




ORIGINAL

Formation of the international legal framework in ensuring economic security: the contribution of international organisations

Formación del marco jurídico internacional para garantizar la seguridad económica: la contribución de las organizaciones internacionales

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ABSTRACT

Introduction: the article offers a concise overview of international organisations as collaborative partnerships among states with defined objectives while also analysing the underlying motivations for their establishment.

Objective: this article explores the roles and distinctive characteristics of major global institutions, including the United Nations (UN), European Union (EU), Council of Europe (CoE), Organization for Security and Cooperation in Europe (OSCE), North Atlantic Treaty Organization (NATO), and World Trade Organization (WTO).

Methods: the study employs diverse investigative methodologies, including thorough literature reviews and statistical analyses, to examine core concepts such as “legal order”, “international legal order”, “international security”, and “global security”.

Results: it takes a historical perspective to trace the evolution of international organisations and utilises generalisation and diagnostic techniques to offer practical recommendations and reach conclusions. The article differentiates between “international security?” and “global security”, underscoring the latter’s broader scope. Furthermore, it underscores the pivotal role of the United Nations (UN) in safeguarding global peace, fostering amicable ties among nations, advancing international collaboration, and acting as a forum for coordinating various national endeavours.

Conclusions: international organisations, spearheaded by the United Nations (UN), are pivotal in upholding the international legal framework and safeguarding global security in the face of ever-evolving challenges and threats.

Keywords: International Community; Global Security; International Security; Legal Order; International Legal Order.

RESUMEN

Introducción: el artículo ofrece una visión concisa de las organizaciones internacionales como asociaciones

de colaboración entre Estados con objetivos definidos, al tiempo que analiza las motivaciones subyacentes a su creación.

Objetivo: este artículo explora las funciones y características distintivas de las principales instituciones mundiales, como las Naciones Unidas (ONU), la Unión Europea (UE), el Consejo de Europa (CdE), la Organización para la Seguridad y la Cooperación en Europa (OSCE), la Organización del Tratado del Atlántico Norte (OTAN) y la Organización Mundial del Comercio (OMC).

Métodos: el estudio emplea diversas metodologías de investigación, incluidas exhaustivas revisiones bibliográficas y análisis estadísticos, para examinar conceptos básicos como “orden jurídico”, “orden jurídico internacional”, “seguridad internacional” y “seguridad global”.

Resultados: adopta una perspectiva histórica para trazar la evolución de las organizaciones internacionales y utiliza técnicas de generalización y diagnóstico para ofrecer recomendaciones prácticas y llegar a conclusiones. El artículo distingue entre “seguridad internacional” y “seguridad global”, subrayando el alcance más amplio de esta última. Además, subraya el papel fundamental de las Naciones Unidas (ONU) a la hora de salvaguardar la paz mundial, fomentar los lazos amistosos entre las naciones, impulsar la colaboración internacional y actuar como foro para coordinar diversos esfuerzos nacionales.

Conclusiones: las organizaciones internacionales, encabezadas por las Naciones Unidas (ONU), son fundamentales para mantener el marco jurídico internacional y salvaguardar la seguridad mundial frente a los retos y amenazas en constante evolución.

Palabras clave: Comunidad Internacional; Seguridad Mundial; Seguridad Internacional; Orden Jurídico; Orden Jurídico Internacional.

INTRODUCTION

The dynamic international landscape underscores the urgency for innovative solutions in human capital development to navigate and address the multifaceted challenges of the 21st century. As delineated by the Charter of the United Nations⁽¹⁾, the principles of international cooperation and the promotion of human rights are fundamental in steering global efforts towards peace, security, and development. The United Nations Security Council Resolution S/RES/2151⁽²⁾ further emphasises the role of governance and the rule of law in achieving durable peace and security, highlighting the critical need for developing human capital within the framework of international law and security.

