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PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE APPLICATION OF INTERNATIONAL LEGAL NORMS

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In the article, the issues related to the participation of international non-governmental organizations in the application of international legal norms have been extensively analyzed based on the existing diversity of opinions and international legal norms in the legal literature. It was noted that modern international relations and international law are characterized by the increasing number of international non-governmental organizations, the expansion of their role and importance in the modern world, and the more precise definition of the places and legal status of these types of organizations in international cooperation and international law. The increase in the number of international non-governmental organizations, and the strengthening of their activity at the international level ultimately require new scientific research and necessary theoretical research, one of which is the analysis of the participation of international non-governmental organizations in the application of international legal norms. The analysis of the experience of involving international non-governmental organizations in monitoring the implementation of international agreements clearly shows that in this case, the partnership between states and international non-governmental organizations has the potential to be more permanent and significant. Thus, the analysis of issues related to the participation of international non-governmental organizations in the application of international law norms once again confirms the comprehensiveness, breadth, and importance of their activities in this sphere. Taking into account that today the spheres of international control are constantly increasing, at the same time, issues that have long been included in the sphere of influence of domestic law have already entered the regulatory object of international law, which has made it urgent to look at the role of international non-governmental organizations in this field from a new direction.

Keywords: *international non-governmental organizations, international agreements, norms of international law, international organizations, civil society, application of international law norms.*

In recent years, almost all countries of the world have witnessed a trend related to the creation of a large number of international non-governmental organizations (INGOs). INGOs researchers note that they have observed extraordinary activity in the

creation of private, commercial organizations, voluntary organizations, associations and foundations [1]. Modern international relations and international law are characterized by the increasing number of international non-governmental organizations, the expansion of their role and importance in the modern world, the more precise definition of the places and legal status of these types of organizations in international cooperation and international law. The creation and activity of non-governmental organizations has become an object of research in legal literature for a long time. This type of research mainly focuses on helping to solve global problems such as the nature, conditions of establishment of INGOs, international legal status, international security to states and international intergovernmental organizations, protection of human rights, environmental protection, etc.

Currently, more and more states and the world community as a whole start to realize that it is necessary to look for new, mainly non-traditional approaches to solving the problems of people's better and more prosperous life, to create and reorganize new mechanisms to coordinate the efforts of only states in this direction. One of the opportunities that really exists, but is not used at the global level, is the recognition by states of the partnership role of their societies, represented by numerous non-governmental organizations whose activities in the international arena do not in any way threaten the democratic regime. Moreover, the activities of these types of organizations strengthen the potential of their state, and at the same time increase their international reputation.

According to experts conducting research in this direction in scientific literature, INGOs act as the main form of civil society and representation in the modern world, during their activities, shape the public interests of different sections of the population of the countries of the world, develop and prepare international norms, participate in legal proceedings in international courts using their own means and methods, monitor compliance with the principles and norms of international law, and in some cases, at the request of interested states, perform the function of independent, impartial judges in resolving legal disputes [2].

The increase in the number of INGOs and their increasing influence in the international world are related to a number of factors. Among these factors, the following should be emphasized: the emergence of new global problems for the solution of which the capabilities of states and international organizations are no longer sufficient; the diversity of relations between nations that need new international institutions to realize themselves; the strengthening of democratic processes in the field of internal and international relations of states, as a manifestation of this, the desire to make society more open and transparent;

transformation in the field of national interests of states (transition from state interests, sovereignty to universal values such as human rights and environmental protection, fight against global diseases, for example joint fight against COVID-19); initiatives to increase control over decision-making processes in matters affecting the vital interests of individuals worldwide; expansion of cross-border communication and activity opportunities of the public of different countries, as well as expansion of technological progress opportunities.

In this regard, according to the opinion of a number of authors (A. Aust [3], A-K Lindblom [4], M. Noortmann [5] and I. Rossi [6]), humanity has entered such a stage of development of international relations that already states began to objectively distance themselves from the idea that they are the only subjects of international relations. Peter J. Spiro points out that non-governmental organizations and the public they represent act as serious international players, but their effective influence and opportunities in international relations are not adequately reflected in international law [7].

The increase in the number of INGOs and the strengthening of their activity at the international level ultimately require new scientific research and necessary theoretical research, one of which is the analysis of the participation of international non-governmental organizations in the application of international legal norms.

