

Sabina Kubas

Uniwersytet Rzeszowski
ORCID: 0000-0002-6581-7105

PARTIAL MEMBERSHIP OF AN INTERNATIONAL ORGANIZATION

Introduction

International organizations bring together entities whose functioning is based on similar assumptions. Membership is a lengthy procedure in which the entity obtains certain rights and obligations. Membership, which is a bond between the state and the organization, is usually full, with the possibility of making decisions influencing the activities of the organization.

Membership status in an international organization can be obtained primarily by states, but also by international organizations (e.g. EU in IRENA). These entities also include dependent territories (e.g. the Cayman Islands in UNESCO) and groups of entities (e.g. Suriname in the Universal Postal Union). The procedure and procedure for acquiring the membership status by each of the above-mentioned entities are specified in the founding act. It is also worth noting that there is an exception to this rule, which is the Charter of the United Nations. There are no legal regulations regarding the acquisition of the status of a member by an international organization in its content. This status has its roots only in the practice of international organizations.

The aim of this study is to show, on the comparative law level, subjects of international law that fulfill the status of partial members in an international organization. The use of the dogmatic and comparative methods allows for a better understanding of the will of the founders of organizations (founding countries) regarding membership and comparing them in terms of the normative methods used.

Partial member status of an international organization

The implementation of statutory tasks in international organizations also takes place through entities with partial membership. States with this status may

participate in one or more bodies/institutions of an international organization, without being members of the organization itself¹.

Partial membership is a form of participation in international organizations whereby states are full members of certain bodies while not full members of the organization².

Partial membership status was most often used in UN structures where, for political reasons, not all states were full members. In 1954, 1955 and 1956, several European countries (such as West Germany) that had not (or had not yet been) admitted to the United Nations acquired membership in the European Economic Commission (ECE). Switzerland became a member of ECE in 1971. South Vietnam and the Republic of Korea, Tonga, Western Samoa and Nauru were admitted to the Economic Commission for Asia and the Far East (ECAFE) while they were not UN members. In July 1977, the Palestinian Liberation Organization became a member of the Economic and Social Commission for West Asia. Switzerland, Liechtenstein and San Marino became parties to the Statute of the International Court of Justice (one of the six main organs of the United Nations), while they were not members of the United Nations. In 1947, Switzerland was elected a member of the UNICEF board and has since served a number of functions in the bodies of which it is a member. All members of the International Atomic Energy Agency may participate as full members in the United Nations Conference on Trade and Development (UNCTAD) and its bodies, as well as in the United Nations Development Fund, both of which are bodies of the United Nations General Assembly³.

This form of international cooperation is carried out on the basis of the Economic and Social Commission for Western Asia (ESCWA). This commission was established on 9 August 1973 by the resolution of the Economic and Social Council 1818 (ECOSOC)⁴. The purpose of establishing the Commission was to increase the level of economic activity in the Member States and to strengthen cooperation between them. It was also intended to meet the needs of West Asian countries for the services of the Regional Economic Commission to promote development efforts in the region⁵. Partial membership in this organization is carried out by the Palestinian Liberation Front, which obtained the status of an

¹ H.G. Schermers, *International Organizations, Membership* [in:] *Encyclopedia of Public International Law*, ed. R. Bernhardt, Amsterdam–New York–Oxford 1983, p. 149.

² H.G. Schermers, N.M. Blokker, *International Institutional Law – Unity within diversity*, the Hague 2003, p. 128.

³ *Ibidem*, p. 129.

⁴ Resolution of the Economic and Social Council of 9 August 1973, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NR0/763/52/IMG/NR076352.pdf?OpenElement> (15.10.2018).

⁵ H.G. Schermers, *International Institutional Law...*, p. 149.

incomplete member on the basis of the Resolution of the Economic and Social Council of 4 December 2012⁶.

Partial membership is also provided for in the United Nations Children's Fund (UNICEF) established on 11 December 1946 by a resolution of the United Nations General Assembly⁷ and the United Nations Conference on Trade and Development (UNCTAD) on 30 December 1964, year by resolution of the General Assembly of the United Nations⁸.