Moreover, the European Convention on Human Rights⁽³⁾ establishes a comprehensive legal framework to protect human rights and fundamental freedoms in Europe. This convention, along with the strategic insights provided by Reznikova⁽⁴⁾ which discusses the integration of national resilience strategies within the broader security environment, highlights the interdependence of human capital development, national resilience, and international security.

The scientific problem that prompted the development of this research is positioned as the necessity to analyse the activities of international organisations as an active form of partnership between states. The research aims to identify the priority motives underlying their creation. The purpose of the study is to determine the roles and distinctive characteristics of the main global institutions.

METHODS

Criteria of acceptability: the criteria for inclusion and exclusion in the review were spatial-temporal indicators and the level of reliability of the information.

Sources of information: the sources of information used for identifying studies included literary sources, publications in specialised journals, and analytical reports.

Risk of bias: among the methods used to assess the risk of bias in the included studies were brainstorming methods and cause-effect analysis.

Summary of results: the method used for presenting and summarising the results was production rules.

RESULTS

The issues surrounding global and international security hold a significant position in scientific research. Henry Lamb, author of “The Rise of Global Governance”, and other scholars emphasise the necessity of reassessing conventional security approaches.⁽⁵⁾

Consequently, there are four primary categories of security definitions:⁽⁶⁾

1. Security should be understood as a state devoid of danger;
2. Security as an inherent property of a system refers to the perspective that security is an intrinsic quality of any system;

3. Security is attained through targeted measures and actions, particularly those conducted by governmental institutions, rather than being seen as an inherent activity or process;
4. Security as a specific state refers to viewing security as a distinct condition that can be segmented into three facets:
 - The state of relationships among individuals;
 - The status of the social framework;
 - The condition of a country being able to withstand diverse threats and preserve its sovereignty.

Depending on the scale of manifestations, the following distinctions are traditionally made:

1. National level.
2. Regional level.
3. Global level of international security.

Cherneha and Ivanenko⁽⁷⁾ examine the following elements of the “international security system”:

1. Security principles: overarching principles and values that govern which actions and relationships are deemed secure within an international context;
2. Interstate mechanisms and structures encompass entities such as organisations, groups, and international forums that facilitate cooperation and joint initiatives among states with the overarching goal of upholding global security.
3. International legal norms encompass the statutes, agreements, and regulations within international law that dictate the interactions among nations at the global level.
4. Multilateral agreements are pacts established among numerous nations to avert military conflicts, contain conflicts within specific regions, attain political resolutions, regulate international activities, particularly those of a military nature, and exchange information, all with the overarching goal of ensuring global security.

Global security can be understood as the state of affairs within the global community that safeguards the fundamental conditions for all humanity’s survival, development, and well-being. It encompasses the comprehensive state of the international community, including economic, environmental, political, social, cultural, and interethnic aspects of security.⁽⁸⁾ It is crucial to emphasise that the roles played by these international organisations are crucial in today’s world, playing a significant part in enhancing global collaboration and influencing global events.⁽⁹⁾

It is worth emphasising the inherent characteristics of international organisations:

1. Membership in international organisations typically involves the participation of three or more countries, setting them apart from bilateral agreements or alternative forms of relationships;
2. International organisations are created based on international law principles and norms outlined in international agreements and charters;
3. Honouring sovereignty and non-interference principles dictates that nations within international organisations should uphold the sovereignty of fellow members and refrain from interfering in their domestic matters.
4. International organisations generally have a structural framework consisting of governing bodies, committees, secretariats, and various operational units;
5. International organisations set specific goals and objectives to steer their activities, encompassing the coordination of state actions across diverse realms such as politics, economics, social development, military cooperation, and beyond.⁽¹⁰⁾

International organisations wield significant influence on the global stage in contemporary times, with an early exemplar being the League of Nations. Established in 1919 as an integral component of the Versailles Treaty system, the foundational document of the League of Nations was formulated during the Paris Peace Conference of 1919-1920. It garnered signatures from 44 states. The Charter of 1919 delineated the principal aim of the League of Nations: to foster cooperation among nations and guarantee collective peace and stability.⁽¹¹⁾

The Charter strongly emphasises addressing disarmament issues (Articles 8, 9) to establish a distinct international regulatory structure. Furthermore, it delineates political and legal protocols for peacefully resolving global disputes (Articles 12-15).

