

International Cooperation—International Organizations

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ABSTRACT

This chapter is devoted to the international organization as the legal form of international cooperation. It begins with an historical analysis, in which the author refers to the examples of ancient Greece and the local forms of cooperation between city-states, which are considered the precursors of today's international organizations. The author subsequently discusses the historical changes over the last two centuries that gave rise to contemporary international organizations. Examples cited include universal and regional organizations such as the United Nations, the Council of Europe, the European Union, and the North Atlantic Treaty Organization. The author uses these examples as the basis for examining the goals of international cooperation as well as the principles and axiology of international organizations. Particular attention is paid to the goals of the international community, such as ensuring international peace and security, building common collective security, developing the principles of a democratic state of law, and developing the protection of human rights.

In the following part, the author considers the attributes of an international organization that determine effective international cooperation. These include the right to conclude international agreements, the right to send and receive diplomatic representatives, the right to bring international claims, and the obligation to bear international responsibility. Conclusions regarding the role of states in creating international organizations and equipping them with specific competences in the sphere of international relations are important in this respect.

This is fundamentally a question about the scope of subjectivity and legal capacity to act in the sphere of international law. In the penultimate part, the author considers the role of the organs of an international organization in making cooperation more effective and introduces categories of organs by dividing them according to various criteria. The paper ends with reflections on the changing needs of states and the international community that affect the goal of international cooperation and the legal form of its implementation, i.e., an international organization.

KEYWORDS

international organization, international cooperation, United Nations, North Atlantic Treaty Organization, Council of Europe

1. Introduction

States participating in contemporary international relations have at their disposal three basic instruments of cooperation. These include: an international agreement, diplomacy, and an international organization. This chapter is dedicated to

international organizations as an instrument of cooperation between states and other subjects of international law.

The analysis will cover historical issues, selected international organizations in terms of the purpose of their activities, cooperation as an instrument serving this purpose, and the legal basis for their operation and their structures. The most important organizations in the region of Central and Eastern Europe will be presented in detail. This analysis will therefore cover issues related to the institutional aspects of cooperation, the purpose of establishing an international organization understood as an instrument of cooperation, the specificity of the region, including the cross-border effect, as well as cooperation at many levels, including both governmental and regional, and last but not least the role of local governments and the activity of and the role of non-governmental organizations. The summary will present the conclusions about the dynamics of the phenomenon of international cooperation, the subjects of this cooperation, and their role and trends in terms of the goal and motives of the changing globalized international and supranational reality from the perspective of regional reality.

2. International cooperation—historical aspects

Historians of the law of nations¹ look for the first international organizations in antiquity. As an example, they point to ancient Greece, where *amphictyonies* and *symmachias* functioned.² The first was a union focused on religious and political cooperation, the second on political and military cooperation. According to Zbigniew Doliwa-Klepacki, “in terms of structure and organization, these organizations were similar to contemporary international organizations. Their members comprised the Greek states. They had permanent organs. The supreme body was composed of delegates from all member states. It met several times a year. This body, in turn, chose the executive body. The amphictyonies had permanent locations, which were one or more temples. The priests of these temples performed the functions of the administrative organ. The member states sent gifts to the temples on a relatively regular basis, which were kept in the temple treasury. These gifts constituted a form of contributions paid by the member states in modern international organizations. One of the most famous amphictyonies was the Delphi-Thermopylae amphictyonia, which consisted of 12 countries.”³ Political and military cooperation within the framework of the symmachia looked slightly different. The same author explains that “they had organs similar to the amphictyonia, and their seats were located in one of the Greek temples as well. In some of them, such as the Athenian-Delian League, instead of gifts sent to temples, an obligation to pay regular fees to the common fund was introduced. The

1 For more on this topic, see Grewe, 2000, p. 7.

2 Bierzanek and Symonides, 1998, pp. 33–35.

3 Doliwa-Klepacki, 1997, pp. 31–32.

most important *symmachias* were: the Peloponnesian League, known as the Spartan League, and the Athenian-Delian League, known as the Athenian Maritime Union. The first was founded in the second half of the 6th century BC and disbanded in 371 BC, while the second was created after the Persian wars in 477 BC and fell apart in 355 BC. In the period of its greatest prosperity, the Athenian-Delian League consisted of over 300 states.⁴