Partial membership is also realized within NATO and is called a *la carte* membership. Its differentiation was initiated by France, which in 1966 left the military structure of NATO. On 7 March General de Gaulle sent a letter to US President Lyndon Johnson, in which he noted that France remained faithful to the Washington Treaty, but would no longer respect agreements and decisions that came after the Treaty. As a result, it meant the end of the presence of foreign military forces on French territory and the end of French troops being subordinated to allied commands. The decision was binding from 1 April 1967. It resulted in the need to carry out a large logistic undertaking, namely the withdrawal of American troops and the dismantling of all US Army bases and installations⁹.

Similar proceedings were continued by Norway and Denmark, which did not consent to military cooperation in the field of nuclear weapons. These were nuclear reservations, which included the refusal to introduce, store or move these weapons on its territory, and the introduction of means of delivery of nuclear weapons into armaments. They also did not recognize the stationing of foreign troops on their own territory during the period of peace¹⁰.

The functioning of the Western European Union (WEU) has always been a process open to new states. To help them reconcile their separate interests, a complex system of different types of membership has been created. It was established in the 1990s and functioned until the end of the existence of the UZA, although in 2002 a decision was made to freeze changes in the membership status in connection with the advancement of the process of combining the acquisitions

⁶ Resolution of the Economic and Social Council of 4 December 2012, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/19862D03C564FA2C85257ACB004EE69B> (25.10.2018). See more: *ibidem*, p. 149.

⁷ United Nations General Assembly Resolution of 11 December 1946, [http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/57\(I\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/57(I)) (25.10.2018).

⁸ United Nations General Assembly Resolution of 30 December 1964, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/210/89/IMG/NR021089.pdf?OpenElement> (15.10.2018).

⁹ The letter from Charles de Gaulle to Lyndon B. Johnson, dated 7 March 1966, https://www.cvce.eu/en/obj/letter_from_charles_de_gaulle_to_lyndon_b_johnson_7_march_1966-en-d97bf195-34e1-4862-b77html7-1632.b5e7-1632 (11.11.2019). For more see: F. Bozo, *La France et l'Otan. De la guerre froide au nouvel ordre européen*, Paris 1991, p. 69.

¹⁰ J. Menkes, A. Wasilkowski, *Organizacje międzynarodowe*, Warszawa 2004, p. 309.

of the Western European Union and the European Union¹¹. The first type of membership is full membership. At the time of the dissolution of the WEU in 2010, it concerned ten countries that belonged to both the European Union and NATO¹². These countries took full commitments within the WEU and had the right to participate in the decision-making processes. The other membership categories defined the possibility of participating in some or all of the WEU-related deliberations with limited decision-making rights. The participation of these countries in WEU operations and activities depended on their will and the consent of their full members. These included associate members, i.e. European NATO countries which, by their own decision or due to failure to meet the conditions, did not or did not yet belong to the European Union. The observer status was enjoyed by the EU Member States which, due to the nature of their defense policy, did not join NATO and did not want to become full members of the WEU. The exception was Denmark, which belonged to both the EU and NATO. Among the forms of incomplete membership, one should also mention the status of associate partners, which were the countries applying for membership in both NATO and the European Union¹³.

This system performed two functions. It reconciled the described interests with an attempt to include states with a different strategic vision of security in military integration and allowed for establishing cooperation with states that had not yet met the conditions of full membership. It, in turn, was dependent on participation in mainstream organizations, which confirms the close ties between the WEU and the European Union and NATO – in fact, it was their enlargement policy that determined WEU membership. As a result, the Western European Union has become a testing ground for neutral states in terms of alliance-building mechanisms. The effectiveness of this method can be proved by the fact that already in the first half of the 1990s, neutral states participated in the St. Petersburg operations, and at the end of the 20th century in the demining operation of Croatia, neutral Sweden was the leading state. The effectiveness of the policy of building integration mechanisms in the WEU is proven by the incorporation of its *acquis* into the *acquis communautaire* of the EU under the Lisbon Treaty, which was the direct cause of the end of the mission and the dissolution of the Western European Union in 2010¹⁴.

¹¹ A. Kuryłowicz-Rodzoch, S. Parzymies, *Unia Zachodnioeuropejska* [in:] *Europejskie struktury współpracy. Informator*, ed. S. Parzymies, Warszawa 2000, p. 53.

