

## **SHIFTING AUTHORITY AND RESPONSIBILITIES, THE ROLE OF INTERNATIONAL ORGANIZATIONS IN THE EVOLVING INTERNATIONAL SYSTEM**

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### **Abstract**

The actions of international actors, particularly states, can be authoritative within self-determined scope and bounds because they play the central role in the creation of international law itself. International organizations, in turn, operate within the bounds set for their foundational charters, which outline their goals and missions. Accountability is normally brought into the context of international relations in cases of failures to act on duties or action beyond authority. Under international law, an international organization may also be legally accountable if it acts or makes decisions which interfere negatively with the rights of third parties. This principle was based on a commitment to justice and the rule of law.

There is considerable debate among international experts and scholars regarding the need to strengthen the oversight mechanism with a view to drawing up the lines of responsibility more distinctly on the part of international organizations. The authority's scope and, subsequently the sphere of responsibility, differs enormously depending on each organization's purpose and structural make-up. For example, while in some regional organizations the transfer of sovereignty is not envisaged, in those international actors with a sui-generis structure, such as the European Union, the Member States are said to share powers with the main actor and these would include the right to opt out of certain decisions, formally establish the illegality of a decision, withhold membership contributions, withdraw from the organization, demand a majority or appeal to the International Court of Justice. International organizations, authority and responsibility in the international system, international law.

*Keywords:* International organizations, authority, responsibility, international system, international law.

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### **1. Introduction**

The constantly shifting configurations of global interaction are characterized by the coexistence of a considerable number of international organizations that each perform a defining role in shaping the world order. These entities, spread out over various fields, have the capacity to perform unique functions and bear specific responsibilities on the international system. Overarching the study of international relations is the need to comprehend the manifold influence of global governance on the international system. The worldwide community is in a complex period that embraces such situations as the detrimental reality of climate change, international conflicts, and health crises of the public. The other international organizations congress the decision round the information provided to demonstrate the compatibility and compilation on the site. In such research, the role of international organizations is investigated from different angles including their legal obligations, the power they have in the global sphere

and their normative control over national states. The current study is particularly focused on the present in which we look at the events that are being a threat to the global arena. This survey aims to identify the disruptive effect of international organizations on global politics, presenting perspectives on their actions in diplomacy walking through the complex paradigm of international relations and their contribution to global responsibility in resolving the contemporary world, in the process.

## **2. Methodology**

A comprehensive and exhaustive exploration of the pertinent scientific literature was carried out using diverse sources. A broad and comprehensive search was conducted in various sources, including online databases such as Google Scholar, Researchgate and Dergipark (Turkish database system), including scientific books, scientific articles and journals indexed in EBSCO, SCOPUS and WEB OF SCIENCE, etc. The search was carefully conducted with the help of specific keywords such as “authority”, “responsibilities” and “legal personality of international organizations”. In this context, we implemented strict screening criteria to ensure the quality and relevance of the selected publications: a) inclusion of articles in English, Macedonian, and Turkish, as well as other relevant languages; b) Evaluation of books and articles, as well as international documents published only since 1945.

It is expected that this study on the impact of international organizations on the international system in terms of their authority and responsibilities will have an extensive and rigorous collection of literature based on the criteria outlined above.

## **3. Theoretical framework**

### **a. Legal framework of the international organizations**

When we consider the powers of states, which are international actors, they, being the makers of international law, are not subject to any permissions concerning the establishment and utilization of their powers. In other words, states can exercise their powers without any permissions other than the limitations they set for themselves. However, this does not apply in the same way to international organizations. International organizations can only operate within the framework of the powers granted to them within the scope of their purposes and responsibilities (Çakmak, 2014). In other words, international organizations have the freedom to operate within the bounds of the authority defined in their founding agreements.

The fundamental condition for bringing liability to the forefront is based on the legal grounds of violating duties and exceeding the limits of authority in international relations. In this context, it is firstly asserted that, owing to the legal personality of the international organization, it holds international legal responsibility in case it infringes upon the rights of third parties through its legal actions and decisions. In this context, it is accepted that there is an obligation and responsibility to work by various legal principles, especially the principle of equity, as well as the principles of justice and the rule of law, which are the fundamental principles of law. In this regard, it is believed that there is an obligation and responsibility to work in accordance with

various principles, particularly the principles of equity, fairness, and the rule of law (Ноча, 2020).

However, some authors argue that organizations should anticipate the existence of more effective and efficient mechanisms to oversee their responsibilities (Филиповски, 2020). In this context, when discussing international organizations, the United Nations, which has a universal character, often takes center stage. The organization's primary mission to establish peace and security is of paramount importance.