Unfortunately, it is difficult to find an analogy in the case of ancient Rome, which became the hegemon in contemporary reality. There were arbitration commissions whose task was to settle disputes between Rome and other countries, but it is difficult to find in them a cooperation in the nature of a partnership. The assumptions of *civitas maxima* were actually aimed at creating a universal state rather than cooperation. Similar assumptions regarding potential cooperation within international organizations can be observed in the Middle Ages, when the idea of a universal Christian state was implemented, in which the pope played the dominant role, or a universalist secular state, with the dominant role of the emperor. Unfortunately, these factors did not contribute to the development of the international organization as an instrument of cooperation during this period.

The first international organizations, similar in nature to those that function today, were established about 200 years ago. They took the form of international technical cooperation. Their emergence in the area of international relations was a consequence of cross-border contacts between states that established at the same time the objective of mutual cooperation between these states but which was rather limited compared to the present era.

The perspective and needs of international cooperation have changed historically when its goal became that of ensuring international security. Building a collective security system⁵ forced states to institutionalize cooperation. It began to take the shape of permanent organs that could continuously monitor the situation and came to be seen as the best instrument to achieve the new goal of international cooperation. As a result, new entities of international cooperation emerged—international organizations—and their functions, tasks, and competences were significantly modified from those of the original entities. This new catalogue of subjects of international law was also associated with concerns, as expressed in literature, regarding the maintenance of sovereignty and the role of central bodies in making key decisions in the sphere of international relations. It was, however, also associated with the hopes of the international community, obviously related to assuring international peace and security in the first place, but also, as Jerzy Menkes and Andrzej Wasilkowski write,

“these hopes resulted from the expectations that international organizations, without destroying nation states, would be able to moderate the behavior of states, ensuring the implementation of the collective interest, protection of

4 Ibid., p. 32.

5 For more on this topic, see Zięba, 2006, p. 77.

the common good, and the generally recognized values common to the family of nations. Moreover, by supplementing the functions of the nation-state on the one hand and limiting its role on the other hand, these organizations will become an important factor in building an institutionalized international community, implementing an internalized normative system—the desired axiological order.”⁶

Of course, in this case, international peace and security became the basis of the axiology of cooperation, which over time was supplemented by such overriding values as the protection of human rights.

Attempts were made to describe the twentieth century as the “century of international organizations.” Their significant development, the increased number of regional organizations, the expansion of the scope of cooperation, the creation of non-governmental organizations, and the enormous increase of their importance within international relations contributed to this line of argument. At the same time, the basic goal of international cooperation is defined as “the protection of peace and the strengthening of law by institutions.”⁷ As J. Menkes and A. Wasilkowski write, “in this emerging and created international order, a significant place belongs to international organizations, active entities in international relations, thanks to which the new universalist international order will be an order that respects rights and freedoms, including the diversity of individuals, groups, states, nations and peoples. Successive international organizations are focused on ensuring security through law (treated as a value) closely related to the system of institutions ensuring its implementation.”⁸

3. Goals of international cooperation

International organizations are essentially created so that the entities that create them might achieve specific, common goals of international policy. For this reason, international cooperation appears as an instrument for the implementation of common international policy goals that can be pursued by both states and other entities participating in international relations.⁹ These goals are included in the act constituting a given organization. The Charter of the United Nations (1 UNTS XVI) can be cited as a classic example. It gives “maintaining international peace and security” as its basic goal, which consequently makes it the main goal of cooperation implemented within the framework of the United Nations. At the same time, it should be stressed that a number of further provisions of the Charter refer in detail to the manner of achieving this goal. States cooperate to maintain the peace by applying the

