented specialized or friendship organizations cooperate closely to achieve the aims of the UN in accordance with the Charter. Each of the presented organizations exercises own activities according to their foundational documents. All the activities have one main purpose: to encourage international security, eliminate poverty and to promote fundamental rights and freedoms.

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<sup>55</sup> <http://www.iaea.org>

<sup>56</sup> <http://www.opcw.org>

## IV. THE INTERNATIONAL JUSTICE INSTITUTIONS

This chapter will analyse the major international justice institutions focusing on:

- The International Court of Justice,
- The International Criminal Court,
- The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia,
- International Criminal Tribunal for Rwanda.

The first of the institutions is the permanent Court which is also one of the main bodies of the UN structure. Two tribunals have are of *ad hoc* type.

### 4.1 International Court of Justice

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). The ICJ is an inseparable part of the structure of the main organs of the UN. It was established in June 1945 by the Charter of the United Nations and began work in April 1946. It was however created as the successor of the Permanent Court of International Justice, established pursuant to Article 14 of the Covenant of the League of Nations in 1921, and was modelled closely on that body.<sup>57</sup>

The main goal of the Court is to settle legal disputes submitted to it by the states and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The jurisdiction of the Court is exercised in accordance with international law.

There are three fundamental legal documents regulating the Court of Justice:

- The Charter of the UN,
- Statute of the International Court of Justice,
- The Rules of the International Court of Justice Court.

The last of the presented documents is drawn up by the Court itself.

The main purpose of the Court is:

- Effective dispute settling,
- Reduction of the conflicts,

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<sup>57</sup> MALCOLM D. EVANS.: *International law*. Second edition, Oxford University Press, New York, 2006, p. 562

- Development of the international law.

The jurisdiction of the Court is divided in two forms:

- Settling disputes between states and
- Making advisory opinions.

The Court makes decisions according to the international law and applies:

- international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- international custom, as evidence of a general practice accepted as law;
- the general principles of law recognized by civilized nations;
- judicial decisions and the teachings (subject to the provisions of Article 59) of the most highly qualified publicists of the various nations, as subsidiary means for the determination of the rules of law.
- *Ex aequo et bono* only with the agreement of the parties.

### **Settling disputes**

As mentioned above, only a state may be a party of the dispute before the Court. Settling disputes is the primary jurisdiction of the Court. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force. Dispute may start by the notification of the special agreement or by a written application addressed to the Registrar. In both cases the subject of the dispute and the parties are indicated. Parties of the dispute are represented by agents. The procedure is divided into oral and written part. The hearing in Court is public, unless the Court decides otherwise, or unless the parties demand that the public shall not be admitted. The deliberations of the Court about the judgement take place in private and remain secret. All questions are decided by a majority of the presented judges. In the event of an equality of votes, the President or the judge who acts in his place has a casting vote. The decision of the Court has binding force only for the parties of the dispute and in respect of that particular case. The judgement is final and without the possibility of an appeal. The judgement is always declared publicly. There is an option to present an application for a revision of the judgement. The application may be presented only when it is based on the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence (Art. 61 of the Statute). The

application for revision must be made within six months of the discovery of the new fact. No application for revision may be made later than ten years from the date of the judgment.

### **Advisory opinions**

Advisory opinions represent the secondary jurisdiction of the Court. The Court may give any advisory opinions about any legal question at the request of the authorized body of the UN. The application (questions) for the advisory opinion may be presented by the Security Council and by The General Assembly. The Council or the Assembly have the power to delegate the right to present application for the advisory opinion also to others bodies of the UN. The Statute of the Court doesn't have a particular clause about the procedure. The Court may apply the articles of the Statute dealing with the procedure of the primary jurisdiction (settling disputes between states). Decision of the Court is declared publicly.<sup>58</sup>

The Court is composed of 15 judges, who are elected for a nine years term of office by the United Nations General Assembly and the Security Council. It is assisted by the Registry, its administrative organ. Its official languages are English and French. The headquarters of the Court is situated in the Hague, the Netherlands.<sup>59</sup>

## **4.2 The International Criminal Court (ICC)**

The International Criminal Court was established by the Rome Statute of the International Criminal Court in 1998. The Statute was accepted on the 17 July, 1998 and consists of 128 articles divided into 13 chapters. The Slovak Republic signed the Statue on 23 December, 1998 and ratified it on 8 April, 2002. The Court was established as a permanent institution with criminal jurisdiction upon the persons responsible for the most serious crimes according to the international law. The ICC is an independent organization and is not a part of the UN structure. ICC has an international legal personality.

The jurisdiction of the Court is limited to the most serious crimes, particularly the following crimes:

- The crime of genocide;
- Crimes against humanity;
- War crimes,
- The crime of aggression.

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<sup>58</sup> See further: MALCOLM D. EVANS.: *International law*. Second edition, Oxford University Press, New York, 2006, p. 565-566

<sup>59</sup> Statute of the International Court of justice; also see: MALCOLM D. EVANS.: *International law*. Second edition, Oxford University Press, New York, 2006, p. 567 - 580

The mentioned crimes are closely defined in the Statute of ICC. All the member states have to accept the jurisdiction of the Court.

The structure of the Court consists of:

- Presidency,
- Judicial Divisions,
- Office of the Prosecutor,
- Registry,
- Other Offices (Office of Public Counsel for Victims and the Office of Public Counsel for Defence).

The procedure is based on the general principles of the criminal law as *nullum crimen sine lege*, *nulla poena sine lege*, non-retroactivity *ratione personae*, individual criminal responsibility, etc.

The ICC has 18 judges elected as full time members. Judges are elected by the Assembly of States Parties for 9 years.

At beginning of Art. 53, the Statute regulates the investigation and all the procedure before the Court. The sentence is pronounced in public and, wherever possible, in the presence of the accused party. The Court may impose the following penalties as a result of the sentence:

- imprisonment for a specified number of years, which may not exceed a maximum of 30 years, or
- a term of life imprisonment,
- a fine,
- a forfeiture of proceeds, property and assets derived directly or indirectly from that crime. (Art. 77)

The other articles of the Statute deal with the possibility of the appeal and revision of the sentence. The next part of the Statute deals with the international cooperation and judicial assistance.

