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Rakhmanov, Shuxrat

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LUND UNIVERSITY

PO Box 117  
221 00 Lund  
+46 46-222 00 00

*Shukhrat Rakhmanov*  
*PhD in Law, Researcher, Lund University (Sweden)*  
[shuxratjon@gmail.com](mailto:shuxratjon@gmail.com)

## THE FORMATION OF DIPLOMATIC LAW OF INTERNATIONAL ORGANIZATIONS IN THE SCIENCE OF DIPLOMATIC AND CONSULAR LAW OF UZBEKISTAN

### К ВОПРОСУ О ФОРМИРОВАНИИ В НАУКЕ ДИПЛОМАТИЧЕСКОГО И КОНСУЛЬСКОГО ПРАВА УЗБЕКИСТАНА ДИПЛОМАТИЧЕСКОГО ПРАВА МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЙ

### ЎЗБЕКИСТОН РЕСПУБЛИКАСИНИНГ ДИПЛОМАТИК ВА КОНСУЛЛИК ҲУҚУҚИ ТИЗИМИДА ХАЛҚАРО ТАШКИЛОТЛАРНИНГ ДИПЛОМАТИК ҲУҚУҚИ ИЛМИ ШАКЛЛАНИШИ МАСАЛАЛАРИ

**Abstract.** This article analyses the formation of the science of diplomatic law of international organizations in the system of diplomatic and consular law of the Republic of Uzbekistan. The theoretical principles and the legal content of the diplomatic law of international organizations are learned. The inter-branch nature of the diplomatic law of international organizations as the sub-branch of law is disclosed.

**Keywords and expressions:** international organizations, diplomacy, history of diplomacy, diplomatic law, diplomatic law of international organizations, representative offices, interdisciplinary nature, sub-branch, immunities and privilege, law, regulation, Republic of Uzbekistan.

**Аннотация.** В настоящей статье исследованы вопросы формирования науки дипломатического права международных организаций в системе дипломатического и консульского права Республики Узбекистан. Обоснованы теоретические начала и правовое содержание дипломатического права международных организаций. Раскрыт межотраслевой характер подотрасли дипломатического права международных организаций.

**Опорные слова и выражения:** международные организации, дипломатия, история дипломатии, дипломатическое право, дипломатическое право международных организаций, представительства, межотраслевой характер, подотрасль, иммунитеты и привилегия, закон, положение, Республика Узбекистан.

**Аннотация.** Мақолада Ўзбекистон Республикасининг дипломатик ва консуллик ҳуқуқи тизимида халқаро ташкилотларнинг дипломатик ҳуқуқи илми шаклланиши масалалари тадқиқ этилган. Халқаро ташкилотлар дипломатик ҳуқуқининг назарий асослари ва ҳуқуқий моҳияти асослаб берилган. Тармоқости бўлмиш халқаро ташкилотлар дипломатик ҳуқуқининг тармоқлараро характери очиб берилган.

**Таянч сўзлар ва иборалар:** халқаро ташкилотлар, дипломатия, дипломатия тарихи, дипломатик ҳуқуқ, халқаро ташкилотлар дипломатик ҳуқуқи, ваколатхоналар, тармоқлараро характер, тармоқости, имтиёзлар ва дахлсизликлар, қонун, низом, Ўзбекистон Республикаси.

At the beginning of the twenty-first century, international organizations play a significant role in international affairs. In modern international relations, there is the rise of the number and importance of international organizations in promoting peace and maintaining diverse cooperation among the subjects of international law.

Modern international relations are in general based on the rule of law, and the main regulator in this regard is international law. Particularly, relations and communications of states are governed by diplomatic and consular law, one of the branches of international law. The effectiveness of the norms of diplomatic and consular law guarantees the stability and equality in relations between states and other subjects of international law, as well as actors of international relations, thus enabling balanced cooperation between them.

During the independence, Uzbekistan has managed not only to establish itself as an independent subject of international law, but also develop a coherent system of foreign policy, and hence, national diplomacy in all its manifestations based on international norms and standards taking into account its national interests and peculiarities.