6 Menkes and Wasilkowski, 2004, p. 10.

7 Franceschet, 2001, p. 212.

8 Menkes and Wasilkowski, 2004, p. 17.

9 For more details on this topic, see Simmons and Steinberg, 2006, pp. 18–28.

Charter and following the procedures set out therein. J. Menkes and A. Wasilkowski write that,

“The Charter provides for the application of collective measures to prevent threats to peace and eliminate these threats, to deal with or settle international disputes or situations that may lead to a disturbance of peace, by peaceful means, in accordance with the principles of justice and international law. Therefore, in further provisions (Chapters VI and VII), the Charter defines various procedures for the peaceful settlement of disputes (Chapter VI) and actions that may be taken in the event of threats to the peace, breach of peace and acts of aggression (Chapter VII), including the adoption of sanctions by the Security Council without the use of armed forces, and when this proves insufficient—with the use of armed forces.”¹⁰

It is a new dimension of international cooperation based on the experience of the League of Nations. However, there are still serious shortcomings, in particular the voting method in the Security Council and the possibility of exercising the right of veto by a permanent member or members of this body, especially when the matter concerns this entity or several entities. The situation of aggression by the Russian Federation on the territory of Ukraine is the most recent example of the far-reaching shortcomings of this cooperation mechanism in the light of the United Nations Charter. It should be noted, however, that

“in the pursuit of maintaining peace, the Charter is not limited to diplomatic procedures and sanctions. (...) It considers the issue of ensuring peace in a much broader context. Under this new philosophy, preserving peace cannot be just a matter of diplomats, procedures and sanctions, but requires greater justice in respect to both relations between nations and within states. This is reflected in many provisions of the Charter and practical initiatives undertaken within the United Nations.”¹¹

Another goal of international cooperation implemented within the United Nations concerns the development of friendly relations between nations. The content of the Charter states that

“such relations are to be based on respect for the principle of equality and self-determination of peoples, treating it as an important factor in strengthening universal peace. The practice of the United Nations has developed these rather succinct provisions of the Charter. Two resolutions of the General Assembly were of particular importance here: Declaration on Principles of

10 Menkes and Wasilkowski, 2004, p. 38; de Wet, 2004, pp. 133–145.

11 Menkes and Wasilkowski, 2004, pp. 38–39.

International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nation (2625 / XXV of October 24, 1970) and Declaration on the Granting of Independence to Colonial Countries and Peoples (1514 / XV of December 14, 1960).¹²

Moreover, J. Menkes and A. Wasilkowski indicate another important goal and, at the same time, the method of “developing international issues through cooperation.” According to the authors,

“The Charter lists economic, social, cultural and humanitarian issues. It also announces the promotion and encouragement of respect for human rights and fundamental freedoms for all, irrespective of race, sex, language or religion. These provisions of the Charter in particular refer to the deeper sources of conflicts arising from various types of injustice and discrimination, and which may pose a threat to international stabilization and peace.”¹³

When analyzing the United Nations as a whole—its legal character and the universal nature of its actions and general competences—a basic and, at the same time, general goal should be noted: the “establishment of a center for harmonizing the actions of nations aimed at achieving the goals set out above”¹⁴ (...), while “in time, the entire system of influencing the processes taking place in the world through international cooperation has developed.”¹⁵

When analyzing the goals of international cooperation pursued within international organizations, the regional aspect and the specificity of the matter in Central and Eastern Europe should be taken into account. The global organizations that undertake cooperation with universal goals in mind are not the only ones actively operating in this area. Other organizations that are active include the Council of Europe or the European Union, whose activity is even more visible and seems to better reflect the need for cooperation between the countries of the region, taking into account its regional identity and dynamics. The Council of Europe is probably the most important and largest in this regard. This body is a regional extension of activities aimed at consolidating peace and cooperation between states in general. The preamble to the Statute states that “that the pursuit of peace based upon justice and international cooperation is vital for the preservation of human society and civilisation.”¹⁶ Moreover, the Statute refers to the spiritual and moral values “which are the common heritage of their peoples and the true source of individual freedom, political liberty and the