The ICC's seat is in the Hague in the Netherlands. Although the Court's expenses are funded primarily by the States Parties, it also receives voluntary contributions from governments, international organisations, individuals, corporations and other entities. The ICC is based on a treaty joined by 122 countries.<sup>60</sup>

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<sup>60</sup> ZIMMERMANN, A., TOMUSCHAT, CH., OELLERS-FRAHM, K.: The Statute of the International Court of Justice a Commentary, Oxford University Press, 2006, pp. 1575



### 4.3 International Criminal Tribunal for the Former Yugoslavia (ICTY) <sup>61</sup>

The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia is an *ad hoc* tribunal. ICTY is a United Nations court of law dealing with war crimes that took place during the conflicts in the Balkans in the 1990's. It was established by the Security Council in accordance with Chapter VII of the UN Charter by the resolution of the Council n. 827/1993. The key objective of the ICTY is to try those individuals most responsible for appalling acts such as murder, torture, rape, enslavement, destruction of property and other crimes listed in the Tribunal's Statute.

The International Tribunal has the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. ICTY has the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August, 1949 such as:

- wilful killing;
- torture or inhuman treatment, including biological experiments;
- wilfully causing great suffering or serious injury to body or health;
- extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and intentionally;
- compelling a prisoner of war or a civilian to serve in the forces of an enemy;
- wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial;
- unlawful deportation or transfer or unlawful confinement of a civilian;
- taking civilians as hostages.

ICTY has only jurisdiction over natural persons and is set up on the individual criminal responsibility. The territorial jurisdiction of ICTY is extended to the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters. The temporal jurisdiction of the International Tribunal extends to a period beginning on the 1 January, 1991.

ICTY is based on concurrent jurisdiction. According to this concurrent jurisdiction the ICTY has primacy over the national courts at the beginning of the procedure and also at any stage of the procedure.

The structure of ICTY is:

- the Chambers (Trial Chamber and Appeals Chamber),

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<sup>61</sup> <http://www.icty.org>

- the Prosecutor,
- a Registry.

The statute of ICTY deals with investigation, indictment, procedure, judgement, penalties and also the possibility of appeal. The result of the criminal responsibility defined in the sentence of the Tribunal is penalty. The only penalty according to the Statute of ICTY is an imprisonment. The penalty is executed in the state designated by the International Tribunal from a list of the states which have indicated to the Security Council their willingness to accept convicted persons.

ICTY is located in the Hague, the Netherlands. The official languages of the Tribunal are English and French. The President of the Tribunal has an obligation to present reports about the activities to the Security Council and to the General Assembly. ICTY is connected to the budget of the United Nations.<sup>62</sup>

#### **4.4 International Criminal Tribunal for Rwanda (ICTR) <sup>63</sup>**

The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States. The Security Council created the International Criminal Tribunal for Rwanda (ICTR) by resolution 955 of 8 November, 1994. The International Criminal Tribunal for Rwanda was established for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between the 1 January, 1994, and 31 December, 1994. It may also deal with the prosecution of Rwandan citizens responsible for genocide and other such violations of international law committed in the territory of the neighbouring states during the same period. The basic document governing the Tribunal is the Statute.

The structure and the functioning of the ICTR is similar to the ICTY. They also have a common appeal chamber.

The ICTR has the power to prosecute persons responsible for:

- Murder;
- Extermination;
- Enslavement;

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<sup>62</sup> ZAHAR, A., SLUITER, G.: *International Criminal Law a critical introduction*, Oxford University Press, New York, 2008, pp. 6-11; See also: Statute of the International Criminal Tribunal for the Former Yugoslavia

<sup>63</sup> <http://www.unictr.org>

- Deportation;
- Imprisonment;
- Torture;
- Rape;
- Persecutions on political, racial and religious grounds;
- Other inhumane acts.

As ICTY, the ICTR, too, has only jurisdiction over natural persons and is set up on the individual criminal responsibility. ICTR is also based on concurrent jurisdiction. According to this concurrent jurisdiction the ICTY has primacy over the national courts at the beginning of the procedure and also at any stage of the procedure.

The clauses dealing with the investigation, indictment, procedure, judgement, penalties, appeal, executing of the sentence are the same. The president of the ICTR has the same information obligation the ICTY president. ICTR is connected to the UN budget. The headquarters of the Tribunal is located in Arusha, United Republic of Tanzania.<sup>64</sup>

The future of the criminal Tribunals working under the UN also needs to be mentioned. The future of both presented Tribunals is in the Mechanism for International Criminal Tribunals (MICT). MICT was established by the United Nations Security Council on the 22 December, 2010 to carry out a number of essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) after the completion of their respective mandates. It is a new small, temporary and efficient body, tasked with continuing the “jurisdiction, rights and obligations and essential functions” of the ICTR and the ICTY, and maintaining the legacy of both institutions. The MICT comprises two divisions. One covers functions inherited from the ICTR and is located in Arusha, Tanzania. It commenced functioning on 1 July, 2012. The other division is located in The Hague and inherited its functions from the ICTY. It commenced functioning on 1 July, 2013.<sup>65</sup>

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<sup>64</sup> ZAHAR, A., SLUITER, G.: *International Criminal Law a critical introduction*. Oxford University Press, New York, 2008, pp. 6-11; See also: Statute of the International Criminal Tribunal for Rwanda

<sup>65</sup> <http://unmict.org>

## V. EUROPEAN UNION

The European Union (EU) is a regional organization with 28 member states. Today's EU was based on three organizations:

- European Coal and Steel Community (1951),
- European Economic Community (1957),
- European Atomic Energy Community (1957).

These three institutions were integrated into the European Community in 1967. The basic documents were reformed several times. The most important changes are represented by:

- Single European Act (1986),
- Treaty on European Union (1992) called also The 'Maastricht' treaty,
- Treaty of Amsterdam (1999),
- Treaty of Nice (2001),
- Treaty of Lisbon (2009).

With the 'Maastricht' treaty the European Community changed the name to European Union. The most important changes were brought by the Lisbon Treaty. Lisbon Treaty changed the legal structure of the EU which was based on three pillars. The new structure, as we know it today, is based on single legal personality provisioned with legal personality.