Notably, the President of the Republic of Uzbekistan Sh. M. Mirziyoyev, in his speech at the meeting on the activities of the Ministry of Foreign Affairs and the embassies of our country abroad, noted that Uzbekistan has achieved concrete results in the development and strengthening friendly relations with its foreign partners, particularly with its closest neighbours -. He also emphasized that our country actually has begun jointly address issues that have remained difficult for many years. And the numerous visits and summits held last year showed how important an open and constructive dialogue, mutual consideration of interests and the quest for reasonable compromises are to resolve all problems. ... Moreover, a significant stimulus has been given to the further development of mutually beneficial cooperation with Russia and other CIS countries, China, the United States, South Korea, Turkey, a number of European and Asian states. A partnership with the UN, the OSCE, the SCO, the OIC, and other authoritative international organizations has reached a qualitatively new stage. A lot has been done in a short time, and the Ministry of Foreign Affairs of Uzbekistan, as well as our embassies abroad, made an important contribution in this process [1].

Here it is important to note that diplomatic and consular law has a long history in Uzbekistan. The people of Central Asia have a state building, diplomatic traditions that have more than two thousand years of history [2, p.4]. The history of diplomacy of the countries of Central Asia is an integral part of the world history of diplomacy and international law, confirming the interaction of peoples and cultures in their historical past, as well as the contribution of the Central Asian region to the development of world diplomacy [3, p.123]. The President of the Republic of Uzbekistan Sh.M. Mirziyoyev particularly paid special attention to this aspect in his speech at the meeting saying, "As is known, our national statehood has an ancient and rich history. Our diplomatic activity also has deep historical roots. This is recognized by both domestic and foreign scientists. Historical sources indicate that among our ancestors there were many famous and talented diplomats, ambassadors. The best books on diplomacy are also created in the East, including our land. I want

to draw your attention to one example. You all know the fresco found is situated in Samarkand on the territory of ancient Afrosiab. It depicts the reception ceremony by the ruler of Samarkand ambassadors from China, Korea, Indus, Chagonyon and other countries. During my state visit to South Korea, Mr Moon Zhe Ying with great pride showed me a copy of this fresco stored in the Seoul Museum. This image created several thousand years ago, shows that since ancient times traditions of diplomacy have been forming on the territory of our country, our ancestors sought to live in friendship and cooperation with the countries of the near and far abroad. During the years of Amir Temur and the Timurids dynasty, the art of diplomacy was raised to a high level. This is confirmed by Sahibkiran's diplomatic relations and correspondence with the rulers of France, England, Spain, Byzantium, Egypt, China, India, the Ottoman Empire and many other states. It is well known from history that dozens of ambassadors from different countries of the world, including European, arrived in the palace of Amir Temur. The sources of that time noted that in the period 1389-1398, that is, almost 10 years, ambassadors were sent to China 9 times on behalf of Amir Temur. The annals preserved the names of ambassadors representing Amir Temur and the state of Timurids in Europe and Asia - Muhammad Keshi hailing from Shahrizabz, as well as Mavlono Hafiz, Giesiddin Nakkosh, Abdurazzak Samarkandi" [1].

The above facts determine the place of diplomacy, diplomatic and consular law in the formation and development of statehood on the territory of modern Uzbekistan, in the development of its external relations and international relations.

To date, integral comprehensive system of legislative acts has been created in Uzbekistan regulating the entire set of diplomatic relations of the country. And the first step after gaining state independence in this direction was the adoption of two laws on July 3, 1992 simultaneously - the Law of the Republic of Uzbekistan "On the procedure for appointing and recalling heads of diplomatic missions of the Republic of Uzbekistan in foreign states" and the Law of the Republic "On the establishment of diplomatic classes and ranks for diplomatic works of the Republic of Uzbekistan". Moreover the legislation in this field also includes the Law of the Republic of Uzbekistan "On international treaties of the Republic of Uzbekistan" dated December 22, 1995 (a new edition on February 6, 2019), and the Consular Charter of the Republic of Uzbekistan of August 29, 1996, (a new edition of January 17, 2019), the Regulation on the Republican fund for the development of diplomatic and consular institutions of Uzbekistan of March 16, 1994 , the Regulation on the diplomatic ranks of workers of diplomatic missions and the Ministry of Foreign Affairs of the Republic of Uzbekistan dated March 16, 1994, the Regulation on the Embassy of the Republic of Uzbekistan dated March 24, 2000, the Regulation on diplomatic missions and consular offices of states in the Republic of Uzbekistan dated May 8, 2001 [4].

The adoption of these legal acts laid the legislative foundation for the Uzbek diplomacy, establishing the legislative framework for the implementation of independent diplomatic and consular activities of Uzbekistan.