12 Ibid., p. 39.

13 Ibid.

14 Ibid. See also Evans, 2003, pp. 269–271.

15 Menkes and Wasilkowski, 2004, p. 40. Cf. Cassese, 2005, pp. 320–322.

16 Preamble of the Statute of the Council of Europe of 1949 (ETS No. 001). See Moecklin, Shah and Sivakumaran, 2014, pp. 442–446.

rule of law, principles which form the basis of all genuine democracy.”¹⁷ Therefore, the goal of international cooperation within this organization is a common axiology understood as the realization of values, and governments wanting to “create an organisation which will bring European States into closer association”¹⁸ decided to establish the Council of Europe “for the maintenance and further realisation of these ideals and in the interests of economic and social progress” and because “there is a need of a closer unity between all like-minded countries of Europe.”¹⁹ The statute of the Council of Europe lists the aims in detail and concisely in Art. 1, which are the achievement of greater unity among its members, in order to protect and implement the ideals and principles which constitute their common heritage, and to facilitate their economic and social progress. Moreover, as stipulated in Art. 1(c) of the Statute, “Participation in the Council of Europe shall not affect the collaboration of its members in the work of the United Nations and of other international organisations or unions to which they are parties.”²⁰ and “Matters relating to national defence do not fall within the scope of the Council of Europe.”²¹

The North Atlantic Treaty of 1949 (34 UNTS 243), whose basic goal is to assure the security of this geographical area, is a very interesting study subject.²² The preamble of this document reads that “The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.”²³ Moreover, the parties indicate in Art. 2 some other goals of international cooperation in addition to peace and security of North Atlantic region. These include “strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded” and “promoting conditions of stability and well-being,” and to “seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.”

It should also be noted that the goals of international cooperation, both at the global and regional levels, may undergo modifications. The shape of the international community is changing, and the problems that require a response are changing too, and the original purpose of cooperation may in the end change as well. The first European Communities, created as forms of economic cooperation within selected narrow sectors of the economy such as coal, steel, or nuclear energy, can serve as an

17 Moecklin, Shah and Sivakumaran, 2014, pp. 442–446.

18 Ibid.

19 Ibid.

20 Art. 1(c) of the Statute of the Council of Europe.

21 Art. 1(d) of the Statute of the Council of Europe.

22 Horoşanu, 2014, p. 17.

23 Preamble of the North Atlantic Treaty.

example. Over time, economic cooperation in such selected sectors was extended to become the European Economic Community and to create a European Union with a common internal market. The domain of cooperation in the field of human rights, which is evolving not only institutionally but also materially within the Council of Europe, is another example. The Member States modify initially established institutions for cooperation in the field of human rights protection and adopt additional protocols, through which the catalogue of human rights and fundamental freedoms is expanded. The UN agenda and priorities have also changed many times, although without fundamental changes to the UN Charter.²⁴

4. The rules of international cooperation within the scope of international organizations

Analysis of the principles of international cooperation prompts us to reconsider the general global thread, especially in the case of organizations such as the United Nations, and then, against this background, the specificity of regional organizations. The principles of cooperation are a natural consequence of the organization's goals. At the same time, they seem to result from a number of other factors, such as the legal cultures of the modern world²⁵ or the legal standard applied amongst a given group of states, most often of a particular region, which is the case for both the European Union and the Council of Europe.²⁶

The issue of the principles of cooperation once again refers us to the UN Charter, because “the principles formulated in the UN Charter (Art. 2) define the nature of contemporary international law and the position of states in the international community.”²⁷ It is worth focusing on the five basic principles of this cooperation. First is the principle of the sovereign equality of states. According to the Charter, it comes first because international law has developed the assumption that states, as the primary subjects of this right, are sovereign. It is emphasized in the literature that although:

“The Charter does not define sovereignty, and does not even use this concept directly (...), it is important because it facilitates the evolution of the understanding of sovereignty, so needed in the world of growing international ties and the increasing role of international organizations (in relation to the Member States as well). The term ‘sovereign equality’ used in the Charter relates primarily to equality before the law.”²⁸

24 For more on challenges for the UN on the threshold of the new millennium, see Moore Jr. and Pubantz, 2006, pp. 62, 118.