The United Nations (UN) is a significant global institution that was formed in 1945. Its membership includes 193 countries, and it wields substantial influence in international affairs.

The core objectives of the United Nations, outlined in Article 1 of the UN Charter,⁽¹⁾ encapsulate its fundamental aspirations:

- Ensuring global peace and security is paramount among the organisation’s aims;

- Cultivating friendly relations among nations;
- The United Nations shoulders the responsibility of coordinating worldwide efforts to tackle a wide array of international challenges spanning economic, social, cultural, and humanitarian spheres;
- the United Nations provides a platform for discussions and coordination among diverse countries in alignment with the organisation's objectives.

Article 2 of the UN Charter⁽¹⁾ sets forth the fundamental principles upon which the organisation is based.

The primary category comprises specialised economic institutions that promote and coordinate economic activities among countries. These institutions include the International Bank for Reconstruction and Development (IBRD), the International Monetary Fund (IMF), the International Finance Corporation (IFC), the International Development Association (IDA), and various collaborative bodies focusing on finance, development, and economic stability.

The second cluster comprises specialised organisations addressing social concerns like healthcare, labour, education, and social development. Entities such as the International Labour Organization (ILO) and the World Health Organization (WHO) are dedicated to elevating living standards and nurturing the welfare of communities worldwide.

The third group encompasses specialised agencies devoted to humanitarian and cultural initiatives, emphasising humanitarian aid, cultural exchange, and various forms of global cooperation. Organisations such as UNICEF (the United Nations Children's Fund) and UNESCO (the United Nations Educational, Scientific and Cultural Organization), along with similar entities, are within this category.

As the global security landscape evolves, the United Nations (UN) has increasingly prioritised security issues. In April 2014, the UN Security Council adopted a resolution addressing international peace and security.

The reform encompasses several crucial elements. This reform represents a significant stride toward ensuring and bolstering global peace and security, with the UN playing a central role in advancing these objectives.

⁽²⁾ Ukraine's representation in the UN Security Council underscores its unwavering dedication to democratic values, the rule of law, and global stability.

The European Union (EU) is the culmination of extensive efforts spanning several decades to integrate Europe. As per Article 49 of the Treaty on the European Union, any European nation that upholds democratic principles and demonstrates commitment to the rule of law is entitled to apply for EU membership. ⁽⁴⁾

The EU's crucial institutions, which wield significant influence over its operations, include the following: The European Commission; The Council of the European Union; The European Council; The Court of Justice of the European Union's; the European Parliament.

Central to the EU Civil Protection Mechanism stands the Emergency Response Coordination Centre (ERCC), a crucial hub enabling rapid and coordinated responses to emergencies, both within and outside the European Union. The primary roles of the ERCC encompass:

1. ERCC ensures that emergencies are met with a coordinated response by uniting the endeavours of member nations, civil protection specialists, and humanitarian entities;
2. The centre offers informational resources and analytical assistance to evaluate circumstances and facilitate informed decision-making;
3. ERCC aids in gathering resources and assistance from foreign nations and international allies, facilitating resource mobilisation;
4. The centre facilitates communication among nations, authorities, humanitarian organisations, and other participants involved in emergency response, enabling the exchange of information;
5. ERCC encourages the advancement of training and capacity development initiatives within its member nations.

Furthermore, the ERCC can provide financial assistance for the procurement and transportation of equipment, materials, and personnel needed to respond to emergencies (2006).