The sphere of foreign relations of states, diplomacy, and diplomatic and consular law has always been in the focus of attention of domestic and international legal scholars. Along with the practical development of the diplomatic and consular

law of Uzbekistan, scientific research in this area has also intensified. The scientific basis of diplomatic law [5], [6], [7], [8], [9], consular law [10], [11], [12], [13], [14] and the institution of representation [15] have been developed. Nevertheless, individual institutions and sub-branches of diplomatic and consular law, namely, the diplomatic law of international organizations, have not yet found adequate research in both domestic and foreign science of international law.

At the same time, in both domestic and foreign scientific literature, and in relevant textbooks a number of separate institutes and sub-branches of diplomatic and consular law, primarily diplomatic law of international organizations, have not yet been comprehensively studied. Lately, studies have appeared on certain aspects of the diplomatic law of international organizations. In this regard, we can note a number of our scientific publications aimed at disclosing the legal content of the diplomatic law of international organizations as an interdisciplinary phenomenon in diplomatic and consular law [16], [17], [18], [19], [20].

It may be noted that already in the 70s and 80s of the XX century, some scholars reasonably began to promote the idea of the diplomatic law of international organizations [21], [22]. Note also that in modern international law, this institution has been gaining more strong positions [23], [24] [25], [26].

At the same time, it is widely believed that there is only a “dual branch” of diplomatic and consular law [10, p.3]. We cannot agree with the arguments of the national scientist, Professor G. Yuldasheva and other international lawyers, as the system of diplomatic and consular law incorporates four sub-branches: diplomatic law<sup>1</sup>, consular law<sup>2</sup>, law of special missions<sup>3</sup> and diplomatic law of international organizations<sup>4</sup>. Our opinion is fully consistent with the doctrine of diplomatic and consular law, and is supported by the words of Academician H. Rakhmankulov that “relations of an international public law nature can be established between states, between states and international organizations, and between international organizations” [27, p.35].

In addition, one can also note the statement of Russian researchers A. Abashidze and M. Fedorov, who quite rightly note that “the science and practice of international law demands new studies on such foreign missions as permanent

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<sup>1</sup> The separation of diplomatic law into an independent sub-branch under diplomatic and consular law, among others, is based on the availability of its sources: the Vienna Convention on Diplomatic Relations of April 18, 1961 and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents dated December 14, 1973.

<sup>2</sup> The separation of consular law into an independent sub-branch within the framework of diplomatic and consular law, among others, is based on the availability of its source: the Vienna Convention on Consular Relations of April 24, 1963.

<sup>3</sup> The separation of the right of special missions to an independent sub-branch within the framework of diplomatic and consular law, among others, is based on the availability of its source: Convention on Special Missions of December 16, 1969.

<sup>4</sup> The separation of the diplomatic law of international organizations into an independent sub-branch within the framework of diplomatic and consular law, among others, is based on the availability of its sources: the Convention on the Privileges and Immunities of the United Nations of October 13, 1946, the Convention on the Privileges and Immunities of the Specialized Agencies of November 21, 1947, The Vienna Convention on the Representation of States in their Relations with Universal Organizations of March 14, 1975 and the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994.

missions of states to international organizations, delegations at international conferences, special missions, representations of international organizations in states or with other international organizations” [26, p.11].

In this context, it should be noted that Russian researchers A. Abashidze and his colleagues note [27, p.5] that in a globalizing world and the interconnectedness of states and peoples, it is necessary to take into account the features of modern diplomacy, which is characterized by the following features: intensive development of diplomacy at the level of international organizations [28]; strengthening the role of multilateral diplomacy within the framework of international organizations [29, p.609-634]; involvement of non-traditional structures in solving problems subject to diplomatic consideration, called the “second line of diplomacy. It is primarily about the various forms of parliamentary diplomacy [30]. Nowadays, diplomacy is generally characterized by greater openness in the international arena [31, p.414-421].

Thus, the vitality and the presence of the diplomatic law of international organizations is proved, and the abovementioned opinions determine the relevance of international legal and comparative studies of the activities of such foreign missions as permanent missions of states to international organizations and representations of international organizations in states or other international organizations.

From our point of view, as it was formulated in a number of our previous scientific papers, the methodological basis for the formation of diplomatic law of international organizations should become the doctrine of modern international law, its fundamental norms and principles, the inalienable right of states to participate in the activities of international organizations, being represented in the work of its bodies [20].