The structure of the EU before the Lisbon Treaty consisted of three basic pillars:

- The European Communities pillar handled economic, social and environmental policies. It comprised the European Community (EC), the European Coal and Steel Community (ECSC, until its expiry in 2002), and the European Atomic Energy Community (EURATOM).
- The Common Foreign and Security Policy (CFSP) pillar took care of foreign policy and military matters.
- Police and Judicial Co-operation in Criminal Matters (PJCC) brought together co-operation in fight against crime. This pillar was originally named Justice and Home Affairs (JHA).

Entering into force, the Lisbon Treaty brought important changes. The most important changes were the establishing of the legal personality, creation of the permanent President of the European Council and The High Representative of the Union for Foreign Affairs and Security Policy, changes in the structure of the EU, and changes in the functioning of the main EU bodies.

Members of the EU can be divided into two groups:

- Foundation states: Belgium, France, Italy, Luxembourg, Netherlands and West Germany,
- Associated states: Denmark, Ireland, United Kingdom, Greece, Spain, Portugal, Austria, Finland, Sweden, Czech Republic, Cyprus, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia, Bulgaria, Romania, Croatia.

To be a part of the EU family the states must meet several conditions:

- The first one is the geographic condition. The state which wants to become part of the EU has to be a European state.
- Copenhagen criteria:
  - stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
  - a functioning market economy and the capacity to cope with competition and market forces in the EU;
  - the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union.

The process of joining the EU (accession) broadly consists of 3 stages:

1. **When a country is ready** it becomes an official **candidate for membership** – but this does not necessarily mean that formal negotiations have been opened.
2. The candidate moves on to **formal membership negotiations**, a process that involves the adoption of established EU law, preparations to be in a position to properly apply and enforce it and implementation of judicial, administrative, economic and other reforms necessary for the country to meet the conditions for joining, known as **accession criteria**.
3. When the negotiations and accompanying reforms have been completed to the satisfaction of both sides, the country can join the EU.

## 5.1 Structure of the European Union

Structure of the EU is:

- European Parliament,
- European Council,
- Council of the EU,
- European Commission,

- Court of Justice of the EU,
- European Central Bank,
- European Court of Auditors.

## **European Parliament**

The European Parliament is a body directly elected by the EU citizen. Elections are held every five years. The Parliament is one of the law making bodies of the EU.

The European Parliament has three main roles:

- debating and passing European laws, with the Council,
- scrutinising other EU institutions, particularly the Commission, to make sure they are working democratically,
- debating and adopting the EU's budget, with the Council.

The Parliament represents about 500 million citizens of the member states. To date, the Parliament has 751 members which are grouped by political affiliation, not by nationality.

The main political affiliations are:

- Group of the European People's Party (Christian Democrats),
- Europe of Freedom and Direct Democracy Group
- Group of the Progressive Alliance of Socialists and Democrats in the European Parliament,
- Confederal Group of the European United Left,
- Group of the Greens/European Free Alliance,
- Group of the Alliance of Liberals and Democrats for Europe,
- European Democratic Party.

The European Parliament has three places of work – Brussels (Belgium), Luxembourg and Strasbourg (France). Luxembourg is the home to the administrative offices (the ‘General Secretariat’). Meetings of the whole Parliament (‘plenary sessions’) take place in Strasbourg and in Brussels. Committee meetings are also held in Brussels.<sup>66</sup>

## **European Council**

The European Council is an important EU body consisting of the heads of the member states including its Presidents and the President of the European Commission. The Council is

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<sup>66</sup> <http://www.europarl.europa.eu/portal/en>

considered as the motor of European integration. The Council deals with political direction and economic strategy of the EU. The European Council provides the Union with the necessary impetus for its development and defines the general political directions and priorities thereof. It does not exercise legislative functions. The meetings of the Council are held every six months. The President of the Council has the power to convene a special meeting depending on the situation to discuss. The European Council decides by consensus, except if the Treaties state otherwise. In some cases, it adopts decisions by unanimity or by qualified majority, depending on what the Treaty provides for. Each member of the Council has one vote. The presidents of the European Council and Commission, and the High Representative for Foreign Affairs and Security Policy do not have a vote. The headquarters of the Council is in Brussels.<sup>67</sup>

### **Council of the European Union**

The Council of the EU is a body where national ministers from each EU country meet to adopt laws and coordinate policies. The Council of the EU does not have fixed members. At each Council meeting, each country sends the minister for the policy field being discussed. Main activities of this body are to:

- pass EU laws,
- coordinate the broad economic policies of EU member countries,
- sign agreements between the EU and other countries,
- approve the annual EU budget,
- develop the EU's foreign and defence policies.
- coordinate cooperation between courts and police forces of member countries.

The rotation of the presidency of the Council of the EU is every six months. The presidency of the Slovak Republic is planned for the July – December 2016. Decisions in the Council of the EU are taken by qualified majority as a general rule. The headquarters are in Brussels and Luxembourg.<sup>68</sup>

### **European Commission**

The European Commission is a collective and permanent body of the EU. The Commission is composed of 28 members – representative of each member state of the EU,

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<sup>67</sup> <http://www.european-council.europa.eu/>

<sup>68</sup> <http://www.consilium.europa.eu/council>

including the President and vice-presidents for five years period. Each Commissioner is assigned responsibility for specific policy areas by the President. The head of the Commission is the President nominated by the European Council. The Commission has legislative powers. The basic policies to deal with are:

- proposing new laws to Parliament and the Council,
- managing the EU's budget and allocating funding,
- enforcing EU law (together with the Court of Justice),
- representing the EU internationally, for example, by negotiating agreements between the EU and other countries.

The Commissions activities are focused on:

- Agriculture, fisheries and food,
- Business,
- Climate action,
- Cross-cutting policies,
- Culture, education and youth,
- Economy, finance and tax,
- Employment and social rights,
- Energy and natural resources,
- Environment, consumers and health,
- EU explained,
- External relations and foreign affairs,
- Justice, home affairs and citizens' rights,
- Regions and local development,
- Science and technology,
- Transport and travel.

The Commission as an executive body of the EU has its headquarters in Brussels and Luxembourg, and has offices (representations) in every EU country and delegations in capital cities around the world.<sup>69</sup>

### **Court of Justice of the European Union**

The Court of Justice of the EU is a judicial body of the EU. The Court of Justice interprets EU law to make sure it is applied in the same way in all EU countries. It also settles

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<sup>69</sup> [http://ec.europa.eu/index\\_en.htm](http://ec.europa.eu/index_en.htm)



legal disputes between EU governments and EU institutions. Individuals, companies or organisations can also bring cases before the Court if they feel their rights have been infringed by an EU institution. The Court consists of 28 judges – representatives of each member state and 9 advocates general, which help the judges. Judges and advocates general are appointed for a period of six years with the possibility to renew.