The analysis of the experience of involving international non-governmental organizations in monitoring the implementation of international agreements clearly shows that in this case, the partnership between states and international non-governmental organizations has the potential to be more permanent and significant. Since governments fear that their failure in one or another area may be discovered, it can be reasoned that the effectiveness of the work of the committees in relation to the fulfillment of the provisions of the international legal agreement can be seriously weakened [8].

Control is an important component of the international mechanism that ensures the implementation of international legal norms. Measures to implement treaties are generally carried out by the subjects of the treaty, that is, mainly by states, but INGOs play a special role in the operation of control mechanisms.

INGOs rarely act as control subjects themselves. At this time, international humanitarian law norms, which are one of the means to ensure the implementation of international humanitarian law at the international level, are excluded in the activity of the International Committee of the Red Cross. In the intergovernmental regulatory bodies, INGOs are mostly given a supporting role.

Today, INGOs participate in the activities of all convention committees, and are

more or less integrated into the work of those committees. INGOs are more closely involved in the activities of the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination. As for the Human Rights Committee and the Committee for the Elimination of Discrimination Against Women, INGO's are also involved in the activities of the mentioned institutions.

A number of intergovernmental monitoring bodies operate within the UN whose main task is to monitor the fulfillment of treaty obligations by states. This monitoring system is especially actively used in the field of human rights, where today there are nine committees. The main forms of activity are the consideration of reports and individual complaints of member states on the fulfillment of contractual obligations. Committees in the field of human rights were formed as international treaty mechanisms as the main control systems for the fulfillment of the relevant international treaty provisions by the states on compliance with the obligations assumed by those international documents and belong to them: Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee Against Torture, Committee on the Elimination of Discrimination Against Women, Committee on the Rights of the Child, Committee on the Protection of the Rights of Migrant Workers and their Family Members, Committee on the Rights of Persons with Disabilities, Committee on Enforced Disappearances.

The Human Rights Committee monitors states' implementation of their obligations under the International Covenant on Civil and Political Rights. Individual complaints are submitted in accordance with Article 1 of the First Optional Protocol to the said Covenant. At the same time, Article 2 of the Protocol states that only persons who claim that their rights under the Covenant have been violated have the right to submit a written notification to the Committee. The Committee has repeatedly emphasized the submission of information by INGOs or their representatives [9]. At the same time, according to the Rules of Procedure, the notification can be submitted either by the victim of the violation personally or through his representative. INGOs take advantage of this opportunity and are very active in providing their services to victims of violations of the Covenant [10].

The draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which began in 1990 and was adopted on 10 December 2008, provides for the possibility of sending information to the Committee on Economic, Social and Cultural Rights, individually or in groups, or on their behalf. This rule is broader than the provisions of the Optional Protocol to the International Covenant on

Civil and Political Rights. The point is that the 2008 Protocol allows NGOs to independently appear before the Committee to defend their rights. However, according to the Rules of Procedure, consultative NGOs may send a written notification to the Committee if they contribute to the realization of rights enshrined in the Covenant [11].

The Committee on the Elimination of Racial Discrimination may receive individual information from individuals or groups of individuals in accordance with Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination. Similar to the mechanism of the Human Rights Committee, INGOs can act as representatives of victims of violations of the Convention. The committee considers the cases on their merits and makes a decision [12].

The Committee against Torture may, if States so consent, receive information from or on behalf of victims of violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. According to the Committee's Rules of Procedure, either a close relative or a written authorized representative may submit information on behalf of the victim. In some of the cases considered in the proceedings of the committee, INGOs acted as representatives, and in others, on behalf of the victims [13].

The Committee on the Elimination of Discrimination against Women receives reports of violations of the Convention on the Elimination of All Forms of Discrimination against Women from or on behalf of individuals or groups (with their consent), if the communicator is unable to do so [14] .

The Committee for the Protection of the Rights of Migrant Workers and their Family Members established on the basis of the Convention on the Protection of the Rights of Migrant Workers and their Family Members can receive individual complaints and review them on their merits. According to the Committee's Rules of Procedure, INGOs have the right to submit information to the Committee in writing.

Thus, within the framework of convention bodies that monitor the fulfillment of states' obligations under universal humanitarian agreements, INGOs play an important role in the protection and representation of persons whose rights are allegedly violated by the state.

One of the widespread forms of participation of INGOs in the application of international legal norms is related to the participation of these organizations in the activities of international judicial bodies.

