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## THE INSTITUTE REPRESENTATION AT THE UNITED NATIONS: HISTORICAL EVOLUTION, LEGAL STATUS AND FEATURES

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## **THE INSTITUTE REPRESENTATION AT THE UNITED NATIONS: HISTORICAL EVOLUTION, LEGAL STATUS AND FEATURES**

**Abstract.** This article examines the historical genesis, nature, features and international legal status of the Institute representation at the UN, both on the territory of the member states and of the member states to the UN. An attempt was made to reveal the status and characteristics of the offices of both the UN and its specialized agencies. On the basis of the analysis, proposals were made to strengthen the status of the representation of Uzbekistan to the UN.

**Keywords and expressions:** representation, convention, charter, agreement, UN, a member state, headquarters, privilege and immunities, specialized agencies, Switzerland, USA, Republic of Uzbekistan.

The United Nations is such a unique, historically important organization that, while being an organization serving for the maintenance of international peace and security, it operates in all directions of the international life and cooperation of states. It is noteworthy that for 75 years since its establishment, the UN could have strengthened international relations to that level that a war similar to the First and Second World Wars would not occur any more. The UN has no alternative. In particular, the President of the Republic of Uzbekistan Sh. M. Mirziyoyev in his speech at the 72nd session of the UN General Assembly noted the followings, "We are convinced that the United Nations should continue to play a central role in international relations" [1].

Nowadays the United Nations is a secular organization that is considered to be the central institutional link in the entire system of modern international relations. Consequently, we believe that the UN should have the rights and privileges, the subjectivity of the law, which guarantees its present status, and its consistency. Therefore, the Charter of the United Nations underlines that: " The Organization shall enjoy in the territory of each of its Members such legal capacity

as may be necessary for the exercise of its functions and the fulfilment of its purposes [2, p.19]. In 1949, the International Court of Justice of the United Nations in its consultative conclusion defined the following: "The UN exercises the functions and rights that can be explained by the possession of a large number of international law subjects» [3, p.32].

For the first time, Article 105 of the UN Charter reflected the norm, which set out the rules on privileges and immunities of both the organization and its employees [2, p.19]. O.V. Bogdanov correctly noted that "the role of the inviolability of the organization in the service is an indicator of ensuring favourable conditions for the functioning of the UN" [4, p.20].

During the San Fransisco conference, legal committee №IV/2 was engaged in issues of development of the privileges and immunities of the UN. Consideration of the issue of privileges and immunities began on May 10, 1945, from the introduction of this issue into the agenda [5, p.579]. At the same time, the Committee appointed subcommittee № IV/2/A to prepare the draft text of the rules on privileges and immunities and to introduce it into the Charter later [4, p.22]. On May 18, 1945, the subcommittee presented a text developed for the legal committee № IV/2. This rule was fully adopted in Article 105 of the UN Charter [2, p.19].

The next stage in the evolutionary development of the UN representative Institute is undoubtedly the adoption of the two UN conventions on privileges and immunities in 1946 and 1947. The issue of the adoption of such conventions was raised during the first part of the I Session of the UN General Assembly. The training commission offered to either accept a number of recommendations or to draw up a convention. To solve this issue, a special committee representing 16 countries was appointed on January 25, 1946 [4, p.30]. On February 8, 1946, the small committee presented to the sixth (legal) session of the General Assembly the convention on the privileges and immunities of the United Nations, as well as the draft agreement between the United Nations and the United States.

On February 13, 1946, the UN General Assembly adopted in its 31-th plenary

session the convention on the privileges and immunities of the United Nations, as well as the text of the agreement between the United Nations and the United States.

The UN Headquarters Agreement between the United States and the UN was signed on June 26, 1947 [6]. Prior to that, on July 1, 1946, the UN signed an agreement with the Swiss government on the establishment of the UN on the territory of the Swiss Confederation.

The UN Convention on the privileges and immunities of the United Nations was signed on 13 October 1946. On November 21, 1947, the UN General Assembly adopted the convention on the privileges and immunities of specialized institutions at its II session. At the same time, it developed a package of documents regulating all aspects of the privileges and immunities of both the organization and its employees, its headquarters and specialized institutions.

In accordance with the agreement between the United Nations and the US government on the location of the central institutions of the United Nations on June 26, 1947, "the territory of the central institutions is under the control and rule of the United Nations» [7]. According to Section 1 of Article 1 of the agreement, the phrase "territory of central institutions" means:

- 1) The territory specified in Annex 1 of the agreement;
- 2) Any other land or facilities that may be included in this territory from time to time by concluding additional agreements with the relevant US authorities.

Thus, the UN has been given full authority in the area where the entire system of central institutions is located. A similar rule was established between the United Nations and the Government of the Swiss Confederation in the Treaty of 1 July 1946 on the UN institutions on the territory of the Swiss Confederation.

In accordance with the Convention on the privileges and immunities of the United Nations, "the United Nations, their property and asset, regardless of where and under whose jurisdiction they are, will use inviolability in all forms of judicial intervention", "the buildings of the United Nations are inviolable» [8]. The Convention of 21 November 1947 on the privileges and immunities of specialized institutions of the United Nations has established a similar rule. Thus, we can see

that not only the organization itself but also its representative offices have full privileges and immunities.

Later, the issue of the UN Office became a practical issue from the issue established in the convention. The first countries that the UN officially opened its office (residence) were Switzerland and the United States. Now there are more than 160 countries, in which the national and regional offices of the United Nations operate. The Republic of Uzbekistan is not an exception.

By April 1948 under the United Nations, 45 of the 57 member states had such a representative office, or, as it was called at that time, permanent delegations [9, p.76]. This practice and its legality were unanimously adopted by the UN General Assembly [10].

In 1946, Switzerland, the first under the UN, established a permanent observer mission. Until the entry into the UN, permanent observer missions were possessed by many countries such as Austria, Finland, Italy, Japan, Federal Republic of Germany, Bangladesh. At present, the mission of permanent observer under the UN (in New York) is owned by the Holy See – city-state – the Vatican and the Palestinian Liberation Organization [11].

On March 2, 1992, the Republic of Uzbekistan joined the UN as a full member. This day became a stage of great importance in the history of the young state. In the resolution of the Presidium of the Supreme Council of the Republic of Uzbekistan in this regard, it was said: "March 2, 1992, spring day is called the great historical day of our descendants. Uzbekistan was admitted to the United Nations and the state flag of our independent young sovereign republic was raised before the UN building."

In January 1993, the UN office in Uzbekistan was opened. The first permanent representative of the UN in Uzbekistan was Bashir Malik from Pakistan. For the first time in the practice of this organization in the permanent office of the UN in Tashkent, all funds, programs, departments (UNICEF, UNESCO etc.) were characteristic of it.

The analysis of the Institute of representative offices on the example of UN

agencies shows that there are a number of problems in this area.

In particular, most international organizations largely depend on the national legislation of such member states during the opening of their representative offices on the territory of the member states. This also makes the development of this institution difficult. It is also necessary to establish a special agreement between the receiving state and this organization in order to open the Office of the International Organization. However, in the case of opening a state office under the International Organization, the adoption of such an agreement is not required. At the present stage, such problems complicate the development of the sphere of diplomatic law of international organizations.

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