The five most common types of cases of the Court are:

- requests for a preliminary ruling – when national courts ask the Court of Justice to interpret a point of EU law,
- actions for failure to fulfil an obligation – brought against EU governments for not applying EU law,
- actions for annulment – against EU laws thought to violate the EU treaties or fundamental rights,
- actions for failure to act – against EU institutions for failing to make decisions required of them,
- direct actions – brought by individuals, companies or organisations against EU decisions or actions.

The procedure of the Court consists of two stages. The first one is the written stage and the second one is the oral stage. The second stage is the public hearing. Depending on how complex the case is this can take place before a panel of 3, 5 or 13 judges or before the whole Court.

The inseparable part of the Court of Justice of the EU is the European Union Civil Service Tribunal which is composed of judges appointed by the Council for a period of six years with the possibility to renew. It has jurisdiction to hear and determine at first instance disputes between the European Union and its servants.

The headquarters of the Court of Justice of the EU is situated in Luxembourg.<sup>70</sup>

## **European Central Bank**

The European Central Bank is one of the main bodies of the EU. The main purpose of the Bank is to:

- keep **prices stable** (keep inflation under control), especially in countries that use the euro.

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<sup>70</sup> [http://curia.europa.eu/jcms/jcms/j\\_6/](http://curia.europa.eu/jcms/jcms/j_6/)

- keep the **financial system stable** – by making sure the financial markets and institutions are properly supervised.

The Central Bank cooperates with the 28 central banks of the member states and together they form the European System of Central Banks (ESCB).

The Bank is a completely independent body of the EU. The Bank is represented by three bodies:

- **Executive Board** – oversees the day-to-day management. It has 6 members (1 president, 1 vice-presidents and 4 other members) appointed for 8 years by the leaders of the Eurozone countries.
- **Governing Council** – defines the Eurozone monetary policy and fixes the interest rates at which commercial banks can obtain money from the Bank. It consists of the Executive Board plus the governors of the 18 national central banks in the Eurozone.
- **General Council** – contributes to the ECB's advisory and coordination work and helps prepare for new countries joining the euro. It consists of the ECB president and vice-president and the governors of the national central banks of all 28 EU countries.

The headquarters of the Bank is located in Frankfurt am Main.<sup>71</sup>

### **European Court of Auditors**

The main purpose of the European Court of Auditors is to audit finances of the EU. The Court of Auditors has the right to audit any person or organisation handling EU funds. The Court of Auditors has no legal powers of its own. If auditors discover fraud or irregularities they inform OLAF – the European Anti-Fraud Office. The Court has the obligation to present an annual report to the European Parliament about the previous financial year. The court has also the right to give opinion on EU financial legislation and how to help the EU fight fraud. Auditors frequently carry out inspections in EU institutions, member countries and countries receiving EU aid. The Court consist of 28 members – representatives of the members states. Auditors are completely independent of any other EU institution. The members of the Court elect the President who is the representative of the Court. The headquarters of the Court is located in Luxembourg.

The above mentioned bodies are the principal bodies of the EU. There are many other bodies which participate in functioning of the EU such as the European External Action

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<sup>71</sup> <http://www.ecb.europa.eu/home/html/index.en.html>

Service (EEAS), European Economic and Social Committee, Committee of the Regions, European Investment Bank and Found and European Ombudsman. The European Ombudsman is an important body for all EU citizens. The Ombudsman responds to complaints of the EU citizens, businesses and organisations, helping to uncover cases of 'maladministration' – where EU institutions, bodies, offices or agencies have broken the law, failed to respect the principles of sound administration, or violated human rights.

The European Union is an international regional organization that influences lives of millions of citizens of Europe. The Slovak Republic is a part of the European Union family and also enjoys all the benefits that the EU can offer.

## **VI. INTERNATIONAL SECURITY ORGANIZATIONS**

This chapter of the textbook analyses the most important international security organizations which are the North Atlantic Treaty Organization and the Organization on The Security and Cooperation in Europe.

### **6.1 North Atlantic Treaty Organization**

The North Atlantic Treaty Organization also known as NATO is a security intercontinental organization. To date, the NATO has 28 members. NATO is a collective, political and military organization:

- Collective aspect – the parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that if such an armed attack occurs, each of them in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. (Article 5 of the Washington Treaty 1949);
- Political aspect – NATO promotes democratic values and encourages consultation and cooperation on defence and security issues to build trust and, in the long run, prevent conflict;
- Military aspect – NATO is committed to the peaceful resolution of disputes. If diplomatic efforts fail, it has the military capacity needed to undertake crisis-management operations. These are carried out under Article 5 of the Washington Treaty – NATO’s founding treaty – or under a UN mandate, alone or in cooperation with other countries and international organizations.

NATO’s essential purpose is to safeguard the freedom and security of its members through political and military means. The organization was set up by the ratification of the Treaty of Washington in 1949.

### 6.1.1 Structure of the NATO

**The structure of the NATO** is divided in two basic blocs:

- Civilian structure – The North Atlantic Council, Nuclear planning group;
- Military structure – Military Committee, Allied command operations, Allied command transformation;
- The Secretary General.

**The North Atlantic Council** is the principal political decision-making body at NATO. Each member country has a seat at the Council. It meets at least once a week or whenever the need arises, at different levels. It is chaired by the Secretary General who helps members reach agreement on key issues.

**Military Committee** – When the implementation of political decisions has military implications, the key players involved are: the Military Committee, composed of the Chiefs of Defence of NATO member countries; the International Military Staff, the Military Committee's executive body; and the military command structure, composed of Allied Command Operations and Allied Command Transformation.

**The Secretary General** is the main representative of the organization.

NATO provides a unique opportunity for member countries to consult and take decisions on security issues at all levels and in a variety of fields. A "NATO decision" is the expression of the collective will of all 28 member countries since all decisions are taken by consensus. Each day, hundreds of civilian and military experts and officials come to NATO headquarters to exchange information, share ideas and help preparing decisions when needed, in cooperation with national delegations and the staff at NATO headquarters.