25 Broude and Shany, 2008, p. 295.

26 For more details on this topic, see Mik, 2019, pp. 5–32.

27 Menkes and Wasilkowski, 2004, p. 40.

28 Ibid.

Another very important principle of international cooperation from the point of view of the certainty of international relations is the principle of fulfilling obligations in good faith, which is anchored not only in the UN Charter, but also in the law of treaties, the centuries-old tradition of international law, and a number of acts of derivative law.²⁹ It is also impossible not to mention the principle of peaceful settlement of disputes and the principle of refraining from the use of force and the threat of its use, its natural consequence. From the perspective of the aggression of the Russian Federation and the war waged on the territory of Ukraine, the above-mentioned principles of international cooperation implemented within the United Nations are of particular importance.

The above-mentioned principles of international cooperation, expressed in the UN Charter, are contained in the provisions of the North Atlantic Treaty, which in Art. 1 states that

“The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.”³⁰

In order to achieve its goals, the states-parties have established the principle of self-help and mutual aid as principles of international cooperation. Pursuant to Art. 3: “In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.”³¹ Detailed principles of cooperation are also included in the principle of consultation, expressed in Art. 4 of the North Atlantic Treaty, which states that “the Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.”³²

The issue of the principles of cooperation is presented extensively in the Statute of the Council of Europe which stipulate the fulfillment of its aims “by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal, and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms.”³³

29 The principle of *pacta sunt servanda* is based in the Vienna Convention on the Law of Treaties of 1969 (1155 UNTS 331) or the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nation of 1970.

30 Art. 1 of the North Atlantic Treaty.

31 Art. 3 of the North Atlantic Treaty.

32 Art. 4 of the North Atlantic Treaty.

33 Art. 1(b) of the Statute of the Council of Europe. For more on the support given to states by the Council of Europe to help them achieve common standards in specific fields, see Karski and Oręziak, 2022.

5. Attributes of an international organization determining effective international cooperation

International organizations, as instruments of international cooperation, are as a rule established by states in order to achieve specific goals in foreign policy. This is not an easy undertaking. The goals set are sometimes ambitious and their implementation difficult, sometimes even impossible. However, an international organization must be equipped with certain minimum attributes that will enable it to function in the international community and at the same time to take actions that have legal effects.³⁴

The most important aspect is that international organizations operating in the contemporary international community are subjects of international law insofar as the states that create them under an international agreement provide them with attributes to undertake specific actions in the area of this law and international relations. The literature lists three such basic attributes: 1) *ius tractatum* (the right to conclude international agreements); 2) *ius legationis* (the right of passive and active legation), i.e., the right to receive and send diplomatic representatives; 3) *ius standi* (the right to bring international claims and the obligation to incur international liability).³⁵

The same attributes are of course enjoyed by states in the sphere of international law. However, the scope of granting them to an international organization determines the powers of the bodies and, consequently, the effectiveness of actions. All these attributes comprise the issue of subjectivity in the light of international law. Of course, international organizations do not enjoy the same scope of subjectivity as states, which are the only original subjects of this right. As is emphasized in the literature,

“the subjectivity of intergovernmental international organizations has been assigned by the member states and has a scope defined by them. The existence of an international organization depends on the will of the founding states. An international organization will be created if states decide that the organization is capable of being subject to certain rights and obligations, and that it has the ability to produce legal effects by its own action. The subjectivity of the organization is therefore derivative, not primary.”³⁶

In addition, a very important element in considering the effectiveness of international cooperation within international organizations concerns its legal capacity.³⁷ In this area, there are fundamental differences between primary and derivative subjects of international law, for