International non-governmental organizations are increasingly playing a role in international courts, such as the UN International Court of Justice and the European Court of Human Rights. D. Shelton, who conducts research in this field, notes that by

participating in the consideration of cases in international judicial bodies, INGOs contribute to the development of international law. In this way, INGOs can initiate and participate in court proceedings as parties, participate as experts appointed or invited by the court to determine the facts of a case or provide legal analysis, testify as a witness, or participate in the court proceedings as a third party, in addition, with the permission of the court, have the right to present the facts of the lawsuit and the interpretation of the law as they know it [15].

Currently, the number of trials held in all international courts is constantly increasing. Especially for this purpose, the number of human rights cases heard in both specialized and non-specialized courts is increasing. In addition, for example, cases related to environmental protection have also been submitted to the courts. In the framework of such international processes, issues of a purely private nature are rarely raised, not related to public interests, but only to the interests of the parties. Even when the parties resolve a specific issue, such as a border dispute between states, the issue of human rights may be raised in general, as a change in the border between states may directly involve human rights violations. Even if the parties do not raise this issue, such problems arise in solving problems such as determining the residents of the respective territory that is divided or united. In this situation, the question of the application of the right to self-determination can be raised by interested INGOs acting as third parties to ensure the fairness of the completeness of information that states do not feel it necessary to provide.

The European Court of Human Rights is increasingly allowing international non-governmental organizations to participate in court hearings as a third party and provide information on human rights violations. The European Court of Human Rights, established under the European Convention on Human Rights, has jurisdiction over cases brought against a state party to the Convention. The case is referred by the European Commission of Human Rights to the European Court of Human Rights after review by the European Commission itself or the interested state within 3 months from the date of the Commission's report. The reason for the involvement of the third party in the judicial process was the efforts of the states and the INGOs, as a result of which the European Court of Human Rights sets itself the task of resolving the issues of the third parties in the court in view of the future court cases [16].

In most cases, INGOs act as a third party in the courts and their information and arguments are important to the case. The requesting third party must show that the information can assist the court, that is, it must emphasize that the information will be useful "in the interests of justice." Applications are made in the case to participate as a third party on behalf of INGOs, the Court examines those applications in detail

and gives a concrete answer. The court does not always explain the reasons for denying a request to a third party, but the following main reasons can be: time limit when submitting material, late submission of a request for access to information by a third party, attempts to provide information about a country or situation unrelated to the legal process, repetition of previously presented material, etc.

As a result of the practical activity of the INGOs, it is necessary to highlight the publication and distribution of a large number of publications and textbooks, which serve as a source of theoretical and, above all, practical information about the principles of operation of international documents for the protection of human rights. The INGOs believe that decisions should not only be known to judges, lawyers or other legal professionals, but should also be made available to the general public. Education in the field of international human rights standards, including the European Convention, is a sphere of activity that needs to be carried out not only in the countries that have recently become members of the Council of Europe, but also in other states.

Unlike the activities of the European Court of Human Rights and the Human Rights Council, INGOs rarely participate in the hearings of the UN International Court of Justice, as the legal basis for participation depends on the nature of the proceedings.

Thus, it should be noted that non-governmental organizations contribute to the work of international judicial bodies within their powers. INGOs have the right to initiate and participate in court cases as a party, may be appointed by the court or invited by a party as an expert, testify as a witness or participate in court proceedings as a third party. The INGOs that help the work of international judicial institutions at their request, at the request of the parties to the process or on their own initiative, play an important role in terms of fair and legal resolution of the disputed issue. In problematic issues such as application of law by courts, review of legislation and judicial practices of different states and legal systems, comparative features, analyses, interpretations, overviews, comparative analysis of the application of international and national law in certain disputed cases, INGOs do effective work. INGOs provide significant assistance to international judicial institutions. So, they provide their assistance in cases where the state that is a participant in the process does not have the economic, technical, political, procedural capabilities to obtain the necessary information, documents, and opinions in the scientific, technical, economic field. In order to solve global problems such as the interests of the international community, human rights, and environmental problems, INGOs carry out important activities in the courts in the application of legal norms in relevant fields. As a whole, as can be

seen from the experience of international courts, the information provided by the INGOs plays an important role in making decisions by the courts and has a significant impact on the development of modern international law.

Thus, the analysis of issues related to the participation of international non-governmental organizations in the application of international law norms once again confirms the comprehensiveness, breadth, and importance of their activities in this sphere. Taking into account that today the spheres of international control are constantly increasing, at the same time, issues that have long been included in the sphere of influence of domestic law have already entered the regulatory object of international law, which has made it urgent to look at the role of international non-governmental organizations in this field from a new direction.

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