The most important activities of the NATO are represented by the operations. The most important operations (including current and terminated operations) are:

- **NATO-led Stabilisation Force (SFOR)** – peacekeeping force which replaced the IFOR which was a force tasked with enforcing peace under the Dayton Accords.
- **NATO Operation "Allied Harbour" (AFOR)** – the UN mandate for the operation was effective from April to September 1999. This humanitarian mission was focused on support and relief for Kosovar refugees in Albania.
- **The International Security Assistance Force (ISAF)** has been under NATO leadership since August 2003. ISAF was established by United Nations (UN) mandate in 2001.

- **NATO's Kosovo Force (KFOR).** KFOR troops continue to maintain a strong presence throughout the territory, preserving the peace that was imposed by NATO fifteen years ago.
- **The African Union Mission in Sudan (AMIS)** aimed to end violence and improve the humanitarian situation in a region that has been suffering from conflict since 2003.
- **NATO Training Mission in Iraq (NTM-I).** NATO conducted a relatively small but important support operation in Iraq from 2004 to 2011 that consisted of training, mentoring and assisting the Iraqi Security Forces.
- **Protecting public events** – In response to a request by the Greek government, NATO provided assistance to the Olympic and Paralympic Games held in Athens with Operation Distinguished Games on the 18<sup>th</sup> June – 29<sup>th</sup> September, 2004. NATO provided intelligence support, provision of Chemical, Biological, Radiological and Nuclear (CBRN) defence assets and AWACS radar aircraft. This was the first operation in which non-Article 4 or 5 NATO assistance was provided within the borders of a member country.

NATO's headquarters is in Brussels. The main philosophy of the Organization is cooperation in the military area in accordance with the North Atlantic Treaty.<sup>72</sup>

## 6.2 Organization on Security and Cooperation in Europe

The Organization on Security and Cooperation in Europe is an international security organization with 57 member state and 11 partnership states. The organization also includes states from other continents, not only from Europe, such as Asia or North America. The main difference between NATO and OSCE is that the latter organization cannot count on the military forces like the NATO. NATO's operations are based on military force cooperation between member states. A very important feature of the OSCE is that the organization does not have the international subjectivity like many other international governmental organizations.

OSCE was set up on 1 August, 1975 by the Final Act of the Conference on Security and Cooperation in Europe.

The OSCE's comprehensive view of security covers three "dimensions": the politico-military, economic and environmental, and human. The OSCE's activities cover all three of these areas, from "hard" security issues such as conflict prevention to fostering economic

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<sup>72</sup> <http://www.nato.int>

development, ensuring the sustainable use of natural resources, and promoting the full respect for human rights and fundamental freedoms.

The areas of the OSCE's interests are:

- Arms control,
- Border management,
- Combating human trafficking,
- Combating terrorism,
- Conflict prevention and resolution,
- Democratization,
- Economic activities,
- Education,
- Elections,
- Environmental activities,
- Gender equality,
- Good governance,
- Human rights,
- Media freedom and development,
- Military reform and co-operation,
- Minority rights,
- Policing,
- Roma and Sinti,
- Rule of law,
- Tolerance and non-discrimination.

OSCE decisions are an expression of the collective will of all 57 member countries since all decisions are taken by consensus. The cooperation between the member states is set up on fundamental principles according to the Final Act of the Conference on Security and Co-operation in Europe:

- Sovereign equality, respect for the rights,
- Refraining from the threat or use of force,
- Inviolability of frontiers,
- Territorial integrity of States,
- Peaceful settlement of disputes,
- Non-intervention in internal affairs,
- Respect for human rights and fundamental freedoms ,

- Equal rights and self-determination of peoples,
- Cooperation among states,
- Fulfilment in good faith of obligations under international law.

The presence of the OSCE is realized by operations. The most important operations and projects taking place are:

- Presence in Albania,
- Mission to Bosnia and Herzegovina,
- Mission in Kosovo,
- Mission to Montenegro,
- Mission to Serbia,
- Mission to Skopje,
- Mission to Moldova,
- Project Co-ordinator in Ukraine,
- Special Monitoring Mission to Ukraine,
- Observer Mission at the Russian Checkpoints Gukovo and Donetsk,
- Project Co-ordinator in Baku,
- Office in Yerevan,
- Centre in Ashgabat,
- Centre in Astana,
- Centre in Bishkek,
- Office in Tajikistan,
- Project Co-ordinator in Uzbekistan.

The presented operations are established at the invitation of the respective host countries, and their mandates are agreed by consensus by the participating states.

The structure of the organization is represented by several institutions and bodies:

- Parliamentary Assembly – provides a forum for parliamentary diplomacy and debate, leads election observation missions and strengthens international co-operation to uphold commitments on political, security, economic, environmental and human rights issues;
- High Commissioner on National Minorities – gets involved in a situation if there are tensions involving national minorities which could develop into a conflict;
- Office for Democratic Institutions and Human Rights – provides support, assistance and expertise to participating States and civil society to promote democracy, rule of



law, human rights and tolerance and non-discrimination. The institution observes elections, reviews legislation and advises governments on how to develop and sustain democratic institutions;

- Representative on Freedom of the Media – the Representative’s activities can be divided into two groups: observing media developments as part of an early warning function and helping participating States abide by their commitments to freedom of expression and free media and assist with the process of switching from analogue to digital broadcasting;
- Court of Conciliation and Arbitration – the main mechanism offered by the Convention is conciliation, which aims to propose terms of settlement to the States Parties of a dispute. This mechanism can be activated unilaterally by any State Party to the Convention for a dispute between it and one or more other States Parties. At the conclusion of the proceedings, the conciliation commission presents a report and recommendations to the Parties;
- Secretariat – the OSCE Secretariat, under the direction of the Secretary General, provides operational support to the organization. It is based in Vienna, and assisted by the office in Prague.<sup>73</sup>

The Organization on Security and Cooperation in Europe is an international security organization based on the cooperation between the member states. It is an important organization for a promotion of the fundamental democratic principles and basic human rights and freedoms.

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<sup>73</sup> <http://www.osce.org/>

## VII. INTERNATIONAL POLICE ORGANIZATIONS

The last chapter of the textbook deals with the police cooperation with the international aspect. The first part of the chapter presents the International Criminal Police Organization and the second one the European Police Office.