34 For more on this topic, see Sarooshi, 2007, pp. 54–64 and the literature quoted therein.

35 Kuźniak, Marcinko and Ingelevič-Citak, 2017, p. 12.

36 Ibid.

37 For a detailed discussion, see Portmann, 2013, p. 7.

“the scope of an organization’s legal capacity results from the provisions of its statute, from the goals set for the organization, and from its powers. The extent of an organization’s ability to produce legal effects is not identical to that of a state. Individual organizations also have different scope of legal capacity. The legal capacity of international organizations is limited in relation to that of the state, and this limitation varies in scope for individual organizations. In conclusion, it should be stated that the subjectivity of international organizations derives from the will of the states that created them, and therefore has a derivative character, and that it is limited by the function that, according to the statute, a given organization is to perform.”³⁸

Sometimes the provisions of the agreement establishing a given organization contain provisions on legal personality and legal capacity in the area of internal law of the states. Art. 104 of the UN Charter can be quoted as an example, under which “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 fulfillment of its purposes.”³⁹

However, the most important attribute of an international organization, which determines effective international cooperation, is the right to adopt legislation by the bodies of such organization. If the organization has such powers, achieving the goals for which it was established becomes realistic. Although the resolutions of the bodies of international organizations are not listed in the Statute of the International Court of Justice as the basis for adjudication from which the doctrine derives the catalogue of sources of international law, they are considered as such if they meet certain conditions. The literature lists three of them: 1) it is a resolution of an intergovernmental (not non-governmental) organization; 2) it is a binding resolution (and therefore not an appeal or a resolution whose value is embedded mainly in the moral and political sphere, and legally it constitutes at most a *de lege ferenda* postulate); 3) it is a resolution of a normative / law-making nature (i.e., one that creates and not only applies legal norms; by way of illustration, a resolution of an intergovernmental organization on admitting a new member to the organization, despite the fact that it is a resolution adopted by a government organization and is binding, is not a source of law as it does not create new legal norms, but is only an application of the statute).⁴⁰

This system has developed most extensively relatively in the European Union, where regulations, directives, and decisions have the status of supranational law. In classical international organizations, the resolutions of the organs are not always directly enforceable.⁴¹ Sometimes states retain the right to withdraw from applying these resolutions. However, most of the adopted resolutions concern the standardization of technical issues and their content is negotiated so that, as a rule, it does not raise any

38 Kuźniak, Marcinko and Ingelevič-Citak, 2017, p. 12.

39 Art. 104 of the Charter of the UN.

40 Kuźniak, Marcinko and Ingelevič-Citak, 2017, p. 24.

41 Danilenko, 1993, pp. 190–192.

objections in the implementation process. Effective international cooperation actually depends on the adoption and implementation of such resolutions in such areas as, for example, technical cooperation in the field of international transport or civil flights.

6. The bodies of international cooperation within the scope of international organizations

International cooperation could not be implemented without the bodies of international organizations. By concluding an international agreement establishing an international organization, the states-parties create bodies that are empowered to undertake specific tasks. By exercising these powers, the founding members aim to achieve the goal of an international organization through these bodies. The issue of international cooperation pertains both to relations between states and to the relationships between the bodies created. Permanent bodies of international cooperation within the framework of an international organization must cooperate both with the founding states and internally within the framework of their powers, while implementing the purpose for which the organization was created.

The bodies of international organizations have diverse structures. Usually there is a group of “principal” organs, as defined in the founding treaty, and subsidiary organs that may be constituted by the principal organs as required, through derivative legal sources. By way of example, we can mention the principal organs of the United Nations, including the Security Council, responsible for the maintenance of international peace and security, which, in accordance with the UN Charter, may establish subsidiary organs. Sometimes their existence is explicitly provided for in the Charter, such as the Military Staff Committee, whose role is “to advise and assist the Security Council on all 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.”⁴² The Security Council has also created other subsidiary bodies, including *ad hoc* judicial bodies, i.e., the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.⁴³ A number of examples can be found in other international organizations. In the European Union, the General Court (today the Court) was created as an auxiliary body of the Court of Justice (today the CJEU). In other international organizations, auxiliary bodies are also established, often of an advisory, expert, and monitoring nature.

42 Art. 47(1) of the Charter of the UN.

43 Although the establishment of these judicial bodies was related to a number of controversies as to whether the Charter gives the Security Council the right to establish judicial bodies at all, nevertheless these courts were created by resolutions and effectively functioned as auxiliary bodies of the UN Security Council, and the international community recognized them as bodies responsible for supporting the process of maintaining peace and international security. See Karski, 1993, pp. 74–75.