The Maastricht Treaty and other legislative measures of the European Union govern the process of joining the EU. It encompasses several significant stages:

1. The process begins with the submission of an application by a state that seeks to become an EU member;
2. The EU undertakes an evaluation of the candidate country's preparedness for membership, considering political, economic, legal, and other relevant factors;
3. The candidate state engages in negotiations with the EU to determine the terms, which encompass the conditions and reforms required for accession;
4. Securing EU membership for a new state demands unanimous ratification from all 27 member states, underscoring the necessity for approval from each EU member;
5. Upon completing the ratification process, the newly admitted country becomes a full member of

the EU and assumes all the privileges and responsibilities accompanying such status.

Established in 1949, the Council of Europe (CoE) is an intergovernmental body with a central mission of preserving human rights and promoting the rule of law.

The CoE's goals include:

1. Encouraging stronger connections between European nations.
2. Transforming Europe into a democratic realm.
3. Ensuring the preservation of human rights.
4. Collaborating with other European nations to coordinate activities and promote development within the Council.

Restating the fundamental objective of the Council of Europe, as outlined in its Statute,⁽¹²⁾ we can summarise it as follows:

1. Founded to foster enhanced collaboration among its member nations, the Council of Europe facilitates coordination among member states, addressing shared interests such as human rights, democracy, and the rule of law.
2. The Council of Europe safeguards and promotes the fundamental principles and ideals embedded in its common heritage. Its primary goal is to uphold universally recognised values, including human rights, minority rights, democracy, and the rule of law.
3. The Council of Europe strives to promote economic and social advancement among its members by establishing shared norms and standards, fostering collaboration in these areas, and ensuring adherence to these guidelines.

The Council of Europe's central bodies include the Parliamentary Assembly, the Committee of Ministers, and the European Court of Human Rights. Additionally, it establishes standards and conventions to safeguard human rights and fundamental freedoms, which member states are obliged to uphold.

The European Convention on Human Rights (ECHR)⁽³⁾ is a pivotal international agreement to preserve human rights and essential freedoms. Developed under the auspices of the Council of Europe, its primary aim is to safeguard individuals' rights across European member states.

The European Court of Human Rights (ECHR) allows individuals to lodge complaints if they suspect their country's authorities have violated their rights.

The European Convention on Human Rights⁽³⁾ safeguards a diverse array of rights and freedoms crucial for upholding the dignity and liberty of individuals across different spheres of life.⁽¹³⁾ These fundamental rights encompass:

1. The Convention ensures the right to life and enforces a ban on the death penalty, except when it aligns with internationally recognised legal standards.⁽¹⁴⁾
2. Prohibition against torture, inhuman, or degrading treatment ensures freedom and personal integrity.
3. Freedom of thought, conscience, and religion is ensured, encompassing the liberty to articulate one's convictions openly and to reject any religious affiliation or belief system, among other freedoms.
4. The rights and freedoms referenced are universally recognised across all Council of Europe member nations, serving as the foundational principles defining the European standard of human rights.

The OSCE is the largest regional intergovernmental organisation focused on security. It comprises 57 member countries across Europe, Asia, and North America. The OSCE's mission is to promote peace, security, and prosperity by addressing various complexities and risks, including those in the military, political, economic, environmental, and humanitarian spheres.⁽¹⁵⁾

OSCE's primary areas of focus encompass:

- The OSCE engages in diverse peacekeeping missions aimed at resolving conflicts and reinstating stability across various global regions;
- The OSCE addresses a range of global challenges, including terrorism, the spread of weapons of mass destruction, human trafficking, and other threats;
- OSCE backs educational and scientific initiatives aimed at fostering the advancement of knowledge and research in security and defence;
- OSCE can offer humanitarian aid to nations impacted by natural disasters and technological catastrophes;
- The organisation advocates for the advancement of democratic institutions across different nations, showing its support for democracy;
- The OSCE acknowledges the safeguarding of human rights as a significant aspect of its endeavours;

- The organisation is dedicated to fostering integrity and openness within governmental institutions through its anti-corruption initiatives;
- OSCE is devising strategies to enhance governance effectiveness by developing mechanisms for streamlined management and decision-making processes.