As part of peace operations more than once throughout history, the UN recognized its obligation for actions inconsistent not only with the international law within the framework of peace operations but also agreed to pay or pay back for the wrongs it did. On the other hand, the UN may as well start judicial proceedings comprised of nations which are in breach of international law, and therefore, it is a way to bring out the responsibilities of the countries and/or impose the sanctions. Ordinarily, the International Court of Justice, serves as the judge for judicial decisions.

The powers and responsibilities of international organizations vary depending on the specific duties of each organization. In this regard, the functions of international organizations, whose primary role is to facilitate cooperation among states, are considerably more limited compared to those of states. The extent of an international organization's powers is determined within the scope of its duties and can involve the transfer of certain sovereign powers of states, depending on the organization's structure. In the case of regional organizations, sovereign powers are typically not transferred. However, when we consider the European Union (EU), member states may partially or even entirely transfer their sovereignty. This highlights the extensive authority of the EU. Consequently, because of this delegation of authority, particularly in the EU, member states may seek the implementation of decisions made within international organizations.

Due to the varying positions of member countries in international organizations, especially those in the minority, they often possess certain rights in the decision-making process. These rights include:

- The right to refrain from implementing a decision.
- The ability to implement a decision while explicitly stating its illegality.
- Choosing not to pay the contribution or membership fees to the organization.
- Opting to withdraw their membership.
- Making efforts to secure a majority in the UN councils or seeking recommendations from the International Court of Justice (ICJ).
- Within the EU, the right to appeal to the European Court of Justice is acknowledged (Љубомир Данаилов Фрчкоски, Сашо Георгиевски, Татјана Петрушевска, 2012, стр. 389).

### **b. Types of authority granted to international organizations**

Another issue that needs to be addressed within the scope of their powers is the way organizations operate. The supervision of states regarding the activities carried out by organizations in line with the studies conducted, and the imposition of sanctions in the continuation of this supervision represent another dimension of the organization's authority (Pazarci, 2013, p. 125). The bases on which the powers of international organizations are stated

consist of either the provisions specified in their founding agreements, or the decisions taken by the organization. In terms of determining the legal personality of international organizations, their powers are determined in line with the approaches put forward as well as their basis. The issue of determining the powers of international organizations has been a matter of debate among authors. While some authors divide the powers of international organizations into two groups: powers arising from the founding agreement and implicit powers, others have examined them as three different subjects: implied, attributed, and inherent. Below, the powers of organizations will be examined in three separate points (Emilie M. Hafner-Burton and Alexander H. Montgomery, 2006).

Implicit powers, unlike other types of authority, are a type of authority defended by authors with a subjective approach. Although implicit powers fall between attributed and natural powers, the reason for asserting this type of authority is the inability to specify all the powers of international organizations in their founding agreements. Furthermore, the powers of organizations may change over time, and it is unclear what kind of powers the organization will need in the evolving world order (Blavoukos, S., & Bourantonis, D., 2024).

Attributed powers refer to the powers of international organizations that are clearly stated in their founding agreements. These powers, which Klabbers describes as explicit powers, result from the will of the states in the founding agreement, and attributed powers depend on the states' will (Emir, 2021, p. 90). Today, this approach is not accepted in terms of international law.

Natural powers, on the other hand, argue that international organizations have powers not because they are explicitly stated in the founding agreement but because they have gained the status of an international organization through their existence. In the natural powers approach, international organizations are recognized as legally independent entities, and it is argued that they acquire their powers through this independent personality. This approach, in contrast to the implicit powers approach, is advocated by authors who adopt the objective approach.

The principle of attributed powers is an approach that argues the personality of international organizations depends entirely on their founding treaty and states that they have powers as specified in the founding treaty. In this approach, the powers of international organizations are restricted by the funding agreement (Hoca, 2023, p. 159). This approach is not widely accepted today since the powers of international organizations depend entirely on the founding members. On the other hand, the principle of natural powers is an approach that, unlike attributed powers, sees international organizations as completely independent of the founding members and the founding treaty. It argues that they naturally have powers due to their existence.

Among these types of authority, the most important reason the currently accepted approach is the principle of implicit powers is that it provides a balance between the principle of attributed powers, which evaluates the powers entirely within the framework of the founding member, and the founding agreement, and the principle of natural authority, which sees the powers of international organizations as completely independent of the founding treaty and founding members. Due to this feature, the principle of implicit authority provides strong control over international organizations by striking a balance between member states and international organizations in terms of both types of authority.

The use of these powers by the bodies of international organizations has led to the establishment of a legal system specific to international organizations. To be more descriptive, authors have noted that this legal system, created by international organizations, shares similarities with the

domestic legal systems of states. This system is also referred to as domestic law since it represents the legal framework of international organizations, which are considered a part of international law, given that they are established within the context of international organizations (Reports of ICJ Judgments, Advisory Opinions and Orders, 1973).