After analysis of some new aspects of the object of this research within the frameworks of author’s previous studies, it can be argued that in the era of globalization, a new sub-branch was formed in the system of diplomatic and consular law - the diplomatic law of international organizations for the international legal regulation of international relations between states and international organizations, and between international organizations and states. The formation of diplomatic law of international organizations as a sub-branch of diplomatic and consular law will allow codifying international legal norms in this area, and, ultimately, serve the progressive development of norms, principles and legal relations in this area [20].

The relevance of this approach for our republic is associated with the presence of a multilateral vector of the foreign political activity of the Republic of Uzbekistan, which occupies a key geopolitical position in Central Asia. Our country participates in the work of more than 40 international organizations developing interaction with various structures of multilateral cooperation. The sphere of cooperation between Uzbekistan and international organizations expands every year, in connection with which the issue of more detailed regulation of the diplomatic status of representative offices of international organizations in the Republic of Uzbekistan and representative offices of Uzbekistan with international organizations is being

updated. To date, a number of legal acts have been adopted that regulate the membership and participation of Uzbekistan in the activities of individual international organizations.<sup>1</sup>

As it was noted in a number of our previous publications, these acts regulate the opening of representative offices and missions with international organizations, their status, privilege and immunities. At the same time, in our opinion, it is necessary to develop and adopt legal action the representations of international organizations and their staff in the Republic of Uzbekistan, and on the Permanent Missions of the Republic of Uzbekistan to international organizations that would systematize the existing regulatory developments in this area and systematize their status [19, p.29].

**Summing up, the following conceptual conclusions can be determined.**

Thus, we believe that the diplomatic law of international organizations has already taken its rightful place both in the system of general international law and in the doctrine of international law of the Republic of Uzbekistan.

It also can be stated that in the science and practice of international law there are extremely popular studies devoted to such foreign missions as state representations at international intergovernmental organizations, delegations to international conferences, special missions, representations of international intergovernmental organizations in states or other international organizations. State representations are the organizing centres for the interconnection of states within an international organization. Therefore, they contribute greatly to the consolidation of peace and the peaceful coexistence of states and their equal cooperation in all areas of mutual interest.

First, diplomatic and consular law is based on the unity of four sub-branches: diplomatic law, consular law, the law of special missions and the diplomatic law of international organizations.

Secondly, the diplomatic law of international organizations is a cross-sectoral sub-branch. As part of the fact that this sub-branch regulates the status of

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<sup>1</sup> In particular, Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No.11 “On the Permanent Representation of the Republic of Uzbekistan to the United Nations in New York” dated January 18, 1994, Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 2 “On the Opening of the Permanent Representation of the Republic of Uzbekistan in the Office UN and other international organizations in Geneva ”dated January 6, 1997, Resolution of the Cabinet of Ministers under the President of the Republic of Uzbekistan No. 154” On the establishment of the Plenipotentiary Representative of the Republic Uzbekistan in the Commonwealth of Independent States ”dated March 30, 1992; Decree of the President of the Republic of Uzbekistan No. PP-1069“ On the Permanent Plenipotentiary of the Republic of Uzbekistan to the statutory and other bodies of the Commonwealth of Independent States ”dated March 10, 2009; Provision on the Permanent Plenipotentiary of the Republic Uzbekistan under the statutory and other bodies of the Commonwealth of Independent States dated March 10, 2009, Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 237 “On the opening of the Mission of the Republic of Uzbekistan to NATO” dated 01 June 1998, Resolution of the President of the Republic of Uzbekistan No. PP-489 “On the Plenipotentiary Representative of the Republic of Uzbekistan to the Collective Security Treaty Organization” dated October 14, 2006 and Regulations on the Plenipotentiary Representative of the Republic of Uzbekistan to the Collective Security Treaty Organization dated October 14, 2006.



representative offices of international organizations and member states, it belongs to international institutional law; in terms of the fact that this sub-branch covers the opening or establishment of representative offices, immunities and privileges of representative offices and their staff, it relates to diplomatic and consular law.

Thirdly, diplomatic law of international organizations is a reality not only in the general international legal science but also in the doctrine of international law of the Republic of Uzbekistan. The existence of diplomatic law of international organizations is proved by the presence of a separate subject of regulation, its specific sources and subjects, as well as methods of regulation.

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