The OSCE's centre is the Office for Democratic Institutions and Human Rights (ODIHR). It oversees legal reforms within member states and evaluates requests for specific legislative changes and existing laws, ensuring alignment with OSCE commitments, international human rights norms, and established methodologies. ⁽¹⁶⁾

Established in 1949, NATO is a prominent international military and political alliance. It plays a pivotal role in global security by ensuring the freedom and security of its member nations through political and military strategies aligned with the principles articulated in the United Nations Charter.

The North Atlantic Treaty Organization (NATO) currently comprises 31 member states. As per the North Atlantic Treaty established in 1949, the Alliance welcomes other European nations interested in embracing its principles and actively enhancing the security in the North Atlantic region. ⁽¹⁷⁾

Today, global trade is a highly dynamic facet of international economic interactions. The World Trade Organization (WTO) functions as the primary global trade regulator. Over 160 nations, including Ukraine, are members of the WTO.

Its goals determine the functions of the WTO:

- Assessing the condition of global trade and offering guidance on managing international trade is a vital function of the WTO;
- The WTO offers mechanisms for addressing trade disputes between its member nations, aiding in the prevention and resolution of conflicts related to international trade;
- The WTO plays a crucial role in fostering global trade standards and regulations, aiming to establish a harmonised framework for international trade;
- Overseeing the trade policies of nations, the WTO monitors its members' trade policies to ensure adherence to global trade regulations. It also tackles immediate international trade concerns and collaborates with countries to solve pressing issues.

DISCUSSION

Scholars in academic circles systematically explore the intricacies of the international legal system and the influence of international organisations upon it. Esteemed academics like Chaikovskiy, ⁽¹⁸⁾ Vasiliev, ⁽¹⁹⁾ Huliiev, ⁽²⁰⁾ Shamraeva, ⁽²¹⁾ Bochan and Mykhasiuk, ⁽²²⁾ Kozak et al., ⁽²³⁾ Bekhruz et al., ⁽²⁴⁾ Huzhva ⁽²⁵⁾ and Ryneyska ⁽²⁶⁾ have dedicated their focus to scrutinising the operations of these international bodies.

Researchers' difficulty grasping the "international legal order" concept underscores the need for deeper investigation in this field. It is crucial to delve into the fundamental concept of "legal order". Despite frequent usage in domestic regulatory frameworks, it needs a universally accepted definition. As the Great Explanatory Dictionary of the Modern Ukrainian Language states, ⁽²⁷⁾ "legal order" refers to a societal framework governed by laws.

Denysov ⁽²⁸⁾ suggests that modern international relations are defined by the presence of an international community governed by a distinct legal framework. This legal system operates on universally accepted principles of international law, illustrating the interplay between society and law on a global scale.

As defined by Tsvik et al., ⁽²⁹⁾ the principle of legality delineates the legal framework. It encompasses the state of normative regulation, organisation, and the orderly nature of social relations that emerge, exist, and operate through the practical application of legal norms.

Drawing from Karvatska's research, ⁽³⁰⁾ the scholar posits that the international legal order should be perceived as a state of overall orderliness in global relations. Other scholars emphasise that the international legal order forms a structure of international legal relationships built upon the norms of international law aimed at achieving objectives outlined by these norms.

CONCLUSIONS

The idea of "global security" surpasses "international security" and encompasses the overall functioning and progress of the global community. It establishes the essential prerequisites for humanity's survival, advancement, and well-being. Global security encompasses international security and various aspects of global significance, such as politics, economics, environment, military, space, and food security.

The journey of international organisations' development has been intricate, leading to ambiguity in defining and assessing what qualifies as an "international organisation" and its fundamental significance. International organisations represent a distinct form of collaboration and structure for cooperation among various nations across the globe.

Many countries are grappling with several common security and defence policy challenges, including the looming threat of global aggression. Facts have proved that maintaining the international legal framework

and ensuring global security are core issues in modern international relations, requiring new strategies and strengthening cooperation among countries.

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