Within the framework of the principles that explain these powers, when we examine the designated powers from a functional perspective, we can identify three types of powers: rule-making authority, judicial authority, and administrative authority. While the rule-making authority of international organizations is closely related to the objectives of these organizations, it varies in terms of the forms and units within the organizations. With rule-making powers, these organizations establish rules that must be adhered to by the unit's operating under their umbrella. These rules are binding and exert influence on the member units due to their membership.

When we examine the judicial powers of international organizations, they appear as a type of authority that is handled within the framework of peaceful solutions. These organizations are tasked with preventing legal disputes in the international arena and resolving them in case they cannot be prevented. As a rule, judicial authority is exercised by the judicial body within the organization. Judicial authority is a type of authority that is applied not only to states in some organizations but also to units outside the state in certain organizations. Judicial powers are, as a rule, binding on member units, and compliance is mandatory (Traisbach, 2021).

The administrative powers of international organizations are discussed in two ways: in terms of the center of international organizations and in terms of the individuals under the authority of the organization. When considered centrally, it means having authority beyond the powers of the state in question, within the framework of a bilateral agreement made with the country where the organization is headquartered (Barnett, M., & Duvall, R., 2005). On the other hand, since the determination of issues such as the functioning of the organization and working conditions is at the service of the people working in the organization, some powers within the framework of the international organization are exercised by the people who manage the organization and work under the umbrella of the organization.

Within the framework of the analyzed powers, the legal personality of international organizations is discussed. Accordingly, the fact that international organizations have legal personalities means that these organizations have rights and powers in the international arena, as well as responsibilities. This is the most natural consequence of being a subject of international law. In this regard, international organizations can be held responsible for the damage caused by or to the international organizations, and these cases can be claimed against international organizations for compensation for the damage in question. International organizations must provide guarantees for compensation for these damages.

### **c. Responsibilities of international organizations**

The responsibility of international organizations constitutes an important topic in international law. This responsibility includes compensation for damages arising from the actions of international organizations. Organizations are accountable for the consequences of their activities, and this responsibility is like the liability of states for their own actions.

The most concrete example of compensation in terms of the responsibility of international organizations is the United Nations. The UN has accepted responsibility for the damage suffered within the framework of its missions and has taken important steps in terms of international law to compensate for the damage suffered. Within the scope of their authority, international organizations have the power to impose sanctions on member countries due to their sovereignty over member countries and because member countries are obliged to comply with the rules of international organizations. The mechanisms and situations envisaged for the implementation of sanctions in case the member country does not comply with the provisions of the founding treaty are included. The mechanisms and situations in question are listed as follows:

- Terminating its membership: International organizations may opt to terminate the membership of a non-compliant member country.
- De jure suspension, i.e., freezing the member country's participation in the organization's activities: This entails freezing the participation of the member country in the organization's activities as a formal measure (Rashica, 2019)
- De facto suspension of the member state's duties and powers: The member state does not acknowledge its duties and powers within the organization. (Coppieters, 2018).
- Deprivation of the voting right in case of non-provision of due contribution at the level determined by the founding agreement and required: A member state may be deprived of the voting right if it does not provide the organization with the relevant means.
- De facto suspension/ freezing of the voting rights of a member state: Sometimes, international organizations suspend or freeze the voting rights of a member state that does not act in keeping with the basic principles of the organization. (Dzehtsiarou, K., & Coffey, D. K., 2019).
- Application of collective measures: International organizations can apply collective measures to the member states in their aim to execute their mission and vision accordingly (United Nations Charter, Title VII, 1945).

These mechanisms and sanctions are important for their precautionary roles and means for enforcement that international organizations adopt toward member countries who have committed to abiding by the set rules and norms. In other words, international organizations play their role as "enforcers of laws" on an international level since laws in society provide ways to ensure order and harmony. With these mechanisms, international organizations try to bring about a situation that is appropriate and stable enough for countries to cooperate and live together in the international community.

#### **4. Conclusion**

International organizations, within the powers and responsibilities conferred on them by their establishing treaties, play an important role in the elaboration of international law and the system as a whole. In general, the powers and duties of organizations differ in the scope of their purposes and missions specified in their founding agreements. International organizations serve as major actors in international relations to assure cooperation between states in the treatment and solution of global challenges. Accountability demands taking action as part of the principles of equality, justice, and the rule of law. However, to what extent their powers can be effective and within what limits is still unfortunately open to debate today. The role played by

international organizations in rule-making, dispute resolution, and governance within their mandate provides a legal framework similar to domestic legal systems and promotes an orderly, sustainable, and predictable international environment. Therefore, the impact of international organizations on the international system is an undeniable fact. It continues to evolve further to meet the new challenges and opportunities facing the world in the 21st century.

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