### 7.1 International Criminal Police Organization

The International Criminal Police Organization known as INTERPOL is an international organization based on the cooperation between the member states. The INTERPOL was set up in 1923 by the International Criminal Police Congress in Vienna. The headquarters of the organization is located in Lyon, France. To date, INTERPOL has 190 members. The main legal document of the INTERPOL is the Constitution. The Constitution of the Organization was adopted at the 25<sup>th</sup> session of the General Assembly (June 1956, Vienna) and came into force on 13 June, 1956. According to the Constitution the main goal of the INTERPOL is:

- To ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the “Universal Declaration of Human Rights”;
- To establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.<sup>74</sup>

The organization has strictly forbidden undertaking any intervention or activities of a political, military, religious or racial character.

Strategic priorities of the organization are:

- To secure global police information system,
- To support policing and law enforcement,
- Innovation, capacity building and research,
- Assisting in the identification of crimes and criminals,
- To ensure organizational health and sustainability,
- To consolidate the institutional framework.

Every three years the General Assembly of the organization adopts new strategic priorities for the period of three years.

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<sup>74</sup> Art. 3 of the Constitution of the INTERPOL

The main vision of the INTERPOL is to connect police for a safer world. The organization wants to ensure the cooperation between the member states. The purpose of the presented vision is to share and access police information whenever and wherever it is needed.

The mission of the INTERPOL is to prevent and fight crime through enhanced cooperation and innovation on police and security matters. INTERPOL facilitates the widest possible mutual assistance between all criminal law enforcement authorities. INTERPOL also provides operational support in specific priority crime areas.

INTERPOL focuses its activities to fight against:

- international terrorism,
- economic criminality,
- human trafficking,
- drug production and distribution,
- cybercrimes,
- arms trafficking.

The structure of the organization is represented by several bodies:

- General Assembly,
- Executive Committee,
- General Secretariat,
- National Central Bureaus,
- Commission for the Control of INTERPOL's Files.

**The General Assembly** is INTERPOL's supreme governing body and is composed of delegates appointed by each member country. It meets annually to take all important decisions related to policy, resources, working methods, finances, activities and programmes.

**The Executive Committee** is headed by the President of the INTERPOL elected by the General Assembly. The Executive Committee provides guidance and direction to the Organization and oversees the implementation of decisions made at the annual General Assembly.

**The General Secretariat** operates 24 hours a day, 365 days a year. The main goals of the secretariat are to:

- put into application the decisions of the General Assembly and the Executive Committee,
- serve as an international centre in the fight against crime,
- serve as the technical and information centre,
- ensure the efficient administration of the organization,

- maintain contact with national and international authorities.

**National Central Bureaus** links national police services with INTERPOL's global network. It is a division of the national police agency or investigation service and serves as the contact point for all INTERPOL activities in the field.

**The Commission for the Control of INTERPOL's Files** is an independent monitoring body. It operates in line with a number of official rules and documents and has three main functions:

- **Monitoring** the application of the organization's data protection rules to personal data processed by INTERPOL;
- **Advising** the organization with regard to any operations or projects concerning the processing of personal information;
- **Processing requests** for access to INTERPOL's files.

The processing of personal data – such as names and fingerprints – forms a key activity at INTERPOL.

Any state can make a part of the “police family”. The request for membership must be submitted to the Secretary General by the appropriate governmental authority. Membership is subject to approval by a two-thirds majority of the General Assembly.

INTERPOL is an important organization fighting against international crimes. The Slovak Republic has been a part of the organization since 1993 and actively participates in the activities of the organization.<sup>75</sup>

## 7.2 European Police Office

The European Police Office known as EUROPOL is an international organization fighting international crime inside the European Union's borders. The organization is also denominated as **European Union's law enforcement agency**. EUROPOL also cooperates with INTERPOL and other related organization to accomplish the principals goals. EUROPOL is based on the cooperation between the European Union's member states. EUROPOL was set up by the Maastricht treaty of the European Union in 1992, but in 1994 started to carry out activities with the purpose to fight against international crime. The main objective of EUROPOL is to improve the effectiveness and cooperation of the competent authorities in the member states in preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime within the EU borders.

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<sup>75</sup> <http://www.interpol.int>

EUROPOL concentrates its activities on different various areas:

- Illicit Drugs,
- Trafficking in Human Beings,
- Facilitating Illegal Immigration,
- Europol Cyber Crime Centre,
- Intellectual Property Crime,
- Cigarette Smuggling,
- Euro Counterfeiting,
- VAT<sup>76</sup> Fraud,
- Money Laundering and Asset Tracing,
- Mobile Organised Crime Groups,
- Outlaw Motorcycle Gangs,
- Terrorism.

Principal tasks of the EUROPOL are:

- To facilitate the exchange of information between the member states,
- To obtain, collate and analyse information and intelligence,
- To aid investigations in member states by forwarding all relevant information to the national units,
- To maintain a computerized system of collected information containing data
- To develop specialist knowledge on the investigative procedures of the competent authorities in the member states and to provide advice in investigations.<sup>77</sup>

The structure of the organization is represented by the following bodies:

**The Director** – is the head of the organization and is the Europol’s legal representative appointed by the Council of the European Union. The director collaborates with three departments:

- Operations Department,
- Governance Department,
- Capabilities Department.

**National Units** – is the only liaison body between Europol and the national authorities.

The national units:

- Supply EUROPOL on their own initiative with the information and intelligence necessary for it to carry out its tasks,

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<sup>76</sup> VAT- value added tax

<sup>77</sup> Look for more: article 3 of the EUROPOL Convention

- Respond to EUROPOL's requests for information and advice,
- Keep information and intelligence up to date,
- Evaluate information and intelligence in accordance with the national law for the competent authorities and transmit this material to them,
- Issue requests for advice, information, intelligence and analysis to EUROPOL,
- Supply EUROPOL with information for storage in the computerized system,
- Ensure compliance with the law in every exchange of information.<sup>78</sup>

Each National Unit has the right to send at least one liaison officer to the organization. The liaison officer represents the interest of the national unit and can also be instructed by the national unit. The main goal is to assist in the exchange of information between the EUROPOL and national unit, particularly by:

- Providing EUROPOL with information from the national unit,
- Forwarding information from EUROPOL to the national unit,
- Cooperating with the officials of EUROPL by providing information and giving advice regarding the analysis of the information concerning the seconding member state.<sup>79</sup>

The future of EUROPOL could be resumed to three basic areas:

- To function as the principal EU support centre for law enforcement operations,
- To become the criminal information hub of the European Union,
- To develop further as an EU centre for law enforcement expertise.