As a rule, such bodies are equipped with powers to work toward the achievement of the goal of such international cooperation. The exercise of these powers and their performance in good faith is usually based on internal regulations, and the agreement establishing an international organization usually contains fairly general provisions regarding the powers of specific bodies. There are many classifications of the bodies of international organizations in the literature. One of them is

“the division made according to the function criterion:

- supreme bodies (making the most important decisions);
- management bodies (with executive powers);
- administrative bodies (various secretariats⁴⁴);
- audit bodies (courts of auditors, audit committees);
- bodies for the peaceful settlement of disputes (permanent courts, arbitration tribunals, conciliation commissions, mediation bodies);
- consultative bodies (facilitating the cooperation of the above-mentioned bodies);
- expert advisory bodies.⁴⁵

Another division could be made based on the

“legal nature of the members:

- bodies associating representatives of states represented by their heads, heads of government or representatives of individual ministries;
- bodies associating international officials;
- bodies associating representatives of the economic and social communities of the Member States;
- parliamentary bodies, associating members of parliament elected directly by the people of the Member States or representatives of parliamentarians of the Member States, delegated by national parliaments;
- mixed bodies, associating different categories of the above-mentioned individuals.⁴⁶

The authors distinguish the following bodies according to the criterion of the number of their members⁴⁷: plenary bodies, i.e., associating the representatives of all member states; bodies with limited composition such as e.g., UN Security Council.

The following bodies are defined based on the criterion of their significance: principal bodies; subsidiary bodies.⁴⁸

44 See Zacklin, 2012, pp. 2–6.

45 Kuźniak, Marcinko and Ingelevič-Citak, 2017, p. 16.

46 Ibid.

47 Ibid.

48 Ibid.

The task of permanent bodies of international organizations and employees employed by way of competitions is to maintain continuous cooperation between countries and ensure its proper level, nature, and achievement of the purpose for which it was established. Thus, such bodies are an inherent element of the stability of international cooperation carried out within an international organization. They belong to an institutional system and an international structure that, as a team of administrative officers from the Member States, ensures the continuity of operations and continuing dialogue between the Member States at the various levels of their bodies.

7. Conclusion

As international cooperation within an international organization needs to be formalized, the states conclude international agreements to define the legal foundations of this cooperation and the rules governing it. Permanent bodies distinguish an international organization from other cooperation instruments, such as diplomacy. The latter has the character of bilateral cooperation, while within an international organization cooperation is multilateral. Therefore, it allows for dialogue between a greater number of entities participating in international relations. In the practice of international organizations, cooperation is a permanent dialogue between the states participating in a given organization. Another feature of cooperation is a certain permanent agenda of sessions held by collective bodies, marking the next stages of international dialogue. Cooperation procedures can, of course, cause some difficulty. However, these are mostly carried out on the basis of acts of internal organs, which can be modified much more easily than international agreements and according to the needs of effectively implemented cooperation.

States cooperate in the area of international relations, implementing strictly defined goals of cooperation. The historical development of such institutions can indicate the integration of states due to common goals that can be more easily achieved when states cooperate with each other. Obviously, an international organization is a certain legal and structural form of international cooperation. This form facilitates the stabilization of that cooperation, which in turn facilitates the achievement of its goals through joint actions.

There are many international organizations globally, which constitute the legal forms of international cooperation, ranging from universal organizations, such as the United Nations and its specialized organizations, to a number of regional organizations centered around a group of countries, geographically and culturally operating in a given region. Naturally, the goals of cooperation in these two cases will be different, just as the principles or axiology on which the countries of the region are based will also be different. At the same time, it should be stressed that the goals of international cooperation are evolving. Changes take place depending on the needs of the changing reality.⁴⁹ Nevertheless, the need for international cooperation has remained unchanged for centuries.

49 See Boasson and Nurock, 1973, pp. 20–31.

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