¹² M. Marcinko, *Rola Unii Zachodnioeuropejskiej w kształtowaniu europejskiego bezpieczeństwa i zbiorowej obrony* [in:] *Prawo organizacji międzynarodowych wobec problemów współczesnego świata. Księga jubileuszowa dedykowana Pani Profesor Genowefie Grabowskiej*, eds. G. Grabowska B. Mikołajczyk, J. Nowakowska-Małusecka, Bydgoszcz–Katowice 2014, p. 372.

¹³ M. Madej, *Unia Zachodnioeuropejska (UZE) – sukces czy porażka?*, „Świat Idei i Polityki” 2012, t. XI, p. 60.

¹⁴ *Ibidem*.

The provisions of the founding act of the Organization for Economic Co-operation and Development allow governments or non-member organizations to be invited to participate in its activities¹⁵. In practice, Australia participated in the OECD's Development Aid Committee before becoming a member of the organization in 1971. Likewise, New Zealand participated in the OECD Agriculture Committee and its working groups before becoming a member in 1973. Yugoslavia was a full member on economic policies known as "confrontations", science, technology, agriculture, fisheries, technical assistance and efficiency, with observer status in the organization¹⁶.

Partial membership thus offers a flexible form of participation in international organizations, allowing non-full members to participate fully in only one or certain bodies, in the common interest of the state and organization concerned. As a result, partial members are weaker than full members of the organization. On the other hand, international organizations may exercise less power over them¹⁷.

Conclusion

Subjects of international law may participate in the work of international organizations not only as full and equal members, but also by partially participating in it. The status of such a member affects his competences, as well as rights and obligations, which are limited both in relation to other Member States and the organization itself.

Partial membership allows non-full members to participate fully in only one or certain bodies, in the common interest of the state and organization concerned. As a result, partial members are weaker than full members of the organization. On the other hand, international organizations may exercise less power over them.

Regardless of the type of membership status, cooperation with an international organization enables economic, political and legal development. Member States use various types of facilities offered by the organization (e.g. EU structural funds), but are also obliged to take actions that will be consistent with the statutory regulations (e.g. the rule of law).

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¹⁵ See: art. 12 lit. c Konwencji OECD [in:] *Dokumenty europejskie*, t. II, eds. A. Przyborska-Klimczak, E. Skrzydło-Tefelska, Lublin 1999, p. 126.

¹⁶ H.G. Schermers, *International Institutional Law...*, p. 129.

¹⁷ *Ibidem*, p. 130.

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CZĘŚCIOWE CZŁONKOSTWO W ORGANIZACJI MIĘDZYNARODOWEJ

Streszczenie

Członkostwo w organizacji międzynarodowej stanowi istotny etap w realizacji działań zewnętrznych i wewnętrznych. Jest to więc prawna łącząca państwo z organizacją, z której wynikają prawa i obowiązki. Z punktu widzenia poszczególnych państw będących członkami działalność na forum organizacji jest ważnym elementem polityki zagranicznej. Dyplomacja, rozwijana zazwyczaj przez państwa na forum organizacji międzynarodowych, traktowana jest jako ważny instrument współpracy międzynarodowej. O znaczeniu organizacji międzynarodowych świadczą dążenia poszczególnych państw do zgłaszania na forum organizacji własnych inicjatyw oraz starania o zapewnienie reprezentacji swojego kraju w głównych organach organizacji. Jednym z innych niż członkowskie statusów uczestnictwa w organizacji międzynarodowej jest członkostwo częściowe, które umożliwia pełne uczestnictwo w jednym lub kilku organach organizacji w interesie własnym i samej organizacji.

Słowa kluczowe: organizacja międzynarodowa, państwo, członkostwo, podmiotowość

Summary

Membership in an international organization is an important stage in the implementation of external and internal activities. It is the legal bond linking the state with the organization from which the rights and obligations arise. From the point of view of individual states that are members, activity in the forum of the organization is an important element of foreign policy. Diplomacy, usually developed by states on the forum of international organizations, is treated as an important instrument of international cooperation. The importance of international organizations is evidenced by the efforts of individual countries to submit their own initiatives in the forum of organizations and efforts to ensure the representation of their country in the main organs of the organization. One of the non-member statuses of participation in an international organization is partial membership, which enables full participation in one or more organs of the organization in the interest of itself and of the organization itself.

Keywords: international organization, state, membership, subjectivity