All the member states of the EU are members of EUROPOL.<sup>80</sup>

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<sup>78</sup> Look for more: article 4 of the EUROPOL Convention

<sup>79</sup> Look for more: article 5 of the EUROPOL Convention

<sup>80</sup> <https://www.europol.europa.eu/>

## **ANNEX:**

### **INTRODUCTORY NOTE**

The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organisation, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971, and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from eighteen to twenty-seven. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from twenty-seven to fifty-four.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a “vote, of any seven members of the Security Council”, the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

## **PREAMBLE TO THE CHARTER OF THE UNITED NATIONS**

**WE THE PEOPLES OF THE UNITED NATIONS,**

### **DETERMINED**

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

### **AND FOR THESE ENDS**

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

### **HAVE RESOLVED TO COMBINE OUR EFFORTS**

### **TO ACCOMPLISH THESE AIMS**

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

## **CHAPTER I**

### **PURPOSES AND PRINCIPLES**

#### **Article 1**

The Purposes of the United Nations are: 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to



bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

## **Article 2**

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the

Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## **CHAPTER II**

### **MEMBERSHIP**

#### **Article 3**

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

#### **Article 4**

1. Membership in the United Nations is open to a other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

#### **Article 5**

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

#### **Article 6**

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.

**CHAPTER III**  
**ORGANS**

**Article 7**

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

**Article 8**

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

**CHAPTER IV**  
**THE GENERAL ASSEMBLY**  
**Composition**

**Article 9**

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

**Functions and Powers**

**Article 10**

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

**Article 11**

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing

disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

#### **Article 12**

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

#### **Article 13**

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

- b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1) above are set forth in Chapters IX and X.

#### **Article 14**

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

#### **Article 15**

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

#### **Article 16**

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

#### **Article 17**

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The Assembly shall consider and approve any financial and budgetary arrangements with specialize agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

#### **Voting**

#### **Article 18**

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 of Article 86, the admission of new Members to the United Nations, the

suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

#### **Article 19**

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

#### **Procedure**

##### **Article 20**

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

##### **Article 21**

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

##### **Article 22**

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

### **CHAPTER V**

### **THE SECURITY COUNCIL**

#### **Composition**

##### **Article 23**

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist , the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the

Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

## **Functions and Powers**

### **Article 24**

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

### **Article 25**

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

### **Article 26**

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

## **Voting**

### **Article 27**

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

## **Procedure**

### **Article 28**

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at times at the seat of the Organization.
2. The Security Council shall hold meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

### **Article 29**

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

### **Article 30**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

### **Article 31**

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.



### **Article 32**

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

## **CHAPTER VI PACIFIC SETTLEMENT OF DISPUTES**

### **Article 33**

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

### **Article 34**

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

### **Article 35**

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

### **Article 36**

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

### **Article 37**

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

### **Article 38**

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## **CHAPTER VII**

### **ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION**

### **Article 39**

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

#### **Article 40**

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

#### **Article 41**

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

#### **Article 42**

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### **Article 43**

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### **Article 44**

When Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### **Article 45**

In order to enable the Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Committee.

#### **Article 46**

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### **Article 47**

1. There shall be established a Military Staff Committee to advise and assist the Security Council on questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member its work.
3. The Military Staff Committee be responsible under the Security Council for the strategic direction of any armed forces paced at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the security Council and after consultation with appropriate regional agencies, may establish sub-committees.

#### **Article 48**

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### **Article 49**

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### **Article 50**

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### **Article 51**

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

### **CHAPTER VIII REGIONAL ARRANGEMENTS**

#### **Article 52**

1. Nothing in the present Charter the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way the application of Articles 34 and 35.

### **Article 53**

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

### **Article 54**

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## **CHAPTER IX**

### **INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION**

### **Article 55**

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co- operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### **Article 56**

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

#### **Article 57**

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

#### **Article 58**

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

#### **Article 59**

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

#### **Article 60**

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

**CHAPTER X**  
**THE ECONOMIC AND SOCIAL COUNCIL**

**Composition**

**Article 61**

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.
4. Each member of the Economic and Social Council shall have one representative.

**Functions and Powers**

**Article 62**

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.



### **Article 63**

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.
2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

### **Article 64**

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
2. It may communicate its observations on these reports to the General Assembly.

### **Article 65**

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

### **Article 66**

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.
2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

### **Voting**

#### **Article 67**

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

### **Procedure**

#### **Article 68**

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may for the performance of its functions.

#### **Article 69**

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

#### **Article 70**

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

#### **Article 71**

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

#### **Article 72**

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## **CHAPTER XI**

### **DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES**

#### **Article 73**

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

#### **Article 74**

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

## **CHAPTER XII**

### **INTERNATIONAL TRUSTEESHIP SYSTEM**

#### **Article 75**

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

#### **Article 76**

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without : as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their , and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

#### **Article 77**

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

#### **Article 78**

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

#### **Article 79**

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

#### **Article 80**

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

#### **Article 81**

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

### **Article 82**

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

### **Article 83**

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area. 43 3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

### **Article 84**

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

### **Article 85**

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

**CHAPTER XIII**  
**THE TRUSTEESHIP COUNCIL**

**Composition**

**Article 86**

1. The Trusteeship Council shall consist of the following Members of the United Nations:
  - a. those Members administering trust territories;
  - b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
  - c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

**Functions and Powers**

**Article 87**

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

**Article 88**

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

## **Voting**

### **Article 89**

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

## **Procedure**

### **Article 90**

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

### **Article 91**

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

## **CHAPTER XIV**

### **THE INTERNATIONAL COURT OF JUSTICE**

### **Article 92**

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

### **Article 93**

1. All Members of the United Nations are factio parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on to be determined in each case by the General Assembly upon the recommendation of the Security Council.



#### **Article 94**

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

#### **Article 95**

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

#### **Article 96**

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

### **CHAPTER XV**

#### **THE SECRETARIAT**

#### **Article 97**

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

#### **Article 98**

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-

General shall make an annual report to the General Assembly on the work of the Organization.

#### **Article 99**

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

#### **Article 100**

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

#### **Article 101**

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

### **CHAPTER XVI MISCELLANEOUS PROVISIONS**

#### **Article 102**

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph I of this Article may invoke that treaty or agreement before any organ of the United Nations.

#### **Article 103**

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

#### **Article 104**

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

#### **Article 105**

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

### **CHAPTER XVII**

#### **TRANSITIONAL SECURITY ARRANGEMENTS**

#### **Article 106**

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107 Nothing in the present Charter shall in- validate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

## **CHAPTER XVIII AMENDMENTS**

### **Article 108**

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

### **Article 109**

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including the permanent members of the Security Council.
3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

**CHAPTER XIX**  
**RATIFICATION AND SIGNATURE**

**Article 110**

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
2. The shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.
3. The present Charter shall come into force upon the deposit of by the Republic of China, France, the Union of Soviet Socialist, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.
4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

**Article 111**

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

## BIBLIOGRAPHY:

- ALVAREZ, J.E, International organizations as Law - makers, Oxford, 2005, ISBN 978-0-19-876562-2, pp. 712
- AUST, A. 2005. Handbook of International Law, Cambridge University Press, Cambridge, ISBN 13978-0-511-13699, pp. 842,
- AMERASINGHE, C.F.: *Principles of the International Law of International Organizations*, 2nd edn, Cambridge, 2005, ISBN 978-0-521-83714-9, pp. 835
- BARKER CRAIG, J., GRANT J.P. *Encyclopaedic dictionary of International Law*. Third edition, Oxford University Press, New York, 2009, ISBN 978-0-19-538977-7, pp. 691
- BROMS. B. *The United Nations*, Annales Academiae Scientiarum Fennicae, Helsinki, 1990
- CLARKE, G., SOHN, L.B. *World Peace Through World Law*. Cambridge, 1958
- CHESTERMAN, S. et al. *Law and Practice of the United Nations*, New York City: Oxford University Press, 2008.. ISBN: 9780195308433. Pp. 672
- MALCOLM N. SHAW. *International law*, 6th edition, Cambridge University Press, New York, 2008, p. 1310, ISBN 978-0-521-72814-0, all.pp. 1542
- MALCOLM D. EVANS. *International Law*. Second edition, Oxford University Press, New York, 2006, ISBN 978-0-19-928270-8, pp. 833
- POGANY, I. *The Security Council and the Arab-Israeli Conflict*. Aldershot, 1984
- SEYERSTED and SCHERMERS and BLOKKER, *International Institutional Law*, 3rd edn, The Hague, 1995
- SCHWEBEL. S. *The Origins and development of Article 99 of the Charter*. IN: *Justice in International Law*, 1994, Cambridge, Cambridge University Press, ISBN: 9780521462846, p.648
- SCHWEBEL. S. *Justice in International Law*, 2011, Cambridge, Cambridge University Press, ISBN: 9781107005372, p. 812
- TAYLOR, P., GROOM, A.J.R. *The United Nations at the Millennium*. London, 2000, ISBN 0-8264-4777-5, p. 486
- *United Nations Handbook*, Wellington, 2001
- VALUCH, J., RIŠOVÁ, M., SEMAN, R.: *Právo medzinárodných organizácií*. 1 vydanie. Praha: C. H. Beck, 2011, s. 399, ISBN 978-80-7400-368-4

- VIRALLY, M. 2001. Definition and Classification of International Organizations: a Legal Approach. In. G. Abi-Saab (ed.), *The Concept of International Organizations* (Paris: UNESCO, 1981)
- WILLSON, C.L. *Changing the Charter: The United Nations Prepares for the Twenty-First Century*. 90 AJIL, vol.90, January 1996, no.1, p.123
- ZAHAR, A., SLUITER, G. *International Criminal Law a critical introductio*. Oxford University Press, New York, 2008, ISBN 978-0-40-695904-1, pp. 530
- ZIMMERMANN, A., TOMUSCHAT, CH., OELLERS-FRAHM, K. *The Statute of the International Court of justice a Commentary*, Oxford University Press, 2006, ISBN 978-0-19-926177-2, pp. 1575

### **Electronic sources:**

The Constitution of the UNESCO: [http://portal.unesco.org/en/ev.php-URL\\_ID=15244&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html)

EUROPOL Convention <https://www.europol.europa.eu/>

Constitution of the INTERPOL <http://www.interpol.int>

<http://legal-dictionary.thefreedictionary.com/International+public+law>

[http://library.law.columbia.edu/guides/Researching\\_Public\\_International\\_Law#Definitions\\_of\\_International\\_Law](http://library.law.columbia.edu/guides/Researching_Public_International_Law#Definitions_of_International_Law)

<http://www.uia.org/archive/types-organization/toy>

[http://www.academia.edu/5812712/Classification\\_of\\_International\\_Organizations\\_and\\_the\\_Challenges\\_in\\_classifying\\_such\\_entities](http://www.academia.edu/5812712/Classification_of_International_Organizations_and_the_Challenges_in_classifying_such_entities)

<https://www.duo.uio.no/bitstream/handle/10852/18865/2304AvhSjg.pdf?sequence=3>

<http://www.itu.int>

<http://www.upu.int>

<http://en.unesco.org>

<http://www.icao.int>

<http://www.unido.org>

<http://www.wipo.int>

<http://www.unwto.org/>

<http://www.fao.org>

<http://www.who.int>

<http://www.ilo.org>  
<http://www.imo.org>  
<https://www.wmo.int>  
<http://www.worldbank.org/>  
<http://www.imf.org>  
<http://www.ifad.org>  
<http://www.iaea.org>  
<http://www.opcw.org>  
<http://www.icty.org>  
<http://www.unictr.org>  
<http://unmict.org>  
<http://www.europarl.europa.eu/portal/en>  
<http://www.european-council.europa.eu/>  
<http://www.consilium.europa.eu/council>  
[http://ec.europa.eu/index\\_en.htm](http://ec.europa.eu/index_en.htm)  
[http://curia.europa.eu/jcms/jcms/j\\_6/](http://curia.europa.eu/jcms/jcms/j_6/)  
<http://www.ecb.europa.eu/home/html/index.en.html>  
<http://www.nato.int>



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